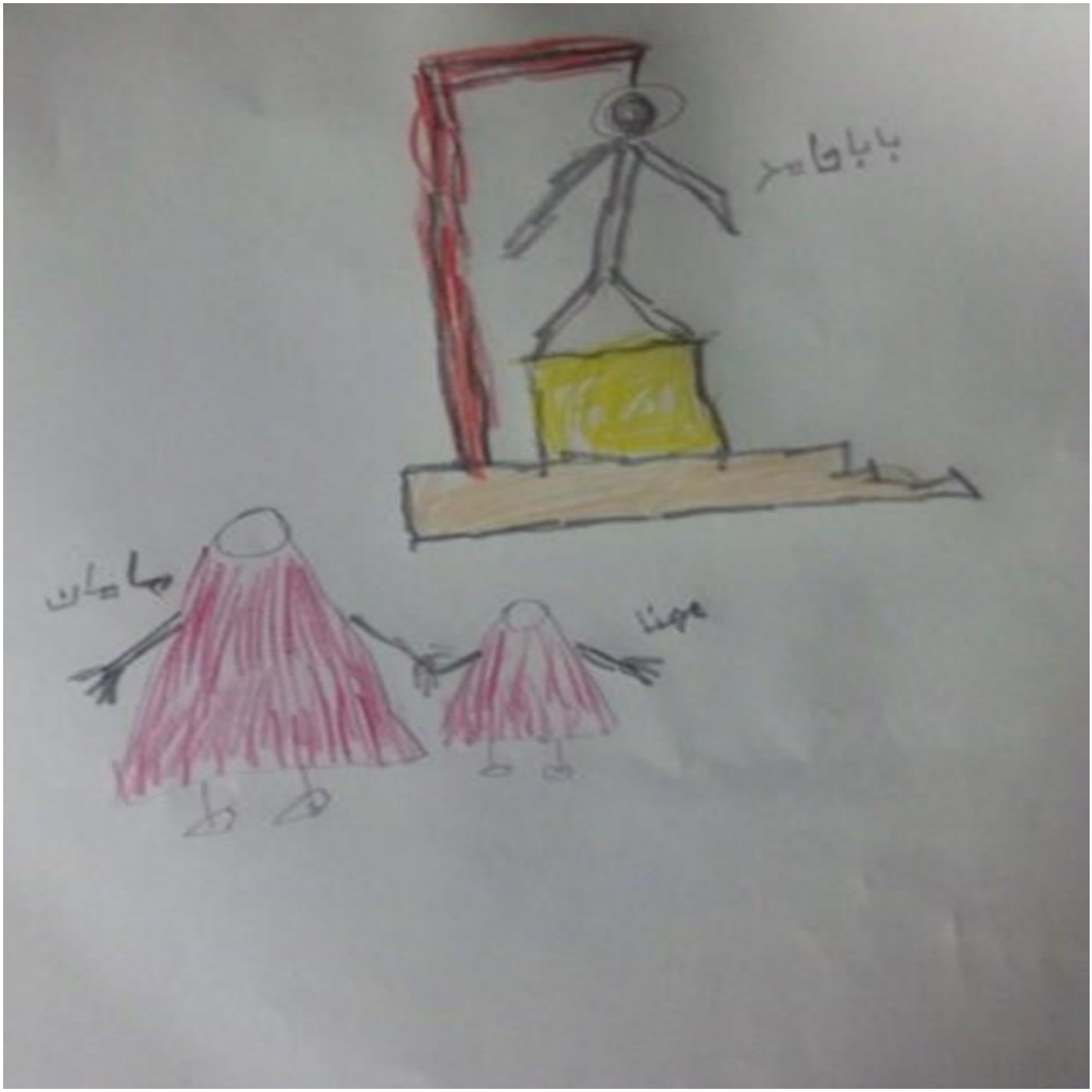

BROADCASTING INJUSTICE

BOASTING OF MASS KILLING

A CASE STUDY OF THE AUGUST 2016 EXECUTION OF 25 SUNNI MEN IN IRAN

AMNESTY INTERNATIONAL

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Cover photo: *Drawing by Mohanna Ahmadi, the young daughter of Sunni prisoner Hamed Ahmadi, who was executed, together with five other men, on 4 March 2015. They were part of a larger group of Sunni men, including the 25 executed men discussed in this report, who were arrested mostly between 2009 and 2011 and sentenced to death after grossly unfair trials. The words written next to the figure of the executed man are "Daddy Hamed", and the words next to the figures of the little girl and the woman are respectively "Mohanna" and "Mum".*
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1. EXECUTIVE SUMMARY

On 2 August 2016, 25 Sunni Muslim men – 22 of them from Iran's Kurdish minority and the other three of Iraqi nationality – were executed in Raja'i Shahr Prison in Karaj, north-west of Tehran. The men had been convicted of the vaguely worded crime, under Iranian law, of "enmity against God" (*moharebeh*), in connection with a number of armed activities, which had taken place mainly in Kurdistan Province between 2009 and 2011. The mass execution, which was carried out without notice to their families and lawyers, sent shockwaves across the media in Iran and throughout the world, and evoked widespread condemnation.

In the months and years preceding the executions, many human rights groups, including Amnesty International, had expressed serious concerns about the fairness of the legal proceedings leading to the men's convictions and had called on the Iranian authorities to quash their convictions (and consequently their death sentences), and grant the men a fair retrial without recourse to the death penalty. By carrying out the executions, the authorities displayed their disregard for fair trial rights and the right to life.

In the hours and days that followed the mass execution, the Iranian authorities embarked on a media campaign intended to dehumanize the executed men in the eyes of the public and justify their executions.

State-sanctioned Iranian websites were flooded with dozens of "confession" videos featuring several of those executed. The people featured in the videos engaged in repeated self-denigration, describing themselves as "terrorists" and "heinous criminals" who deserved whatever treatment and punishment they received. They "confessed" to being involved with a group called Towhid va Jahad, (Unity of God and Holy Struggle) which they said carried out armed attacks and plotted assassinations of "disbelievers" (*kuffar*).

In some of the "confession" videos, the men compared themselves to the armed group calling itself Islamic State (IS) and warned that "we would have committed atrocities worse than IS if we had not been stopped". These videos were interjected with clips showing IS atrocities carried out in Syria and Iraq, which suggests efforts by the authorities to exploit Iranian people's fears about security threats elsewhere in the region to justify the men's executions. The mental anguish caused to families by such "confession" videos, which dehumanize their loved ones and purport to show their guilt for serious crimes, violates the prohibition on cruel, inhuman and degrading treatment under international law. State-controlled bodies that have been involved in the production and distribution of such videos, including in this case Islamic Republic of Iran Broadcasting (IRIB), Press TV and an organization called Habilian Association, share responsibility for the human rights violations committed against the men featured in their productions and their families.

