



Tehran court of justice

**Fahmideh Juvenile Court, division three**

**Tehran**

**Judgment**

Judgment no: 99099.....

Draft date: 21 July, 2020

File no: 99099.....

Archive no: 990.....

Tehran Court of Justice

File no 99099..... Fahmideh juvenile court, division three Tehran, final decision no 99099.....

**Principal defendant:**

1. Miss. M. B. from Tehran

**Advocates:**

Ms. Mahsa. Safarzadeh. from Tehran

Ms. Mina. Habib nejad deldari. from Tehran

**Accusation:**

Providing corruption and prostitution

**Factual background:**

The case is about a juvenile, Miss. M. B. born on July 5, 2004 in Afghanistan, Muslim and resident in Varamin (Iran), who has studied until Junior high school (grade 9), her father has passed away and her mother is remarried and she lives with her uncle's family. Considering an indictment for providing corruption and prostitution sent from the first branch of interrogation at public and revolutionary court, district 29, and issuance of indictment on June 2, 2020 sent for judicial proceedings to Fahmideh juvenile court and subsequently referred to the branch by the honored supervisor, recorded and after legal formalities, the court convened in extended time during the incumbency of following signatory. With regard to the documents and content of the case, the termination of trial is announced and by divine assistance of God's grace and trust on consciousness and honor, the following judgment is issued:

**"Only God is the Great Judge"**

O'Lord, Your eternal wisdom destined me to be involved in the life of the vulnerable people in the society in order to fulfill my individual and social duties, and given me this felicity, that constantly loving people help me to perform my duties optimally. In this regard, I submit to the blessed will of Almighty, and I accept the written and unwritten commands in providing services to the people of my country.

**Final decision**

The court convened in extended time during the incumbency of following signatory on 21 July 2020, and the file no 9900... is under review. With regard to the documents and content of the case, the termination of trial is announced and by divine assistance of God's grace and trust on consciousness and honor, the following judgment is issued in six topics as described below:

**First topic:** the file details (including file registration details, reference profile, the details of legal units intervening in the case, the details of person in the report, filing the lawsuit, the subject of the case)

**Second topic:** public rights of juveniles in the world

**Third topic:** describing the case (including the performance of executive bailiffs, the performance of public and revolutionary court in regards of preliminary researches and the performance of the court in dealing with the case)

**Fourth topic:** psychological intervention (including personality inventory, the theory of court's counselors)

**Fifth topic:** correctional center

**Sixth topic:** the final decision of the court using a correctional technique

### **First topic: the details of the case**

- Registered details:
  - File no 99099...
  - Archive no 9900...
  - Judgment no 99099...
- The details of reference:
  - The judge: Mr. Ebrahim Vasighi Asadi
  - Branch office manager: Ms. A. Lavaiee motlagh
  - Office clerk: Mr. M. Hadavi
  - Court secretary: Ms. A. Tanoorian
- The details of legal units intervening in the case:
  - The chief of correctional center: Dr. Mohsen Shams zare
  - The vice presidents of correctional center:
    1. Judicial vice president: Mr. Ali Ahmad Yari
    2. Health vice president: Mr. Yahya Ghorbani
  - Supervising judge in prisons, located in correctional center: Ms. M. Shaafi
  - Psychologist and responsible for personality inventory located in Fahmideh juvenile court: Dr. Z. Mousavi (PhD in psychology)
  - Court counselors:
    1. Ms. F. Shir Mohammad Ali , Master in Counseling
    2. Ms. A. Tanoorian Master in General Psychology
  - Assistant of correctional center: Ms. S. Afzali Master in Clinical Psychology
  - Public defenders subject to the Article 415 Criminal Procedure Code approved in 2013:
    1. Ms. Mahsa Safarzadeh
    2. Ms. Mina Habib nejad deldari
- The details of person in the report:
  - Miss. M. B from Afghanistan, 16 years old, religion: Islam, resident in Iran, Varamin
  - The status of parents: father passed away, mother remarried, one brother and one sister, the current supervisor: her uncle Mr. M. B and her uncle's wife
- Filing a lawsuit:

