

PUBLIC

AI Index: MDE 13/034/2004

24 August 2004

Further Information on UA 236/03 (MDE 13/028/2003, 8 August 2003) Torture or ill-treatment/ Possible unfair trial/ Death penalty new concern: Imminent execution

IRAN Esmail Mohammadi (m), aged 39, member of the Komala party

Amnesty International fears that Esmail Mohammadi is at imminent risk of execution after the death sentence against him was reportedly upheld by the five judges of Branch 32 of the Supreme Court on or around 11 August.

Esmail Mohammadi was arrested in or around October 2002, by a group of officials from the Revolutionary Guard (*Pasdaran*) at his home in Bukan, western Iran. It is feared that he was tortured or ill-treated, during approximately eight months of incommunicado detention following his arrest. He has been detained in Oroumiye prison since his arrest.

In July 2003 Esmail Mohammadi was sentenced to death, following a reportedly unfair trial at Branch 1 of the Oroumiye Revolutionary Court, in the administrative centre of Western Azerbaijan province, western Iran. He reportedly faced security-related charges including 'armed struggle against the Islamic regime' and 'membership of a proscribed organization'. Recent reports suggest that he was also accused of 'being at war with god' (*morharebe*), and 'corruption on earth' (*fesad f'il-arz*). These charges are ill defined and broad in potential application, and both are punishable by death.

The death sentence against Esmail Mohammadi was reportedly upheld on or around 11 August. According to an alleged copy of the Supreme Court verdict, Esmail Mohammadi, who entered Iran illegally on two occasions, was accused of being an armed member of the proscribed organization Komala, and of taking part in the kidnap, torture and murder of at least one government official. At an inspection of his place or residence, it is alleged that light arms and grenades were discovered.

The Supreme Court verdict states that he 'confessed' to the charges against him. It is not known, however, under what circumstances those 'confessions' were made, and it is feared that torture or ill-treatment may have been used.

BACKGROUND INFORMATION:

In Iran, death sentences are required to be upheld by the Supreme Court. Once a death sentence has been upheld by the Supreme Court, it is returned to the lower court that issued the original verdict to be passed over to the unit that carries out the sentence- in English, the 'Unit for Enforcement of Judgements'.

Komala is a socialist party advocating rights for the Kurdish minority in Iran, or autonomy of Iranian Kordestan. In July 2001 it held its ninth congress and affirmed its support for a federal system for Iran; freedom of expression and association as well as its support for social justice. The party is said to oppose armed struggle but is reported to believe in armed defence.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, English, Kurdish or your own language:

- stating that Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but strongly opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;
- calling upon the head of the Judiciary to review the sentence of Esmail Mohammadi with a view to finding an alternative punishment to the death penalty;
- reminding the Iranian authorities of their commitment to the Universal Declaration of Human Rights, in particular Article 3, which states that "Everyone has the right to life, liberty and security of person".
- reminding the authorities that confessions extracted under duress are prohibited by Iranian law and are a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. It states that "No one shall be subjected to cruel, inhuman or degrading punishment";
- calling for all those found to be responsible for the torture of prisoners to be brought to justice in fair trials.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Email: webmaster@wilayah.org (on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi')

COPIES TO:

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi

Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Avenue

Tehran, Islamic Republic of Iran

Email: matbuat@mfa.gov.ir

Salutation: Your Excellency

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.