Echoing the language used in the video "confessions", judicial authorities, including Iran's Prosecutor General Mohammad Jafar Montazeri, the Ministry of Justice in Kurdistan Province and the Ministry of Intelligence, issued a spate of inflammatory statements, which similarly denigrated the execution victims as criminals who deserved the punishment meted out to them. The statements attributed to the men a wide range of criminal activities, without clarifying the exact involvement that they each had, particularly when the criminal activities mentioned in the official statements had occurred months after some of the men had been arrested.

The statements also wrongly claimed that the men had spent years on death row because their trials were lengthy and complex and they had been given multiple appeal opportunities. In reality, the men had been sentenced to death after trials that were extremely brief, and the Supreme Court, which was the only venue for appeal, had upheld their convictions and sentences without giving reasons or conducting any evaluation of the sufficiency of the evidence submitted at trial or the well-substantiated claims of due process violations raised by the men.

Three months after the mass execution, the authorities have yet to provide information about the precise criminal offences and acts of which each of them had been convicted. Nor have they issued public, reasoned judgements in order to let the public know the essential facts and legal grounds on which the courts relied to convict the men of "enmity against God". The total number of executions has also not been officially acknowledged. In their public statements, the authorities announced that they had executed 20 men but Amnesty International has received information from reliable sources that confirm five additional executions, making the total figure 25.

Security and intelligence officials have warned the men's lawyers against disclosing the details of their cases to independent media outlets and civil society and human rights groups. They have similarly warned the families of the executed men against speaking out.

Following the mass execution, intelligence officials took the bodies of the deceased, along with their families, to Behesht Zahra Cemetery in Tehran, hundreds of kilometres away from their homes in Sanandaj, Kurdistan Province, and buried them there. Families said the officials gave them no opportunity to provide consent for the burial or otherwise and threatened them with detention if they held memorial ceremonies or talked about the experiences of their deceased relatives. As a result of these repressive practices, the cases of the Sunni men executed on 2 August has been shrouded in secrecy.

Throughout the years that they had spent on death row, many of the men had denied, in messages leaked from prison, any involvement in armed attacks and maintained that they had been targeted solely because they had practised and promoted their Sunni religious beliefs, including through taking part in religious seminars and distributing religious reading materials. In contrast, the authorities claimed that all of them were members of a "terrorist Salafist" group called Towhid va Jahad, and had carried out armed attacks and assassinations inside Iran.

Amnesty International has not been able to obtain sufficient independent information to ascertain where the truth lies between these opposing narratives with respect to each of the executed men. Between 2014 and 2016, the organization had intermittent communications with a group of about 35 men, including some of those executed on 2 August, all of whom were held in Section 10 of Raja'i Shahr Prison and had access to a clandestine mobile phone. The organization was also able to conduct interviews with three family members of the executed men in August 2016, and receive information from several lawyers and human rights activists both inside and outside Iran who were familiar with the cases and their context and background.

Amnesty International also examined publicly available sources including: the video statements that the executed men recorded from inside prison between 2014 and 2016 using a clandestine mobile phone and posted on the internet; statements made by the Ministry of Intelligence, the Ministry of Justice in Kurdistan Province and Iran's Prosecutor General before and after the executions; information published on state-controlled websites affiliated with the judiciary and intelligence and security forces; reports and findings published by independent human rights organizations and media outlets; and a Supreme Court judgement which concerns the cases of 26 men (13 of them were among those executed on 2 August, 11 remain on death row and two are undergoing retrial). Amnesty International was not able to obtain any court judgement concerning the remaining 12 executed men.

On the basis of this research, Amnesty International finds that Iran's criminal justice system blatantly violated the men's rights to a fair trial. These include their rights: to access a lawyer during the investigation stage; not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment; to remain silent and not to be compelled to make "confessions" or otherwise incriminate themselves; to have adequate time and facilities to meet with their lawyers in confidence in order to prepare a defence; to be guaranteed a thorough and independent investigation into their allegations of torture and other ill-treatment; to be granted fair criminal proceedings where statements elicited by torture or other ill-treatment are excluded as evidence; to have their cases heard in public hearings; and to receive a public, reasoned judgement allowing them and the public to know why they were convicted.

The men executed on 2 August were part of a larger group of Sunni men who had been arrested by Ministry of Intelligence officials between 2009 and 2011 when a number of armed skirmishes and attacks occurred in Iran's Kurdistan Province. Initially, articles in state-controlled media suggested that armed Kurdish opposition groups such as Komala or the Party for Free Life of Kurdistan (PJAK) were responsible. Later, however, the Ministry of Justice announced that "extremist groups driven by the ideology of Wahhabism" were probably responsible for the incidents.

Some of the men had been arrested in the days and weeks following 24 April 2009, when the headquarters of the Special Unit of Iranian Police on Mohammadieh Road in Sanandaj was attacked, leading to the death of one police officer and injuries to four others.

Several others had been arrested following four assassination incidents in Sanandaj in September 2009 targeting two Assistant Prosecutors (*dadyar*), Hassan Davtalab and Mehdi Kamiani, both of whom survived, and two senior Sunni religious clerics with ties to the Iranian authorities, Mamusta Borhan Aali, the leader of Friday prayers in Sanandaj, and Mohammad Sheikh al-Islam, the representative of Kurdistan Province in the Assembly of Experts, who were both killed.

Amnesty International understands that after their arrest, the men were held in solitary confinement in detention centres run by intelligence and security forces for extremely long periods, in some cases exceeding two years, with little or no access to their families and lawyers. In their leaked messages, the men had said that during this period, intelligence officials had repeatedly tortured them, including by subjecting them to electric shocks, suspending them upside down, and beating and flogging them, in order to extract video-recorded "confessions".

The men were subsequently sentenced to death in separate trials by a Revolutionary Court, which convicted them of "enmity against God" (*moharebeh*) through "membership of a Sunni Salafist group" and carrying out armed attacks. In issuing these verdicts, the Revolutionary Court relied heavily on "confessions" which the men said had been extracted under torture and which they had retracted at trial. The men had been denied access to their lawyers during the entire investigative stage, and said they met their lawyers for the first time a few minutes before the start of their trials.