- The report of bailiffs: the report of moral security police (FATEB)
- Judicial authorities:
  1. Mr. Najafi, vigilance judge from public and revolutionary court ,district 29 Tehran
  2. Mr. Rajabirad, vigilance branch investigator from public and revolutionary court, district 29 Tehran
  3. Ms. M. Shahbazi, deputy head of public and revolutionary court, district 29 Tehran
- Private claimant: no claimant
- Subject of the case:
  - The report of moral security police (FATEB) in regards of providing corruption and prostitution
  - Warrant of arrest for trial issued in investigation branch (branch one) from public and revolutionary court, district 29 Tehran Ms. H. Jalili: providing corruption and prostitution
  - Indictment of assistant prosecutor and the deputy head of public and revolutionary court district 29, Ms. M. Shahbazi: providing corruption and prostitution

### **The second topic: the general: children’s rights and juvenile justice worldwide**

One of the priorities in victimization is about the children and juveniles’ hurts. Children and juveniles due to physiological status are in target of high risk and in conflict with law behaviors. According to statistics, around half of the population in the world is children under 18 years old. National laws and international documents for the juveniles have devoted a new chapter to governance behavior and public institutions in dealing with children and juveniles, so regardless of national regulations, Geneva Declaration on Rights of the Child in 1924, the Declaration on the Rights of the Child in 1959, the Universal Declaration of Human Rights, International Convention related to Economic, Social and Cultural Rights (especially Article 10), Convention on the Rights of the Child in 1989 and other statutes, documents of professional departments and international organization in regards of children and juveniles are all recognized.

The Convention on Rights of the Child (CRC) ratified by general assembly of United Nations on 20 November 1989 in 54 Articles and Islamic Republic of Iran joined to it after the approval of convention in Islamic consultative assembly in 1993. According to the aforementioned convention (especially Article 40) the content must be observed.

The legislator in our country, regardless of approvals in previous years, in 2013 in essence and form considering the topics about criminology of children and juvenile using restorative justice and performing participatory trial tried to conduct the proceedings of delinquent children and juveniles, while observing the best interests of the child as a primary consideration and pay special attention to the sensitivity of physical and emotional condition. In order to provide a fair trial for children and juveniles commensurate with the sensitive conditions of physical and mental development and the need to deal with them differently in case of behavior contrary to the law, the first special court for juvenile delinquency was established in Cook in Illinois USA in 1899. Regardless of the evolutionary and structural approach in dealing with delinquent children and juveniles, currently the special court for dealing with behaviors contrary to the law in our country deals with issues of children and juveniles in Fahmideh juvenile court in Tehran with four branches along with Public and Revolutionary Prosecutor's Office of District 29 of Tehran (for children and juveniles) which will hold a special and fair trial for children and juveniles in conformity of the law and the best interests of

children and juveniles. Juvenile justice criminal policies using experienced judges, with professional and scientific qualifications and in compliance with domestic and international regulations, including the Islamic Penal Code and the Code of Criminal Procedure, both adopted in 2013, including new legal institutions deals with correction and rehabilitation of children and juveniles in an appropriate way. Among this, structural deficiencies such as lack of physical facilities and human resources specialized in psychological sciences in the field of children and juveniles still remains a considerable issue.

It is to be hoped that, based on the importance of infrastructure of the science of sustainable development and the priority of human resources in that science, children and juveniles with behaviors in conflict with law and all public and non-governmental intervening units and departments will be considered by legislators and relevant agencies, in a scientific and efficient way.

### **Topic 3: Description of file**

#### **The performance of executive bailiffs**

For the first time in the Code of Criminal Procedure adopted in 2013, the legislator has raised the issue of special police for children and juveniles in Article 31 of the above mentioned law. The point that can be deduced from the content of Articles 31 and 42 of the above-mentioned law is the use of trained officers in dealing with children and juveniles, which has not been systematically and integrated on the agenda of the relevant agencies.

