



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

**Mandates of the Working Group on Arbitrary Detention; 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.**

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; 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 24/7, 17/2, 25/24, 17/5, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the cases of Messrs. **Hamed Ahmadi, Kamal Malae, Jahangir Dehghani** and **Jamshed Dehghani**, who are reportedly at risk of imminent execution, after being transferred to solitary confinement.

According to information received:

Messrs. Hamed Ahmadi, Kamal Malae, Jahangir Dehghani and Jamshed Dehghani, all members of the Kurdish minority of Sunni Muslim faith, were arrested in 2009. They were accused of involvement in the assassination of a senior Sunni cleric, and, consequently, sentenced to death on charges of Moharebeh (enmity against God) and ifsad filarz (corruption on earth). In September 2013, the Supreme Court upheld their death sentences. The defendants reportedly denied any involvement in the assassination of the cleric, claiming that their arrest and detention occurred several months before the killing of the cleric took place. Furthermore, the four men were reportedly subjected to torture and ill-treatment, forced to confess to the crime and were reportedly denied access to a lawyer before and during their trials.

On 13 June, families of the four men were reportedly allowed to visit their relatives in Ghezel Hesar prison, where they are currently held, for the last time before the execution of their sentences. On 15 June, family members of the men gathered outside the prison, urging the authorities to cancel the planned execution. On 16 June, families were again given a meeting with the prisoners, in what appears to be final visit before their execution. The four men are currently on third day of their hunger strike and are apparently in a poor physical condition.

Without making a judgement as to the accuracy of the information made available to us, we would like to express our concerns regarding the high risk of imminent execution of Messrs. Hamed Ahmadi, Kamal Malaee, Jahangir Dehghani and Jamshed Dehghani. We are also concerned about the allegations that the defendants were subjected to torture and ill-treatment while in detention and were afforded fair trial proceedings outlined in the international human rights law. Concern is also expressed about allegations that Messrs. Hamed Ahmadi, Kamal Malaee, Jahangir Dehghani and Jamshed Dehghani's access to a lawyer was denied during their trials.

While we do not wish to prejudge the accuracy of these allegations, these allegations appear to be in contravention of the above mentioned persons' right not to be deprived arbitrarily of their liberty, as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified on 24 June 1975, as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR and also in contradiction with the right to be assisted by a lawyer, as set forth in the Basic Principles on the Role of Lawyers, and in particular principle 1. We further draw your Excellency's Government's attention to article 7 of the Basic Principles for the Treatment of Prisoners regarding the restricted use of solitary confinement.

We also refer to paragraph 7c of Human Rights Council Resolution 16/23 which 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.

Article 14 of the ICCPR sets out the standards that must be observed before a sentence of death may be carried out. Furthermore, the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides under article 5 that "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after 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, 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 an arbitrary execution.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) /can be provided upon request.

In view of the irreversibility of the punishment of the death penalty, we urge your Excellency's Government to take all steps necessary to prevent the execution of Messrs. Hamed Ahmadi, Kamal Malaei, Jahangir Dehghani and Jamshed Dehghani, which, if carried out, would be inconsistent with acceptable standards of international human rights law. We call upon your Excellency's Government not to execute them and to commute without delay the death sentences imposed against them.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Messrs. Hamed Ahmadi, Kamal Malaei, Jahangir Dehghani and Jamshed Dehghani and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR. Please provide information on the defendants' access to a lawyer.
3. Please provide detailed information on each stage of the judicial proceedings against Messrs. Hamed Ahmadi, Kamal Malaei, Jahangir Dehghani and Jamshed Dehghani, and indicate how they comply with the requirement and guarantees of a fair trial as enshrined in international human rights standards.
4. Please provide details, and where available the results, of any inquiries, medical examination, and judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment of the defendants. If no inquiries have taken place, or if they have been inconclusive, please explain why.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their recurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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  
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