

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of 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**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: UA Iran (2011-16) G/SO 214 (33-27) G/SO 214 (53-24)  
IRN 30/2013

9 January 2013

Excellency,

We have the honour to address you in our capacity as 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 19/12, 17/5, and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding Mr **Zaneyar Moradee** and Mr **Loghmun Moradee**, both members of Kurdish community, are at risk of imminent execution.

According to information received:

Mr Zaneyar Moradee and Mr Loghmun Moradee, who were sentenced to death on charges including enmity against God (Moharebeh) and corruption on earth (Fisad-fil-arz) for allegedly murdering the son of Marivan Friday Imam in Kuristan province in July 2009, are set for execution in the next couple of days. The authorities have also reportedly notified Marivan Friday Imam of the planned execution and the Prosecutor for Kurdistan reportedly left on 7 January 2012 for Karaj prison to carry-out the execution.

Mr Zaneyar and Mr Loghmun were also convicted of participating in armed activities of Komala, a Kurdish opposition group, and their death sentence was upheld by both the Supreme Court and the Court of Appeal in 2011. Concerns remained that they were subjected to torture and physical assault including lashing, beating, vulgar insults and threat with sexual violence aimed for soliciting confession. It is further alleged that these individuals have been targeted for arrest and execution on the grounds of their Kurdish ethnicity and political activism conducted by them or their family members.

The case has been the subject of previous communications by the Special Procedures of the Human Rights Council. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran also publicly raised serious concerns about the death penalty following unfair trial, torture and other allegations of physical violence.

While we do not wish to prejudge the accuracy of the information provided to us, we would like to bring to the attention of your Excellency's Government our concerns relating to the continued imposition and implementation of the death penalty after trials that do not comply with international obligations undertaken by your Excellency's Government, including fair trial safeguards. Moreover, we would like to refer your Excellency's Government to the fundamental principles set forth in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Articles 3 and 6 of these instruments, respectively, provide that every individual has the right to life and security of the person, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life.

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 refer your Excellency's Government to the following norms and principles which are particularly relevant to the above allegations:

- Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, Economic and Social Council resolution 1984/50 of 25 May 1984. In particular, paragraphs 4 to 8 provide that capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts, that it may only be carried out pursuant to a final judgement rendered by a competent court after a legal process which provides all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages, the right to appeal and to seek pardon or commutation of sentence.

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 the above international instruments.

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, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?

2. Please indicate what measures are being undertaken to ensure that all death penalty cases comply with fair trial guarantees as required under international law.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we request your Excellency's Government not to execute Mr Zaneyar Moradee and Mr Loghmun Moradee and to take all necessary measures to guarantee that their rights and freedoms 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.

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

Juan E. Méndez  
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