Under international human rights law, in particular the International Covenant on Civil and Political Rights (ICCPR), which binds Iran as a state party, all people brought to trial have the right to fair proceedings. However, 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.

Attacks on the general population cause terrible suffering to the immediate victims and their families. They can also create a climate of fear in which communities live in terror. Such attacks can never be justified. Amnesty International will continue to condemn them and to call upon governments to properly investigate and bring those suspected of responsibility to justice, to expose the truth about what has happened, and to provide ways for those affected to obtain support and reparations. However, state responses to concerns over security can never justify abusive practices that undermine human rights.

The death penalty is a cruel, inhumane and degrading punishment that governments often resort to in times of perceived national crisis to demonstrate their "strength" in dealing with threats. 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 carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights.

Amnesty International calls on all countries that still retain the death penalty, including Iran, to immediately establish an official moratorium on executions with a view to abolishing the punishment altogether.

Regarding the cases of the Sunni men highlighted in this briefing who remain on death row, Amnesty International calls on the Iranian authorities to ensure that their convictions and death sentences are immediately quashed, and that they are granted a retrial without recourse to the death penalty that excludes any information obtained under torture or other ill-treatment as inadmissible evidence and strictly complies with all international standards protecting the right to a fair trial.

With respect to those executed, the Iranian authorities should return their bodies to their families for private burial and allow their families to hold mourning ceremonies, free from harassment and intimidation. In cases where there are allegations of torture, the authorities should undertake without delay an independent, impartial and efficient investigation and ensure that, where sufficient, admissible evidence exists, those suspected of responsibility, including individuals suspected of command or other superior responsibility for the torture, are prosecuted in fair trials, without recourse to the death penalty.

More broadly, the Iranian authorities should end once and for all the practice of producing and posting "confession videos" and issue public, reasoned judgements in all criminal cases, allowing the public to know the essential findings, evidence and legal reasoning relied upon to convict and impose sentences.

2. METHODOLOGY

This report is based on information gathered by Amnesty International through its intermittent communications with a group of about 35 men, including some of those executed on 2 August, who were held in Section 10 of Raja'i Shahr Prison and had access to a clandestine mobile phone, and its interviews with three family members of the executed men in August 2016, as well as with several lawyers and human rights activists both inside and outside Iran who followed the cases closely and were familiar with the background and context. Amnesty International has withheld the names and identities of sources interviewed for this research who are still alive in order to protect their security.

The report also draws on publicly available sources including: the video statements that the executed men recorded from inside prison between 2014 and 2016 using a clandestine mobile phone and posted on the internet; statements made by the Ministry of Intelligence, the Ministry of Justice in Kurdistan Province and Iran's Prosecutor General before and after the executions; information published on state-controlled websites affiliated with the judiciary and intelligence and security forces; reports and findings published by independent human rights organizations and media outlets; and the text of Iranian laws and international human rights treaties and standards.

Amnesty International also obtained and reviewed a short Supreme Court judgement (included in Annex I) which concerns the cases of 26 men, 13 of whom were among those executed on 2 August. Amnesty International was unable to access other court verdicts that would provide greater detail on these cases. It was also not possible to obtain any court judgement concerning the other 12 executed men. As a result of these limitations, the organization has not been able to ascertain the precise criminal activities that each of the executed men were charged with or convicted of.

Amnesty International had raised the cases of six of the men mentioned in this report with the Iranian authorities through Urgent Actions and letters to the government in 2015 and 2016, but did not receive any response.

The Iranian authorities have not granted Amnesty International access to Iran to conduct human rights research for nearly four decades. Amnesty International has frequently written to the authorities to raise human rights concerns and to seek access to the country. To date, the organization has not received a positive reply. Amnesty International continues to seek opportunities to discuss its concerns and recommendations with the authorities and to be allowed to visit the country for research purposes.

The challenges related to lack of access are compounded by the repressive environment in the country, which makes it risky to reach out to and gather information from lawyers and families of victims of human rights violations. Many lawyers fear harassment and imprisonment if they contact international organizations to publicize cases or criticize the judicial system. Nevertheless, Amnesty International is confident that its research, which included collecting information from reliable sources inside Iran, interviewing well-placed and reliable individuals, and reviewing numerous text-based sources, has allowed it to accurately summarize the multiple human rights violations that were committed against the men executed on 2 August and their families.

Amnesty International hopes that this report will shed further light on ongoing violations of fair trial rights and the right to life in Iran and contribute to efforts aimed at saving the lives of inmates on death row and ensuring that people who come into contact with Iran's justice system are treated with greater dignity and fairness.

3. UNFAIR TRIALS

On 2 August 2016, the Iranian authorities executed 25 Sunni men – 22 of them from Iran's Kurdish minority and the other three of Iraqi nationality – who had been convicted on the vaguely worded charge of "enmity against God" (*moharebeh*) in connection with a number of armed activities. The mass execution, which was carried out without prior notice to the men's families and lawyers and amid major fair trial concerns, sent shockwaves across the media in Iran and throughout the world, and evoked widespread condemnation.[1]

In the months and years preceding the executions, many human rights groups, including Amnesty International, had called on the Iranian authorities to quash the men's convictions and death sentences, and grant them a fair retrial without recourse to the death penalty.[2]

All the Sunni men were denied access to a lawyer from the time of arrest and during the investigation period, which spanned over many months and, in some cases, over two years. During this period, the men were mostly held in solitary confinement in Ministry of Intelligence detention centres. They reported being tortured to "confess" and incriminate themselves. Their trials were generally limited to one or two sessions and relied on torture-tainted "confessions" to secure convictions. The men were denied the right to communicate and consult with their lawyers, and only allowed to meet them for the first time shortly before or at their trials. Many of them were denied the right to have a meaningful review of their convictions and sentences as Iran's Supreme Court failed to examine the admissibility and sufficiency of the evidence submitted at trial. Nor did the court address the violations of their rights to a fair trial throughout the judicial proceedings.

The application of the death penalty after an unfair trial constitutes a serious violation of the ICCPR, which is binding on Iran. Under international human rights law, in particular the ICCPR, all people brought to trial have the right to fair proceedings (Article 14). Given the irreversible nature of the death penalty, international human rights law specifically requires that proceedings in capital cases scrupulously observe all relevant international standards protecting the right to a fair trial, no matter how heinous the crime.[3]

The Iranian authorities claim that they apply the death penalty only after thorough and fair judicial proceedings.[4] Amnesty International's research, however, shows that basic fair trial guarantees are persistently absent in death penalty cases and the cases of the men discussed in this report provides further confirmation of this troubling pattern.