In this case, what is evident on page one of the case is the performance of judicial bailiffs in conducting judicial order and while patrolling the contaminated areas in regards of street women and arresting women who want to connect with passing vehicles. On May 21, 2020 in the area of Shahid Sattari Highway, they encountered a woman wearing inappropriate clothes and chatting with passing drivers, and then she was transferred to the moral security police station.

Considering the records of the arrested person (Ms. S. A.), it turns out that she had a record of being in the house of corruption (no record is available in the case). Following the actions of bailiffs, they went to her house, knocked on the door and once the door opened, they met her son and a man named S. K and a girl named M. B.

In the report, on page two of the case file, it is stated that the people inside the house were wearing house dress. Therefore, the only basis for the investigation was the statements of a 12-year-old child, which refers to the movement of strangers between 4 to 8 o'clock. While in the statements of the same child, his absence during the arrival and departure of strangers is evident, while he has been in the playground. In the continuation of the process of actions of the bailiffs, after checking their mobile phones and initial monitoring, the illegitimate communication is observed. What is clear is that Ms. S. A was a tenant in the above place, who lives with her child and Miss. M. B, according to her statements. Regardless of the issues related to Ms. S. A and Mr. S. K, which according to the legal age, are subject to the adult penal rules and has been transferred to the relevant judicial authority and being prosecuted, it is noteworthy that the judicial bailiffs in the interrogation pages 4 , 5 and 6 from Miss. M. B. (regardless of her age and the rules and regulations related to children and juveniles) have asked items that the most important topics includes: her eight-month acquaintance with Mr. S. K, his promises about providing living conditions and marry to her, his marriage formula

with Miss. M. B, her effort to leave the house frequently and her inability to do so, and not having a safe place to live and other issues.

Finally, on May 22, 2020, Miss. M. B., in the opinion of vigilance judge of the Public and Revolutionary Prosecutor's Office, District 29, Tehran, was charged with providing the causes of corruption and prostitution. The judge, without paying attention and warning the judicial bailiffs in observing the laws related to children and juveniles in a written form or in the records, after informing the accusation and issuing a bail order in the amount of five hundred million rials, due to the inability to introduce the guarantor, sent the accused to the Correctional Center on the mentioned date.

The following is quite evident and advisable, regarding the actions of judicial bailiffs, in order to promote their legal performance:

1. Interaction of the judiciary with the NAJA in order to expedite the formation of a specialized police for children and juveniles under 18 years old
2. Utilization of women police with applied scientific specialties, including psychological sciences in dealing with injured girls under 18 years old
3. Professional in-service training for judicial bailiffs against behaviors in conflict with the law for children and juveniles less than 18 years
4. Notice to the provisions of Articles 42, 102 and Note 2 of Article 285 of the Code of Criminal Procedure adopted in 2013 in confronting with children and juveniles less than 18 years old and conducting a preliminary investigation about Miss. M. B. despite the legal prohibition in the aforementioned articles

Apart from the above-mentioned improvements, we appreciate the efforts of NAJA, especially judicial bailiffs, and hope that in the near future we will see the formation of a specialized police for children and juveniles in compliance with all scientific and preventive protocols complying with national and international rules.

#### **Performance of the Public and Revolutionary Court of District 29 of Tehran (for children and juveniles)**

For the first time in Article 285 of the Code of Criminal Procedure approved in 2013, the legislature has predicted a special court for juveniles, so the Public and Revolutionary Court of Tehran, district 29 for children and juveniles was established in the company of children courts. Currently, Dr. Taghizadeh and the deputy prosecutors are in place of referring and commenting, while five branches of interrogation and a unit for the execution of sentences are active. In the present court, preliminary investigations of the behavior contrary to the law for people between fifteen and eighteen years are investigated, except for the crimes subject to Articles 306 and 340 of the above-mentioned law, which are raised directly in court.

