



*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 Joint Urgent Appeal from Special Procedures regarding Ms. Fatemeh Sepehri dated 23 January 2024, has the honor to transmit herewith, comments from 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, 16 February 2024



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## باسمه تعالی

در ارتباط با مکاتبه مشترک ۲۳ ژانویه ۲۰۲۴ جمعی از مأموریت داران رویه‌های ویژه مورد خانم فاطمه سپهری، لازم است به نکات زیر توجه گردد.

۱. خانم سپهری به دلیل ارتکاب جرائمی که وفق قانون مجازات اسلامی (مصوب ۱۳۷۵ پارلمان) جرم محسوب می‌شوند و برای آنها مجازات در نظر گرفته شده، تحت تعقیب و پس از طی شدن تمامی مراحل دادرسی عادلانه و با بهره مندی از حضور وکیل مدافع و با استناد به ادله و شواهد عینی موجود در پرونده محاکمه شده و حکم صادره در دادگاه تجدیدنظر استان با حضور قضات با تجربه (۳ قاضی) مورد بازبینی و تجدیدنظر قرار گرفته است. از جمله اقدامات مجرمانه می‌توان به موارد زیر اشاره نمود:

- ارتباط با عناصر بیگانه و انتشار مطالب کذب با هدف معرفی زندانیان تکفیری (تروریست‌های تکفیری) به عنوان فعالان مدنی،
- ترغیب و تهییج معلمان به برگزاری تجمعات غیرقانونی،
- انجام مصاحبه با رادیو رژیم متخاصم اسرائیل و تشویق آن به اقدام نظامی علیه ایران،
- امضاء نامه‌ای خطاب به رئیس جمهور آمریکا برای افزایش فشارهای اقتصادی به مردم ایران،
- توهین به مقامات و مسئولین کشور.

بنابراین، میری نمودن وی از جرائم ارتكابی ذیل عنوان مدافع حقوق بشر یا فعال حقوق زنان و القاء این ذهنیت که بازداشت و محاکمه خانم سپهری در ارتباط با اعمال حق آزادی عقیده و بیان بوده است، خلاف



معمد خود زندانی مورد عمل جراحی قرار گرفته و پس از آن نیز برابر نظریه پزشکی مذکور طی ۲۰ روز، بیست جلسه فیزیوتراپی در بیمارستان امام رضا (ع) انجام داده است. (لازم به ذکر است در هنگام انجام فیزیوتراپی در بیمارستان، با اعضای خانواده و حتی در برخی موارد با دوستان و آشنایان خود به صورت حضوری ملاقات داشته است.) در مورخ ۱۴۰۲/۶/۲۰ به دنبال اظهار درد در ناحیه قفسه سینه، از خانم سپهری در محل بهداری زندان نوار قلب گرفته شده و توسط متخصص داخلی ویزیت و پس از اقدامات درمانی در نهایت در مورخ ۱۴۰۲/۷/۵ به جهت بروز برخی تغییرات در نوار قلب جدید، به بیمارستان قائم (عج) اعزام شده است. با توجه به تشخیص پزشک مبنی بر نیاز به انجام عمل قلب در مورخ ۱۴۰۲/۷/۷ توسط جراح قلب تعیین شده از سوی وی (دکتر کهرم)، مورد عمل جراحی قلب باز قرار گرفته و پس از ۸ روز بستری در بیمارستان در مورخ ۱۴۰۲/۷/۱۵ ترخیص و به زندان عودت گردیده است. متعاقب آن برابر نظریه پزشکی قانونی و ایضاً دستور مرجع قضایی، حکم نامبرده از مورخ ۱۴۰۲/۷/۲۳ لغایت ۱۴۰۲/۷/۲۷ به مدت ۵ روز به تعویق افتاد که پس از اتمام ایام تعویق، مجدداً جهت ادامه تحمل حبس به زندان معرفی گردید. لازم به ذکر است مستند به گواهی کتبی پزشکان متخصص فوق‌الذکر که اتفاقاً مورد وثوق خود زندانی نیز می‌باشند، از جمله متخصص جراح قلب وی که در مورخ ۱۴۰۲/۷/۲۰ در محل زندان حاضر شدند، ضمن معاینه زندانی از محل اتاق وی نیز بازدید و کتباً اعلام نمودند: "وضعیت اقامت فعلی بیمار در حبس و خدمات پزشکی مطلوب است و تأثیر منفی در بهبودی وی ندارد". حتی در بازدیدی که فوق تخصص جراحی دست و میکروسرجری (جراح تعیینی خود زندانی) در مورخ ۱۴۰۲/۵/۱۷ از محل نگهداری فاطمه سپهری و معاینه وی به عمل آورد، صراحتاً اعلام نمود: "محیط زندان برای درمان وی مناسب ارزیابی می‌شود". لازم به ذکر است خانم سپهری در طول مدت بازداشت، هیچگاه مورد بدرفتاری یا اذیت و آزار قرار نگرفته و اتفاقاً به لحاظ جنسیت وی مورد تبعیض مثبت نیز واقع شده و

سازمان زندانها و اقدامات تأمینی و تربیتی کشور، تمامی امکانات و تلاش خود را برای بهبود وضعیت جسمی و بیماری‌های سابق بر بازداشت وی به کار بسته است. بنابراین، ادعای محرومیت سیستمیک وی از مراقبت‌های درمانی کاملاً بلاوجه و بی‌اساس است.

