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Iran: Halt Execution of Arab Minority Men *Four Ahwazi Arabs Sentenced to Hang After Unfair Trials*

(London, July 26, 2013) – Iran’s judiciary should stop the executions of four members of Iran’s Ahwazi Arab minority because of grave violations of due process, Amnesty International, the Iran Human Rights Documentation Center, and Human Rights Watch said today. The judiciary should order a new trial according to international fair trial standards in which the death penalty is not an option. Family members and Ahwazi Arab rights activists have told human rights groups that the detainees contacted their families on July 16, 2013 and said they feared that authorities were planning to carry out the execution orders any day now.

According to information gathered by the rights groups, authorities kept the defendants, including three others who have received unfair prison sentences, in incommunicado pretrial detention for months. The authorities denied them access to a lawyer and harassed and detained their family members. The trial suffered from procedural irregularities and the convictions were based on “confessions” that defendants said had been obtained by torture. There is no record the trial court investigated their torture allegations.

“The absence of lawyers at key stages in the proceedings and the credible allegations of coerced “confessions” cast strong doubts on the legitimacy of the Ahwazi Arabs’ trial, let alone the death sentences,” said Tamara Alrifai, Middle East advocacy director at Human Rights Watch. “The fact that the government has an appalling rights record against Iran’s Ahwazi Arab minority only makes the case for the need for a fair trial stronger.”

The court sentenced Ghazi Abbasi, Abdul-Reza Amir-Khanafereh, Abdul-Amir Mojaddami, and Jasim Moghaddam Payam to death for the vaguely-defined “crimes” of *moharebeh* (“enmity against God”) and *ifsad fil-arz* (“corruption on earth”). These charges related to a series of shootings that allegedly led to the death of a police officer and a soldier. The court sentenced three other defendants --Shahab Abbasi, Sami Jadmavinejad, and Hadi Albokhanfarnejad -- to three years in prison in the northwestern city of Ardebil for lower-level involvement in the shootings. The lower court issued its judgment a week after a trial that lasted approximately two hours, said letters to Ahwazi Arab rights groups allegedly written by the defendants.

Security and intelligence forces have targeted Arab activists since April 2005 after reports that Iran’s government planned to disperse Ahwazi Arabs from the area and to attempt to make them to lose their identity as Ahwazi Arabs.

The Iranian authorities have executed dozens of people since the disputed 2009 presidential election, many of them from ethnic minorities, for alleged ties to armed or “terrorist” groups. Following unrest in Khuzestan in April 2011, the human rights groups received unconfirmed reports of up to nine executions

of members of the Arab minority. In June 2012, a further four were executed and reports suggest that five were executed in April 2013.

Branch 1 of the Revolutionary Court of Ahvaz, the capital of Khuzestan province, issued the sentences on August 15, 2012. Branch 32 of Iran's Supreme Court affirmed the sentences in February 2013. Revolutionary courts are authorized to try cases classified by the judiciary as pertinent to political and national security matters. Their trials take place behind closed doors, and revolutionary court prosecutors and judges are allowed, under longstanding legislation, extraordinary discretionary powers, especially during the pretrial investigation phase, to limit or effectively prevent the involvement of defense lawyers.

The revolutionary court's judgment, a copy of which the human rights groups reviewed, said the court convicted the seven men for the vaguely-defined "crimes" of *moharebeh* ("enmity against God") and *ifsad fil-arz* ("corruption on earth"). The court found that the defendants had established a "separatist ethnic" group that "used weapons and engaged in shooting in order to create fear and panic and disrupt public security."

None of the defendants had a prior criminal record, the judgment says. All seven are residents of Shadegan (also known as Fallahiya in Arabic), approximately 100 kilometers south of Ahvaz.

In several of the letters, the writers said that security and intelligence forces had held the seven men in incommunicado detention for months, subjected them and their family members to detention and ill-treatment to secure "confessions", and tried them simultaneously in one session that lasted less than two hours. The letters said that none of the six lawyers present had an opportunity to present an adequate defense of their clients.

