



*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the Name of God, the Compassionate, the Merciful

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The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the latter's Communication No. UA IRN 7/2023 dated 16 May 2023 concerning **Mr. Jamshid Sharmahd**, has the honor to transmit, herewith, the comment of the High Council for Human Rights of the Islamic Republic of Iran in that regard.

The Permanent Mission of the Islamic Republic of Iran avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 11 July 2023



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In the Name of God, the Most Compassionate, the Most Merciful

The Comments on the Allegations Raised in the 16 May 2023 Correspondence of the Special Procedures Mandate-Holders Regarding Jamshid Sharmahd

With regards to the allegations raised in the Correspondence of the Special Procedures Mandate-Holders appertaining to Jamshid Sharmahd, the following points are presented for consideration:

1. Led by Jamshid Sharmahd, the Tondar terrorist group has designed and executed a total of 29 successful and abortive terrorist attacks, such as the Hosseynieh Seyyed al-Shohada bombing in Shiraz, the Imam Khomeini Mausoleum explosion, the Sivand Dam blast, and planting to detonate a bomb in the Ministry of Foreign Affairs in protest against the Iran-China 25-Year Cooperation Program.
2. The trial of the foregoing person was held following the conclusion of the investigations and the issuance of the indictment in late 2021 in Tehran Court with the presence of the defendant, the lawyer thereof, the families of the martyrs, and a number of those who sustained injuries during the Hosseynieh Seyyed al-Shohada blast. Ultimately, the convict was sentenced to the death penalty after a fair trial. The judgment pronounced thereagainst was also upheld by the Supreme Court.
3. Jamshid Sharmahd has never been a journalist or a reporter. Based on corroborative evidence (film, audio, and written documents), prior to the arrest, he had introduced himself as the leader of the so-called Kingdom Assembly of Iran (known as the Tondar terrorist group) and claimed responsibility for designing and implementing all of the terrorist attacks. The abovenamed directed the terrorist acts inside Iran and through contacting the terrorist agents inside the Country. He has conducted and agreed to carry out several acts of terror in Iran. Moreover, INTERPOL has also issued a Red Notice against the foregoing person.

4. Concerning the unfounded claims made to support a terrorist, the relevant considerations and comments of the Islamic Republic of Iran are announced as hereinunder:

“Arrested without Arrest Warrant or Knowing Reasons”

Based on compelling and definitive evidence, all the activities and actions conducted by Jamshid Sharmahd under the guise of the so-called Kingdom Assembly of Iran (the Tondar terrorist group) constitute acts of terrorism on the strength of regional and international conventions and instruments about confronting terrorism. The terrorist actions conducted by the aforesaid violate many principles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, including Article 3 of the UDHR and Article 6 of the ICCPR regarding the right to life, liberty, and personal security.

From 2008 to the time of Sharmahd’s arrest, an INTERPOL Red Notice had been issued for the foregoing person. The convict’s countries of residence and transit, such as the U.S. and Germany, were obliged to arrest and extradite him to the Islamic Republic of Iran. The Working Group’s reasoning regarding the obligation to comply with the requirements of the extradition rules is under no circumstances whatsoever acceptable, given the non-cooperation of the mentioned governments in this regard, and the continuation of Sharmahd’s terrorist activities (as an international crime that all governments are responsible for confronting and arresting its perpetrators), especially since one of the main reasons for the defendant's travel to neighboring countries was to plan for and prepare a terrorist attack against the mission one of the countries there.

All the stages of prosecution and arrest have been carried out following the issuance of the judicial order by the competent and independent judicial authority and based upon the corroborate evidence and convincing proofs. The investigation stage has also been conducted under the continuous supervision of the judicial authority and within the framework of binding domestic regulations and in line with the international norms of a

fair trial. Therefore, the allegations suggesting that the aforesaid was arrested arbitrarily and unlawfully are untrue.

