

PUBLIC

AI Index: MDE 13/094/2008

11 July 2008

Further Information on UA 147/08 (MDE 13/075/2008, 30 May 2008) Death Penalty/torture/ill-treatment

| | | |
|------|---|-------------------------------|
| IRAN | Farzad Kamangar (alias Siamand) (m), aged 32, teacher |] |
| | Ali Heydariyan (m) |] Iranian citizens of Kurdish |
| | Farhad Vakili (m) |] ethnic origin |

According to the non-governmental organization Human Rights Activists in Iran, the Supreme Court has confirmed the death sentences of Farzad Kamangar, Ali Heydariyan and Farhad Vakili.

All three were sentenced to death in February 2008 after conviction of "*moharebeh*", (enmity against God), a charge levelled against those accused of taking up arms against the state, apparently in connection with their alleged membership of the armed group, the Kurdistan Workers Party (PKK), which carries out attacks in Turkey. Ali Heydariyan and Farhad Vakili were also sentenced to 10 years' imprisonment, apparently for forging documents. Under Iranian law, they must serve their prison sentences before being executed.

Human Rights Activists in Iran also reported that when prison authorities at Raja'i Shahr prison in Tehran province told Farzad Kamangar of the Supreme Court's decision, they asked him to write a letter seeking clemency. He refused to do this, as it would have been an acknowledgement of guilt, and he has always denied committing any crime. As a result, his death sentence will be sent for approval to the Head of the Judiciary, after which it could be carried out at any time.

Farzad Kamangar was arrested by Ministry of Intelligence officials along with two other ethnic Kurds, Ali Heydariyan and Farhad Vakili, in Tehran around July 2006.

Farzad Kamangar has been held incommunicado at a series of locations, including in the cities of Kermanshah, Sanandaj and Tehran, and has been tortured, including by being beaten, flogged and electrocuted. As a result of this torture, his arms and legs have started to tremble involuntarily.

BACKGROUND INFORMATION

Kurds, who are one of Iran's many ethnic groups, live mainly in the west and north-west of the country, in the province of Kordestan and neighbouring provinces bordering Kurdish areas of Turkey and Iraq. For many years, Kurdish organizations such as the Kurdistan Democratic Party of Iran (KDPI) and *Komala* have taken up arms against the Islamic Republic of Iran. Another armed group, the Kurdistan Independent Life Party (PJAK), continues to carry out armed attacks against Iranian security and government. Iran has accused foreign governments of fomenting unrest among the country's ethnic minorities.

The scope of capital crimes in Iran remains extremely broad. Judges have discretionary powers to impose the death penalty for certain offences, including those relating to national security. According to Farzad Kamangar's lawyer, no other person convicted of membership of the PKK has been sentenced to death.

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

- urging the authorities to commute the death sentence of Farzad Kamangar, Ali Heydariyan and Farhad Vakili;

- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences in proceedings that adhere to international standards for fair trial, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- asking for details of the charges and trial faced by the three men, and expressing concern that Farzad Kamangar's trial may not have met international standards for fair trial, which are essential in capital cases;
- calling on the authorities to grant Farzad Kamangar immediate and regular access to his family and lawyer of his choice, and to grant him any medical treatment he may require;
- expressing concern at reports that Farzad Kamangar was tortured, and urging the authorities to investigate those reports fully and anyone found responsible for such abuses to be brought to justice.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Islamic Republic Street - Shahid Keshvar Doust Street, Tehran, Islamic Republic of Iran

Email: info@leader.ir

Salutation: **Your Excellency**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

Email: info@dadgostary-tehran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection
Tehran, Islamic Republic of Iran

Fax: **+ 98 21 6 649 5880**

Email: dr-ahmadinejad@president.ir

via website: <http://www.president.ir/email/>

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani
C/o Office of the Deputy for International Affairs, Ministry of Justice
Ministry of Justice Building, Panzdah-Khordad (Ark) Square,
Tehran, Islamic Republic of Iran

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 August 2008.