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1 OHCHR, "Zeid deplores mass executions in Iran", 5 August 2016, available at: www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20344&LangID=E (accessed 26 October 2016); Human Rights Watch, "Iran: Mass Execution on Terrorism Charges: Secrecy Raises Fair Trial Concerns", 8 August 2016, available at: www.hrw.org/news/2016/08/08/iran-mass-execution-terrorism-charges (accessed 26 October 2016); 22 human rights organizations, "Rights groups condemn recent execution of Kurdish prisoners and call for an immediate moratorium on all executions in Iran", 16 August 2016, available at: www.iranhumanrights.org/2016/08/kurdish-execution-press-statement/ (accessed 26 October 2016).

2 Amnesty International (and 17 other human rights organizations), "Iran: Halt execution of 33 Sunnis - Accounts of cases raise fair trial concerns", 13 June 2014, available at: www.amnesty.org/en/documents/mde13/032/2014/en/

3 UN Human Rights Committee, General Comment No. 6: Article 6 (Right to Life), 30 April 1982, para. 7; UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984, para. 5, available at: www.ohchr.org/EN/ProfessionalInterest/Pages/DeathPenalty.aspx (accessed 26 October 2016).

4 Iran's High Council for Human Rights, "The Reply of the Head of Iran's High Council for Human Rights to the statement of the UN High Commissioner for Human Rights", 7 August 2016, available at: www.humanrights-iran.ir/news.aspx?id=51594 (accessed 26 October 2016); and "The Reply of the Head of Iran's High Council for Human Rights to the joint statement by Ahmad Shaheed and Christof Heyns", 17 May 2015, available at: www.humanrights-iran.ir/news.aspx?id=45587 (accessed 26 October 2016).

Fair trial violations are common in Iran's criminal justice system because of gaps between the law and how it is practised and also due to shortcomings in the laws that should guarantee fair trials.[5]

The cases of the Sunni men discussed in this report date from before June 2015, when a new Code of Criminal Procedure came into effect. The previous Code had significant flaws and fell far short of international fair trial standards. It did not guarantee the right to access a lawyer from the time of arrest and set no limit on the length of pre-trial detention, which meant that individuals could be detained for months, even years, without access to a lawyer.[6]

The new Code of Criminal Procedure has introduced several long-overdue reforms. These include provisions which better protect the right to access a lawyer from the moment of arrest and during investigations, and the right to remain silent. However, as of October 2016, officials exercising judicial powers were systematically flouting the provisions of the new Code. This, together with the implementation of death sentences which were imposed prior to the adoption of the new Code of Criminal Procedure and based on evidence obtained in violation of the accused's rights to a fair trial, continues to be of grave concern.

3.1. ARRESTS

INTERNATIONAL STANDARDS

To ensure fair proceedings and protect against human rights violations such as torture and other ill-treatment, international law and standards[7] detail the safeguards that officials arresting and detaining people must uphold from the time of arrest and during detention. They include the following:

- Secret detention is absolutely prohibited;
- People may only be lawfully deprived of their liberty on grounds and according to procedures established by law, which must conform to international standards;
- Arrests and detentions must be carried out only by people authorized to do so by law;
- People must be informed of the reasons for their arrest at the time of arrest and be promptly informed of any charges in a language and way that they understand;
- People must be informed of their rights on arrest in a language and way that they understand;
- An official record of the arrest or detention must be kept by the detaining authorities;
- People arrested must have access to legal advice and to family members, doctors and lawyers;
- People arrested must be brought promptly before a judicial authority.

The Sunni men executed on 2 August were part of a larger group of Sunni men who were arrested by Ministry of Intelligence officials mostly between 2009 and 2011 when a number of armed skirmishes occurred in Kurdistan Province. Initially, articles in state-controlled media suggested that armed Kurdish opposition groups such as Komala or the Party for Free Life of Kurdistan (PJAK) were responsible. Later, however, both the Ministry of Intelligence and the Department of Justice in Kurdistan Province announced that "extremist" groups driven by the ideology of Wahhabism were responsible for the incidents.[8]

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5 Amnesty International, *Flawed reforms: Iran's new Code of Criminal Procedure* (Index: MDE 13/2708/2016), 11 February 2016, available at: www.amnesty.org/en/documents/mde13/2708/2016/en/

6 A Note to its Article 128 permitted the restriction of the right to access legal counsel during pre-trial detention. For more information, see Amnesty International, *Flawed reforms: Iran's new Code of Criminal Procedure* (Index: MDE 13/2708/2016), 11 February 2016, pp. 40-42, available at: www.amnesty.org/en/documents/mde13/2708/2016/en/

7 See for instance Article 9 of the ICCPR and its authoritative interpretation by the Human Rights Committee, the expert body established under the Covenant to oversee its implementation. UN Human Rights Committee, General comment No. 35, Article 9: Liberty and security of person, UN Doc. CCPR/C/GC/35, 16 December 2014.

8 Mashregh News, "Everything about the Takfiri terrorist group 'Towhid va Jahad'", 8 August 2016, available at: bit.ly/2dLoM6B (accessed 26 October 2016); Ministry of Intelligence, "A summary of the activities of the Takfiri terrorist group in Sanandaj called Towhid va Jahad", 3 August 2016, available at: www.vaja.ir/Public/Home/ShowPage.aspx?Object=NEWS&CategoryID=35fd205a-597a-4f8e-9c88-e3cd19f90928&WebPartID=dd88926a-c76c-4319-aea5-3b5b53bd6090&ID=4cff163e-41ff-449b-b0e1-340c01b513dd (accessed 26

Among those arrested were:

