

URGENT ACTION

IRANIAN KURD AT IMMINENT RISK OF EXECUTION

Iranian Kurdish prisoner Ramin Hossein Panahi is scheduled to be executed on 3 May. He was transferred to solitary confinement on 1 May in preparation for his execution. If the execution takes place it would be against international law.

Ramin Hossein Panahi, a 22-year-old man from Iran's Kurdish minority, was sentenced to death after a grossly unfair trial that lasted less than an hour on 16 January 2018. His family told Amnesty International that he appeared before the Revolutionary Court in Sanandaj, Kurdistan province, with torture marks on his body, but that the court failed to order an investigation. According to his lawyer, the court convicted and sentenced him to death for "taking up arms against the state" (*baqi*) merely based on his membership of the armed Kurdish opposition group Komala. No specific evidence was provided linking him to activities involving intentional killing, which is the required threshold under international law for using the death penalty. Between his arrest and trial, he was only allowed one brief meeting with his lawyer, which took place in the presence of intelligence officials. The authorities also refused to disclose to him and his lawyer the details of the evidence brought against him and to provide them with a written copy of the judgement. The Supreme Court upheld the death sentence in March 2018.

Ramin Hossein Panahi's family has reported that, on several occasions, Ministry of Intelligence officials have visited him in prison and said that his death sentence would be commuted to imprisonment if he agreed to make televised "confessions" denouncing Kurdish opposition groups as "terrorists". When he has refused, they have warned that he would pay with his life for his "stubbornness". Ramin Hossein Panahi was first arrested on 23 June 2017. Following his arrest, he was forcibly disappeared for four months. According to him, during this period and a further two months of solitary confinement, Ministry of Intelligence and Revolutionary Guard officials repeatedly tortured him, including through beating him with cables, kicking and punching him in the stomach and hitting his head against the wall. They also deliberately denied him adequate medical care for the injuries he sustained from being shot at the time of his arrest.

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 death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Please write immediately in English, Persian or your own language calling on the Iranian authorities to:

- Halt the execution of Ramin Hossein Panahi immediately;
- Ensure that his death sentence and conviction are quashed and that he is released unless there is sufficient evidence not obtained through torture or other ill-treatment to charge him with a recognizable criminal offence and grant him a fair trial, without recourse to the death penalty;
- Order a prompt, independent and impartial investigation into his enforced disappearance, prolonged solitary confinement and allegations of torture and other ill-treatment, bringing to justice anyone found responsible in fair trials;
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 22 MAY 2018 TO:

High Council for Human Rights

Mohammad Javad Larijani
Esfaniar Boulevard, Niayesh Intersection
Vali Asr Avenue, Tehran, Iran

Head of Sanandaj's Central Prison

Aziz Heidary
Ershad Street
Sanandaj, Kurdistan Province, Iran

Deputy for Human Rights and

International Affairs, Ministry of Justice
Mahmoud Abbasi
Number 1638, Below Vali Asr Square
Vali Asr Avenue, Tehran, Iran
Email: dr.abbasi@sbmu.ac.ir

Also send copies to diplomatic representatives accredited to your country. H.E. Hamid Baeidinejad, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email: iranconsulate.lon@mfa.gov.ir Please check with your section office if sending appeals after the above date. This is the second update of UA 171/17. Further information: www.amnesty.org/en/documents/mde13/6734/2017/en/

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ADDITIONAL INFORMATION

According to Article 287 of the Islamic Penal Code: “Any group that takes up arms against the foundations of the Islamic Republic of Iran is considered *bagi* and in the event of resorting to the use of arms, its members shall be sentenced to the death penalty.” However, Article 288 notes, that if members of the group are arrested before using arms, they shall be sentenced to imprisonment. The circumstances around Ramin Hossein Panahi’s arrest are unclear to Amnesty International. Komala initially issued a statement noting that he and three other Komala members had engaged in an armed clash with the Revolutionary Guards in the neighbourhood of Shalman in Sanandaj. Komala is an armed Kurdish opposition group which has been engaged in armed activities against the Islamic Republic of Iran since the 1980s. During the incident, Ramin Hossein Palanhi was severely injured and the other three men were shot dead. However, Ramin Hossein Panahi and his lawyer have since claimed that the shots were only fired by the Revolutionary Guards. This claim is supported by a report on a domestic media outlet affiliated with the Ministry of Intelligence, Akam News, on 17 July 2017, which stated that the Revolutionary Guards ambushed the men and opened fire on them and the men were not able to fire any shots back. In an official statement issued on 23 June 2017 the Revolutionary Guards said that they had not suffered any casualties in the incident.

Ramin Hossein Panahi was held in solitary confinement in detention centres run by the Revolutionary Guards and Ministry of Intelligence from his arrest on 23 June 2017 until 9 January 2018, when he was transferred to Sanandaj’s Central Prison. During the four months in which he was forcibly disappeared following his arrest, Ramin Hossein Panahi’s elderly parents reported making strenuous efforts to locate him by visiting various government offices in Sanandaj and Qorveh, and the village of Dehgolan, all in Kurdistan province, but said that officials refused to disclose his fate or whereabouts. Instead, officials directed threats and insults at them, describing their loved one as a “terrorist”. After tormenting his family for more than four months, the Ministry of Intelligence in Sanandaj contacted Ramin Hossein Panahi’s mother on 31 October 2017 and instructed her to go to Sanandaj’s bus terminal, which she did immediately. From there, she was picked up by Ministry of Intelligence officials and taken to an undisclosed location to meet with her son. His mother said that the intelligence officials initially wanted to take photos and videos of the family visit but they removed the cameras after Ramin Hossein Panahi objected.

Hours after Ramin Hossein Panahi’s arrest on 23 June 2017, the Revolutionary Guards stormed his parents’ house in the village of Qeruchay, near Sanandaj, and arrested his brother, Afshin Hossein Panahi. They raided the house again on 24 June and arrested three other members of his family: Ahmad Hossein Panahi (his brother-in-law); Zobeyr Hossein Panahi (a distant relative); and Anvar Hossein Panahi (a cousin). Information received by Amnesty International suggests that none of these men had any involvement with the armed clashes and were instead arrested in an apparent effort to exact retribution. In October 2017, Afshin Hossein Panahi was sentenced to eight and a half years in prison, which he is currently serving in Sanandaj’s Central Prison. Ahmad Hossein Panahi and Zobeyr Hossein Panahi were sentenced to five and six years in prison respectively. They were all convicted of national security offences connected to their involvement with Komala. On 1 May, Ahmad Hossein Panahi was arrested to begin serving his sentence.

International law restricts the application of the death penalty to the “most serious crimes”, interpreted by international bodies as being limited to “intentional killing”. Under the International Covenant on Civil and Political Rights, which binds Iran as a state party, all people brought to trial have the right to fair proceedings. Given the irreversible nature of the death penalty, international human rights law requires explicitly that proceedings in capital cases scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime.

Further information on UA: 171/17 Index: MDE 13/8324/2018 Issue Date: 01 May 2018