

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

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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 and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 28/21 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent execution of Mr. **Rashid Kouhi, who was sentenced to death on drug related charges.**

According to the information received:

On 24 August 2011, Mr. Rashid Kouhi, a 36 year old computer science student from Iran, was arrested in Roudbar, Gilan Province, when he was walking through a checkpoint on the road. The officers conducted a search of his bag where they found 800 grams of crystal meth.

On 30 January 2012, Mr. Kouhi was tried before Branch 2 of the Revolutionary Court in Roudbar. He did not have access to a lawyer during the entire phase of the investigations. During the inquiries, Mr. Kouhi claimed that the drugs had been placed in his bag without his knowledge. He was first allowed to meet his state appointed lawyer during his trial. On 2 February 2012, the court sentenced him to death.

Mr. Rashid Kouhi was denied the right to appeal his death sentence. The reported reason for this denial is that under Article 32 of the Anti-Narcotics Law, all death sentences are subject to confirmation by the Head of the Supreme Court or the

Prosecutor General, who are entitled to revise or quash the sentence if they find that the judge was incompetent or that the ruling contravened Islamic law. However, Iran's new Code of Criminal Procedure, which entered into force in June 2014, revoked this article and restored the right to appeal for individuals sentenced to death for drug-related offences. Despite this, Mr. Kouhi was not provided with proper legal counselling to assist him in submitting an Application for Retrial (E'ade dadresi) to Iran's Supreme Court on this basis.

Mr. Kouhi was held in a detention centre in Roudbar for two years before being taken to Lakan Prison, in Gilan Province. He is scheduled for execution in the morning of 9 April 2016. His family was asked to go to Lakan Prison to have a last meeting with him on Friday 8 April, before his execution.

Mr. Kouhi has requested clemency twice, including in November 2015, but his requests have been rejected.

We would like to reiterate serious concern that the death penalty may be carried out against Mr. Rashid Kouhi, who has been convicted on drug-related charges, which does not meet the threshold of "most serious crimes". We are further concerned that he has not exhausted all of his appeal rights and that the death penalty has been upheld following judicial procedures that may not fulfill the most stringent guarantees of fair trial and due process, particularly in connection to access to legal counselling.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, we call upon your Excellency's Government as a matter of urgency to halt the execution of Mr. Rashid Kouhi, which on the facts available to us may constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further urge you to ensure that Mr. Kouhi's death sentence is annulled and that he is re-tried in compliance with international standards.

Without making any judgment as to the accuracy of the information made available to us, the above allegations appear to be in contravention of the right of every individual to life, security, and not to be arbitrarily deprived of life, as set out in article 3 of the Universal Declaration of Human Rights (UDHR) and article 6.1 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975.

We would like to draw the attention of your Excellency's Government attention to article 6(2) of the ICCPR which states that the sentence of death may be imposed only for the most serious crimes. This provision has consistently been interpreted by the Human Rights Committee to mean that the death sentence may only be imposed in respect of intentional killing. Furthermore, article 6.4 of ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Moreover,

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 following a legal process which gives all possible safeguards to ensure a fair trial, including the right 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. In addition, article 6 of the Safeguards stipulates that anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.

We would further like to recall that according to article 4 of General Comment 31 of the Human Rights Committee, the obligations contained in the Covenant are binding on every State as a whole and that all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

Your Excellency's Government's response to this communication 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.

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