Iran
DPA

Note to Mr. Pascoe

Thank you for your note of 7 August regarding "Mr. Ahmadinejad's letter on The Killing of Mrs. El-Sherbini". I agree with your recommendation that the President's letter should not be answered.

Vijay Nambiar
20 August 2009

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SG/SERIAL

United Nations Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire general

To: Deputy Secretary-General,

Attached is a note from USG Pascoe regarding a letter from President Ahmadinejad to the SG concerning the killing of a German national (Mrs. Marwa El-Shirbini) of Iranian origin in Germany. The President has called on the SG to take a position on the matter.

OLA had described such a call to be political. DPA notes that the German authorities are handling the case appropriately. In view of the above, the PU agrees with DPA's views that the letter not be answered.

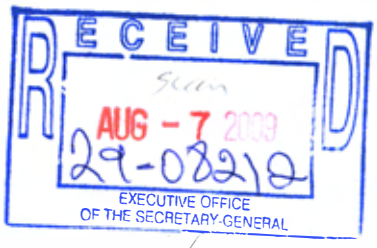
Nicholas Haysom
14 August 2009

cc: VN

Approved.
08/14/09

29-08212

ACTION COPY



Note to Mr. Nambiar

MR. AHMADINEJAD'S LETTER ON THE KILLING OF MRS. EL-SHERBINI

1. You will have seen from the attached communication that the Legal Counsel is of the opinion that President Ahmadinejad's call on the Secretary-General to take a position on the killing of Mrs. Marwa El-Shirbini is a political matter.

2. I agree with this approach and believe that the President's letter should not be answered. Indeed, Mrs. El-Sherbini is not even Iranian and the German authorities have handled her case appropriately. It appears that Mr. Ahmadinejad's demarche is an attempt to involve the Secretary-General in the propaganda campaign under the pretext of defending all Muslims in the world.

B. Lynn Pascoe
4 August. 2009

Approved
08/14/09

Note to Mr. Pascoe

Letter from H.E. Mr. Ahmadinejad, President of the Islamic Republic of Iran

1. Please find attached a letter to the Secretary-General from H.E. Mr. Mahmoud Ahmadinejad, President of the Islamic Republic of Iran, assigned to this Office by EOSG.

2. In this letter, President Ahmadinejad requests the Secretary-General to take a position on the events relating to the death of Mrs. Marwa El-Sherbini.

3. We believe that whether and how to respond to this communication is a political rather than a legal issue and would be grateful if you could recommend action that you deem appropriate to the Secretary-General. This Office remains at your disposal for any questions of a legal nature that you may have in this connection.

Patricia O'Brien
24 July 2009

cc: Mr. Haysom

DPA/OUSG
Rec'd 22/7/09
Log# 09 - 2539
ACTION
Grateful for your advice & draft reply, if appropriate by 29/7
BKP/SS/F; ASG

LB/JK/VP/VM/BV/
CS/KJ

ACTION COPY

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JUL 15
29-07402

Unofficial translation

JUL 17 2007
USG LOG NO.

In the name of God, the Compassionate, the Merciful

Excellency,

The cruel murder of Mrs. Marwa El-Sherbini has broken the hearts of the people of the world and has created many concerns including the followings:

1-Mrs. Marwa El-Sherbini was residing legally in Germany. In fact, she was a guest of this country. And, guests have always been treated with respect and have enjoyed the support of their hosts, and since the old times and even in the most primitive communities of the world the rights of guests have been always respected.

2-According to the legal and ethical procedures observed in all legal systems of the world, the security of the plaintiff and the defendant must be protected during the proceedings of the case. While the judicial power is obliged to provide support for the victim, in this case the victim has been attacked in the court session. According to eye witnesses the assailant has had enough time to stab the victim several times.

The judge, the prosecutor, the jury and the security guards have all been watching this heart-rending scene and did not enough to prevent it. There is,

His Excellency Mr. Ban Ki-moon
Secretary General of the United Nations
New York

therefore, a serious suspicion that the intent to commit this crime had been coordinated in advance with parts of the judicial and security apparatus given the fact that the husband of Mrs. Marwa El-Sherbini was shot and wounded by the judicial officer at the court when he tried to shield his wife from the assailant.