- **Shahram Ahmadi**, **Hekmat Araqi**, **Alam Barmashti**, **Sayed Shahou Ebrahimi**, **Farzad Honarjou**, **Varia Ghaderi**, **Mohammad Gharibi Kani**, **Mohammad Keyvan Karimi**, **Omid Mahmoudi**, **Taleb Maleki**, **Pouria Mohammadi**, **Keywan Momenifard**, **Ahmad Nasiri**, **Edris Nemati**, **Omid Peyvandi**, **Hamzeh Qelahvo**, **Bahman Rahimi**, **Mokhtar Rahimi**, **Mohammad Yavar Rahimi**, **Amjad Salehi**, **Behrouz Shahnazari**, **Kaveh Sharifi**, **Arash Sharifi**, **Ali Abdolkarim Shemirani**, and **Kaveh Veysee** Amnesty International has received information from several reliable sources that these 25 men were all executed on 2 August 2016. In their public statements, however, the authorities announced that they had executed 20 men.
- **Hamed Ahmadi**, **Jamshid Dehghani**, **Jahangir Dehghani**, **Seyed Abdol Hadi Hosseini**, **Sediq Mohammadi** and **Kamal Molaei** were executed on 4 March 2015.
- **Kambiz Abbasi**, **Ghasem Abeste**, **Omar Ghader Abdollah**, **Davoud Abdollahi**, **Varia Amiri**, **Khosro Besharat**, **Farshid Naseri Khalili**, **Ayoub Karimi**, **Anvar Khezri**, **Seyed Jamal Mousavi**, **Erfan Naderizadeh**, **Barzan Nasrollahzadeh** (arrested when under 18 years of age), **Keykhosro Sharafipour**, **Mohammad Ahmad Sharif**, **Vahed Sharifi Pour**, **Mohammad Yaser Sharifi Pour**, **Kamran Sheykheh**, **Farhad Salimi**, **Abdorahman Sangani** and **Foad Yousefi** are believed to remain on death row.
- **Shouresh Alimoradi**, **Loghman Amini**, **Saman Mohammadi** and **Bashir Shahnazari** have been held in a Ministry of Intelligence detention centre in Sanandaj, Kurdistan Province, since their arrests. **Loghman Amini** was arrested in 2010; **Bashir Shahnazari** was arrested in 2011; and **Shouresh Alimoradi** and **Saman Mohammadi** were arrested in 2014. The status of their cases and whether they have been sentenced to death is unclear to Amnesty International. These men have featured prominently in the "confession" videos aired by state-controlled media outlets (see Chapter 5).
- **Farzad Shahnazari** and **Teimour Naderi** await retrial before Branch 15 of the Revolutionary Court in Tehran after the Supreme Court quashed their death sentences.

The exact causes and circumstances leading to the arrest of these men are not clear to Amnesty International.

The organization understands that some of them, including **Kaveh Veysee**, **Behrouz Shahnazari** and **Shahram Ahmadi**, were arrested in the days and weeks after the headquarters of the Special Unit of Iranian Police on Mohammadieh Road in Sanandaj was attacked in April 2009, leaving one officer dead and four others injured.[9]

Several others, including **Bahman Rahimi**, **Mokhtar Rahimi** and **Kaveh Sharifi**, were arrested shortly after four assassination incidents in Sanandaj in September 2009, targeting two Assistant Prosecutors (*dadyar*) Hassan Davtalab and Mehdi Kamiani, both of whom survived, and two senior Sunni religious clerics with ties to the Iranian authorities, Mamusta Borhan Aali, the leader of Friday prayers in Sanandaj,[10] and Mohammad Sheikh al-Islam, the representative of Kurdistan Province in the Assembly of Experts,[11] who were both killed.

The rest were arrested over the course of 2010 and 2011, in connection with a number of armed activities and attacks that were carried out in Kurdistan Province. These included: an attack on a traffic police post in Sanandaj in October 2010 that led to the death of four police officers and one civilian;[12] a shoot-out in March 2011 that killed four park rangers in a village near Sanandaj;[13] three separate attacks on different

October 2016); Fararu, "Behind the curtain of Kurdistan's assassinations", 23 September 2009, available at: bit.ly/2eJkIRg (accessed 27 October 2016).

9 Tabnak Professional News Sites, "Terrorist attacks and the martyrdom of several police staff", 25 April 2009, available at: www.tabnak.ir/fa/pages/?cid=45029 (accessed 27 October 2016).

10 Since the establishment of the Islamic Republic in 1979, all Friday Prayer leaders are appointed by the Supreme Leader.

11 The Assembly of Experts (Majles-e Khobregan) is composed of several dozen Islamic jurists (*mojtahed*) who are tasked with appointing and removing the Supreme Leader and supervising his activities.

12 BBC, "Armed attack on a police station in Sanandaj left five dead", 7 October 2010, available at: www.bbc.com/persian/iran/2010/10/101007_l10_sanandaj_shooting.shtml (accessed 27 October 2016).

13 Mehr News Agency, "Details of an armed incident and the martyrdom of four park rangers", 6 March 2011, available at: bit.ly/2dLHhIg (accessed 27 October 2016).

police posts in Sanandaj in March 2011 that killed at least one police officer and left two others injured;[14] and the explosion of two successive sound bombs in Sanandaj's Azadi Square in April 2011.[15]

On 22 April 2011, the deputy governor of Iran's Kurdistan Province, Iraj Hassanzadeh, announced that intelligence and security forces had managed to destroy a "terrorist Salafist" group called Towhid va Jahad, which he said was responsible for all of the above armed or violent incidents.[16] According to the announcement, this outcome was achieved after Ministry of Intelligence officials discovered and raided the group's safe house in Hassan Abad village near Sanandaj, and killed four men named Younes Abdi, Erfan Ahmadi, Sirvan Mo'meni and Amjad Peyvand.[17] The deputy said, "The four terrorists killed bore the primary responsibility for the incidents of the past two years and one of them was the main agent behind the bombing in Sanandaj's Azadi Square." He added that this success followed an earlier one in March 2011 when they inflicted a heavy blow on the group, killing the main people responsible for the March 2011 killing of four park rangers.

In their public statements following the mass execution, the authorities have attributed to the executed men collectively a series of criminal activities that took place between 2009 and 2011.[18] However, some of the men had been arrested months before some of the incidents attributed to the group Towhid va Jahad had occurred. It is not, therefore, clear from the statements what involvement the arrested men had in the incidents reported during this period.

Many of the men had denied that they were members of the armed group Towhid va Jahad or been involved in armed attacks. They maintained that they had been targeted because they promoted Sunni religious beliefs, including through taking part in religious seminars and distributing religious reading materials. The writings and video statements of some of the men suggests that these religious beliefs had a strong political element to them, and directly challenged the system of the Islamic Republic and its ruling Shi'a ideology.[19]

Amnesty International has not been able to obtain sufficient independent information to ascertain where the truth lies between these opposing narratives with respect to each of the executed men. As the authorities have failed to issue public judgements and warned the men's lawyers against sharing the details of their cases, there is not enough reliable information about the precise criminal activities that each of them was charged with or convicted of. The organization's research, however, raises concerns that some of the men may have been targeted based on their associations with individuals allegedly involved in armed attacks, and without any evidence pointing to their own direct participation.

