

PUBLIC

AI Index: MDE 13/146/2008

07 October 2008

Further Information on UA 39/07 (MDE 13/017/2007, 16 February 2007) and follow-ups (MDE 13/039/2007, 30 March 2007; MDE 13/090/2007, 24 July 2007; and MDE 13/133/2007, 13 November 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**

Adnan Hassanpour's death sentence was overturned by Branch 32 of the Supreme Court on 3 September. The Head of the Judiciary ordered that because he had been convicted of charges which did not amount to *moharebeh* (enmity with God), he should be retried on the charge of espionage. He will be retried by Branch 1 of the Revolutionary Court, in the city of Marivan, in the western province of Kordestan. He began a hunger strike on 25 August, along with more than 50 other Kurdish prisoners, in protest against continuing torture, executions and other gross abuses of human rights.

A branch of the Revolutionary Court in Marivan is now known to have reimposed the death penalty on Abdolwahed (Hiwa) Butimar on 14 April 2008.

Adnan Hassanpour was convicted after a closed trial in June 2007 of espionage and other related offences, which in the opinion of a branch of the Revolutionary Court in Marivan amounted to *moharebeh*. Abdolwahed (Hiwa) Butimar was convicted of similar charges by a branch of the Revolutionary Court in Marivan. Both were sentenced to death.

In November, Branch 32 of the Supreme Court upheld Adnan Hassanpour's death sentence but overturned Abdolwahed (Hiwa) Butimar's sentence on procedural grounds, and sent his case back for retrial.

Adnan Hassanpour sat on the editorial board of a Kurdish-Persian weekly magazine called *Aso* (Horizon), which the authorities closed down in August 2005. Abdolwahed (Hiwa) Butimar heads an environmental organization called The Green Mountain Society, and wrote articles for *Aso*. According to the judiciary, the two men were prosecuted not for their work, but for taking up arms against Iran.

According to his lawyer, before his first trial Adnan Hassanpour confessed under duress, but later retracted this confession. Under Iranian law, to be admissible in court, such "confessions" should be repeated in the presence of the trial judge, which Adnan Hassanpour did not do. It is important that this "confession" is not accepted as evidence at his retrial.

We have no further information on Kurdish journalist Mansour Tayfour.

BACKGROUND INFORMATION

The range of capital crimes in Iran is extraordinarily large and includes vaguely-worded charges such as *moharebeh* (enmity against God), which is usually applied to those accused of taking up arms against the state, or armed robbery, and can also be applied to those accused of spying. Offences for which judges have discretionary powers to impose the death penalty include those relating to national security.

Iran is a state party to the International Covenant on Civil and Political Rights, which states in Article 6(2): "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 stated in 1982: "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, French or your own language:

- urging the authorities to commute Abdolwahed (Hiwa) Butimar's death sentence immediately;
- welcoming the decision to retry Adnan Hassanpour;
- 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 information on Kurdish journalist Mansour Tayfour, including any charges brought against him and details of any trial proceedings, and calling on the authorities to release him unless he is to be charged with a recognizably criminal offence;
- calling on the authorities to ensure that none of the men are tortured or ill-treated or executed.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran

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

Salutation: Your Excellency

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 other language, use the feedback form on the website:

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

COPIES 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 18 November 2008.