



*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*

Ref. 2050/ 1724288

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 communication No. UA IRN 9/2023 dated 13 June 2023 concerning Messrs. Mr. **Ali Mojadam**, Mr. **Moein Khanfari**, Mr. **Mohammad Reza Moghadam**, Mr. **Salem Mousavi**, Mr. **Adnan Ghobeishavi** and Mr. **Habib Deris**, 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, 24 August 2023

Office of the United Nations  
High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10  
Email: [registry@ohchr.org](mailto:registry@ohchr.org)  
[ohchr-registry@ohchr.org](mailto:ohchr-registry@ohchr.org)



شماره:  
تاریخ:  
پوست:

**The Comments of the Islamic Republic of Iran on the Allegations Raised in the ۱۳ June ۲۰۲۳ Joint Communication of the Special Procedures Mandate Holders Concerning Ali Majdam, Moein Khanfari, Mohammadreza Moqaddam, Salem Mousavi, Adnan Ghobeishavi, and Habib Deris**

In light of the communication dated ۱۳ June ۲۰۲۳ from the Special Procedures Mandate Holders pertaining to Ali Majdam, Moein Khanfari, Mohammadreza Moqaddam, Salem Mousavi, Adnan Ghobeishavi, and Habib Deris, the subsequent facts are hereby proffered for consideration:

The Islamic Republic of Iran comprises various ethnic groups, including but not limited to Kurds, Baloch, Turks, Arabs, Lurs, Persians, and none of which are considered minorities. Kurdish compatriots in Iran are NOT considered to be among the minorities, but given the diversity and multiplicity of ethnicities of the population in Iran, they are one of the purest and deep-rooted Iranian ethnic groups. On the other hand, on the strength of the Constitution of the Islamic Republic of Iran, everyone is equal before the law. Therefore, the commission of a crime, including terrorist crimes, by anyone, regardless of affiliation to any race or group, shall result in legal punishment.

The fabricated “Ahwazi Arab ethnic minority” phrase contained in the correspondence refers to a terrorist group entitled the Arab Struggle Movement for the Liberation of Ahwaz, or the ASMLA. The terrorist group lacks any ethnic identity or historical background. The anti-human actions of the aforesaid terrorist group, which have been carried out with the support of certain countries hostile to the Islamic Republic of Iran, are not a mystery to anyone. Therefore, it is recommended to refrain from repeating such false expressions and conceptualizations that are contrary to the national security of the Country.

The allegations suggesting that confessions have been obtained “under torture” and other claims pointing to the exposure of the defendants to mistreatment are unsubstantiated. In accordance with both the provisions enshrined within the Constitution of the Islamic Republic of Iran and the revered principles of Sharia law, any confession procured through acts of torture is deemed illicit and in contravention

شماره:

تاریخ:

موضوع:

of legal norms, thereby lacking any legal efficacy. As stipulated by Article ۳۸ of the Constitution: “All forms of torture for the purpose of extracting confession or acquiring information are forbidden. The compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.” As per Article ۵۷۸ of the Islamic Penal Code, enacted in ۲۰۱۳: “Any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess, in addition to *qisas* and *diya*, shall be sentenced to six months to three years’ imprisonment; and if it is done under someone’s order, only the person who has issued the order shall be sentenced to the aforementioned imprisonment; and if the accused person dies as a result of the abuses, the principal to the murder shall be sentenced to the punishment provided for a murderer, and the person who has issued the order shall be sentenced to the punishment provided for the person who has ordered a murder.”

According to the Code of Criminal Procedure, enacted in ۲۰۱۳, the issuance of a verdict for all crimes requires compliance with formalities and legal processes. The defendants’ access to a lawyer from the very first stage of preliminary investigations, hearing their defenses in the first court dealing with accusations with multi judges, and reviewing the judgments issued by the Supreme Court are all indicative of the strict observation of investigations into the charges. Therefore, the claim of non-observance of the requirements of a fair trial is devoid of any merit.