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14 Mehr News Agency, "Details of the destruction of a terrorist group in an armed confrontation", 22 April 2011, available at: bit.ly/2dP4apa (accessed 27 October 2016).

15 Mehr News Agency, "Details of explosion of two sounds bombs in Sanandaj's Azadi Square", 16 April 2011, available at: bit.ly/2faMAC8 (accessed 27 October 2016).

16 Mehr News Agency, "Details of the destruction of a terrorist group in an armed confrontation", 22 April 2011, available at: bit.ly/2dP4apa (accessed 27 October 2016).

17 Mehr News Agency, "Details of the destruction of a terrorist group in an armed confrontation", 22 April 2011, available at: bit.ly/2dP4apa (accessed 27 October 2016). For the names of the men killed, see Kurdistan's Information Council, "[Call on] people to help with the arrest of terrorists", 31 March 2011, available at: dolat.ir/detail/200135 (accessed 27 October 2016).

18 See, for example, Ministry of Intelligence, "A summary of the activities of the Takfiri terrorist group in Sanandaj called Towhid va Jahad", 3 August 2016, available at: www.vaja.ir/Public/Home/ShowPage.aspx?Object=NEWS&CategoryID=35fd205a-597a-4f8e-9c88-e3cd19f90928&WebPartID=dd88926a-c76c-4319-aea5-3b5b53bd6090&ID=4cff163e-41ff-449b-b0e1-340c01b513dd (accessed 26 October 2016).

19 See, for example, the video statements of Behrouz Shahnazari, Mokhtar Rahimi, and Taleb Maleki recorded by a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=I-amjW8aAyQ; www.youtube.com/watch?v=J9JK1MdhqzE; and www.youtube.com/watch?v=Hfpu6nf4Xyo (accessed 27 October 2016).

3.2 PRE-TRIAL DETENTION

INTERNATIONAL STANDARDS

Torture and other cruel, inhuman or degrading treatment or punishment are prohibited absolutely, in all circumstances and without exception. Under the ICCPR, Iran must respect and protect everyone's freedom from torture and other ill-treatment (Article 7) even "in time of emergency which threatens the life of the nation" (Article 4.1).

Regarding "confessions" obtained through torture or other ill-treatment, the UN Human Rights Committee, charged with overseeing the implementation of the ICCPR, stated unequivocally, in its authoritative General Comment on the right to equality before courts and tribunals and to a fair trial: "[A]s article 7 is also non-derogable in its entirety, no statements or confessions or, in principle, other evidence obtained in violation of this provision may be invoked as evidence in any proceedings… including during a state of emergency, except if a statement or confession obtained in violation of article 7 is used as evidence that torture or other treatment prohibited by this provision occurred."[20]

Following their arrests, the men were held in prolonged solitary confinement in Ministry of Intelligence detention centres. During this period, which in many cases exceeded two years, the men were allowed no access to their lawyers and were subjected to intense interrogations. They also said they were tortured in order to make "confessions" recorded on video.[21] Common methods of torture they described included kicking, punching, beatings with electric batons, flogging, suspension, sleep deprivation and denial of access to food and medication.

SHAHRAM AHMADI

Shahram Ahmadi © Private

Shahram Ahmadi was arrested in April 2009 in Sanandaj as he was on his way home. He had said he was shot and beaten on the street by men from the Revolutionary Guards and taken to hospital where he was interrogated. He was held in Ministry of Intelligence detention centres in Sanandaj and Zanjan for 34 months. He was then taken to Section 350 of Tehran's Evin Prison and eventually to Raja'i Shahr Prison. During his pre-trial detention, which lasted almost three years, he was not allowed access to a lawyer or to his family and was held in solitary confinement for prolonged periods.[22]

Shahram Ahmadi told Amnesty International that his interrogators repeatedly tortured him, including by kicking and punching him, denying him food and medication, depriving him of sleep, subjecting him to electric shocks and making threats against his family members. He also said that he was interrogated for up to 20 hours a day. He met his state-appointed lawyer for the first time at his trial on 2 October 2012.[23]

Shahram Ahmadi was among the prisoners executed in Raja'i Shahr Prison on 2 August 2016.

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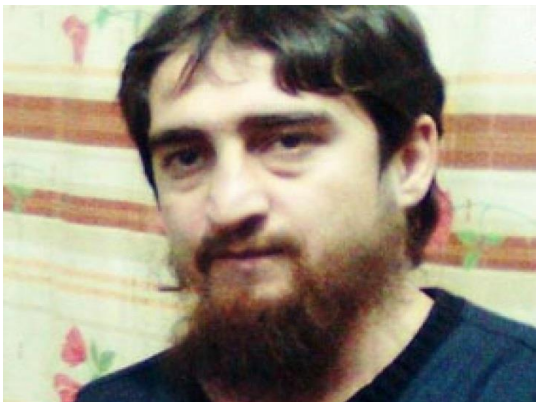
20 UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 6.

21 See, for example, the video statements of Behrouz Shahnazari, Mokhtar Rahimi, Taleb Maleki and Shahram Ahmadi, recorded by a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=I-amjW8aAyQ; www.youtube.com/watch?v=J9JK1MdhqzE; www.youtube.com/watch?v=Hfpu6nf4Xyo; and www.youtube.com/watch?v=UI8qV4G9ank (accessed 27 October 2016).

22 Amnesty International was able to talk to Shahram Ahmadi when he was in prison and had access to a clandestine mobile phone.

23 Amnesty International, "Iran: Facing execution after hasty, unfair trial" (Index: MDE 13/2952/2015), 7 November 2015, available at: www.amnesty.org/en/documents/mde13/2952/2015/en/; see also video statement by Shahram Ahmadi, recorded on a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=UI8qV4G9ank (accessed 27 October 2016).

KAVEH SHARIFI



Kaveh Sharifi © Private

Kaveh Sharifi was arrested by Ministry of Intelligence officials in Sanandaj in October 2009.

In an audio message leaked from prison, he said he was held for 21 months in a Ministry of Intelligence detention facility in Sanandaj without access to his family or a lawyer.

Kaveh Sharifi said that, during his months of detention in solitary confinement, intelligence officials repeatedly subjected him to physical and mental torture in order to extract "confessions" that were recorded on video.

