

URGENT ACTION

GERMAN-IRANIAN FORCIBLY DISAPPEARED

Jamshid Sharmahd, a 66-year-old German-Iranian political dissident, is forcibly disappeared in Iran and at grave risk of torture and other ill-treatment. Since September 2021, authorities have banned all family contact and concealed his whereabouts. He is charged with “corruption on earth” (efsad-e fel-arz) and could be sentenced to death in a grossly unfair trial before a Revolutionary Court.

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 Gholamhossein Mohseni Ejei,

German-Iranian Jamshid Sharmahd, aged 66, has been subjected to enforced disappearance since late September 2021 and is at risk of being sentenced to death. Following his arbitrary arrest in late July 2020, he was permitted infrequent phone calls to family in the presence of intelligence agents, but since September 2021 these have been banned. He last appeared before Branch 15 of the Revolutionary Court of Tehran on 6 March 2022 to face the charge of “corruption on earth” (efsad-e fel-arz) in connection with his involvement in the Kingdom Assembly of Iran, an opposition group based outside Iran that advocates for the overthrow of the Islamic Republic. Prosecution authorities have denied Jamshid Sharmahd his right to be represented by a lawyer of his own choosing, and he has been forced to accept a lawyer from a list approved by the head of the judiciary. This lawyer was notified just 24 hours in advance of his first hearing on 6 February 2022 and has met with him only twice, thereby violating Jamshid Sharmahd's right to adequate time and facilities to prepare a defence. The authorities are refusing to disclose his place of detention to his family or lawyer; as such, he remains outside the protection of the law and is at serious risk of torture and other ill-treatment, including denial of specialized medical care and daily medications for his serious health conditions, including diabetes, heart disease and Parkinson's disease.

Since his arrest, state television has aired propaganda videos showing Jamshid Sharmahd “confessing” to having a role in an April 2008 explosion in Shiraz, Fars province, in which 14 people were killed, violating his right to the presumption of innocence as well as his right not to self-incriminate. Jamshid Sharmahd's family has denied his involvement in any violent acts. Revolutionary Courts impose death sentences after unfair trials in which forced “confessions” are used as evidence to issue convictions, even when they are retracted in court and alleged to have been taken under torture, exacerbating concerns that Jamshid Sharmahd could be sentenced to death in an unfair trial. The Iranian authorities are increasingly using the death penalty as a weapon of political repression against dissidents and others, and use charges such as “corruption on earth”, which are not clearly defined in law and contravene the principle of legality, to do so. Detention based on offences that are vague or overly-broad may be arbitrary under international law.

I urge you to immediately reveal Jamshid Sharmahd's whereabouts who, as an older person with pre-existing conditions, is at heightened risk of severe illness or death if he contracts Covid-19 in detention. In light of this and that he is subject to arbitrary detention, I call on you to release him. Pending his release, ensure that he is given regular access to family, adequate medical care, a lawyer of his choosing and consular assistance from the German authorities. I also urge you to ensure that his trial is held in accordance with international fair trial standards on clearly defined, internationally recognizable offences that are consistent with international law, and in proceedings that exclude coerced “confessions” and without recourse to the death penalty.

Yours sincerely,

ADDITIONAL INFORMATION

Jamshid Sharmahd, a resident of the USA, was the spokesperson of the Kingdom Assembly of Iran (also known as *Anjoman-e Padeshahi-ye Iran*), an Iranian opposition group based in the USA that advocates for the overthrow of the Islamic Republic system, including through violence, and a return to a pre-Islamic Iran. He also created and managed the group's website, Tondar, and hosted its radio and video broadcasts. The website includes statements from the Kingdom Assembly of Iran claiming responsibility for explosions inside Iran. Jamshid Sharmahd's family has denied his involvement in the violent acts attributed to him by the authorities. Amnesty International is concerned that Jamshid Sharmahd is at risk of the death penalty as two men, Mohammad Reza Ali Zamani and Arash Rahmanipour, were executed in Iran in January 2010 after being convicted in grossly unfair trials of "enmity against God" (*moharebeh*) in relation to their real or perceived membership of the Kingdom Assembly of Iran.

On 1 August 2020, the Ministry of Intelligence announced in a statement that its secret agents, referred to as the "unknown soldiers of Imam Zaman" had arrested Jamshid Sharmahd following a "complex operation" without providing further details. The same day, Iran's Minister of Intelligence, Mahmoud Alavi, stated that Jamshid Sharmahd was "heavily supported by the intelligence services of the USA and Israel" and that he had been "led" into Iran through "complex operations" and taken into the custody of the Ministry of Intelligence. This was widely understood to have meant that he was abducted by Iran's intelligence agents from abroad – Jamshid Sharmahd had been in the UAE – and forcibly taken to Iran. Jamshid Sharmahd's forced "confessions" were aired on Iranian state television on multiple occasions. In one propaganda video, released in January 2021, his "confessions" were interspersed with clips of his broadcasts for the Kingdom Assembly of Iran, with him identified by the narrator as the group's leader and a "terrorist". In a late November 2020 telephone call, Jamshid Sharmahd told his family he was being held in Tehran's Evin prison; but in subsequent calls, he said he was no longer there, though he was unable to say where he was being held. He also reported during a 23 March 2021 phone call that he had lost nearly 20kg in weight and that some of his teeth had been pulled out while in detention, without elaborating further.

Since 2019, Amnesty International has documented two other cases involving the abduction of dissidents based abroad by Iran's security and intelligence agents and their forcible return to Iran. Dissident journalist Rouhollah Zam, who had been granted asylum in France, was abducted during a visit to Iraq in October 2019 by the Revolutionary Guards, apparently with the assistance of Iraqi intelligence authorities, and forcibly returned to Iran. He was executed in December 2020 following a grossly unfair trial (for more information, see <https://www.amnesty.org/en/latest/news/2020/12/iran-execution-of-journalist-rouhollah-zam-a-deadly-blow-to-freedom-of-expression/>). Another is Iranian-Swedish national Habib Chaab, a political dissident from Iran's Ahwazi Arab minority, who was abducted in Turkey in October 2020 and forcibly returned to Iran according to the Turkish authorities; he has been forcibly disappeared since October 2020, and Iranian state media broadcast Habib Chaab's forced "confessions" of capital crimes which carry the death penalty.

While every government has a duty to bring to justice those suspected of criminal responsibility for criminal acts, anyone arrested or detained on a criminal charge, including those related to "terrorism", must be treated in full compliance with Iran's human rights obligations including rights to a fair trial. These include the rights to choose one's own lawyer; to access effective legal assistance from the time of arrest and throughout the pre-trial and trial proceedings; to be brought promptly before an ordinary civilian judge; to challenge the lawfulness of detention before an independent, impartial tribunal; to be presumed innocent; to remain silent and not to be compelled incriminate oneself or to confess guilt; to obtain full access to relevant evidence; to not be detained on vague charges; to examine and cross-examine witnesses; to receive a fair, public hearing before a competent, independent and impartial tribunal; and to be provided with a public, reasoned judgement. 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 amount to an extrajudicial execution, a crime under international law. Amnesty International has documented a pattern of systematic violations of the rights to a fair trial in Iran from the time of arrest and throughout the investigation, trial and appeal proceedings. Courts routinely ignore allegations of torture and other ill-treatment, without ordering an investigation, and rely on torture-tainted "confessions" to issue convictions and sentences, including in death penalty cases.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 5 May 2022

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

NAME AND PREFERRED PRONOUN: Jamshid Sharmahd (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde13/3993/2021/en/>