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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 situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers 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 Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/9, 17/5, 17/2 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the imminent execution of Mr. **Habibollah Golparipour** sentenced to death on charges of *moharebeh* (enmity against God) following a trial which violated procedural safeguards.

According to the information received:

On 27 September 2009, Mr. Habibollah Golparipour, who belongs to the Kurdish minority, was allegedly arrested while travelling between the north-western cities of Mahabad and Oroumieh. He was reportedly found with a memory stick containing photos, a mobile phone memory card, three pages containing tables of codes and 86 phone numbers, and 246 books, all said to relate to the Party For Free Life of Kurdistan (PJAK), a proscribed armed group.

During the first five months of his detention, he was held in an Iranian Revolutionary Guard Corps detention facility in Mahabad and a Ministry of Intelligence detention facility in Sanandaj, Kordestan province, where he alleged that he had been tortured during interrogation. His family had reportedly no knowledge of his whereabouts for the first four months.

On 15 March 2010, Mr. Golparipour was sentenced to death on charges of *moharebeh* (enmity against God) for his alleged cooperation with the PJAK following a five-minute trial.

On 1 August 2010, Branch 31 of the Supreme Court upheld his conviction and death sentence and did so again on 9 June 2011 following judicial review. Mr. Golparipour denied any armed activity, but affirmed that he had given money to the PJAK. The allegations of torture or other ill-treatment are not known to have been investigated.

It is further reported that Mr. Golparipour was recently transferred from Oroumieh Prison to Semnan Prison.

We are concerned that the execution of Mr. Golparipour may be carried out, following a trial which violated procedural safeguards and after having been subjected to torture while in custody. Therefore, we would like to seek clarification of the circumstances regarding the case of Mr. Golparipour.

In light of the above allegations, we wish to draw to the attention of your Excellency's Government the international norms and standards applicable to the present case. The sentencing to death on charges of *moharebeh* and following a trial which did not comply with international human rights law has been the subject of extensive communications to your Excellency's Government.

Without prejudging the accuracy of these allegations, we would like to again stress that "in countries which have not abolished the death penalty", the "sentence of death may be imposed only for the most serious crimes" in accordance with article 6 of the International Covenant on Civil and Political Rights (ICCPR) which the Islamic Republic of Iran ratified on 24 June 1975. In interpreting article 6(2) of the Covenant, the Human Rights Committee has consistently rejected the imposition of a death sentence for offences that do not result in the loss of life. Furthermore, it was submitted in a report by the mandate on extrajudicial, arbitrary or summary executions to the Human Rights Council that the conclusion to be drawn from a thorough and systematic review of the jurisprudence of all of the principal United Nations bodies charged with interpreting the most serious crimes provision, is 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).

With regard to the allegation that Mr. Golparipour was sentenced to death following a very brief one-session-hearing, we believe that any trial should last a reasonable amount of time to allow a thorough review of the merits of the case, the exercise of the right to defence and to ensure the fairness of the proceedings in full compliance with article 14 of the ICCPR and principle 6 of the Basic Principles on the Independence of the Judiciary (endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985). This is particularly important in death penalty cases, given the irremediable nature of such a sentence. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted

under international law from a summary execution, which by definition violates human rights standards.

Furthermore, we would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth *inter alia* in the Universal Declaration of Human Rights (UDHR) and the ICCPR.

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 would also like to draw your Excellency's Government's attention to paragraph 6b of Human Rights Council Resolution 8/8, which urges States "To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, 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 (the Istanbul Principles) as a useful tool in efforts to combat torture;"

We therefore urge your Excellency's Government to urgently take all necessary measures not to proceed with the execution of Mr. Golparipour, which would on the facts available to us, clearly violate international human rights law and be incompatible with the international obligations that the Islamic Republic of Iran has endorsed. We would respectfully appeal to your Excellency's Government to seriously consider commuting the death sentence against Mr. Golparipour. In the event that your investigations support or suggest the noted allegations to be correct, the accountability of any person responsible for the alleged violations should be ensured.

1. Are the facts alleged in the summary of the case accurate?
2. Please indicate the specific conduct Mr. Golparipour has been found guilty of and the legal basis of the death sentence imposed against him. Please indicate how this is compatible with international norms, specifically with the requirement in article 6(2) of the ICCPR.
3. Please provide detailed information on each stage of judicial proceedings and indicate how they comply with the requirement and guarantees of a fair trial as enshrined in article 14 of the ICCPR and principle 6 of the Basic Principles on the Independence of the Judiciary.

4. Please indicate whether the allegations of torture have been investigated. If so, kindly provide detailed information on the results of these investigations.

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.

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

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

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