

PUBLIC

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UA 236/03

Torture or ill-treatment / Possible Unfair trial / Death penalty

08 August 2003

IRAN

Esmail Mohammadi (m) aged 38, member of the Komala party

Amnesty International fears that Komala party activist, Esmail Mohammadi may have been sentenced to death, following a possibly unfair trial at Branch 1 of the Oroumiye Revolutionary Court, in the administrative centre of West Azarbaijan province, western Iran. It is feared that he may also have been tortured or ill-treated, during approximately eight months of incommunicado detention prior to his conviction.

At the reportedly unfair trial, which was possibly held in July 2003, Esmail Mohammadi reportedly faced security-related charges including "armed struggle against the Islamic regime", "membership of a proscribed organisation". According to statements issued on 10 July by Komala, Esmail Mohammadi was sentenced to death. He reportedly later told his father that "...they are going to take to Piranshahr [a nearby city] and kill me...". The Supreme Court has reportedly not yet dealt with the case.

Esmail Mohammadi had reportedly been detained by a group of officials from the Revolutionary Guard (*Pasdaran*) at his home in Bukan, western Iran, in or around October 2002. Approximately eight months later, he contacted his parents for the first time since his detention and informed them that he was being held at a prison in the city of Mahabad, north of Bukan.

Soon afterwards, Esmail Mohammad's father was reportedly able to visit him at the prison. During the visit, which was held within earshot of prison guards, Esmail Mohammadi reportedly told his father that he "was living", which the family interpreted as meaning that he had been ill-treated whilst in detention.

BACKGROUND INFORMATION

Komala is a socialist political party advocating rights for the Kurdish minority in Iran. In July 2001, it held its ninth congress and affirmed its support for a federal system for Iran; freedom of expression and association as well as its support for social justice. The party is said to oppose armed struggle but is reported to believe in armed defence.

Throughout 2002, Amnesty International drew attention to the use of the death penalty in connection with long term political prisoners, especially against those associated with political parties advocating political rights for the Kurdish minority in Iran or autonomy of Iranian Kordestan. On 24 January 2002, former Kurdistan Democratic party of Iran (KDPI) activist and forcibly returned asylum seeker, 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). (See EXTRA 97/98, MDE 13/24/98, 8 December 1998 and follow-up MDE 13/002/2002, 5 February 2002)

In March 2002, Amnesty International expressed fears relating to the threat of imminent execution of 12 Kurdish minority rights activists and five Arab minority rights activists. Between 7 and 13 October 2002, at least six individuals, including four named on the Urgent Action, were executed (see UA 69/02, MDE 13/005/2002, 6 March 2002 and follow-up MDE 13/007/2003, 3 March 2003). Furthermore, an asylum seeker named Khaled Shoghi, who featured in UA 69/02, was reportedly forcibly returned from Turkey, arrested and tortured in 1997. On 5 November 2002, Mostafa Jula and Ali Kak Jalil, both former members of CPI/Komala, were reportedly executed in the city of Marivan. They were reportedly neither questioned nor tried. On 19 February 2003, Komala activist, Sasan Al-e Ken'an was executed in Sanandaj Central Prison (see UA 49/03, MDE 13/003/2003, 19 February 2003). On 2 March 2003, Mohammad Golabi, an activist with Komala during the 1980s and again around 2003, was executed by hanging in the city of Saghez (or Saqqez). He was detained in 1998 during which time, according to a statement carried on the Komala

website (<http://www.komala.org/>), he “was brutally interrogated and kept in a single person cell for 6 months”. Following the execution, his body was withheld from the family and transferred to a cemetery apparently in order to inhibit the holding of a funeral. It was later located and moved by the family.

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

- respectfully urging the authorities not to invoke the death penalty against Esmail Mohammadi, stating that 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, 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;
- seeking assurances that Esmail Mohammadi is treated humanely while in detention and that he is provided with prompt and regular access to relatives, lawyers and medical attention as necessary;
- asking to be given details of Esmail Mohammadi’s trial proceedings, including the specific charges against him, and enquiring whether the charges were recognisably criminal offences and whether he has been allowed to appeal against their convictions and sentences, as guaranteed by Article 14 (5) of the International Covenant on Civil and Political Rights (ICCPR);
- expressing concern at the apparent surge of executions of political prisoners associated with political groups advocating political rights for Iran’s Kurdish minority and seeking assurances that it is not linked with discriminatory practices in the judicial system which may have impacted on this community.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed Ali Khamenei, The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Telegram: His Excellency Ayatollah Sayed Ali Khamenei, Tehran, Islamic Republic of Iran

Email: webmaster@wilayah.org (may be unreliable but please try to re-send; on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

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: His Excellency Ayatollah Mahmoud Hashemi Shahrudi, Islamic Republic of Iran

Faxes: + 98 21 879 6671, or 640 5199 or 640 5188 (these numbers may be unreliable; please mark "care of Director of International Affairs, Judiciary")

Email: irjpr@iranjudiciary.org (may be unreliable but please try to re-send; on the subject line write: For the attention of the office of His Excellency, Ayatollah Mahmoud Shahrudi)

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi
Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Av
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

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 September 2003.