

URGENT ACTION

TORTURED PROTESTER AT GRAVE RISK OF EXECUTION

Tortured protester Abbas Deris is at grave risk of execution after the Supreme Court rejected his request for a judicial review in January 2024. He was sentenced to death after a grossly unfair trial in relation to the November 2019 nationwide protests. His lawyers have submitted a special appeal in a desperate bid to halt his execution amid an ongoing spike in executions in Iran.

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,

*Protester **Abbas Deris**, a 51, held in Mahshahr prison, Khuzestan province, is at grave risk of execution after Iran's Supreme Court rejected his request for a judicial review of his case in January 2024, despite flagrant violations of his fair trial rights. His lawyers have submitted an application for a special appeal based on Article 477 of Iran's Code of Criminal Procedure, under which the Head of the Judiciary can refer a final judgment he deems as contravening Shari'a law to a special branch of the Supreme Court for a conclusive verdict. This appeal is pending. His death sentence was issued by a Revolutionary Court on 19 October 2022 for "enmity against God" (moharebeh) in relation to a protest in Mahshahr on 18 November 2019 that was violently quashed by security forces who killed dozens of protesters and in which a commander of Iran's Counter Terrorism Special Forces (NOPO) was also killed. The authorities accused Abbas Deris of involvement in the death of the commander, which he has repeatedly denied. In November 2023, a criminal court separately sentenced him to 14 years in prison in relation to the same alleged offences. An appeal for this case is also pending before the Supreme Court.*

Both trials - before Branch One of the Revolutionary Court in Mahshahr and Criminal Court One in Khuzestan province - were grossly unfair. According to an informed source, following Abbas Deris' arrest on 8 December 2019, Revolutionary Guards agents denied him access to a lawyer for months at the investigation phase, including during interrogations when he was forced to make self-incriminating statements under torture and other ill-treatment. According to information obtained by Amnesty International, he was subjected to beatings, prolonged solitary confinement for two months, and threats to execute his brother and nephew and subject his wife to sexual violence. His forced "confessions" were broadcast on state television, just weeks after his arrest and prior to his trial, violating his right to the presumption of innocence, to not self-incriminate, and to remain silent. His lawyers have publicly condemned his death sentence and argued his innocence, citing serious flaws in the investigation of his case and stating that both court verdicts relied on reports by Revolutionary Guards agents and Abbas Deris' forced "confessions" obtained by those agents while he was held in solitary confinement. His lawyers also publicly stated that the authorities failed to present evidence against Abbas Deris and that, in upholding his death sentence, the Supreme Court ignored all evidence submitted by the defence.

I urge you to immediately quash the conviction and death sentence of Abbas Deris and release him unless he is charged with an internationally recognizable criminal offence and is given a fair retrial without recourse to the death penalty and excluding torture-tainted "confessions". Pending his release, grant him regular access to his family and chosen lawyer and to adequate healthcare; and protect him from torture and other ill-treatment, investigating any torture allegations and bringing anyone found responsible to justice in fair trials. Finally, I urge you to grant independent observers access to capital trials connected to protests and immediately establish an official moratorium on executions with a view to abolishing the death penalty.

Yours sincerely,

ADDITIONAL INFORMATION

In late December 2019, just weeks after his arrest, Abbas Deris' forced "confessions," in which he said that he fired a rifle towards security forces during protests in Mahshahr, were broadcast in a propaganda video on state television channel, the Islamic Republic of Iran Broadcasting (IRIB). In his Revolutionary Court case, his first trial session was due to take place via video conference on 26 February 2022 due to Covid-19 but was cancelled because of connection failures. The next scheduled session, also due to take place via video conference, was cancelled after his lawyers objected to the trial being conducted remotely and Abbas Deris requested to appear in court. Two and a half years after his arrest, his trial eventually began under the jurisdiction of Branch One of the Revolutionary Court in Mahshahr and consisted of two sessions held in Mahshahr prison in May and September 2022. On 19 October 2022, the Revolutionary Court issued its verdict, sentencing him to death for "enmity against God" (*moharebeh*). Around July 2023, Branch 39 of the Supreme Court upheld this conviction and sentence. His lawyers submitted a request for a judicial review, which was rejected by Branch One of the Supreme Court in January 2024. His lawyers subsequently made an application for a special appeal through Article 477 of the Code of Criminal Procedure which may be invoked when other legal avenues have been exhausted.

In Abbas Deris' second case, stemming from the same allegations of involvement in the death of the commander during the November 2019 protests, he was tried before Criminal Court One in Khuzestan province on charges of alleged murder and possession of a weapon. On 19 November 2023, the court convicted him of both charges and sentenced him to 14 years' imprisonment. According to public statements made by his lawyers, the family of the deceased commander have declared that they have not lodged a complaint with the authorities against Abbas Deris. In a video published online on 16 November 2023, the commander's family also announced that they were not seeking *qesas* (retribution-in-kind) or the payment of blood money (*diyah*) from Abbas Deris. For this reason, the criminal court did not sentence Abbas Deris to death for the charge of murder because the principle of retribution in kind was not enforceable after the family declared that their position was unconditional and unequivocal. An appeal against this verdict remains pending before the Supreme Court.

Abbas Deris' brother, Mohsen Deris, was also arrested on 8 December 2019 and accused of being an accomplice in the death of the commander in Mahshahr on 18 November 2019. Iranian state media also broadcast his forced "confessions" in the same propaganda video as Abbas Deris. The authorities put him on trial alongside his brother but, in his case, the Revolutionary Court acquitted him of the charge of "enmity against God" (*moharebeh*), while Criminal Court One sentenced him to two years' imprisonment. He was released from prison in October 2023. Prior to his release, his lawyers, who also represent Abbas Deris, had publicly stated that the authorities were keeping him in prison unlawfully even though he had already served his two-year prison sentence.

In November 2022, the authorities abruptly transferred Abbas Deris and Mohsen Deris from Mahshahr prison to Sepidar prison, Khuzestan province, without notifying their families or allowing them to take their belongings, sparking fears of the imminent execution of Abbas Deris. In November 2023, Abbas Deris was transferred from Sepidar prison back to Mahshahr prison. Abbas Deris' wife died of a stroke after he was sentenced to death. In a moving video shared online in July 2023, Abbas Deris' three young children, who were left without a parent after their mother's death, urged for international support to save their father's life.

Since 2018, the Iranian authorities have increasingly used the death penalty as a tool of political repression by sentencing to death and executing multiple protesters to instil fear among the general public and terrorise them into ending peaceful protests or other forms of dissent. Amnesty International has recorded the executions of 14 protesters since 2018, including two in relation to the November 2019 nationwide protests and nine in relation to the "Woman Life Freedom" uprising, amid a spike in the number of executions of protesters and dissidents in recent months. Amnesty International has also documented the Iranian authorities' pattern of extracting forced "confessions" under torture and other ill-treatment, including in the case of protesters sentenced to death and executed, and judges' reliance on such "confessions" to issue convictions and death sentences.

Amnesty International opposes the death penalty in all cases without exception. The death penalty is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and the ultimate cruel, inhuman and degrading punishment. Amnesty International has consistently called on states retaining 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: 29 March 2024

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

NAME AND PREFERRED PRONOUN: Abbas Deris (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde13/7189/2023/en/>