According to the inquiry made by the relevant judicial authority, the status of the legal case of the persons mentioned in the correspondence is as follows:

۱. **Seyyed Salem Mousavi, son of Khalaf:**

The foregoing person was arrested on ۱۲ February ۲۰۱۹ and is currently in Ahvaz Central Prison. He has been sentenced to the death penalty by a competent court in Ahvaz for a) forming a terrorist group known as the

شماره:

تاریخ:

پوست:

ASMLA terrorist group, b) participating in armed operations leading to the opening of fire on a Basij base in Shadegan, c) participating in *moharebeh* by intentionally setting fire to ATMs in Bandar-e Emam Khomeyni with the purpose of confronting the State, d) deliberately setting fire to the Khorramshahr gas pressure reduction station with two homemade bombs, e) making bombs and detonating them, and f) taking part in a widespread riot in prison.

۲. **Ali Majdan, son of Saleh:**

The abovenamed was arrested on ۶ February ۲۰۱۹ and is imprisoned in Ahvaz Central Prison. He has been sentenced to the death penalty by a competent court in Ahvaz for a) participating in, commanding, and forming the ASMLA terrorist group, b) martyring two Basij forces named Ali Salehi Majd and Younes Bahr in Abadan, c) assembly and collusion to commit crimes against the internal security of the State through the preparation and manufacture of bombs to detonate a bomb in police station No. ۱۲ in Ahvaz, and d) inciting riots and vandalizing property in prison in order to escape the penitentiary.

۳. **Seyyed Adnan Ghoreshavi, son of Seyyed Younes:**

Apprehended on ۶ February ۲۰۱۹, the aforesaid is remanded in Sepidar Prison in Ahvaz. He has been sentenced to the death penalty by a competent court in Ahvaz for a) intentionally killing two police officers, b) opening fire at a Basij base in Shadegan, b) membership in the ASMLA terrorist group, c) participating in *muharebeh* by deliberately burning the ATMs in Shadegan and Bandar-e Emam Khomeyni in order to confront the State.

۴. **Habib Daris, son of Abdolamir:**

شماره:  
تاریخ:  
پیوست:

The aforementioned was arrested on ۹ February ۲۰۱۹. He has been sentenced to the death penalty by a competent court in Ahvaz for a) making an improvised bomb in an organized manner and placing the bomb next to the wall of the police station, b) forming and becoming a member of the ASMLA terrorist group, and c) participating in prison riots and vandalizing prison property in order to escape the penitentiary.

۵. **Moein Khanfari, son of Sadegh:**

The named convict was arrested on ۲۸ February ۲۰۱۹. He has been sentenced to the death penalty by a competent court in Ahvaz for a) taking part in the martyring of two Basij forces named Ali Salehi Majd and Younes Bahr in Abadan, b) participating in, commanding, and forming the ASMLA terrorist group, c) opening fire at and launching arson attack against a Basij base in Shadegan, d) making bombs and detonating them, e) throwing homemade grenades, f) shooting at people's houses, and g) participating in clashes and riots in prison with the purpose of escaping the penitentiary.

۶. **Mohammadreza Moghaddam, son of Mohamad Ali**

The individual in question was apprehended on ۶ February ۲۰۱۹ and is imprisoned in Ahvaz Central Prison. He has been sentenced to the death penalty by a competent court in Ahvaz for a) participating in, commanding, and forming the ASMLA terrorist group, b) taking part in the martyring of two police officers in Bandar-e Emam Khomeyni, and c) throwing grenades at a gas station in Khorramshahr.

It should be noted that the cases of the mentioned persons have been sent to the Supreme Court after the convicts and their lawyers called for a trial *de novo*. No final judgment has hitherto been pronounced against the aforesaid convicts. Therefore, the allegations suggesting that the said individuals have been transferred to execute

شماره:

تاریخ:

پوست:

the sentences pronounced thereagainst are devoid of any truth simply because the Supreme Court is yet to issue the final verdict. In addition, according to the report of the Khuzestan Province prison authorities, the convicts are kept in the Central and Sepidar prisons of Ahvaz. Despite having numerous disciplinary violations in prison, which lead to the deprivation of some welfare privileges, they continue to enjoy meeting with first-degree relatives, unhindered access to lawyers, receiving education, etc.