3- The news on this crime were censored for days and the German government and judicial power have remained silent vis-a-vis this crime, a silence that amounts to a graver crime of its kind in the contemporary history.

Graver than the crime of the murder of Mrs. El-Sherbini has been the breach of the sanctity of the institution of justice by the German judiciary and security systems that is a rare issue in history. Should the basic rights of human beings be violated by the judicial authorities of a country themselves, how can human rights be protected? Whom should the victims and the oppressed rely on for support? Wouldn't such flagrant breaches of justice lead to situations where the oppressors would dominate the destiny of human beings and where the honor, dignity, lives, properties and security of people would be endangered?

There are lots of questions concerning this grave tragedy:

Doesn't the murder of Mrs. Marwa El-Sherbini clearly indicate the fact that extreme racism is prevailing in some parts of Germany's government and judicial system?

Why hasn't there been a strong reaction on the part of the government of Germany with regard to this horrible crime? Above all, isn't this going to clear the way for commission of similar crimes in the future?

Indeed, it is no surprising to see such an unacceptable inaction by some German politicians who continue to humiliate their own nation and their youth vis-a-vis the Zionists and believe that the children of the German fathers whom they consider as criminals in the history of Germany should for ever endure a feeling of shame and the obligation to pay ransom to the Zionist racists. Surprising, however, is that certain European governments as well as the United States that always claim to be at the frontline of defending human values, remain silent in dealing with this flagrant crime.

It is all the more surprising that no strong position has yet been taken by Your Excellency in this regard. You may recall, Excellency, that during our meeting you laid emphasis on your commitment to defend the rights of the oppressed. Isn't this the time to take action by condemning the said crime, and to call for bringing the perpetrators to justice through relevant mechanisms?

If Your Excellency do not call for justice and the United Nations fails to fulfill its responsibilities in dealing with this flagrant injustice that has shaken the very foundations of justice and has violated the principle of defending the rights of the oppressed, humanity will definitely face more serious tragedies, and more people will fall victim to injustice and discriminations.

I hope that Your Excellency will act upon your legal, humanitarian and historical obligations in defending the credibility of the United Nations.

Mahmoud Ahmadinejad

President of the Islamic Republic of Iran

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OFFICE

Permanent Mission of the Islamic Republic of Iran to the United Nations

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In the name of God, the Compassionate, the Merciful

No.252 15 July 2009

Excellency,

Upon instructions from my Government, I have the honor to submit, hereattached, a letter addressed to Your Excellency by H.E. Mr. Mahmoud Ahmadinejad, President of the Islamic Republic of Iran, regarding the recent tragedy involving the murder of Mrs. Marwa El-Sherbini in Germany. An unofficial translation of the letter is attached too.

Please accept, Excellency, the assurances of my highest consideration.

Eshagh AlHabib
Ambassador
Charge d'Affaires

H.E. Mr. Ban Ki-moon
Secretary General
United Nations, New York

جمهوری اسلامی ایران
رئیس جمهور

بسم الله الرحمن الرحیم

جناب آقای بان کی مون
دبیر کل سازمان ملل متحد

قتل بی رحمانه سرکار خانم مروه الشربینی قلب انسانها را جریحه دار و ابهامات زیادی در اذهان مردم جهان ایجاد کرده است که به شمه ای از آن اشاره میشود:

۱- خانم مزبور به نحو قانونی در آلمان اقامت داشته و در حقیقت میهمان این کشور بوده است. در همه جای جهان حتی نزد اقوام بدوی، میهمانان مورد احترام و حمایت میزبان بوده و کسی حق تعرض به آنان را نداشته است.

۲- بر اساس رویه معمول حقوقی و اخلاقی در همه نظامات قضایی، امنیت شاکی و متشاکی در طول رسیدگی به شکایات محفوظ است. دستگاه قضایی پناهگاه مظلومان و ستمدیدگان است، اما در جریان رسیدگی قضایی، شاکی آن هم در محضر دادگاه مورد حمله قرار می گیرد و براساس گفته شاهدان، ضارب فرصت کافی پیدا می کند تا چندین ضربه چاقو بر پیکر مشارالیها وارد نماید.