In the above case, after the actions mentioned by the judicial bailiffs, and due to the age status, vigilance investigator of the court has pursued the case. In this regard, while confirming the previous statements to the police, she was introduced to the Correctional Center on the same date due to her

inability to introduce a guarantor. Following the preliminary investigation process, the case was referred to the First Investigation Branch of the above-mentioned court on May 23, 2020 and then, in accordance with the rules and regulations for conducting a fair trial, having a lawyer, during one hearing session and following the statements of Miss. M. B., the warrant of arrest issued on May 31, 2020 on charges of providing corruption and prostitution condition, based on the report of judicial bailiffs and aforementioned statements by the interrogator. On June 1, 2020, after the agreement of assistant prosecutor the case was sent to Fahmideh juvenile court.

It seems that according to the age requirements of children and juveniles, the investigator of the First Branch of the Public and Revolutionary Prosecutor's Office of Tehran District 29 could have paid more attention to emotional exchanges of Miss. M.B. in confrontation of raised issue, mental disorders, the condition of her parents or guardian and finally, made decision in accordance with the behavior and evidence available to her, and it was not just enough to complete the personality inventory and have a little attitude in this regard as a binding legal component.

### **The performance of the court during the proceedings**

For the first time, Article 190 of the Code of Criminal Procedure of 1911 specifically referred to the competent court for dealing with immature persons who conducts contrary to the law. After that, in 2009, the law related to the establishment of juvenile delinquents was approved in 33 articles, which comprehensively dealt with decisions regarding juvenile delinquents with formal regulations. In the Code of Criminal Procedure adopted in 1999, from Articles 219 to 231, it referred to juvenile delinquency. After the approval of the Code of Criminal Procedure in 2013, the legislator explicitly referred to the juvenile court along with other criminal courts, according to Article 294 of the same law, the children and juvenile courts are convened by the presence of one judge and one juvenile along with other criminal courts and based on Article 304, all crimes committed by children and persons under 18 years old will be tried in the juvenile court. It should be noted that in note one of Article 315 of the above-mentioned law, the legislator referred to a special criminal court for juvenile delinquency in accordance with its jurisdiction and a law that is outside the scope of this case. Currently, Fahmideh Judicial court is active under the supervision of Mr. Ahmad Jafari and four other branches.

The case was referred to the Third Branch of the Juvenile Court on June 2, 2020 that during the initial review of the case file, the time of registration was determined and in accordance with the legal standards, an electronic notification was sent to all people mentioned in the law to attend the hearing. The first hearing was scheduled in terms of the juvenile's condition and her presence in the Correctional Center on June 13, 2020. The hearing session began at 10:30 on June 13, 2020 with the presence of the counselor, public lawyer, Ms. Maryam Yaghoubi askarabad and Miss. M. B., without the presence of legal guardian due to not being found at the address recorded in the file. According to the procedure of the third branch of the court, during the presence of the accused, a report on the physical and mental condition of Miss. M. B. was prepared by the assistant of the Tehran Correctional Center, and the court records were attached to the case file. The court decided to resume the hearing due to the psychological expertise of the court counselor Ms. Shirmohammad Ali and relying on the scientific and psychological findings of the experience and scientific courses, statements of public lawyer, statements of Miss. M. B. in order to concentrate the period until the next hearing. In the statements of Miss. M. B. in all the authorities who was present, it was quite

tangible that her confessions indicated fears and worries about not having a safe living place and the absence of a proper parent, which were stated due to the absence of a father who died at the age of one and the absence of a mother who remarried. Therefore, the court put the following on the agenda:

