



*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. 2050/1737696

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 13/2023 dated 20 June 2023 regarding Mr. **Abbas (Mujahid) Korkuri**, 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, 5 September 2023



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## **The Comments of the Islamic Republic of Iran on the Special Procedures Mandate-Holders' Correspondence dated 20 July 2023 Regarding Abbas (Mujahid) Korkuri**

Abbas Korkuri stands accused of engaging in criminal activities, most notably the use of firearms, resulting in the deaths of several individuals, specifically Reza Shariati (27 years old), Kian Pirlalaki (9 years old), Ashraf Nikbakht (45 years old), Abtin Rahmani (13 years old), and Ali Moulai (13 years old) on 16 November 2022.

Additionally, the foregoing person is accused of both forming and being a member of terrorist organizations with the intention of carrying out acts of terrorism, as well as causing destruction to public and private property, participating in unlawful gatherings, inciting violence among citizens, creating an atmosphere of terror, possessing and maintaining firearms and ammunition without the appropriate license, and engaging in armed conflicts with the bailiffs of the justice administration.

The accusations faced by the abovenamed are substantiated by evidence, including but not limited to the confessions made by himself and statements provided by witnesses. Following a shooting incident in which he sustained a leg injury while exchanging fire with law enforcement personnel, Korkuri was apprehended on 20 December 2022 in a village near the city of Bagh-e Malek on charges of: 1) *moharebeh*, which involves the act of taking up arms with the intention of causing harm and instilling fear amongst the general populace, 2) *ifsad-e fil-arz* which refers to creating corruption on Earth through the commission of a crime involving the use of a rifle resulting in the deaths of seven individuals, and 3) *baghi* which encompasses the act of organizing and affiliating with an armed rebel group against the State.

The convict possesses an extensive criminal history comprising over 16 instances of unlawful conduct, encompassing arrests, judicial proceedings, and judicial cases primarily associated with drug-related offenses, melee, and villainy.

As per the merits of the case:

1. Following the apprehension, a thorough search was conducted at the defendants' hideout. The search yielded the discovery of two AK47 rifles,

accompanied by a total of fourteen AK47 magazines, 483 AK47 bullets, 493 AK47 cartridge shells, three pistol magazines as well as 100 Molotov cocktail bottles;

2. After being arrested by the order of the judicial authority, the defendant was taken to the police station with a temporary detention order. He stated the following in the initial statement: ***“Yes, I participated in riots and shot with a Kalashnikov rifle. I received the gun at 17:00 on 16 November 2022. I went to the Red Crescent intersection while wielding the rifle. I opened fire at the officers from behind the wall near the Red Crescent intersection.”*** Regarding the motive behind the terrorist attack, he said: ***“The last time I was released from prison, I decided to take revenge like a person suffering from a complex. The thought that I might get life imprisonment for drugs made me crazy.”*** Revealing the next plans hatched by his group after the 16 November 2022 terrorist, the foregoing person said: ***“After the incident, we went to the house of a person named Ramezani. There were 20 people there, all of them armed with Kalashnikov rifles. Hossein Saeedi stressed that we should make Molotov cocktails and throw them at trucks, adding that we ought to create a general strike.”*** With regards to the actions that led to the martyrdom of several people, the mentioned person stated: ***“I regretted what we did. I was crying for Kian PIRFALAK like a depressed person. Even once, I tried to commit suicide because of what I had done, but I didn’t dare to do so. We were the cause of all the deaths. I screwed up.”***;
3. According to the report prepared by the Department of Forensic Firearm Examination of the Police, a bullet extracted from the left hand of Kian PIRFALAK and six bullets discharged at the *locus delicti* were meticulously scrutinized and juxtaposed. These projectiles were discharged from two Kalashnikov assault rifles belonging to Abbas KORKURI and Hossein Saeedi. The results of the report are as follows: ***“One of the bullets has a caliber of 7.62mm and underwent deformation subsequent to impact with a rigid object. This particular bullet exhibits markings indicative of two relatively intact and two distorted groove impressions, with rotations towards both leftward and rightward directions. A thorough comparison was conducted between this bullet and others that were retrieved. They exhibited similarities in terms of general characteristics. Furthermore, when considering specific groove attributes, these bullets bear resemblances to the traces discovered on three***

*specific bullets discharged from the Kalashnikov assault rifle belonging to the defendant, Abbas Korkuri. Therefore, it can be deduced that the aforementioned live bullet was discharged from the weapon in question.”* Furthermore, the Department of Forensic Firearm Examination of the Police has duly conveyed its report to the aforementioned accused. In his statement, he unequivocally affirmed that the firearm apprehended at the moment of his apprehension was indeed the very same rifle employed by him during the abhorrent terrorist assault on 16 November 2022. He candidly declared: ***“I have no objection to the expert’s report. I did a damn thing, and I gotta pay for it.”***;