According to an on-line letter attributed to his mother, his family had no information about his fate and whereabouts for the first 124 days after his arrest. They subsequently learned that he had suffered internal bleeding as a result of torture and lost consciousness for 48 hours.[24]

Kaveh Sharifi was among the prisoners executed in Raja'i Shahr Prison on 2 August 2016.

MOKHTAR RAHIMI

Mokhtar Rahimi © Private

Mokhtar Rahimi was arrested by Ministry of Intelligence officials in Sanandaj in October 2009.

In a video message leaked from prison, he said he was held for six months in a Ministry of Intelligence detention facility in Sanandaj without access to his family or a lawyer. Mokhtar Rahimi said that during this period, intelligence officials repeatedly tortured him, including by kicking and punching him and beating him with electric batons. The torture was primarily aimed at extracting "confessions" recorded on video.[25]

Mokhtar Rahimi said that interrogators promised that he would be released if he "confessed" to the crimes that he said he had not committed. However, after he "confessed", he was transferred to Zanjan Prison, in north-central Iran, where he spent another 110 days in solitary confinement in a cell that he said had no ventilation and smelled extremely foul. He had no contact with the outside world during this period. He was subsequently moved to a Ministry of Intelligence detention centre in Zanjan and held there for 27 months. In his video message, Mokhtar Rahimi described having no privacy during this period because the authorities had placed a security camera in his cell that recorded him, even when he was in the bathroom and shower. Mokhtar Rahimi was transferred to Raja'i Shahr Prison in March 2011. He was sentenced to death in March 2013, after one or two brief sessions before a Revolutionary Court in Tehran. He met his lawyer for the first time at his trial.

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24 Kalame, "Letter by the mother of prisoners Kaveh, Abdollah and Arash Sharifi", 30 September 2013, available at: bit.ly/2e0QkUh (accessed 27 October 2016).

25 Statement of Mokhtar Rahimi recorded on a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=J9JK1MdhqzE (accessed 27 October 2016).

Mokhtar Rahimi was among the prisoners executed in Raja'i Shahr Prison on 2 August 2016.

BARZAN NASROLLAHZADEH

Barzan Nasrollahzadeh © Private

Barzan Nasrollahzadeh was arrested by Ministry of Intelligence officials in Sanandaj, Kurdistan Province on 29 May 2010. He was 17 years old at the time of his arrest.[26]

Amnesty International was told by one of his cell mates in Raja'i Shahr Prison that one of the officials shot him in his abdomen, causing injuries to his spleen for which he did not receive adequate medical care.

He was subsequently held for several months in a Ministry of Intelligence detention facility in Sanandaj without access to his family or a lawyer.

He has said that, during this period, intelligence officials tortured him, including by using an electric-shock device, suspending him upside down, and beating him. He met his court-appointed lawyer for the first time at his trial on 21 August 2013. Barzan Nasrollahzadeh remains on death row in Raja'i Shahr Prison.

In their first months of detention, the men's families were generally left in the dark about the legal status and the exact whereabouts of their loved ones. Some of the men were allowed a brief phone call several months after their arrest only to tell their families that they were fine without being able to give any further information on their conditions or whereabouts. The families who were allowed visits after several months described their relatives as "unrecognizable".[27]

"I was allowed to visit my son after seven months of begging and pleading. He was nothing but skin and bones. He looked extremely skinny and enfeebled. His skin had turned dark. His sight had weakened."

Mother of one of the executed prisoners, September 2016.[28]

3.3 TRIAL AND APPEAL

The trial of each the 25 executed men consisted of one or two brief sessions before a Revolutionary Court in Tehran. Amnesty International understands that these trial sessions often took place over one or two years after the men's arrest. Although they were each represented by a lawyer during the trial, the men reported that they were not permitted to meet with their lawyers before their trials began. Amnesty International understands that the lawyers were not allowed to examine their case files until shortly before the trials began and, even then, were only allowed to review the files at the Revolutionary Court and take handwritten notes.

Information received by Amnesty International from the men and their families plus an undated judgement from Branch 31 of the Supreme Court which concerns the case of 26 men indicate that the courts ignored the men's allegations of torture, and failed to order any investigation into them. The "confessions", which the men alleged had been obtained under torture, were not excluded by the Court and were used as evidence to secure their convictions.

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26 Amnesty International, *Growing up on death row: The death penalty and juvenile offenders in Iran* (Index: MDE 13/3112/2016), 26 January 2016, available at: www.amnesty.org/en/documents/mde13/3112/2016/en/

27 Amnesty International's interview with some of the men and their families and lawyers, 2016 (names withheld for security reasons).

28 Interview with Amnesty International, September 2016 (name withheld for security reasons).

The men were subsequently convicted of the vaguely worded crime of "enmity against God" (*moharebeh*) through "membership and support of the terrorist group Towhid va Jahad" and "involvement in criminal, terrorist actions" and sentenced to death.

The undated judgement by Branch 31 of Iran's Supreme Court addresses the cases of 26 men who are believed to have been arrested between 2009 and 2011 and whose names are mentioned in the previous section.[29] The judgement noted that the death sentences of seven of these men – **Kambiz Abbasi**, **Varia Amiri**, **Erfan Naderizadeh**, **Keykhosro Sharafipour**, **Vahed Sharifi Pour**, **Mohammad Yaser Sharifi Pour** and **Foad Yousefi**, – were final as they had not sought an appeal. These men are believed to remain on death row.[30]

It dismissed the appeals of 17 men, 13 of whom were among those executed on 2 August (**Shahram Ahmadi**, **Farzad Honarjou**, **Varia Ghaderi**, **Mohammad Gharibi Kani**, **Mohammad Keyvan Karimi**, **Omid Mahmoudi**, **Keywan Momenifard**, **Bahman Rahimi**, **Mokhtar Rahimi**, **Mohammad Yavar Rahimi**, **Pouria Mohammadi**, **Omid Peyvandi**, and **Sayed Shahou Ebrahimi**)[31] and four of whom remain on death row (**Omar Ghader Abdollah**, **Mohammad Ahmad Sharif**, **Farshid Naseri Khalili** and **Barzan Nasrollahzadeh**).[32]

It quashed the convictions, and consequently the death sentences, of the other two men – **Farzad Shahnazari** and **Teimour Naderi** – and referred their cases to a court of first instance for retrial. They are currently awaiting retrial.