1. Upon voluntary request and due to social concerns regarding the above case, a team of assisting lawyers consisting of Ms. Mahsa Safarzadeh and Mina Habibnejad deldari, are in charge of following up the case related to Miss. M. B., including following up the situation of the parents and the current guardian (Uncle and Uncle's wife) and considering the attention of supportive institutions
2. Determining two extraordinary sessions to attend the correctional center with the legal team and consultants of the Correctional Center in the presence of the head of the Tehran Correctional Center to create a safe exchange space with juvenile and attract their attention with the approach of supporting the judicial system and finally doing further investigations to clarify the issue with legal and religious considerations
3. Consultation with the Head of Admission and Coordination Department of Target Groups in social Welfare bureau in Tehran, Dr. Karami and Dr. Shanjani, regarding the delivery of the defendant and optimal and corrective measures towards her in case of release at the institution
4. Inviting "Improving the Quality of life of Women Institute: Atena" under the management of Dr. Eftekhazadeh in order to use the capacities of this institute for empowerment, entrepreneurship, education, physical and mental health and finally using the safe space of Atena House, if licenses are granted by the social Welfare bureau for defendant to be present at the institution if released.

Following the proceedings, the second hearing on July 18, 2020, due to the resignation of Ms. Yaqoubi Asgarabad on page 37, held with the presence of Ms. Mina Habibnejad deldari and Ms. Mahsa Safarzadeh, a psychologist based in the Fahmideh Judicial Complex, Dr. Mousavi, The court counselors, Ms. Shirmohammad Ali and Ms. Tanourian at 10:30 and the expert discussed topics, such as the defenses of assistance lawyers and the theory of the social working unit and the court counselors, and finally Miss. M. B.'s supplementary remarks, was reheard and attached the file regarding all the points and psychological components. The hearing was also attended by the officials of Atena: Improving the Quality of Life of Women Institute and the supportive interventions of this institute with the mentioned age requirements, as well as M. B.'s personal desire to attend Atena safe place if she was granted and delivered through the Welfare Organization in accordance with relevant regulations. Finally, the end of the trial was announced and it was decided that the court will start writing the verdict regarding the juvenile in due time and consider all the circumstances of the case.

#### **Topic 4: Psychological interventions**

##### **Personality file**

The case of personality in the case of children with behaviors contrary to the law was first considered under the influence of the criminological ideas of the new school of social defense. According to this view, recognizing the personality of people, especially children and juveniles in order to correct and reintegrate them is necessary. In our country, the Code of Criminal Procedure

approved in 2013, and in Articles 203, 286, 486 and 487, it has mentioned the quality of forming a personality file.

In this case, Dr. Mousavi, a psychologist who works in the social work unit of Shahid Fahmideh Judicial Complex, while examining the physical, mental, family, social, economic condition and behavior contrary to the law of M.B. and inserting it in a specific format and attaching to the file, noted to the following considerations according to the expert approach and suggested the creation of a corrective process.

1. Consultation with relevant agencies and public institutions in order to create a safe living space in case of release
2. Weekly visits of M.B. for psychological counseling
3. Follow-up and supervision after release with re-integration approach
4. The court's attention to the type of M.B.'s statements before the executive bailiffs and the prosecutor's office according to the prevailing psychological conditions and pressures
5. Pursuing enrollment and continuing education in high school with the approach of upgrading the aforementioned scientific level

### **Theory of Court Advisers**

Theory of the court consultant: Ms. Shirmohammad Ali

#### **Step 1: Biography**

Miss. M. B., born on June 4, 2004, ninth grade, a citizen of Afghanistan, First child, one sister and one brother who has passed away, her father has passed away and her mother remarried and entrusted the children to their uncle which is a sign of rejection and non-acceptance of children and the feeling of abandonment of children towards mother. Both children are girls and need more attention, approval, acceptance and support than boys. Change in the behavior, smoking, hookah and alcohol, suicide, self-harm are the symptoms of juvenile rejection by the family that she suffers from such problems.

#### **Step 2: Marital status**

The absence of father plays an important role in the sexual identity of the daughter, according to the analysis of the Electra complex, the relationship between father and daughter and also in the future with the spouse is very important. Such problem and replacing uncle as an unhealthy parent, caused her to be pulled out of the house (towards opposite sex). And the punishment by uncle not only had a negative effect, but also caused revenge and running away from home.

