

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

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 26/12 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the sentencing to death and imminent execution of Mr. Reza Karimi, in two separate cases, after judicial proceedings that reportedly violated fair trial and due process guarantees, and in one of the cases on charges that do not meet the threshold of most serious crime under international law.**

According to the information received:

Judicial proceedings and sentencing to death on charges of drug possession (file no. B7/891197)

Mr. Reza Karimi was arrested on 15 September 2010 by Drug Control Headquarters agents on charges of possession of 925 grams of crack and 9 grams of opium residue. His brother was also arrested. During the interrogation phase, Mr. Karimi was compelled by Criminal Investigations Bureau agents to certify the interrogation notes by fingerprint without being informed of their content.

Before the investigative judge, Mr. Karimi denied the charges of drug possession and indicated that the drugs were not discovered on his person but in a house he had sublet and was not residing. This was confirmed by the landlord. The investigative judge subsequently issued an order of non-prosecution, dropping the charges against Mr. Karimi and his brother.

The prosecutor, appealed the decision of the investigative judge to drop the charges against Mr. Karimi before the Shahriar Revolutionary Court. It is alleged that the appeal was motivated by the inability of the police to arrest the individual identified as the resident of the house at the time of the alleged discovery of the drugs. While Mr. Karimi continued to deny the charges against him, the Court decided in favour of the prosecutor, which led to the official indictment of Mr. Karimi on charges of drug possession.

On 4 August 2011, the Shahriar Revolutionary Court sentenced Mr. Karimi to death for possession of drugs. The Court reached its decision although Iranian law states that courts may only rely on admissions and confessions as the basis of their ruling if they are made before the judge issuing the ruling in the case. In its decision on the present case, the judge noted that the defendant had denied the charge at trial and that he had not made an express admission at the investigations stage before the investigative judge. No witness testimony against Mr. Karimi was recorded in the case file and no drugs were discovered on his person. Moreover, the judicial authorities reportedly told Mr. Karimi that he would not be convicted if he could find the owner of the drugs.

It is reported that Mr. Karimi's request for appeal was decided on by the State Prosecutor General, who confirmed the decision of the Shahriar Revolutionary Court. The order to implement the death sentence against Mr. Karimi has recently been issued.

Mr. Karimi faces execution although Iran's parliament is reportedly considering a bill which, if adopted, would do away with capital punishment for non-violent drug crimes.

Judicial proceedings and sentencing to death on charges of Qesas for life (file no. 100021)

On 16 March 2011, while incarcerated in Qezelhasar Prison, Karaj, Mr. Karimi participated in a prisoner protest that related to the reported sharp increase in the number of executions of death row inmates in Iran between 2010 and 2011. It was reported at the time that at least 150 prisoners were wounded and an unknown number had died in the resulting crackdown. Mr. Karimi was reportedly transferred to nearby Rejaishahr Prison as a punishment for his participation in the protest, where he was held in solitary confinement for four months before being transferred back to Qezelhasar Prison. It is alleged that prison authorities marked "rioter" on his official records.

On 30 March 2012, a mass fight broke out in one of the wards of Qezelhasar Prison. Dozens of individuals participated in the fight, in which one inmate was stabbed to death. It is reported that prison authorities failed to take any measures to prevent these events. Afterwards, several prisoners, including Mr. Karimi, were taken to solitary confinement to be interrogated. Mr. Karimi initially denied stabbing the victim, however, it is reported that, after having been severely beaten by prison officials he confessed to the crime, together with two other inmates. The coroner's report determined the cause of death to have been one stab wound to the

neck and one to the victim's side. The coroner considered a third stab wound to the back not to have been lethal.

During the preliminary investigation stage, the authorities claimed that there was a video of the fight that clearly showed that Mr. Karimi, together with the two other inmates, had stabbed the victim. They further claimed Mr. Karimi was responsible for one of the lethal stab wounds. It is however reported that the position and distance of the camera, as well as the number of inmates involved in the fight, would not have allowed the stabbing to be filmed. Furthermore, a guard who claimed he had witnessed the fight was neither summoned to the prosecutor's office nor to the trial court to provide testimony and it is alleged that he entered the ward only after the stabbing had already occurred.

Upon the conclusion of the preliminary investigations, the case was referred to Alborz Province Criminal Court Branch One. During the trial, Mr. Karimi declared that he had played no role in the fight and had not stabbed the victim, and that his initial admissions were faulty. His attorneys requested the Court to provide them with the video of the fight, and for it to be shown in court. The Court, however, refused to produce the video as evidence in spite of the attorneys' insistence, and neither the attorneys nor the defendants ever saw it. The Court sentenced Mr. Karimi, together with one of the other inmates, to Qesas of life and acquitted the third of participation in the murder.