قاضی، دادستان، هیئت منصفه و مأموران امنیتی تماشاگر این صحنه فجیع بوده اند و اقدام بازدارنده کافی انجام نداده اند. این فرضیه به طور جدی مطرح است که تصمیم به جنایت با هماهنگی قبلی بخشی از دستگاه قضایی و نیروهای امنیتی بوده است به خصوص اینکه وقتی همسر خانم مزبور به دفاع از همسر خود برمی خیزد ضابط قضایی به جای دفاع از او، وی را هدف قرار داده و مجروح می کند.

۳- خبر جنایت روزها سانسور می شود، دولت و دستگاه قضایی آلمان سکوت می کنند، و این چنین است که ظلم بزرگتر تاریخی اتفاق می افتد.

جناب آقای بان کی مون

بالاتر از قتل فجیع خانم الشربینی شکسته شدن حرمت و تقدس امر قضا توسط دستگاه قضایی و امنیتی آلمان است و این یک امر کم نظیر در تاریخ است. اگر حقوق اولی انسانها توسط متولیان امر قضا شکسته شود، آیا هیچ حقوقی پایدار خواهد ماند. مظلومان و ستمدیدگان باید به کجا پناه ببرند؟ آیا غیر از این است که ستمگران و

جمهوری اسلامی ایران

رئیس جمهور

ظالمان بر مقدسات انسانها مسلط می شوند و عرض و شرف و جان و مال و امنیت انسانی به خطر خواهد افتاد؟ آیا خسارتی بزرگتر از این می توان یافت؟

درکنار این فاجعه بزرگ سؤالات زیادی مطرح است از جمله اینکه :

آیا قتل خانم مروه الشریف نشانه ای از نژادپرستی افراطی در بخشهای از دولت و دستگاه قضایی آلمان نیست؟

چرا دولت آلمان در قبال این جنایت دلخراش اقدام قاطعی انجام نداده است آیا وقوع این جنایت و مواضع دولت و دستگاه قضایی آلمان راه را برای جنایتهای بعدی هموار نخواهد کرد؟

البته از برخی سیاستمداران آلمانی که ملت و جوانان خود را در برابر صهیونیستها تحقیر می کنند و پدران آنان را جنایتکاران تاریخ آلمان قلمداد می کنند که باید فرزندان آنان تا ابد شرمسار بوده و به نژادپرستان صهیونیست باج پرداخت کنند تعجبی نیست. تعجب از بعضی سران دولتهای اروپایی و امریکاست که از یک طرف مدعی دفاع از ارزشهای انسانی هستند و از جانب دیگر در برابر این جنایت آشکار سکوت می کنند.

تعجب ما از عدم برخوردگیری قاطع جنایتکاران است. اگر به خاطر داشته باشید در ملاقات حضوری ، جنابعالی برتعهد خود نسبت به عدالت و دفاع از حقوق مظلومان تاکید کردید. آیا وقت آن نیست که با محکوم کردن قاطع جنایت اخیر خواستار رسیدگی و مجازات عاملان این رسوایی بزرگ شوید و موضوع را در مراجع بین المللی پیگیری نمائید. چرا برخی دولت مردان باید همچنان در قبال رفتارهای غیرانسانی خود مصونیت داشته باشند؟

اگر جنابعالی عدالتخواهی و حق طلبی را فریاد نکنید و وظیفه خود را در قبال این ظلم آشکار که بساحت مقدس قضاوت و دفاع از حقوق مظلومان را لکه دار کرده است انجام ننمائید مصیبتهای بزرگتری دامن بشریت را خواهد گرفت و افراد زیادتری قربانی بیعدالتی و تبعیض خواهند شد.

امیدوارم به وظیفه قانونی ، انسانی و تاریخی خود عمل نمائید و از حیثیت سازمان ملل دفاع کنید.

محمود احمدی نژاد