۳. خانم سپهری تاکنون بیش از ۷۰ نوبت با اعضای خانواده (فرزندان و برادران) در محل زندان به صورت حضوری و کابینی ملاقات و بیش از ۴۰۰ نوبت نیز با آنان تماس تلفنی داشته است.

۴. مشارالیه محدودیتی برای ملاقات با وکیل نداشته است. لیکن وکیل وی (آقای خسرو علی‌کردی) در تاریخ ۱۴۰۲/۵/۱۰ به اتهام نشر مطالب کذب در فضای مجازی (ماده ۷۲۶ قانون مجازات اسلامی - بخش جرایم رایانه‌ای) و همچنین افشاء اسرار در غیر موارد قانونی توسط اشخاصی که به مناسبت شغل یا حرفه خود محرم اسرار هستند (ماده ۶۴۸ قانون مجازات اسلامی - بخش تعزیرات)، پس از تفهیم اتهام و اعلام حقوق قانونی متهم وفق مقررات آیین دادرسی کیفری بازداشت و به دلیل عدم تودیع وثیقه روانه زندان گردید و در تاریخ ۱۴۰۲/۵/۱۴ با تودیع وثیقه از زندان آزاد شد و هم‌اکنون در خارج زندان به سر می‌برد.

۵. برادران خانم سپهری (حسین و محمدحسین سپهری) به دلیل ارتکاب جرائم مستقلی که ارتباطی به پرونده خانم فاطمه سپهری نداشته، تحت تعقیب قرار گرفته و بازداشت شده‌اند. آقای حسین سپهری در تاریخ ۱۴۰۲/۱۰/۱۱ آزاد شده است. لیکن آقای محمدحسین سپهری به دلیل دارا بودن سابقه کیفری و مفتوح بودن پرونده، کماکان در زندان به سر می‌برد.

در پایان متذکر می‌گردد:

• مدافع حقوق بشر بودن در جمهوری اسلامی ایران جرم‌انگاری نشده است و اطلاق عنوان مدافع حقوق بشر

- به فردی که وفق قانون و بر اساس جرائم مصرح در قانون مورد تعقیب و محاکمه واقع شده، بلاوجه است. با توجه به اهمیت حفظ جان انسان‌ها در قوانین و مقررات جمهوری اسلامی ایران، هر رفتاری که بر خلاف قانون به تمامیت جسمانی افراد لطمه وارد نماید جرم تلقی شده و مرتکب با مجازات قصاص، پرداخت دیه یا حبس مواجه خواهد شد. مروری بر پرونده خانم سپهری نشان می‌دهد، حق حیات وی از زمان بازداشت تا کنون نه تنها مورد کوچکترین تعرضی نبوده بلکه تمامی امکانات موجود و تلاش‌ها بدون هرگونه تبعیضی برای بهبود وضعیت جسمانی وی به کار گرفته شده است.
- خانواده خانم سپهری در طول مدت بازداشت از وضعیت و محل بازداشت او مطلع بوده‌اند و ارجاع مکاتبه به نظریات تفسیری کمیته حقوق بشر در این خصوص مبنایی ندارد.

### In His name, the Almighty

In connection with the joint correspondence of January 23, 2024 of a number of office holders of special procedures regarding the case of Mrs. Fatemeh Sepehri, it is necessary to note the following points:

1. Ms. Sepehri has been prosecuted and tried for committing acts deemed criminal and hence penalized as per the Islamic Penal Code (approved by the Parliament in 1996). The trial took place after going through all the stages of a fair trial (due process), in presence of the defense lawyer and based on the available objective evidence. Then, the sentence of the court of first instance was reviewed by experienced judges (3 judges) in the provincial appeals court. Among her criminal acts, the following can be highlighted:

- Communicating with foreign elements and publishing fabricated materials with the aim of introducing Takfiri prisoners (Takfiri terrorists) as civil activists
- Encouraging and inciting teachers to stage illegal rallies
- Conducting an interview with hostile regime of Israel's radio and encouraging it to take military action against Iran
- Signing a letter addressed to the President of the United States to ramp up economic pressures on the people of Iran
- Insulting the authorities and officials of the country

Therefore, acquitting her of the crimes committed under the title of human rights defender or women's rights activist and inducing the idea that Ms. Sepehri's arrest and

trial were associated with the exercise of the right to freedom of opinion and expression contradicts the provisions of paragraph 3, article 19 of the International Covenant on Civil and Political Rights on the necessity of "respecting the rights or dignity of others" and "maintaining national security or public order or health or public morals."