On 29 October 2014, the Supreme Court Branch Eleven upheld the lower court's decision. After the sentence was upheld, the inmate who had been acquitted by the lower court sent a letter to the judicial authorities confessing that he was responsible for the murder and that Mr. Karimi had played no part in it. A number of other prisoners at that stage also sent letters to the same authorities stating that they were ready to tell the truth.

On the basis of these new statements, Mr. Karimi's attorney submitted a request for a new trial to Supreme Court Branch Eleven, which was denied on 16 March 2016 without providing reasons. A second request for a new trial was also denied.

It is reported that the sentence of Qesas is currently in the implementation phase.

Without making any judgment as to the accuracy of the information made available to us, we express grave concern that Mr. Reza Karimi was sentenced to death following judicial proceedings that in both cases do not appear to have fulfilled the most stringent guarantees of fair trial and due process. Serious concern is additionally expressed that the basis for Mr. Karimi's first conviction and sentencing to death was a charge that does not meet the threshold of most serious crime under international law.

Strong concern is expressed that, in both cases, if Mr. Karimi's sentence is implemented, it would constitute an arbitrary execution.

In relation to the first conviction by the Shahriar Revolutionary Court, particular concern is expressed that the death sentence was imposed on the basis of interrogation notes Mr. Karimi had been compelled to sign by fingerprint and without knowing its contents, and despite his denial of the charge at trial, which appears to have also violated Iranian law. In this regard, particular concern is further expressed that Mr. Reza Karimi was tried before a revolutionary court instead of an ordinary court, which appears to have no constitutional basis, and that he was not given the opportunity to appeal it.

In relation to the second conviction by the Alborz Province Criminal Court Branch One, which was upheld by Supreme Court Branch Eleven, serious concern is expressed that Mr. Karimi's sentencing to death was based on a confession obtained under duress and despite his denial of the charges at trial. Serious concern is also expressed that the Court refused to produce the video that allegedly captured the events as evidence, which appears to contravene the principle of equality of arms.

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. Reza Karimi, which on the facts available to us would constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further urge you to ensure that Mr. Karimi's death sentence is annulled and that he is re-tried in compliance with international law and standards.

We would like to bring to the attention of your Excellency's Government that the rights of every individual to life, liberty and security, and not to be arbitrarily deprived of life, as well as the right to fair proceedings before an independent and impartial tribunal and to an effective defense are guaranteed by articles 6, 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), which the Islamic Republic of Iran ratified on 24 June 1975. Although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) ICCPR provides that countries which have not abolished it may only impose it for the most serious crimes.

Moreover, the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty (ECOSOC resolution 1984/50) provides that capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after 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 (safeguard 5), 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" (safeguard 4), and that anyone sentenced to death shall have the right to appeal to a

court of higher jurisdiction (safeguard 6). Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

We would also like to call the attention of your Excellency's Government to the evidence of an evolving standard within international bodies and a robust State practice to frame the debate about the legality of the death penalty within the context of the fundamental concepts of human dignity and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (A/67/279).

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

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 life and rights of Mr. Reza Karimi in compliance with international instruments.

As it is our responsibility, under our mandate 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 detailed information on each stage of the judicial proceedings against Mr. Reza Karimi on charges of drug possession and his sentencing to death by the Shahriar Revolutionary Court on 4 August 2011, including the appeals procedure, and indicate how they comply with fair trial and due process guarantees as enshrined in international human rights law and standards.
3. In connection with the above, please provide information as to how the sentencing to death of Mr. Karimi on charges of drug possession complies with article 6(2) ICCPR, which limits the imposition of the capital punishment for those countries that have not abolished it completely to most serious crimes only.
4. Please also provide information on the status and content of the draft bill pending before your Excellency's Parliament that would abolish capital punishment for all non-violent drug crimes.
5. Please provide detailed information on each stage of the judicial proceedings against Mr. Reza Karimi on charges of Qesas for life and his sentencing to death by the Alborz Province Criminal Court Branch One as confirmed by the Supreme

Court Branch Eleven on 29 October 2014, and indicate how they comply with fair trial and due process guarantees as enshrined in international human rights law and standards.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence 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 to the present communication will be reflected in the mission report it will present at the next session of the Human Rights Council for its consideration.

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Asma Jahangir
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran