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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: AL G/SO 214 (3-3-16) Iran (2011-16) G/SO 214 (33-27) G/SO 214 (53-24)
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 17/2, 22/23, 17/5, and 16/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged recent secret executions of four ethnic Arab prisoners: Messrs, **Ghazi Abasi**, **Abdolreza Amir Khanafereh**, **Abdolamir Mojadami** and **Jasem Moghadam Panah**, who were reportedly executed without authorities notifying their lawyers.

According to information received:

On 2 December 2013, Intelligence Ministry officials informed the families of Mr. Ghazi Abasi, Mr. Abdolreza Amir Khanafereh, Mr. Abdolamir Mojadami and Mr. Jasem Moghadam Panah, that they had been executed and buried.

On 15 August 2012, Branch One of the Revolutionary Court of Ahwaz sentenced the four ethnic Arab men from Ahvaz to death on charges of Moharebeh "enmity against God" and Ifsad fil-arz "corruption on earth," in relation to the alleged shootings that resulted in the deaths of a police officer and a soldier. After the court sentence, the prisoners allegedly published a letter reporting that after many months of incommunicado detention and subsequent imprisonment, their trials were held simultaneously in a Revolutionary Court, and lasted less than two hours combined. The defendants' lawyers were reportedly not able to present adequate defenses for their clients.

The four men reportedly denied any involvement in the shootings and stated that their confessions had been obtained under severe torture and other ill-treatment. Moreover, they reportedly recanted their confessions, with the lower court and Supreme Court allegedly acknowledging that they had indeed retracted their confessions for being extracted under torture or other ill-treatment. However, there is no record of an investigation into these claims.

On 3 November 2013, the four men were reportedly transferred to the Karoun prison without providing explicit information about their condition or status to their lawyers or families. An appeal was reportedly still outstanding regarding this case.

In light of these seemingly secret executions, concern is expressed over the apparent absence of fair trial standards and the secretive nature of the capital punishment reportedly administered. Similar concern is expressed regarding the allegations of torture and ill-treatment as well as the alleged use of evidence obtained under torture.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our grave concern about the torture and ill-treatment of Messrs, Ghazi Abasi, Abdolreza Amir Khanafereh, Abdolamir Mojadami and Jasem Moghadam Panah, who were executed without following due investigation and process.

In this connection, we wish to refer your Excellency's Government to the article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14" of the International Covenant on Civil and Political Rights (ICCPR), which the Islamic Republic of Iran ratified on 24 June 1975, "including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings." Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from a summary execution. The scrupulous respect of the due process guarantees includes adequate legal representation, which is especially important in death penalty cases where any mistake or failure can mean the difference between life and death.

We would also like to draw your Excellency's Government's attention to the report submitted by the mandate on extrajudicial, summary or arbitrary executions to the Human Rights Council that a death sentence can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life (A/HRC/4/20, para. 53). While, articles 3 of the Universal Declaration of Human Rights and 6 (1) of the ICCPR respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life. The Special Rapporteur on summary executions has pointed out that any death sentence undertaken in contravention of a Government's international obligations is tantamount to an arbitrary execution.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which

“Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

We also recall that paragraph 7c of Human Rights Council Resolution 16/23 urges States “To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;”

We would also like to draw your Excellency’s Government’s attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States “(t)o take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment investigated promptly, effectively and impartially by an independent, competent domestic authority, as well as whenever there is reasonable ground to believe that such an act has been committed; to hold persons who encourage, order, tolerate or perpetrate such acts responsible, to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed; and to take note, in this respect, of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the updated set of principles for the protection of human rights through action to combat impunity as a useful tool in efforts to prevent and combat torture.”

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate? Were the aforementioned individuals indeed executed on the date indicated?
2. If so, please explain why neither the lawyers, nor the family members of the accused were notified of impending execution in advance of the event.
3. Please explain if an inquiry was carried out in relation to the defendants’ claim that confessions were extracted under torture / duress? If there was, please provide the details, and where available the results, of any inquiries carried out in relation to this case and the defendants.
4. If the individuals were executed, please explain how their trials complied with the highest standards and scrupulous respect of the due process as established by international norms and principles.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic
Republic of Iran

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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