

# URGENT ACTION

## IRANIAN KURDISH MAN AT RISK OF EXECUTION

Iranian Kurdish prisoner Heidar Ghorbani is at imminent risk of execution for “armed rebellion against the state” (*baghi*), despite serious fair trial violations and the trial court confirming that he was never armed. In August 2021, the Supreme Court rejected his second request for judicial review. His conviction is based on torture tainted “confessions” obtained while he was forcibly disappeared.

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

**Head of judiciary, Gholamhossein Mohseni Ejei**

*c/o Embassy of Iran to the European Union*

*Avenue Franklin Roosevelt No. 15, 1050 Bruxelles, Belgium*

*Dear Mr Mohseni Ejei,*

*Heidar Ghorbani, a member of Iran's Kurdish minority, held in Sanandaj prison, Kurdistan province, is at imminent risk of execution. In early August 2021, a branch of the Supreme Court rejected his request for judicial review made under Article 477 of Iran's Criminal Code of Procedure. Soon after, in early August 2021, judicial authorities informed Heidar Ghorbani's family that his case has been sent to the office for implementation of sentences, raising serious concerns that his execution may be carried out at any time. He has filed another request for judicial review under Article 477, which remains pending.*

*On 21 January 2020, following a grossly unfair trial, a Revolutionary Court in Sanandaj convicted Heidar Ghorbani of “armed rebellion against the state” (*baghi*) and sentenced him to death in connection with the killing of three men reportedly affiliated with the Basij paramilitary forces in September and October 2016 by individuals affiliated with the Kurdish Democratic Party of Iran. In its verdict, the court acknowledged that Heidar Ghorbani had never been armed and instead relied on his “confessions”, which he has said were obtained under torture and other ill-treatment, in which he said he “confessed” to providing support to the perpetrators of the killings, including by driving them to and from the locations of the killings. In August 2020, Branch 27 of the Supreme Court upheld his death sentence without addressing the numerous due process violations and evidential issues. The following month, the Supreme Court rejected his first request for judicial review. Amnesty International has found that the verdict violates both Iran's obligations under international law, which limits the use of the death penalty to the “most serious crimes” involving intentional killing, as well as Iranian law, which stipulate that for the crime of “armed rebellion against the state”, the defendant must be a member of an armed group and personally resort to arms.*

*Following his arrest by ministry of intelligence agents on 11 October 2016, Heidar Ghobani was held in prolonged solitary confinement and subjected to an enforced disappearance. He has said that during this period he was repeatedly tortured to give a video “confession,” which was subsequently broadcast by state-run Press TV prior to his trial in March 2017, in violation of the right to presumption of innocence. He was denied access to a lawyer during the investigation stage, and his lawyers were denied full access to his court file at the trial stage.*

***I urge you to immediately halt the execution of Heidar Ghorbani. I call on you to quash his conviction and death sentence and grant him a fair retrial, excluding “confessions” obtained under torture and other ill-treatment or without the presence of a lawyers and without recourse to the death penalty. Please ensure that his enforced disappearance and torture allegations are investigated with a view to ensuring that those suspected of responsibility are brought to justice in fair trials.***

*Yours sincerely,*

## ADDITIONAL INFORMATION

On 12 September 2020, Heidar Ghorbani's lawyers appealed to the head of head of judiciary to exercise powers granted to him under Article 477 of Iran's Code of Criminal Procedure and order a review of the case on the basis that the verdict issued was evidently in contravention of both Iranian and Shari'a law. His lawyers said the head of judiciary sent the request to a branch of the Supreme Court and that the Supreme Court subsequently rejected the request for judicial review in early August 2021. Article 287 of the Islamic Penal Code states: "Any group that takes up arms against the foundations of the Islamic Republic of Iran is considered *baghi* and in the event of resorting to the use of arms, its members shall be sentenced to death." According to information in Heidar Ghorbani's casefile and obtained by Amnesty International, the investigator of the case, who works in the office of the prosecutor in Kurdistan province, stated in writing on 1 February 2017 that there is no evidence to charge Heidar Ghorbani with "armed rebellion against the state" (*baghi*). However, the prosecutor insisted that the indictment list this charge. Heidar Ghorbani has denied he was a member of Kurdish Democratic Party of Iran, an armed Kurdish opposition group.

Heidar Ghorbani was arrested on 12 October 2016, by about 10 ministry of intelligence agents who raided his home and failed to show an arrest warrant. For nearly three months, his family were denied any information about his fate and whereabouts and did not even know if he was dead or alive. On 5 January 2017, he was allowed to briefly call his family, but his whereabouts continued to be concealed. After this phone call, his family was again kept in the dark about his fate and whereabouts until April 2017 when he was transferred to the central prison in Sanandaj. Following his transfer to Sanandaj prison, Heidar Ghorbani revealed that while forcibly disappeared, he had been held for several days in a detention centre in Kamyaran, Kurdistan province, run by the Investigation Unit of Iran's police (*Agahi*), and then transferred to a ministry of intelligence detention centre in Sanandaj, where he was held in prolonged solitary confinement, in violation of the absolute prohibition of torture and other ill-treatment, for several months. He also said that during this time his interrogators kicked and punched him, deprived him of sleep, and forced him to lay on the ground while they walked over his chest, causing him a feeling of suffocation. On 8 March 2017, Press TV, an Iranian state-owned outlet that broadcasts in English, aired a propaganda video entitled "The Driver of Death", which featured the forced "confessions" of Heidar Ghorbani without his knowledge. In addition to violating the right to presumption of innocence and to remain silent during interrogations and trial, the mental anguish caused to detainees and their families by such "confession" videos, which dehumanize and demonize the victims and purport to show their "guilt" for serious crimes, violates the absolute prohibition on torture and other cruel, inhuman and degrading treatment under international law. In addition to his trial before the Revolutionary Court, Heidar Ghorbani was also tried before Branch 1 of Criminal Court 1 of Kurdistan province for aiding and abetting murder, attempted kidnapping, assisting the direct perpetrators to escape. In this trial, he was sentenced to a total of 118 years and six months and 200 lashes on 6 October 2019.

Under international human rights law, the proceedings in capital cases must scrupulously observe fair trial standards, and particularly in view of the irreversible nature of the death penalty. All individuals who risk facing the death penalty must benefit from the services of competent defence counsel at every stage of the proceedings. They must be presumed innocent until their guilt has been proved based upon clear and convincing evidence leaving no room for an alternative explanation of the facts, in strict application of the highest standards for gathering and assessing evidence. In addition, all mitigating factors must be taken into account. The proceedings must guarantee the right to review of both the factual and the legal aspects of the case by a higher tribunal. Imposition of the death penalty following criminal proceedings that fall seriously short of fair trial standards constitutes an arbitrary deprivation of the right to life and may even amount to an extrajudicial execution. In a 3 September 2021 statement, several UN human rights experts [stated](#) "In the case of Heidar Ghorbani, many foundational guarantees of fair trial and due process enshrined in international human rights law appear to have been violated".

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. Amnesty International has consistently called on all countries that retain the death penalty including Iran to establish an official moratorium on executions, with a view to completely abolishing the death penalty.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** Persian, English

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** [5 November 2021]

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

**NAME AND PREFERRED PRONOUN:** Heidar Ghorbani (he, him)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/mde13/3101/2020/en/>