2. Although she has been sentenced to several terms of imprisonment for committing various crimes, only the most severe punishment, i.e. 10 years of imprisonment, can be enforced in her case as per the Law on Reduction of Imprisonment Penalty (approved in 2019). However, according to Article 58 of the Islamic Penal Code (approved in 2013), if she exhibits good conduct during serving the sentence, she may be released from prison after serving a third of the sentence at the suggestion of the prosecutor or the sentence enforcement judge. Therefore, it is an inadmissible allegation to assert "the severity, finality and irrevocable nature of 18 years of long-term imprisonment for Mrs. Sepehri".
3. In compliance with the regulations on the segregation and classification of prisoners, Ms. Sepehri is currently serving her sentence along with 3 other female inmates in a newly renovated room with dimensions of 6 x 14 square meters, equipped with an adjoining 24 square meters of bathroom and toilet and offering amenities such as LCD TV, refrigerator, washing machine, bookcase, dining table, etc. In addition to the daily telephone conversation with her next of kin, she has had more than 75 meetings (in person and in the booth) with her relatives, which mostly have been conducted in two forms at the request of her family. In addition to the medical services offered in the prison infirmary, she has been sent to external medical centers on more than 50

occasions to be visited by specialized doctors or receive physiotherapy services. Since her commission to the prison, she has been under close medical care and is receiving medication (Metformin pills) as she is suffering from hypertension and hyperglycemia. Also, due to her history of Dupuytren's contracture for which she was receiving treatment from a hand surgery and microsurgery super-specialist, her treatment was resumed and she was transferred to Imam Reza Hospital on April 17, 2023 where she underwent surgery by the trusted doctor of the prisoner herself. As advised by the surgeon, she had 20 sessions of physiotherapy in Imam Reza Hospital over as many days. (It should be mentioned that while receiving physiotherapy in the hospital, she met with her family members and even in some cases with her friends and acquaintances in person.) On September 11, 2023, following the statement of chest pain, Ms. Sepehri had an EKG taken at the prison infirmary and was visited by an internal medicine specialist. However, appearance of changes in her later EKG prompted the prison officials to transfer her to Qaem Hospital on 27 September of 2023. Owing to the diagnosis of the need to perform heart surgery by the heart surgeon appointed by her (Dr. Kahram), she underwent coronary artery bypass surgery (CABG) on September 29 and was discharged after 8 days of hospitalization on October 7, 2023 and then returned to prison. Subsequently, according to the opinion of the medical examiner as also the order of the judicial authority, she received a 5-day reprieve from October 15, 2023 until October 19, 2023 when she was again committed to the prison to continue serving her sentence of incarceration. It should be noted that the written certificate of the above-mentioned specialists, who happen to be trusted by the prisoner herself, including her heart surgeon who came to

the prison on October 12, 2023, examined the prisoner and also visited her room” the current condition of the patient's stay in prison and medical services she receives are favorable and does not have a negative effect on her recovery”. Even after the visit made by the super-specialist of hand surgery and microsurgery (surgeon appointed by the prisoner herself) on August 8, 2023, he clearly stated: "the prison environment is considered suitable for her treatment". It should be noted that Ms. Sepehari was never mistreated or harassed during her detention. On the contrary, she was treated with affirmative discrimination because of her gender while the Organization of Prisons and Security and Corrective Measures utilized all its facilities and efforts to improve her physical condition and mitigate the impacts of her previous medical conditions on her prison stay. Therefore, the assertion of her systemic denial of medical care is completely unfounded.

4. Ms. Sepehari has met more than 70 times with family members (children and brothers) in the prison either in person or in the visitation booth, and has had more than 400 phone calls with them.
5. She has had no restrictions on meeting with a lawyer. However, her lawyer (Mr. Khosrow Alikordi), was charged with publishing false content in the cyberspace (Article 746 of the Islamic Penal Code - Computer Crime Section) and revealing secrets by persons who due to their job or profession are considered privy (Article 648 of the Islamic Punishment Law - Punishment Section). After receiving explanation of charges on August 1, 2023 and being notified of the legal rights of the defendant, he was arrested in line with the provisions of the Code of Criminal Procedure and sent to prison once he failed to post bail. He nonetheless was released from prison on August

5, 2023 by posting bail and is currently out of prison.

6. Ms. Sepehri's brothers (Hossein and Mohammad Hossein Sepehri) have been prosecuted and detained for committing independent crimes that have had nothing to do with the case of Ms. Fatemeh Sepehri. In addition, Mr. Hossein Sepehri was released on January 1, 2024. However, Mr. Mohammad Hossein Sepehri is still in prison due to his criminal record and his case is pending decision.

**By way of conclusion, it should be noted that:**

- Being a human rights defender has not been criminalized in the Islamic Republic of Iran, and it is hence pointless to apply the title of human rights defender to a person who is prosecuted and tried according to the law and based on the crimes specified in the law.
- Considering the importance of preserving human life in the laws and regulations of the Islamic Republic of Iran, any behavior that compromises the physical integrity of people against the law is criminalized and the perpetrator will be punished with retribution, payment of compensation or incarceration. A review of Ms. Sepehri's case shows that not only her right to life has not been violated in the slightest since her arrest, but also all available facilities and efforts have been employed free of any discrimination to improve her physical condition.
- Ms. Sepehri's family has been informed of her condition and place of detention during her detention. Thus invoking the interpretive opinions of the Human Rights Committee is unjustified in this regard.