#### **Step 3: Mental condition and personality**

According to Adler the inferiority complex and low self-esteem is the basis for committing crime. Due to the changes in the nucleus hormone, juveniles engage in exciting and pleasurable behaviors, such as smoking, etc. Now this can be one of the reasons for Miss. M. B. to smoke and hookah. Mental self-image in juvenile appears in the form of physical symptoms, such as clothes, hair ... the

incompatibility between image and reality is the first step to start problems. Emotional, family, and financial problems are magnified in childhood and juvenile see this as a crime. The sharp and violent reaction to the tenderness of the girl's clear feelings discourages her towards the family and with a heart full of sorrow and longing for the love of the family; drew her into an emotional relationship and dependence on unworthy people for abuse. The lack of attention of the family to the various emotional, mental and psychological needs (juvenile crisis and puberty) social, financial for Miss. M.B. has created many problems for her. Juvenile who has experienced delinquency has a greater sense of rejection as a result.

#### **Step 4: Educational status**

Ninth grade - drop out

The reasons for dropping out of school and lack of motivation and academic achievement for learning are as follows:

- Harmful and stressful family environment
- not paying attention to her in the family

#### **Step 5: Job Status**

Juveniles will enter the job market in the near future, so it is great to be able to take on job responsibilities during the summer as well as earning an income and being able to manage the expenditures and strengthening and developing social skills. According to the interview, I found out that Miss. M.B. loves tailoring, but she has not been able to participate in the training courses, due to the conditions of her family.

#### **Step 6: Effective and useful solutions for juvenile correction**

- In the counseling session, she should accept the wrong decision and responsibility of her mistake in the counseling session, and does not make it small and insignificant, and does not erase the consequences of failure, which in turn prevents the juvenile to mature. Juvenile learns life lessons from failures and tells herself that if I have done something wrong, there is someone who would accept the consequences of my mistake.
- Acquisition of a job environment commensurate with the ability and talent of the juvenile should be in a way that make her successful and solve financial problems.
- Keep her busy with sports activities, painting, etc. to feel useful and worthy.
- The juvenile should write down her characteristics in a list and try to eliminate the negative points and strengthen the positive points
- Growth and reconstruction of juvenile vitamins: The first vitamin is affection, love and interest, The second vitamin is physical contact, The third vitamin is spending time with each other, The fourth vitamin is giving gift, The fifth vitamin is serving each other
- Introducing "Successful juveniles" book by Hanieh Farahanifard, "Life Strategies for Teens", by Jay McGraw, translated by Turan Dokht Tamadon maleki

### **Court Counsel Theory of Ms. Tanourian**

In order to find out self-cognition, inclinations, preferences, finding talents and further identifying of “self”, Miss. M. B. was taken the MBTI test (Myers-Bergiz) on pages 69-77 that by applying the results of this test, recognize the answers due to wrong approach in replies such as “my ideal” or “my past” and get closer to true recognition of her. Recognizing the true self will show the personality type, individual in group work and development of individual and interpersonal relationships in various fields.

What can be deduced from the above test is that she is an extrovert, emotional, perfectionist and social person who has many interests and loves active life and tends to be with others. Spending a lot of time alone lulls her. She is a person who enjoys reading and talking about her ideas and desires, and she can easily trust and communicate with others. She is more interested in warm and sincere encounters and less concerned with reality, and considers herself responsible for the feelings of others towards her. It is suggested that in line with corrective measures with a psychological approach, the damaged personality of her repairs by using a collective focus, in other words, group therapies, so that in addition to verifying the identity, it will promote juvenile self-esteem.