In one letter, the defendant alleges that despite the lack of evidence, intelligence agents pressed the revolutionary court to convict the men of *moharebeh* and *ifsad fil-arz* and to sentence them to death. In another letter, the defendants allege that none were questioned during pretrial interrogations about the supposed armed group – Kita'eb Al-Ahrar to which authorities say they belong, even though their alleged membership was used by the judiciary as the basis for their death sentences.

In a defense pleading criticizing the lower court's ruling, a copy of which the rights groups reviewed, one of the lawyers criticizes the lower court's ruling on several grounds, including the court's failure to look into the defendants' allegations that their "confessions" were extracted under torture.

The rights groups could not independently verify the authenticity of the letters or the defense pleading. A former detainee who spoke to the human rights groups on condition of anonymity said that for about two weeks in 2011 he was in the same ward of Karun prison as the four men sentenced to death. He said that both Amir-Khanafereh and Ghazi Abbasi told him that during their time at the Intelligence Ministry detention facility in Ahvaz agents blindfolded them, strapped them to a bed on their stomachs, and beat them with cables on their backs and feet to get them to confess to using firearms.

The source also said that he observed black marks around the legs and ankles of Amir-Khanafereh and Abbasi, and that the two said the marks were caused by an electric shock device used at the Intelligence Ministry detention facility. The source said he had seen similar black marks on the legs of other Arab activists during his time in Karun prison. The former detainee said that Amir-Khanafereh and Abbasi told him that they were not allowed any visits and were held incommunicado by Intelligence Ministry officials for months.

The judgment, which primarily relied on the alleged "confessions" of the defendants and circumstantial evidence, stated that the members of this group were involved, among other things, in several shootings at police officers and their property, and that the shootings led to the deaths of at least two officers.

The Supreme Court judgment, a copy of which the rights groups reviewed, affirmed the lower court's ruling and identified the victims as a police officer, Behrouz Taghavi, shot and killed in front of a bank on February 26, 2009, and Habib Jadhani, a conscripted soldier, who was shot and killed in spring 2008. Both the lower court and Supreme Court judgements acknowledge that some of the defendants retracted their confessions at trial saying they were extracted under physical and psychological torture, but refused

to acknowledge the validity of those retractions. There is no record of any investigation by either court into the allegations of torture.

Under articles [183](#) and [190-91](#) of Iran's penal code, anyone found to have used "weapons to cause terror and fear or breach public security and freedom" may be convicted of *moharebeh* or *ifsad fil-arz*. Punishment for these charges includes execution by hanging.

"Considering putting to death the four Ahwazis after a fundamentally flawed trial during which basic safeguards such as rights of defense were blatantly disregarded and allegations of torture and ill-treatment dismissed is abhorrent, said Hassiba Hadj Sahraoui, deputy director of Amnesty International's Middle East and North Africa Program. "At the very least, the defendants should be granted a new trial and the ability to properly defend themselves in court. Anything less would risk that these men be executed for a crime they may very well have not committed."

Article 38 of the Iranian Constitution prohibits all forms of torture "for the purpose of obtaining confessions." The Penal Code also provides for the punishment of officials who torture citizens to obtain confessions. Despite these legal and constitutional guarantees regarding confessions under duress, "confessions" are sometimes broadcast on television even before a trial has concluded and are generally accepted as evidence in Iranian courts. Such broadcasts violate Iran's fair trial obligations, including the presumption of innocence under article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party.

The ICCPR fair trial provisions also require Iran to guarantee that all defendants should have adequate time and facilities to prepare their defense and to communicate with counsel of their own choosing. The UN Human Rights Committee has said that: "In cases of trials leading to the imposition of the death penalty scrupulous respect of the guarantees of fair trial is particularly important."

Since June 14, the date of the recent presidential and local elections, unofficial and official sources have reported at least [71 executions](#). In 2012 Iran was one of the world's foremost executioners, with more than 500 prisoners hanged either in prisons or in public.

"Four men are facing the gallows after a judge brushed aside their statement that their confessions were coerced," said Gissou Nia, Executive Director of the Iran Human Rights Documentation Center. "At the very least, they deserve a fair trial and an impartial investigation of the abuse they say was used to force them to confess."

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