“No Access to Lawyer during Imprisonment”

Access to a lawyer, as one of the most fundamental rights of the defendant enshrined in the domestic laws and also considered as one of the international norms concerning the right to a fair trial, has been considered since the very commencement of the judicial proceedings. Given the defendant’s inability to choose a private defense attorney and following his consent, the Court has provided an experienced lawyer thereto. In addition to the seven rounds of meetings before the hearing sessions, the court-appointed lawyer has also met the defendant privately on at least four occasions. The attorney-at-law has studied the judicial case in compliance with the existing regulations, participated in all the court sessions, and represented his client with a spirited defense.

In addition, during one of his calls with Sharmahd’s family, the lawyer suggested that he would hire an experienced legal team to defend and represent the forgoing person should they wish. However, the convict’s family rejected the proposal, arguing that providing the attorney’s fee was impossible. The issue was published in the media by the daughter of the abovenamed.

“Family of Defendant Unaware of Fate & Whereabouts”

During the detention period until the verdict issuance, the defendant communicated regularly and over 20 times with his family members by phone.

Sharmahd’s lawyer told his family members in one of the phone calls that if they wished, it would be possible to make necessary arrangements for them to meet with him in person. The family members rejected this proposal as well.

Place of Detention

Jamshid Sharmahd was initially stationed in Evin Detention Center to meet with the lawyer and investigate the case and arraignment. Considering the special conditions, including the sensitivity related to the judicial case, the need to benefit from more medical and recreational facilities (exercise, yard time, entertainment facilities, and restaurant), and frequent contact with family members, the aforesaid has been transferred to another detention center.

The allegations suggesting that the convict is kept in a clandestine and illegal place are devoid of truth. Be advised that all the detention centers used by the bailiffs of the justice administration, including the detention center where Jamshid Sharmahd is kept, are under the supervision and management of the State Prisons Organization. Special facilities such as favorite books, TV, and sports facilities such as a treadmill have been provided thereto in prison. While imprisoned, he has also enjoyed access to recreational facilities and private gardens.

Health Status

Sharmahd was diagnosed with Parkinson's disease before his arrest (this issue was confirmed in an interview delivered by his family members). After the arrest, he was immediately put under the supervision of a specialist. He receives the necessary drugs prescribed by specialists. Sometimes even if he forgets to take the prescribed medicine, he is reminded by the bailiffs of the justice administration.

The person in question had several decayed teeth, which were extracted according to the recommendation of a dentist. A silicon mold was made to replace the extracted teeth but has hitherto not been installed on his gums. However, he does not have any particular problem with eating.

In addition, since the beginning of the arrest, the foregoing has not had any movement problems and can easily walk. The false accusation suggesting that he does not have the strength to walk has been raised by his wife.

“Having only 3 Family Phone Calls since September 2021”

As stated hereinabove, during the detention period, the defendant has communicated regularly and over 20 times with his family members (wife, daughter, and son) by phone.

The frequency of phone calls and conversations he has had with his family suggests that the aforementioned individual has engaged in countless and occasionally hour-long phone calls with his loved ones.

Allegations Raised by Family Members

Despite the severity of the criminal and terrorist actions perpetrated by the aforesaid – an instance of which is the bombing incident at the Hosseynieh Seyyed al-Shohada mosque in Shiraz, which resulted in the martyrdom of several innocent and defenseless civilians, including two children and left dozens of others injured – the behavior of the bailiffs of the justice administration theretoward has been utterly consistent with the standards of human and citizenship rights. The criminal has repeatedly confirmed such a stance.

The person in question is in a favorable and stable physical condition. The allegations raised to that effect are mostly part of a propaganda campaign. Moreover, ever since being arrested, he has had no movement problems. The unsubstantiated allegation suggesting that the convict does not have the strength to stand on his feet has been raised and published by his wife.

The accused is an Iranian national. On the strength of the law, the Islamic Republic of Iran does not recognize dual citizenship. Therefore, the need for the foregoing person to have a consular visit is irrelevant. However, in some cases, the Embassy of Germany in Tehran provides medicine for treating the convict’s underlying disease to the State Prisons Organization.