



*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. 2050/1923769

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 has the honor to transmit herewith, a response letter from the High Council for Human Rights of the Islamic Republic of Iran to the letter from Mr. Beatriz Balbin, Chief Special Procedures Branch of OHCHR dated 22 December 2023 transmitting Joint Urgent Appeal from Special Procedures regarding Mr. Tomaj Salehi.

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, 30 January 2024



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۱. بر اساس محتویات مستند در پرونده آقای توماج صالحی، دستگیری مجدد ایشان در تاریخ ۱۲/ ۰۹/ ۱۴۰۲/ به جهت اتهامات نشر اکاذیب و تحریک خشونت آمیز و فعالیت علیه نظام بوده است که این قبیل اقدامات با هدف جلوگیری از تشویش اذهان عمومی و تامین امنیت روانی جامعه، با مجوز و مبنای قانونی موجود در قانون مجازات اسلامی صورت پذیرفته است. در این ارتباط لازم به یادآوری است که وفق ماده ۲۹ اعلامیه جهانی حقوق بشر؛ هر کس نسبت به اجتماعی که در آن رشد می کند، دارای تکالیفی بوده و در اجرای حقوق و آزادی های خود باید از محدودیت های قانونی پیروی کند. که این امر به نحو ضمنی در مواد ۱۱ و ۱۷ اعلامیه مذکور و همچنین مواد ۶، ۹ و ۱۷ میثاق بین المللی حقوق مدنی و سیاسی و مواد ۴ و ۸ میثاق بین المللی حقوق اقتصادی، اجتماعی و فرهنگی نیز اشاره شده است. لذا، بازداشت و دستگیری فردی که منحل نظم و امنیت جامعه است نه تنها خودسرانه تلقی نمی شود، بلکه با اهداف اسناد و مقررات بین المللی نیز کاملاً هماهنگ می باشد. لازم به ذکر است که بازداشت خودسرانه در قوانین مختلف اساسی و عادی جمهوری اسلامی ایران ممنوع می باشد و از آن جمله می توان به اصول ۲، ۳۲، ۳۷ و ۳۹ قانون اساسی و مواد ۱ و ۵ قانون احترام به آزادی های مشروع و حفظ حقوق شهروندی و مواد ۹، ۱۲ و ۱۳ منشور حقوق شهروندی اشاره داشت.
۲. حسب بررسی های صورت گرفته، متهم در وضعیت سلامتی مطلوبی بوده و وفق گزارش اداره کل زندان استان اصفهان، نامبرده ضمن اینکه به پزشک مستقر در زندان دسترسی دارد، در تاریخ ۰۳/ ۱۰/ ۱۴۰۲/ توسط پزشکی قانونی نیز مورد معاینه قرار گرفته است.
۳. دفاع از حقوق متهم و شخص بازداشت شده در راستای اصول دادرسی عادلانه از همان ابتدا یعنی مرحله کشف جرم، مورد تاکید قانون گذار ایران می باشد و در پرونده آقای توماج صالحی نیز نامبرده در جریان مواد ۴۴، ۴۶ و ۵۰ قانون آیین دادرسی کیفری، بلافاصله پس از بازداشت توسط ضابطین

In His name, the Almighty

**Response to the allegations made in the joint correspondence of December 22, 2023
by some office holders of special procedures regarding Mr. Tomaj Salehi**

In response to the allegations raised in the joint correspondence dated December 22, 2023 by some office holders of special procedures regarding Mr. Tomaj Salehi, the following points are reminded:

It is common knowledge that to make an informed decision and express a correct opinion about any matter, it is a requirement first to try to receive the exact details of the matter from reliable and valid sources. Otherwise, not only for the applicant, but also for the person making the decision it will not be possible to have the right inference. This is because that the letter sent by the special rapporteurs has never cited any credible sources and evidence. Rather, the writers have only invoked unsupported news reports about Mr. Tomaj Salehi's situation. In addition, despite the fact that the rapporteurs have mentioned several times in their letter, "their lack of prejudice in making the decision", using terms such as "arbitrary detention", "enforced disappearance", "torture", etc reveals their deviation from the right path of justice and it seems that arbitrariness, being enforced and acts of torture have already been established for them beyond any doubt!

Although rapporteurs are at pains to match their claims regarding the Iranian government's commitment with international documents and regulations, including the

2. As per the investigations, the defendant is in good health and according to the report of the General Directorate of Isfahan Province Prison, he has access to a physician located in the prison and was also examined by a medical examiner on December 24, 2023.

3. In line with the principles of due process ab initio, i.e. the crime discovery phase, protecting the rights of the accused and the arrested person is emphasized by the Iranian legislator. In the case of Mr. Tomaj Salehi, based on articles 44, 46 and 50 of the Code of Criminal Procedure, immediately after the arrest by the judicial officers and less than 24 hours, he was handed over to the judicial authority once the formalities of the judicial investigation had been carried out according to the legal standards in line with the imputed charge. According to the contents of the case, despite the fact that the defendant was notified of his right to choose a lawyer, he decided to forfeit this option.

4. After the explanation of charges and obtaining the defense statements of the defendant in Isfahan General Court and its Court of Revolution, he was committed to Isfahan Central Prison with the possibility of posting bail. However, due to a prior case filed in 2022 in which the defendant had been indicted on widespread publication of false information with the intention of disturbing the public mind, inciting and provoking people to commit violent acts and disrupting public order by participating in riots, the Isfahan Court of Revolution replaced his bail order with that of a temporary detention.

5. Mr. Cengiz Salehi (the defendant's father) met him in person on December 12, 2023 and December 26, 2023. According to the report of the Isfahan Prisons Organization, none of the other relatives of the defendant, except his father, came to the prison to meet with him.

6. According to the judgment dated December 26, 2023 regarding the charge of propagandizing against the state, he was sentenced (not finalized yet) to one year of penal servitude and two years of revocation of his passport as also a ban on exiting the country. He also has been required to participate in the behavior and skills management course and provide a certificate of completion of the course. However, in view of the legal separation of jurisdictions in Iran's criminal procedure which is in line with international documents and regulations, there are other criminal cases pending against the defendant for other charges in competent and relevant judicial authorities, including the 2nd Branch of Criminal Court of Isfahan and the Court of Revolution of this city.