4. The scrutiny of closed-circuit cameras, which depict certain individuals discharging firearms in a public thoroughfare, underwent a meticulous examination by the Department of Identification of the Police. Consequently, it was proclaimed: ***“It is hereby affirmed that with regard to the physique, bodily characteristics, as well as the general countenance of the defendant Abbas (Mujahid) Korkuri’s cranium and visage, there exists a resemblance to the individual attired in leopard-patterned trousers, whose head remains uncovered and wields a Kalashnikov.”*** Ergo, the visual depictions extracted from said closed-circuit cameras substantiate the presence of the accused within said street whilst discharging projectiles and issuing instructions to a group of rioters stationed at the Red Crescent intersection in the city of Izeh;
5. After the apprehension of the accused, the process of judicial inquiries into this matter was initiated, and a judicial case was commenced against the aforementioned individual. Ultimately, predicated upon the explicit admissions of guilt made by the defendant, the testimonies provided by witnesses, and the incontrovertible evidence and documentation presented in this case, the conclusion of the investigations was announced on 28 January 2023. Subsequently, he was indicted with three charges: 1) *moharebeh* by taking up weapons with the intention of killing people and instilling fear amongst the general populace thereby engendering a state of insecurity, 2) *ifsad-e fil-arz* (creating corruption on Earth) by committing acts that result in widespread corruption and disorder within society through the employment of military weaponry which precipitates significant disruption to public order and security whilst inflicting substantial harm upon both public and private

property, and 3) *baghi* by orchestrating and commanding an armed rebel group against the State;

6. The case has been diligently examined within a Court of sound jurisdiction, adhering scrupulously to all pertinent regulations, statutes, and internationally recognized norms of proceedings enshrined in Article 14 of the International Covenant on Civil and Political Rights. These encompass the capacity to challenge verdicts through appeal, the handling of charges involving multiple adjudicators, and the fundamental principle of the presumption of innocence. Furthermore, it is imperative to note that the accused party has been afforded unfettered access to legal counsel from the very inception of the proceedings. His legal representative has been dutifully present throughout all stages of the trial, ensuring that requisite advocacy is provided on behalf of the defendant. Moreover, it is essential to underscore that the defendant himself was physically present during the hearing and availed himself fully in articulating his various contentions and defenses. He has accepted all the accusations explicitly and said: ***“I accept the charges. The main reason I committed these crimes was being influenced by cyberspace. In that situation, and due to the extensive propaganda campaign in cyberspace, I prepared a weapon intending to carry out destructive actions.”***;
7. In light of the provisions set forth in Articles 18, 132, 279, 282, 283, 286, and 287 of the Islamic Penal Code, enacted in 2013, the merits of the case, the corroborating evidence, taking into account the gravity of the criminal conduct and the manner in which it was perpetrated, the Court has sentenced the offender in question. The rendered verdict is subject to appeal before the Supreme Court. Presently, the case is under review in the Supreme Court, as the defendant and his legal counsel have submitted objections against the judgment;
8. The allegations of torture during the investigations are categorically unfounded, as the judgment rendered was based on compelling and incontrovertible evidence. It is once again reiterated that Article 38 of the Constitution unequivocally prohibits all forms of torture. Furthermore, Articles 570, 578, 579, and 587 of the Islamic Penal Code, along with provisions outlined in the Single Article of the Law on Respecting the Legitimate Freedoms and Protecting Citizens’ Rights, impose severe penalties

for those engaging in acts of torture and other degrading treatments. Additionally, to ensure diligent oversight in implementing said Law, Article 15 of the Executive Bylaw of the Law on Respecting the Legitimate Freedoms and Protecting Citizens' Rights mandates that the Central Supervisory Board, in collaboration with provincial supervisory boards, undertake necessary supervision and inspections while taking appropriate legal measures against any violations or crimes committed in this regard. Moreover, any confession or information obtained from the accused as a result of torture and mistreatment is deemed null and void; and

9. Concerning the right to life, Paragraph 2 of Article 6 of the International Covenant on Civil and Political Rights states: "*In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent Court.*" In relation to the compliance of the aforementioned conditions with the present case, it is hereby noted that, based on the explanations provided, the offenses committed by Abbas (Mujahid) Korkuri are deemed to be the example of terrorist crimes, which have endangered the lives of individuals and posed a threat to public order and security. Few international lawyers and experts would disagree that terrorist crimes are among the instances of "the most serious crimes". The second condition, as referred to in Paragraph 2 of Article 6 of the aforementioned Covenant, concerning the application of punishment in accordance with the law at the time when the offense was committed, has been fully adhered to in this particular case. The sentence imposed for *moharebeh* was issued on the strength of the provisions outlined in the Islamic Penal Code. Under no circumstances does this judgment conflict with any other provisions stipulated in the International Covenant on Civil and Political Rights or the Convention on the Prevention and Punishment of the Crime of Genocide. On the other hand, the fourth condition pertaining to the issuance of the judgment by the competent Court, as explained hereinabove, has been strictly observed in this case. Therefore, in light of the aforementioned explanations, it can be deduced that the verdict rendered against the offender in question and the execution of punishments meted out thereto are in complete adherence to the laws and

regulations of the Islamic Republic of Iran, as well as the Country's international commitments, including those stipulated within the International Covenant on Civil and Political Rights.