

PUBLIC

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UA 49/03

Death penalty

19 February 2003

IRAN

Sasan Al-e Kena'n (m), aged 37

Amnesty International is concerned that Sasan Al-e Kena'n is at risk of imminent execution. According to an Agence France Presse (AFP) report, Sasan Al-e Kena'n was sentenced to death on around 17 January 2003 in connection with allegations of "sheltering and hiding members of the unauthorized *Komala* party in the basement of a house in Sanandaj and with *moharebeh*, or enmity against God". The sentencing court is thought to be Branch 1 of the Revolutionary Court in Sanandaj, in the province of Kordestan, western Iran.

Sasan Al-e Kena'n has reportedly been charged with the offence of *moharebeh ba khoda* ('enmity with God'). The charge can be invoked in cases involving "all members and supporters of a group or an organized association which have waged armed struggle against the Islamic State". Article 190 of the current Penal Code provides for the death penalty for this offence.

Two further individuals, allegedly members of *Komala*, were sentenced to 10 year prison terms in connection to the same case, on similar charges. *Komala*, the Revolutionary Toilers of Iran, was founded in 1969. It is an illegal party affiliated to the Communist Party of Iran (CPI) and its activists have faced persecution since at least 1980.

BACKGROUND INFORMATION

In 2002, Amnesty International recorded a total of at least 111 executions in Iran although the true figure may be considerably higher.

Articles 183 to 188 of the Iran Penal Code refer to the crime of *moharebeh* as including attempts to overthrow the Government by force and use of arms to cause fear or disturb public security. It is frequently punished by execution. Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences but strongly opposes the death penalty as the ultimate cruel, inhuman and degrading punishment. Amnesty International argues the death penalty is in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

There appears to have been an increase in the use of the death penalty in Iran's Kordestan province since 2002. On 24 January 2002, Karim Tuzhali was executed in Mahabad prison, in connection with his former membership of the banned armed opposition group, the Kurdistan Democratic party of Iran (KDPI), although it is not known exactly what he had been charged with. In March 2002 (MDE 13/002/2002). In March 2002, AI expressed its fear of imminent execution and of possible ill treatment or torture of 10 individuals formerly associated with the KDPI (UA 69/02 or MDE 13/005/2002) up to six of whom were reportedly executed in October 2002, and on 7 November 2002, *Komala* reported that two individuals, former members of the party, were executed in the city of Marivan. On 5 November 2002, Mostafa Jula and Ali Kak Jalil were executed in Marivan prison.

According to the KDPI, at least one other *Komala* supporter has been sentenced to death, in 1993; while eight others are serving prison sentences in connection with their alleged activities and affiliation to *Komala*.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, English, French or your own language:

- seeking clarification of the reasons why Sasan Al-e Kena'n has been sentenced to death;

- reminding officials that according UN "Death Penalty Safeguards", crimes punishable by death should not "go beyond intentional crimes with lethal or other extremely grave consequences";
- urging that the death sentence imposed on Sasan Al-e Kena'n be halted immediately, possibly by means of commutation of his sentence by the Supreme Leader, Ayatollah Ali Khamenei, in line with Article 6 (4) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. It states that: "Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases";
- asking whether Sasan Al-e Kena'n was given every opportunity to obtain effective counsel to defend himself, including the right to appeal, in line with Article 14 (3) of the ICCPR.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Faxes: + 98 21 649 5880 (ask fax to be forwarded to Ayatollah Khamenei)
Alternative fax: 98 251 774 2228 (ask fax to be forwarded to Ayatollah Khamenei)

Email: webmaster@wilayah.org; (on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Salutation: Your Excellency

President

His Excellency, Hojjatoleslam val Moslemin Sayed Mohammad Khatami

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegram: President Khatami, Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880

Email: khatami@president.ir

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahrudi

Ministry of Justice

Park-e Shahr

Tehran, Islamic Republic of Iran

Telegram: Head of Judiciary, Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (This is the Public Relations Office. Please ask for your message to be forwarded to the Head of the Judiciary)

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs.

His Excellency Kamal Kharrazi

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue

Tehran, Islamic Republic of Iran

Telegrams: Foreign Affairs Minister, Tehran, Iran

Faxes: + 98 21 390 1999 (number may be unreliable; please mark "care of the Human Rights Department, Foreign Ministry)

Salutation: Your Excellency

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 April 2003