### **Topic 5: Correctional Center**

The Correctional Center was established in 1968 in an area of 4 hectares in the northwestern region of Tehran in a beautiful city and began to work as a place for children and juveniles. The activities of the Correctional Center are specifically defined in accordance with Articles 304 and 525 of the Code of Criminal Procedure approved in 2013, as well as Articles 1 and 17 of the Executive Regulations of the Prisons Organization. This center is divided into two sections for boys and girls under the auspices of the Judiciary Prisons Organization and with specialized staff in the fields of psychology, law, social work, medicine, nursing, educational, cultural and disciplinary educators under the management of Mr. Mohsen Shams Zare and operates in scientific and correctional activities. Tehran Correctional Center has a very good relationship and interaction with judicial authorities, including the court and the special court for children and juveniles, and has always been admired by domestic and foreign human rights organizations as a model of appropriate behavior with children. The management performance of Tehran Correctional Center regarding Miss. M. B., accompanied with Ms. Afzali's staff and assistant, has been considered and approved by the court and has optimal correctional privileges:

1. Conducting psychological counseling courses continuously and preparing and submitting the following report to the court
2. Performing physical tests and examinations under the supervision of a physician located in the correctional center and confirming her physical health
3. Creating a suitable educational environment in various scientific and doctrinal fields by presenting books and educational courses
4. Creating optimal conditions for learning sewing by participating in technical and professional workshops

5. Encouraging and creating a suitable sports atmosphere for the defendant with the approach of optimizing the mentioned psychological space

#### **Issue 6: The final decision of the court with a corrective approach**

The court, in order to conduct further investigations in two hearings and to examine the general contents of the case, including PAVA actions on pages 1 to 11 of the case, warrant of arrest for trial issued in the First Branch of the Public and Revolutionary Prosecutor's Office of Tehran, District 29 (for children and juveniles) on page 21 of the case, indictment issued on page 22, Ms. Shir Mohammad Ali's advisory opinion on pages 32, 65 and 66, the psychologist's theory located in the social work unit of Shahid Fahmideh Judicial Complex, Dr. Mousavi on page 63 of the file, contents of personality inventory attached to the file, opinion of counsel of the court ,Ms. Tanourian on pages 69-77, the detailed report of the actions of the Tehran Correctional Center by Dr. Shams Zare on pages 55-59, the Theory of the social worker of the Tehran Correctional Center on pages 33, 41 and 63, the bills of public lawyers, Ms. Safarzadeh and Ms.Habibnejad on pages 43, 44, 48 and 49, report of Atena: Improving Quality of Life of Women Institute with the aim of announcing readiness at the discretion and granting a license from the Welfare Organization, declaration of readiness of Admission and Coordination of Target Groups office, based on the letter no 717.... on July 19, 2020 on page 64 of the case and finally the statements of Miss. M. B. in two hearing sessions on pages 34 and 53 with the presence of the counsel of the court, the defense bill of public lawyers subject to Article 415 of the Code of Criminal Procedure approved in 2013 and absence of Uncle and uncle's wife, in terms of not being recognized at the declared address, will take the final decision as follows:

The court reviewed all the papers and contents in detail in the lawsuit, argued the following:

- Non-acceptance and trustworthiness of the statements made by the juvenile by the PAVA - police based on Articles 36, 42 and 102 of the Code of Criminal Procedure approved in 2013
- Insufficient attention in accordance with the assigned issue and the circumstances of Miss. M. B. in the preliminary investigation of the investigator of the First Branch of the Public and Revolutionary Prosecutor's Office, District 29, Tehran
- Defenses of public attorneys with a full explanation of the conditions of arrest, statements made under psychological pressure, insufficient attention to the behavior of the juvenile in the elements of the crime attributed to the subject of the issued indictment
- The full content of psychological interventions as described in detail in the lawsuit by the intervening psychologists regarding Miss. M. B. and the attention to the psychological requirements
- Written and oral comments of the head of the Correctional Center and colleagues about the type of optimal behaviors of Miss. M. B. while attending the center with the approach of having appropriate moral behaviors
- The denial of Miss. M. B. on the allegations of corruption and prostitution in two court hearings, despite her statements to the PAVA Police and the Judiciary, according to her, who acknowledges that she was not in a good mood and that she was under undue stress from the time she was arrested until she was handed over to the Correctional Center for the confession and the contents of the file

The court's attention to these points that:

