

Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on minority issues and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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(Please use this reference in your reply)

6 May 2025

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; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 55/19, 51/8, 53/4, 52/5 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Mr. Hatem Özdemir**, who is reportedly at imminent risk of execution, following an unfair trial marred by torture allegations.

According to the information received:

On 5 July 2019, Mr. Hatem Özdemir, a Turkish national of Kurdish ethnicity, was reportedly arrested by members of the Islamic Revolutionary Guard Corps (IRGC) while asleep in a border zone near Chaldoran, in West Azerbaijan Province, at the zero-point border between the Islamic Republic of Iran and Turkey. He was reportedly attempting to cross the border into Iraq with members of the Kurdistan Workers' Party (PKK).

At the time of his arrest, Mr. Özdemir was reportedly not participating in armed activity. Following his arrest, he was first taken to a hospital and later transferred to an IRGC-affiliated detention facility in Urmia, in West Azerbaijan Province, where he was reportedly subjected to interrogation and torture for approximately 50 days. On 19 August 2019, he was transferred to Urmia Central Prison. Since then, he has been detained in the Ministry of Intelligence premises, and IRGC detention centres in Urmia and Khoy, located in West Azerbaijan Province.

While being detained at various locations, he has reportedly been held in solitary confinement and subjected to further torture during interrogation aimed at extracting forced confessions and compelling him to cooperate with the security services.

In March 2022, after 33 months of pre-trial detention and while being denied the right to appoint his own lawyer, Branch One of the Islamic Revolutionary Court of Khoy sentenced Mr. Özdemir to death on charges of *baghi* (armed rebellion against the foundations of the Islamic Republic of Iran, under article 287 of the

Islamic Penal Code) and five years of imprisonment for “membership of a terrorist group”. The charges were based on his alleged affiliation with the PKK.

Mr. Özdemir was deprived of his right to access an interpreter during both the interrogation and trial stages. Given his lack of fluency in Persian, his statements were reportedly misinterpreted and inaccurately conveyed throughout the proceedings. Some of these misinterpreted statements were used as incriminating evidence against him during various stages of the trial and appeal processes. He was also denied access to legal representation – during his two formal interrogations at the prosecutor’s office in Chaldoran, as well as at several other stages of the legal proceedings.

On 8 February 2023, Branch 9 of the Supreme Court overturned the death sentence issued by the Revolutionary Court of Khoy, citing a wide range of deficiencies in the original case. These included:

Lack of evidence supporting participation in armed activity or intention to engage in armed activity in the Islamic Republic of Iran;

The absence of a valid legal basis for the charges, since the crime of *baghi* is defined under domestic law as an armed uprising against the Islamic Republic of Iran.

Finally, due to the Khoy Revolutionary Court’s improper application of *baghi* (armed rebellion) and *moharebeh* (waging war against God) charges, the Supreme Court overturned the death sentence without remand, pursuant to article 469 of Iran’s Code of Criminal Procedure (*Naghz-e Bela Erja*). This means that the lower court shall not retry Mr. Özdemir on these charges.

Despite the Supreme Court’s ruling, upon retrial, the Branch 3 of the Revolutionary Court of Urmia again sentenced Mr. Özdemir to death on the charge of *baghi*. During the retrial, new testimonies were added to the prosecutor’s case by individuals who were not present at the time of Mr. Özdemir’s apprehension on the border in 2019. These testimonies contradicted the forensic and photographic evidence and the initial testimonies by witnesses present at the scene. In September 2024, a newly constituted panel of Branch 9 of the Supreme Court confirmed the death sentence.

In March 2025, Branch 39 of the Supreme Court rejected the petition filed by his defence lawyer, seeking to overturn the sentence, and requesting a retrial. Mr. Özdemir is currently being held in Urmia Central Prison and faces imminent risk of execution. He has reportedly been suffering from kidney stones for several years and is in urgent need of surgery. His condition requires specialized treatment, which prison authorities have reportedly consistently rejected.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern about the reported imminent risk of execution faced by Mr. Hatem Özdemir, particularly in light of serious procedural, evidentiary, and legal irregularities. We are further concerned that the case proceedings to date do not appear to meet international standards for fair trial and due process, particularly those enshrined in the

International Covenant on Civil and Political Rights (ICCPR), which the Islamic Republic of Iran ratified in 1975.

We remind the government of the Islamic Republic of Iran of its obligations under article 6(2) of the ICCPR, which provides that the death penalty may only be imposed for the “most serious crimes,” a standard interpreted by the Human Rights Committee as restricted to intentional killing. The allegations against Mr. Özdemir, do not appear to meet this threshold. We also recall the requirement set out by the Human Rights Committee’s general comment 36, para. 36 to “revoke death sentences issued for crimes not qualifying as the most serious crimes and pursue the necessary legal procedures to resentence those convicted for such crimes”.

We further recall articles 7 and 10 of the ICCPR, which establish the absolute prohibition of torture and cruel, inhuman, or degrading treatment or punishment, and the right of all detainees to be treated with humanity and dignity.

Allegations of interrogation without access to legal counsel, (guaranteed under ICCPR article 14(d)), and the denial of language interpretation (guaranteed under ICCPR article 14(f)), are deeply concerning and, if confirmed, would constitute serious violations of international legal standards.

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 as soon as possible on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person(s) 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 also 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 explain how the imposition of the death penalty for baghi is consistent with international human rights law.
3. Please indicate measures taken to verify and address discrepancies between the original IRGC reports and the subsequent investigative statements, including details of any independent inquiries undertaken.
4. Please explain what led to the retrial by Branch 3 of the Revolutionary Court of Urmia, despite Branch 9 of the Supreme Court overturning the death sentence and ordering a reversal without remand in relation to charges of baghi and moharebeh.
5. Please provide the factual and legal grounds for Mr. Özdemir’s arrest and subsequent detention and explain how this was in compliance with international human rights law and standards.

6. Please address the allegations of torture concerning Mr. Özdemir during his pre-trial detention. Please explain the measures undertaken to investigate allegations of torture and inhuman treatment. Additionally, how has your Excellency's Government ensured that any confessions obtained under torture are not used as evidence in legal proceedings against him?
7. Please clarify whether Mr. Özdemir had timely and unrestricted access to legal counsel, consular services and interpreters throughout the pre-trial, trial and retrial proceedings.
8. Please provide information on what available remedies may be granted for the suspension and review of Mr. Özdemir's death sentence.

We respectfully urge your Excellency's Government to halt the execution of Mr. Hatem Özdemir immediately pending an independent and impartial review of his case in full compliance with international legal obligations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

Further, we would like to inform your Excellency's Government that having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to this urgent appeal and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

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