

**AMNESTY INTERNATIONAL  
PUBLIC STATEMENT**

17 January 2013

AI Index: MDE 13/003/2013



**Iran: Death row prisoners must not be executed**

Amnesty International is alarmed by recent reports indicating that the implementation of the death sentences of three prisoners – two from Iran’s Kurdish minority, **Zaniar Moradi** and **Loghman Moradi**, and one who is a member of Iran’s Azerbaijani minority who is also a follower of the Ahl-e Haq faith, **Yunes Aghayan** – may be imminent. The organization is calling on the Iranian authorities to halt their executions and to overturn their death sentences. They must be granted re-trials in proceedings which comply with international standards, and without recourse to the death penalty.

Amnesty International is also deeply concerned that these three men have alleged that they were tortured or otherwise ill-treated in detention in order to force them to “confess” and were sentenced to death after unfair trials. Where individuals face the ultimate penalty of execution, it is all the more important that their trials adhere scrupulously to international fair trial standards.

Amnesty International urges the Iranian government to impose a moratorium on all executions, and to ratify promptly and without reservation the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Effective measures should be put in place to ensure that no one held in Iran is tortured or otherwise ill-treated and that anyone suspected of torture or other ill-treatment is prosecuted and brought to trial in fair proceedings, without recourse to the death penalty.

**Zaniar and Loghman Moradi**

Zaniar (or Zanyar) Moradi and Loghman (or Loqman) Moradi are currently held in Raja’i Shahr Prison, northwest of Tehran. They were arrested, respectively, on 1 August 2009 and 17 October 2009 in Marivan, Kordestan province, north-eastern Iran. They were held without charge by the Ministry of Intelligence for the first nine months of their detention in various detention centres - during which time they are reported to have had no access to a lawyer - before being transferred to Section 209 of Tehran’s Evin Prison which is also under the control of the Ministry of Intelligence.

On 12 November 2010, before their trial, Zaniar Moradi and Loghman Moradi were featured in a programme called “Iran Today, Komalah Terrorist Organization” aired by Press TV, a news network owned by the Islamic Republic of Iran Broadcasting (IRIB), in which they purportedly “confessed” to the 4 July 2009 murder in Marivan of the son of a senior cleric, the Imam who leads the Friday prayers there. The alleged “confessions” which were reportedly video-taped during their pre-trial detention were broadcast along with scenes showing Loghman Moradi at the Imam’s house confessing to the murder of the Imam’s son. The broadcasting of such “confessions” prior to trial is a violation of the presumption of innocence, and a breach of their right to a fair trial.

They were sentenced on 22 December 2010 to hanging in public by Branch 15 of the Tehran Revolutionary Court after being convicted of “enmity against God” (*moharebeh*), and the murder of the son. They were also convicted of participating in armed activities with Komala, a banned Iranian Kurdish opposition group. They had very limited access to a lawyer in their court hearing which reportedly lasted only a few minutes.

One week after their court hearing Zaniar Moradi and Loghman Moradi were transferred to Raja'i Shahr Prison where they wrote an open letter retracting their purported "confessions" and stating that during their interrogation during pre-trial detention they were forced to "confess" to the allegations of murder after being tortured. According to this letter they were repeatedly tortured during their interrogations including by beatings, including on the sexual organs, sleep deprivation, and threats of sexual assault, including rape. Zaniar Moradi in this letter wrote: "I did not confess to any of the charges until they threatened me with rape. They brought a bottle and said that I had to confess otherwise they would make me sit on the bottle."

In January 2012, the Supreme Court upheld the sentences. Later that month, an order for the implementation of the sentence was sent to the relevant office of the Judiciary in Tehran.

Under Iranian law, the punishment for murder is termed *qesas-e nafs*, or 'retribution', by which a convicted murder may be executed in retaliation for the death caused. Blood relatives of a murder victim are entitled under Iranian law to either demand the execution of the convicted individual or to pardon them, usually in exchange for compensation known as "blood money". The regulations governing executions require the presence of the victim's blood relatives in order to carry out the sentence.

In early January 2013, news suggesting that the execution of Zaniar Moradi and Loghman Moradi may be imminent began circulating on the internet. Amnesty International received information indicating that the Imam whose son was killed and the Prosecutor of Kordestan may have travelled to Tehran, raising concerns that plans were underway for the imminent implementation of the two men's death sentences.

### **Yunes Aghayan**

Yunes Aghayan was transferred from Mahabad Prison, in West Azerbaijan Province, north-west Iran on 26 December 2012 to solitary confinement in Oroumieh Prison prompting concerns his death sentences may be about to be carried out. Death row prisoners are generally transferred to solitary confinement shortly before their executions take place. Yunes Aghayan started a "dry" hunger strike (refusing water as well as food) on the same day. As he is held incommunicado, it is not known whether he remains on hunger strike.

Yunes Aghayan was arrested in around November 2004, following at least two clashes in September 2004 between members of a group of Ahl-e Haq followers and police. The group had refused to take down religious slogans at the entrance to their cattle farm in Uch Tepe, West Azerbaijan Province. During the clashes, five Ahl-e Haq followers and at least three members of the security forces were killed. Yunes Aghayan's family has firmly denied his involvement in the 2004 clashes, insisting that he was a worker in the cattle farm. Yunes Aghayan has stated that during his pre-trial detention he was subjected to torture and other ill-treatment. This allegation is not known to have been investigated.

Yunes Aghayan and four others were tried before Branch 2 of the Mahabad Revolutionary Court. In January 2005, Yunes Aghayan and Mehdi Qasemzadeh were sentenced to death for "enmity against God" (*moharebeh*). Their sentences were upheld by the Supreme Court in April 2005. Mehdi Qasemzadeh was executed around 28 February 2009. The three others - Sehend Ali Mohammadi, Bakhshali Mohammadi, and Ebadollah Qasemzadeh - were also initially sentenced to death, but their death sentences were overturned by the Supreme Court in September 2007. In 2009 they were reported to be serving 13-year prison sentences in internal exile in Yazd Province, central Iran.<sup>1</sup>

---

<sup>1</sup> Amnesty International, *Iran: Risk of Imminent Execution: Yunes Aghayan (m)*, Index MDE 13/038/2009, 27 April 2009 <http://www.amnesty.org/en/library/info/MDE13/038/2009/en>

## Background

In 2012, the Iranian authorities are believed to have executed over 500 people, including over 180 executions that have not been officially announced. The majority of those executed were convicted of drug trafficking.

Members of the Kurdish minority live mainly in the west and north-west of the country, in the province of Kordestan and neighbouring provinces bordering Kurdish areas of Turkey and Iraq. At the time of writing over 20 Kurdish prisoners are believed to be on death row in connection with their alleged membership of and activities for proscribed Kurdish organizations. At least seven Kurds were executed on 26 December 2012 in Ghezel Hesar Prison in Karaj near Tehran on charges of "membership in Salafist groups" and "participation in terrorist acts, including the assassination of a Friday prayer Imam in Sanandaj in 2009".

The Ahl-e Haq are followers of a religion sharing aspects of Islam's tenets founded in the 14th century, who live mainly in Iraq and western Iran. Most members are Kurdish, with smaller numbers from other ethnic minorities including Azerbaijanis.

While Article 3(14) of the Iranian Constitution guarantees equality to minorities in Iran, members of Iran's religious and ethnic minorities face widespread religious, economic and cultural discrimination in laws and practice, as well as in their interactions with the judicial system. The Ahl-e Haq faith is not recognized under Iranian law and its rituals are prohibited. Under Article 13 of Iran's Constitution, only three religious minorities – Zoroastrians, Jews and Christians – are entitled to practise their faith. The Ahl-e Haq are also banned from discussing their faith with the media.

Prolonged detention without charge facilitates torture or other ill-treatment and is in contravention of fair trial standards. Iranian law prevents suspects from having access to a lawyer until charges are formally brought, which can take months.

Under Article 38 of the Iranian Constitution and Article 9 of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights, all forms of torture for the purpose of obtaining "confessions" are prohibited. Iran's Penal Code also provides for the punishment of officials who torture citizens in order to obtain "confessions". However, despite these legal and constitutional guarantees regarding the inadmissibility of testimony, oath, or confession taken under duress, forced "confessions" are sometimes broadcast on television even before the trial has concluded and are generally accepted as evidence in Iranian courts. Such broadcasts violate Iran's fair trial obligations under Article 14 of the International Covenant on Civil and Political Rights, to which it is a state party. They also violate Iranian law, including Article 37 of the Constitution, Article 2 of the 2004 Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights and Note One to Article 188 of Iran's Criminal Code of Procedure which criminalizes the publishing of the name and identity of a convict in the media before a final sentence has been passed.

### Public Document

\*\*\*\*\*

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: [press@amnesty.org](mailto:press@amnesty.org)

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK  
[www.amnesty.org](http://www.amnesty.org)