

URGENT ACTION

TORTURED PROTESTERS JAILED UNJUSTLY

Iranian brothers Vahid Afkari and Habib Afkari are being subjected to renewed torture and other ill-treatment in Adelabad prison in Shiraz. Since September 2020, they have been held in windowless solitary confinement cells and denied access to adequate healthcare, fresh air, telephone calls and face to face family visits. Authorities arbitrarily arrested them in 2018 after their participation in protests, forcibly disappeared them and repeatedly tortured them for months. They were sentenced to lengthy imprisonment after grossly unfair trials.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of judiciary, Ebrahim Raisi

c/o Embassy of Iran to the European Union

Avenue Franklin Roosevelt No. 15, 1050 Bruxelles, Belgium

Dear Mr Raisi,

*I am deeply concerned about the ongoing torture and other ill-treatment of brothers **Vahid Afkari** and **Habib Afkari**, who were arrested in 2018 in the aftermath of participating in protests, which they and their lawyers maintain was peaceful in nature, in Shiraz, and are serving lengthy prison sentences. They reported being subjected to severe beatings in Adelabad prison in Shiraz on 5 September 2020 before being placed in solitary confinement cells in apparent retaliation for asking about the fate and whereabouts of their brother Navid Afkari, who had been removed from death row to an unidentified location on 3 September; he was executed in secret on 12 September 2020. Since then, they have been held in windowless solitary confinement cells, either together in a single cell or separately. Prison authorities are denying them access to meaningful contact with other prisoners, fresh air, telephone calls and face to face family visits. They are also being deliberately denied adequate health care, including for torture-related injuries. Both suffer from chronic spine pain; Habib Afkari also suffers from toothaches and needs specialized dental care.*

On 17 September 2018, the investigation unit of Iran's police (Agahi) arrested Vahid Afkari and Navid Afkari and accused them, without any basis, of various peaceful and violent activities deemed threatening to "national security", and of fatally stabbing an intelligence agent on 2 August 2018, purportedly in revenge for his role in suppressing protests in Shiraz earlier that day. On 13 December 2018, ministry of intelligence agents violently arrested Habib Afkari, after repeatedly warning him against inquiring about his brothers' fate and whereabouts. He was accused of various alleged peaceful and violent activities in the context of protests. The brothers repeatedly maintained their innocence in court and in written complaints and said they had been tortured to "confess". Despite this and the lack of credible evidence, Vahid Afkari was sentenced to 33 years and nine months' imprisonment and 74 lashes and Habib Afkari to 15 years and eight months' imprisonment and 74 lashes in multiple grossly unfair trials.

I call on you to release Vahid Afkari and Habib Afkari as they are arbitrarily detained, quash their unjust convictions and sentences and drop all charges related to their peaceful participation in protests. Pending their release, they must be held in conditions meeting international standards for the treatment of prisoners, including access to adequate health care and their families. If charged with internationally recognizable criminal offences, retrial proceedings must meet international standards of fair trial and exclude coerced confessions. A prompt, independent and impartial investigation into their allegations of torture and other ill-treatment must be conducted and all those suspected of criminal responsibility must be brought to justice in fair trials without recourse to death penalty.

Yours sincerely,

ADDITIONAL INFORMATION

Vahid Afkari and Habib Afkari maintain that they peacefully participated in protests that took place in Shiraz, Fars province, between late December 2017 and early January 2018, and also between late July and early August 2018. The protesters expressed a mix of grievances ranging from complaints over poverty and corruption to outright rejection of the Islamic Republic system, which many protesters denounced as a “clerical dictatorship”.

Following extensive review of court documents and other legal documents pertaining to Vahid Afkari and Habib Afkari cases, Amnesty International has concluded that their convictions and sentences are flagrantly unjust and amount to a miscarriage of justice. The authorities have violated the fair trial rights of Vahid Afkari and Habib Afkari, including the rights to access effective assistance of an independent lawyer of their own choosing; to be promptly informed of charges against them; to remain silent and not to incriminate themselves; to challenge the lawfulness of detention before an independent, impartial tribunal; to be protected from torture and other ill-treatment; to have adequate time and facilities to prepare a defence; to obtain full access to relevant evidence; to call, examine and cross-examine witnesses; to challenge the authenticity of evidence; to receive a fair, public hearing before a competent, independent and impartial tribunal; to have a meaningful review of their convictions and sentences by a higher court.

Vahid Afkari and Habib Afkari were arrested in September and December 2018, and subsequently forcibly disappeared for 12 days and 35 days, respectively. They reported in written complaints and in court that between their arrests and the April 2019 completion of the investigation stage, they were repeatedly tortured and otherwise ill-treated to “confess”. They said they were held in prolonged solitary confinement, repeatedly punched, kicked, and beaten with sticks and cables while blindfolded, and psychologically tortured, including through death threats and threats to imprison, kill, sexually assault or otherwise harm their family members. Habib Afkari has reported that for several days in a row, intelligence agents also chained him to a chair and wrapped his face and head in a plastic sheet in a way that made him feel like he was suffocating. According to an official medical note dated 30 October 2019, Habib Afkari’s left shoulder was dislocated and his left wrist and one of his toes were fractured. Vahid Afkari attempted suicide on 26 October 2018 and 2 April 2019; both times, authorities failed to provide him with adequate physical and mental health care and prematurely interrupted his hospital treatment against written medical warnings. The brothers’ repeated requests for their allegations of torture to be investigated were dismissed and ignored.

Seven of the eight charges that Habib Afkari was convicted of by Criminal Court 2 of Shiraz in July 2019 and the Revolutionary Court of Shiraz in June 2020, and five of the six charges Vahid Afkari was convicted of by Criminal Court 2 of Shiraz in July 2019 and the Revolutionary Court of Shiraz in December 2020, are vague and overly broad “national-security” related charges. They are not internationally recognizable charges and have been consistently used to criminalize the exercise of the rights to freedom of expression, association and peaceful assembly in Iran. They include “disrupting public order”, “criminal” conduct falling short of “spreading corruption on earth”, “insulting the Supreme Leader”, “defying public officials on duty”, “insulting public officials on duty”, “membership in a group for the purpose of disrupting national security”, and “gathering and colluding to commit crimes against people’s lives and properties”. Some of the alleged activities cited in the prosecution’s case involved peaceful conduct such as “repeated” participation and chanting in protests characterized as “unlawful” by the authorities and writing slogans on walls. The other cited activities involved alleged discussions that the authorities claim the brothers had at various times in 2018 about possibly committing arson and assault to fight against the Islamic Republic system, but never carried out. The authorities do not provide any evidence in this relation and solely rely on the defendant’s forced “confessions”.

The only charges which are internationally recognizable offences are “accessory to murder” in the case of Vahid Afkari, which accounts for 25 years of his prison sentence, and in the case of Habib Afkari “deliberately inflicting injuries with a sharp object”, which accounts for eight months of his prison sentence. Amnesty International’s research shows that the prosecution authorities failed to present any credible evidence for these charges; Vahid Afkari and Habib Afkari were convicted of these charges essentially on the basis of their torture-tainted “confessions” by Criminal Court 1 of Fars in October 2019 and Criminal Court 2 of Shiraz in July 2019, respectively. In dismissing the requests of Vahid Afkari to exclude his torture-tainted “confessions” as evidence and order investigations, Criminal Court 1 of Fars province said he and his brother Navid Afkari had raised allegations of torture “under the influence of what they had been taught [by inmates] in prison and their idea was that by denying the reality, they may be able to evade punishment”.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 2 August 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Vahid Afkari and Habib Afkari (he, him)