1. The statements of a 12-year-old child, the son of Mrs. S. A., contains lack of legal condition and considering it as an evidence is contrary to the law.
2. There is no clear evidence in the case from the neighbors regarding the presence of people in the house of Mrs. S. A. and the relationship with Miss. M. B.
3. During the presence of executive bailiffs at the house of Mrs. S. A., according to what was mentioned in the PAVA police meeting, Miss. M. B. was wearing house clothes in front of Mr. S. K. and the 12-year-old child was there and no one else was present.
4. Irrespective of Miss. M. B.'s remarks regarding the marriage formula with Mr. S. K. and their presence in the house of Mrs. S. A. with the conditions announced by the PAVA police, according to the requirements and conditions of the case, the elements constituting the crime are not included in issues related to illegal behavior, because there is no evidence of contact with her and behavior of defendant in order to commit a sinful act, which is the subject of Article 638 of the Islamic Penal Code, the book of punishments approved in 1996, has not been made in public.
5. The statements of Mrs. S. A. and the statements under special psychological conditions are disproportionate with the age requirements of Miss. M. B., so the occurrence of behavior contrary to the law with the title of providing corruption and prostitution will not be realized about her.
6. Advise and emphasize of the religion of Islam, the divine prophets and the relevant laws of the Islamic Republic of Iran on covering up the behaviors contrary to the law on issues related to immorality and non-confession.

Finally, taking into account human dignity of the above-mentioned, the international documents for the protection of children and juveniles, in particular the provisions of Articles 3, 6, 12 and 14 (paragraph 2), 18, 19, 29 and 40 of the Convention on the Rights of the Child, adopted on November 20, 1989 in UN General Assembly and adopted on February 20, 1994 by the Islamic Consultative Assembly of the Islamic Republic of Iran, in order to promote the concept of values in the mind of the child, reintegration and properly disseminating the integration of child into society, playing a constructive role by the child, considering the instructions of Islamic religion and the ultimate ritual goal of preserving identity, ensuring the survival, growth, health, nurture, and observing the great interests of the above-mentioned, according to legal grounds:

1. Principles 22, 25, 36, 37 and 167 of the Constitution
2. Article 120 of the Islamic Penal Code approved in 2014
3. Articles 4, 36, 42, 102, note 102 and note 2 of Article 285 of the Code of Criminal Procedure approved in 2014
4. Paragraph 2 of the single-clause bill of the Citizenship Rights
5. Paragraph 2 of Article 14 of the International Covenant on Civil and Political Rights, which is in accordance with Article 9 of the Civil Code

## 6. Presumption of innocence in the Universal Declaration of Human Rights

### 7. Using the principle of acquittal, based on the practical principles of jurisprudence,

The trial resulted in an acquittal of Miss. M. B. considering that she lacks a legal guardian and safe place, the court decides to deliver the above-mentioned to the Admission and Coordination of Target Groups in Tehran Social Welfare organization. The relevant unit in welfare performs in accordance with the legal instructions and has special attention to all the provisions of the issues raised in the above lawsuit and with psychological considerations follows up the corrective actions in accordance with the expert opinions in the fourth topic entitled “psychological interventions”. The performance of the collection regarding the situation of Miss. M. B. should be sent to this court in a form of report. This court mentions that necessary cooperation be done considering the appropriate performance of Atena institute, if it is appropriate and the institute by the management of Mrs. Eftekhazadeh and the responsible for social work of the institute, Mrs. Hazrati would admit the juvenile.

This court considers it necessary to take into account the age and emotional needs of children and juveniles in the best interests of them to prepare them for a responsible life in a free society, given their role in advancing human and social goals, while emphasizing psychological considerations. And the human values of this sensitive segment of society, the court appreciates all the people who have helped and cooperated in the above case in many ways in the process of promotion and development of delinquent and vulnerable children and juveniles under 18 years of age. The verdict is issued in person and can be reviewed and appealed in the respected courts of Tehran province within twenty days after notification.

**Ebrahim Vasighi Asadi**

**The president of branch 1100 of criminal court (two) Tehran, the president of branch three of juvenile court of Tehran**

**Fahmideh judicial court**