

URGENT ACTION

TORTURED KURDISH MAN AT RISK OF EXECUTION

Iranian Kurdish prisoner Heidar Ghorbani, 47, is at risk of execution for “armed rebellion against the state” (*baghi*), despite serious fair trial violations and the trial court confirming that he was never armed. His conviction is based on torture-tainted “confessions”, obtained while he was forcibly disappeared. The authorities must quash his sentence and grant him a fair retrial.

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

Head of Judiciary Ebrahim Raisi

c/o Permanent Mission of Iran to the UN
Chemin du Petit-Saconnex 28, 1209 Geneva, Switzerland

Dear Mr Ebrahim Raisi,

Heidar Ghorbani, a member of Iran's Kurdish minority held on death row in Sanandaj prison in Kurdistan province, is at risk of execution. Branch 27 of Iran's Supreme Court upheld his death sentence on 6 August 2020, without addressing the numerous due process violations and evidential issues raised by his lawyers. On 5 September 2020, the Supreme Court rejected his request for judicial review.

On 21 January 2020, a Revolutionary Court in Sanandaj convicted Heidar Ghorbani of “armed rebellion against the state” and sentenced him to death in connection with the killing of three men reportedly affiliated with the Basij paramilitary forces in September and October 2016 by individuals affiliated with the Kurdish Democratic Party of Iran, an armed Kurdish opposition group. In its verdict, the court acknowledged that Heidar Ghorbani was never armed. Instead, it relied on his torture-tainted statements “confessing” to having provided support to the perpetrators of the killings, including by driving them to and from the locations of the killings.

Amnesty International recalls that the verdict issued violates both Iran's obligations under international law, which limits the use of the death penalty to the “most serious crimes” involving intentional killing, as well as Iran's own laws which stipulate that in order to establish the crime of “armed rebellion against the state”, the defendant must be a member of an armed group and personally resort to arms.

Heidar Ghorbani's trial was grossly unfair. Following his arrest on 11 October 2016, the authorities put him in solitary confinement for several months and subjected him to enforced disappearance. He has said that during this period, he was repeatedly tortured to give a video-recorded “confession” that was broadcast by the state-run Press TV prior to his trial in March 2017, in violation of the presumption of innocence. He said his interrogators kicked and punched him, deprived him of sleep, and forced him to lay on the ground while they walked over his chest causing him a feeling of suffocation. He was denied access to a lawyer during the investigation stage, and his lawyers were denied full access to his court file at the trial stage.

I urge you to quash the conviction and death sentence of Heidar Ghorbani and order a fair retrial without recourse to the death penalty. Please ensure that his enforced disappearance and torture allegations are investigated with a view to ensuring that those suspected of responsibility are brought to justice in fair trials, and take measures to ensure “confessions” obtained under torture and other ill-treatment or without the presence of a lawyer are not used as evidence in court.

Yours sincerely,

ADDITIONAL INFORMATION

There has been an [alarming escalation in use of the death](#) penalty against protesters, dissidents and members of minority groups in Iran in recent months. Amnesty International is concerned that death row prisoners from Iran's disadvantaged ethnic minorities are particularly at risk, given the authorities' pattern of executing prisoners from these groups when concerned about the eruption of popular protests.

Article 287 of Iran's Islamic Penal Code states: "Any group that takes up arms against the foundations of the Islamic Republic of Iran is considered *baghi* and in the event of resorting to the use of arms, its members shall be sentenced to death." According to information recorded in Heidar Ghorbani's casefile and obtained by Amnesty International, even the investigator of the case, who works in the office of the prosecutor in Kurdistan province, stated in writing on 1 February 2017 that there is no evidence to charge Heidar Ghorbani with "armed rebellion against the state" (*baghi*). However, the prosecutor insisted that the indictment lists this charge apparently under the influence of security and intelligence bodies.

On 12 September 2020, Heidar Ghorbani's lawyers appealed to the head of Iran's judiciary to exercise the powers granted to him under Article 477 of Iran's Code of Criminal Procedure and order a review of the case on the basis that the verdict issued is evidently in contravention with both Iranian and Shari'a law.

Heidar Ghorbani was arrested on 12 October 2016, by about 10 ministry of intelligence officials who raided his home and failed to show an arrest warrant. For nearly three months, his family were denied any information about his fate and whereabouts and did not even know if he was dead or alive. On 5 January 2017, he was allowed to briefly call his family, but his whereabouts continued to be concealed. After this phone call, his family was again kept in the dark about his fate and whereabouts until April 2017 when he was transferred to the central prison in Sanandaj, Kurdistan province. Following his transfer to Sanandaj prison, Heidar Ghorbani revealed that while forcibly disappeared, he had been held for several days in a detention centre in Kamyaran, Kurdistan province, run by the Investigation Unit of Iran's police (Agahi), and then transferred to a ministry of intelligence detention centre in Sanandaj, where he was held in solitary confinement for several months. On 8 March 2017, Press TV, an Iranian state-owned outlet that broadcasts in English, aired a propaganda video entitled "The Driver of Death", which featured the forced "confessions" of Heidar Ghorbani without his knowledge. In addition to violating the right to presumption of innocence and to remain silent during interrogations and trial, the mental anguish caused to detainees and their families by such "confession" videos, which generally dehumanize and demonize the victims and purport to show their "guilt" for serious crimes, violates the absolute prohibition on torture and other cruel, inhuman and degrading treatment under international law.

In addition to his trial before the Revolutionary Court, Heidar Ghorbani was also tried before Branch 1 of Criminal Court 1 of Kurdistan province for aiding and abetting murder, attempted kidnapping, assisting the direct perpetrators to escape. In this trial, he was sentenced to a total of 118 years and six months and 200 lashes on 6 October 2019.

In view of the irreversible nature of the death penalty, the proceedings in capital cases must scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime. All individuals who risk facing the death penalty must benefit from the services of competent defence counsel at every stage of the proceedings. They must be presumed innocent until their guilt has been proved based upon clear and convincing evidence leaving no room for an alternative explanation of the facts, in strict application of the highest standards for gathering and assessing evidence. In addition, all mitigating factors must be taken into account. The proceedings must guarantee the right to review of both the factual and the legal aspects of the case by a higher tribunal. Imposition of the death penalty following criminal proceedings that fall seriously short of fair trial standards constitutes an arbitrary deprivation of the right to life and may even amount to an extrajudicial execution.

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. Amnesty International has consistently called on all countries that retain the death penalty including Iran to establish an official moratorium on executions, with a view to completely abolishing the death penalty.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian or English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 November 2020

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

NAME AND PRONOUN: Heidar Ghorbani (he/him)

And copies to:

His Excellency Mr Hamid Baeidinejad

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