

URGENT ACTION

KURDISH IRANIAN MAN AT RISK OF EXECUTION

Houshmand Alipour, from Iran's Kurdish minority, is at risk of execution after he was sentenced to death on 29 December 2019 following an unfair trial. Mohammad Ostadghader, also an Iranian Kurd, was sentenced to 11 years' imprisonment in the same trial. Both were denied access to lawyers of their own choosing and say they were forced to give "confessions" under torture and other ill-treatment.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Head of the Judiciary Ebrahim Raisi
c/o Permanent Mission of Iran to the UN
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland*

Dear Mr Raisi,

*Houshmand Alipour, from Iran's Kurdish minority, was sentenced to death on 29 December 2019 following an unfair trial on 31 October 2019, during which the court relied on a false "confession", which he says was extracted from him under torture and other ill-treatment, to convict him. He was tried before Branch 1 of the Revolutionary Court in Sanandaj, Kurdistan province, and was convicted of "armed rebellion against the state" (baghi). He was also convicted of several other charges including "spreading propaganda against the system" and "membership of a group with the purpose of disrupting national security", for which he received a total of 16 years in prison. **Mohammad Ostadghader**, who faced trial alongside Houshmand Alipour, was sentenced to 11 years' imprisonment for multiple charges including "spreading propaganda against the system". Under Iran's Islamic Penal Code, he will be required to serve five years in prison.*

Houshmand Alipour and Mohammad Ostadghader were arrested on 3 August 2018 by security forces near Saqqez, Kurdistan province, on suspicion of taking part in an armed attack against a security base in that city, which they both deny. Four days after their arrest, on 7 August 2018, Iran's state news agency, the Islamic Republic of Iran Broadcasting (IRIB), broadcast a propaganda video in which the men were shown "confessing" to the attack, undermining their rights not to be compelled to incriminate themselves, to the presumption of innocence and to freedom from degrading treatment. Houshmand Alipour has since said that both men were tortured into making the "confessions" during interrogations when they had no access to a lawyer. He told his family that the only reason he made the "confession" was to stop the torture. He has been allowed only one visit from his family since his arrest. Both men have been denied access to lawyers of their own choosing and were given access to a state-appointed lawyer only after 31 August 2018, when they were transferred from a detention centre in Baneh, Kurdistan province, to one in Sanandaj. They have since been transferred to Sanandaj central prison. Their lawyer has filed an appeal with the Supreme Court against their convictions and sentences.

I urge you to quash Houshmand Alipour's and Mohammad Ostadghader's convictions and sentences and grant them a fair retrial in proceedings that meet international fair trial standards and without recourse to the death penalty. I urge you to provide them access to their families and lawyers of their own choosing and ensure that they are protected from torture and other ill-treatment. I call on you to stop permitting "confessions" obtained under torture and other ill-treatment as evidence in court, to ensure an end to the broadcasting of forced "confessions" and to immediately establish an official moratorium on executions with a view to abolishing the death penalty.

Yours sincerely,

**AMNESTY
INTERNATIONAL**



ADDITIONAL INFORMATION

On 7 August 2018, four days after the arrest of Houshmand Alipour and Mohammad Ostadghader, the Ministry of Intelligence claimed it had arrested members of “separatist and Takfiri” groups that had attacked a security base in Saqqez. On 9 August 2018, the Kurdistan Freedom Party (PAK), a Kurdish opposition group based in the Kurdistan Region of Iraq that has engaged in armed activities against Iran, issued a statement taking responsibility for the attack. It stated that the men were arrested after they went in to rescue injured PAK members who had taken part in the attack. Houshmand Alipour’s family has said both men are PAK members but are not involved in armed activities against the state in Iran and had entered Iran to engage in political activities such as raising awareness about PAK amongst Iranian Kurds. In addition to Houshmand Alipour’s death sentence for “armed rebellion against the state”, he has been sentenced to one year in prison for “spreading propaganda against the system”, five years in prison for “membership of a group with the purpose of disrupting national security” and 10 years in prison for “carrying weapons”. Mohammad Ostadghader has been sentenced to one year in prison for “spreading propaganda against the system”, five years in prison for “membership of a group with the purpose of disrupting national security” and five years in prison for “carrying weapons”. Under Article 134 of the Islamic Penal Code, individuals convicted of three or more offences must serve the single harshest sentence.

For years, the Iranian authorities have broadcast “confession” videos on state television in an attempt to justify their actions and gain support from the public. “Confessions” are extracted and “confession” videos are made when detainees are at their most vulnerable – often just after they have been arrested, when they are held incommunicado and subjected to prolonged interrogations under torture and other ill-treatment. Such videos illustrate the extent to which Iran’s intelligence and security forces go to violate the rights of detainees to remain silent during questioning and at trial, to benefit from the presumption of innocence, not to be forced to incriminate themselves and to be free from degrading treatment. Amnesty International’s research has shown that IRIB and other state-controlled media work closely with intelligence and security officials and have been involved in the production and distribution of “confession” videos, thereby sharing responsibility for the human rights violations committed against individuals featured in their productions.

Forced “confessions” that have been broadcast on Iranian state television have been used as evidence in court to convict individuals who were later executed. The most recent example of this is from 8 September 2018 when cousins Zaniar Moradi and Loghman Moradi, from Iran’s Kurdish minority, were executed in Raja’i Shahr prison in the city of Karaj, north-west of Tehran. Zaniar Moradi and Loghman Moradi had been arrested by Ministry of Intelligence officials on 1 August 2009 and 17 October 2009 respectively in the city of Marivan, Kurdistan province, and accused of the murder of the son of a senior cleric which had taken place on 4 July 2009. They were held incommunicado without access to their families or lawyers by the Ministry of Intelligence for the first nine months of their detention. During this time, they said they were forced to “confess” to the murder in front of a video camera after being tortured. Their forced “confessions” were then broadcast on state television in November 2010. In December 2010, after a trial that lasted just 20 minutes, Branch 15 of the Revolutionary Court in Tehran convicted them of “enmity against God” (*moharebeh*) and murder. Their lawyer maintained that the only evidence against them was their forced “confessions”. Both men had repeatedly denied the accusations against them and had pleaded their innocence.

Broadcasting forced “confessions” extracted through torture is a denial of human dignity for the prisoners and a serious violation of their rights. Under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), Iran is legally obliged to respect and protect the rights of all defendants to the presumption of innocence and not to be compelled to incriminate themselves. Under Article 7 of the ICCPR, as well as rules of customary international law, Iran is obliged to respect and protect the right of accused persons to freedom from torture and other cruel, inhuman or degrading treatment or punishment.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The organization considers the death penalty a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 05 March 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Houshmand Alipour (he; him); Mohammad Ostadghader (he; him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/download/Documents/MDE1390542018ENGLISH.pdf>