

PUBLIC

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18 December 2008

Further Information on UA 147/08 (MDE 13/075/2008, 30 May 2008) and follow-up (MDE 13/094/2008, 11 July 2008) - death penalty / torture and ill-treatment

IRAN Farzad Kamangar (alias Siamand) (m), aged 32, teacher trade unionist]
Ali Heydariyan (m)] members of Kurdish minority
Farhad Vakili (m)]

On 24 November, prison guards entered Farzad Kamangar's cell in Section 209 of Tehran's Evin prison. It is reported that the prison guards beat Farzad Kamangar, threatened him with execution, and took him out of the cell, along with some of his personal belongings. Later that day, another prisoner reported seeing him in the prison clinic, apparently unconscious. Farzad Kamangar is now believed to have been returned to his cell. .

In Iran, the removal of a detainee from their cell often signals that the person may be executed imminently. Amnesty International is therefore concerned that despite a review of his case being underway, Farzad Kamangar remains at risk of execution.

Farzad Kamangar was arrested by Ministry of Intelligence officials along with two other members of the Kurdish minority, Ali Heydariyan and Farhad Vakili, in Tehran around July 2006. The three men were sentenced to death on 25 February 2008 after being convicted of "moharebeh" (enmity towards God), a charge levelled against those accused of taking up arms against the state, in connection with their alleged membership of the armed group, the Kurdistan Workers Party (PKK).

Ali Heydariyan and Farhad Vakili also received additional sentences of 10 years' imprisonment for forging documents. Under Iranian law, they must serve their prison sentences before being executed. The death sentences of all three men were upheld by the Supreme Court. However, Farzad Kamangar's lawyer has submitted his case to a judicial review panel in an effort to have his death sentence overturned. Under Iranian law, death sentences cannot be carried out while under review.

Prior to his trial, Farzad Kamangar was held incommunicado, tortured and otherwise ill-treated, including by being beaten, flogged, and electrocuted. He is now said to suffer from spasms in his arms and legs. He was tried in unfair proceedings, during which his access to his lawyer was restricted. Farzad Kamangar has been prohibited, on several occasions and for prolonged periods of time, from seeing his lawyer and family members.

BACKGROUND INFORMATION

Kurds, who are one of Iran's minorities, live mainly in the west and north-west of the country, in the province of Kordestan and neighbouring provinces bordering Kurdish areas of Turkey and Iraq. For many years, some Kurdish political parties such as the Kurdistan Democratic Party of Iran (KDPI) and Komala – all of which are illegal in Iran - have taken up arms against the Islamic Republic of Iran. Another armed group, the Kurdistan Independent Life Party (PJAK), continues to carry out armed attacks against Iranian security and government. Iran has accused foreign governments of fomenting unrest among the country's ethnic minorities.

The scope of capital crimes in Iran remains extremely broad. Judges have discretionary powers to impose the death penalty for certain offences, including those relating to national security. No other person convicted of membership of the PKK has been sentenced to death.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Persian, Kurdish or your own language:

- calling for an immediate investigation into the beating of and threats against Farzad Kamangar on 24 November in Evin Prison, with the results made public and those responsible held accountable;
- welcoming the judicial review of the case of Farzad Kamangar, and urging the authorities to commute the death sentences handed down to Farzad Kamangar, Ali Heydariyan and Farhad Vakili;
- calling on the authorities to ensure that all three men have regular access to their families and lawyers of their choice, and to grant them any medical care they may require;
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences in proceedings that adhere to international standards for fair trial, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Islamic Republic Street - Shahid Keshvar Doust Street, Tehran, Islamic Republic of Iran
Email: info@leader.ir
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran
Email: info@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)
Salutation: Your Excellency

COPIES TO:

President, His Excellency Mahmoud Ahmadinejad

The Presidency, Palestine Avenue, Azerbaijan Intersection
Tehran, Islamic Republic of Iran
Fax: + 98 21 6 649 5880
Email: dr-ahmadinejad@president.ir
via website: <http://www.president.ir/en/president/email/index.php> or <http://www.president.ir/en/>

Director, Human Rights Headquarters of Iran
His Excellency Mohammad Javad Larijani
C/o Office of the Deputy for International Affairs, Ministry of Justice
Ministry of Justice Building, Panzdah-Khordad (Ark) Square,
Tehran, Islamic Republic of Iran

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 January 2009.