

Further Information on UA 39/07 (MDE 13/017/2007, 16 February 2007) and follow-up (MDE 13/039/2007, 30 March 2007 and MDE 13/090/2007, 24 July 2007) - Fear of torture/ Arbitrary arrest/Death penalty

IRAN **Adnan Hassanpour** (m) aged 27, Kurdish journalist and cultural rights activist
Mansour Tayfour (m), Kurdish journalist and translator
Abdolwahed Butimar known as Hiwa (m) aged 29, Kurdish activist and environmentalist

The death sentence against Iranian Kurdish journalist and cultural rights activist Adnan Hassanpour has been upheld by Branch 32 of the Supreme Court. The sentence needs to be approved by the Head of the Judiciary before it can be carried out.

The Court also overturned the death sentence against Abdolwahed (Hiwa) Butimar because of irregularities in legal procedure. His case was sent back for review to the Revolutionary Court in the city of Marivan, Kordestan province, which had initially sentenced him.

The rulings on both cases were issued on 23 October, but were not immediately made public. Saleh Nikhbakht, one of the lawyers representing Adnan Hassanpour and Hiwa Butimar, was informed of the Supreme Court's verdict on 5 November but on 11 November told the Iranian Student News Agency (ISNA) that the verdict has not formally been issued by the Supreme Court, and therefore not subject to implementation.

Adnan Hassanpour was detained on 25 January 2007 and Hiwa Butimar on or around 23 December 2006, both in Marivan. On 17 July Adnan Hassanpour was told that he had been sentenced to death on charges including espionage and in connection with allegedly revealing the location of military sites and establishing contacts with the US foreign affairs ministry and assisting in the flight from Iran of a person wanted for questioning by the judiciary. Taken together these were considered as amounting to the capital offence of *moharebeh* (being at enmity with God). The Supreme Court upheld this conclusion and therefore upheld the death sentence.

The two men began a hunger strike on 14 July and remained on it for up to 50 days, demanding improved conditions of detention, an end to their solitary confinement and their transfer from a detention centre under the control of the Ministry of Intelligence to an official prison in Marivan, to which their families would have access. They also demanded the right to have access to their lawyers whenever they wanted. Following their hunger strike, Adnan Hassanpour and Hiwa Butimar were reportedly given better access to their families and lawyers.

In April, the Mehr News Agency, which is said to have close links with Iran's judiciary, apparently alleged that Adnan Hassanpour had been in contact with Kurdish opposition groups and had helped two people from Khuzestan province who were wanted by the authorities to flee from Iran.

Adnan Hassanpour is a former member of the editorial board of the Kurdish-Persian weekly journal *A so* (Horizon), which the authorities closed down in August 2005 following widespread unrest in Iran's Kurdish areas. Adnan Hassanpour had reportedly been tried for offences supposedly arising from articles published in the journal. Hiwa Butimar heads an environmental organization called The Green Mountain Society, and has also reportedly written articles for *A so*. The Iranian judiciary reportedly said that the two men were not prosecuted for their work, but for taking up arms against Iran.

Amnesty International has no information about Mansour Tayfour.

BACKGROUND INFORMATION

The scope of capital crimes in Iran remains extraordinarily large and includes vaguely worded charges, such as "enmity against God" (*moharebeh ba Khoda*) and "being corrupt on earth" (*mofsed fil arz*), which refer, inter alia, to those accused of using firearms against the state or carrying out acts of robbery and to those who are considered to be carrying out espionage against the government. These crimes are regarded as crimes against God and as such are not subject to pardon. Offences for which judges have discretionary powers to impose the death penalty include those relating to national security offences.

Article 6(2) of the International Covenant on Civil and Political Rights, to which Iran is a state party states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes..." The UN Human Rights Committee, the independent body that reviews states' implementation of this treaty has stated: "The Committee is of the opinion that the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure."

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

- urging the authorities to commute Adnan Hassanpour's death sentence immediately;
- welcoming the review of Abdolwahed (Hiwa) Butimar's case;
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- asking for full details of the charges and evidence against Adnan Hassanpour and expressing concern that his trial may not have met international standards for fair trial, which are especially important in capital cases;
- asking the authorities for information on the detention of Kurdish journalist Mansour Tayfour, including any charges and evidence brought against him and of any trial proceedings, and calling for him to be released unless he is to be charged with a recognizably criminal offence and given a prompt and fair trial;
- calling on the authorities to ensure that none of the three men is tortured or ill-treated.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Panzdah Khordad (Ark) Square, Tehran, Islamic Republic of Iran

Salutation: Your Excellency

Email: info@dadgostary-tehran.ir (In the subject line: FAO Ayatollah Shahroudi)

Fax: +98 21 3390 4986 (please keep trying, if the called is answered, say "fax please")

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: +98 21 6 649 5880

Email: dr-ahmadinejad@president.ir

via website: <http://www.president.ir/email/>

Governor of Kordestan

Governor Esmail Najjar

Email: In Persian and Kurdish, send via feedback form on the website:

http://www.ostan-kd.ir/Default.aspx?tabId=150&cv=4@0_1

In English, French or your own language, use the feedback form on the website:

<http://en.ostan-kd.ir/Default.aspx?TabID=59>

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 25 December 2007.*****