The content of the judgement indicates that the Supreme Court considered the appeals in a summary fashion. The judgement does not address the arguments of lawyers who submitted there was no evidence pointing to their clients' involvement in armed activities, nor does it take issue with the serious and multiple violations of the accused's rights to a fair trial. There is also no clear explanation in the judgement as to why the Supreme Court quashed the convictions of two men but upheld the convictions of the others. The judgement consists of just over five pages, and deals with the cases of the men collectively.

Written incoherently and riddled with grammar and punctuation mistakes, it simply lists the names of 17 men and states:

> **"After considering the court file (which consists of 9 volumes and 3942 pages in total), the report of Ministry of Intelligence officials, and the statements and confessions of some of the accused throughout the investigation stage, and given the fact that the claims made by the defendants and their lawyers about the way they confessed during the investigation stage [implicitly referencing their torture allegations] are unacceptable… the guilt of the above 17 people is proven, evident and established."**
>
> Undated judgement by Branch 31 of Iran's Supreme Court.

The right of people convicted of crimes to appeal the conviction – and sentence – is an essential element of the right to a fair trial. The role of appeal courts is to ensure that a conviction resulting from prejudicial errors of law or fact, or violations of the accused's rights, does not become final. Under Article 14(5) of the ICCPR, "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

The UN Human Rights Committee has clarified that states parties are obliged to ensure that appeal courts "review substantively, both on the basis of sufficiency of the evidence and of the law, the conviction and sentence, such that the procedure allows for due consideration of the nature of the case."[33] This means that the appeal court must objectively and impartially review the allegations against the individual in detail,

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29 See Annex I.

30 The basis on which the authorities have so far spared these men, who have confirmed death sentences, from execution is unclear to Amnesty International.

31 Amnesty International has not seen the court judgement in the case of the remaining 12 executed men, namely Alam Barmashti, Taleb Maleki, Ahmad Nasiri, Edris Nemati, Amjad Salehi, Behrouz Shahnazari, Kaveh Sharifi, Arash Sharifi, Kaveh Veysee, Hekmat Araqi, Hamzeh Qelahvo, and Ali Abdolkarim Shemirani.

32 The basis on which the authorities have so far spared these men, who have confirmed death sentences, from execution is unclear to Amnesty International.

33 UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 48.

consider the evidence submitted at trial, and render a reasoned judgement about the sufficiency of the incriminating evidence.[34] The Inter-American Commission on Human Rights has stated that appeal courts must examine not only the grounds for appeal but also whether due process was observed throughout the judicial proceedings.[35]

In this case, by dismissing the men's appeals in a summary fashion and without providing any substantive or detailed reasons for doing so, Iran's Supreme Court violated the men's right to have a meaningful review of their conviction and sentence by a higher court. The right to a fair trial requires courts to give reasons for their judgements, in particular to protect against arbitrariness as well as enable appeals.[36]

Amnesty International believes that all executions violate the right to life. Although this view is not yet universally accepted, international human rights bodies agree that it is a violation of the right to life to pass a death sentence and execute a person after criminal proceedings that violate fair trial guarantees.[37]

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34 Amnesty International, *Fair Trial Manual – Second Edition* (Index: POL 30/002/2014), 9 April 2014, available at: www.amnesty.org/en/documents/POL30/002/2014/en/

35 *Case 9850* (Argentina), Inter-American Commission (1990), Section III, para. 18, available at: www.cidh.oas.org/annualrep/90.91eng/Argentina9850.htm (accessed 27 October 2016).

36 UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, paras 29, 49; *Hadjianastassiou v. Greece* (12945/87), European Court of Human Rights (1992), para. 33; *Apitz Barbera et al v. Venezuela*, Inter-American Court (2008), para. 78.

37 See for instance UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 59.

4. UNDISCLOSED JUDGEMENTS

As of November 2016, there was little reliable information available about the precise criminal activities that each of the executed men had been charged with and convicted of. This lack of information resulted primarily from the environment of censorship and fear created by the authorities and their refusal to release the judgements of the Revolutionary Court in Tehran, which convicted and imposed the death penalty on the men executed on 2 August. Intelligence and security officials have also warned the men's lawyers against disclosing the details of their cases to media outlets or human rights groups.

These practices violate Iran's obligation to ensure that "any judgement rendered in a criminal case or in a suit at law shall be made public" (with certain exceptions not relevant to this case), as provided in Article 14(1) of the ICCPR.

The obligation to ensure that courts' judgements are made public is part of making the administration of justice public and open to public scrutiny. The European Court of Human Rights has explained that a judgement is considered public if it is pronounced orally in a session of the court open to the public or, if the judgement is written, it is provided to the parties and available to others, including through a court's registry.[38]

Iran's criminal justice system does not abide by this international human rights obligation and has no clear legal provisions with regard to making court judgements publicly available. Article 380 of the 2015 Code of Criminal Procedure only makes it mandatory for authorities to provide the parties with a written copy of the judgement. Even here, however, Note 2 to the Article[39] removes this requirement in cases involving offences against "decency" or national security, as well as where the judgement "contains content which would be *haram* [religiously forbidden] for the complainant to know about". In such cases, the Note states, the judgement must be pronounced to the parties in an in-person session and the parties can take notes. The lawyers of the men executed on 2 August seem to have been allowed to review the judgements at the Revolutionary Court and take written notes.

The lack of public access to court judgements through a public register has resulted in Iran's criminal justice system often being shrouded in secrecy, particularly in death penalty and national security-related cases, and made research on human rights issues particularly difficult.

Human rights groups have had to rely on victims of human rights violations, their families and lawyers sharing as much information as they could regarding court judgements. However, in many cases, including those discussed in this report, this has not been a smooth or easy process because family members and lawyers have been afraid of harassment and imprisonment or have simply not had the technological means to share court documents through secure means.

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38 *Sutter v. Switzerland* (8209/78), European Court of Human Rights (1984), paras 31-34.

39 A Note (*tabsareh*) is an explanatory paragraph attached to an article of the law that clarifies the scope of the article and in some cases provide exceptions.

5. DEHUMANIZATION OF EXECUTED PEOPLE AND DEATH ROW INMATES

5.1 TELEVISED "CONFESSIONS"

Within less than 24 hours after the 2 August mass execution, the Iranian authorities embarked on a media campaign, apparently to dehumanize the executed men and those on death row from the same group in the eyes of the public, to convince the public of their guilt and to justify their executions.

State-controlled websites were flooded with dozens of film trailer-style "confession" videos featuring several of the executed men.[40] These videos were taken from longer "documentaries" broadcast on Iranian state television between 2012 and 2016. Those featured in the videos include Kaveh Sharifi, Kaveh Veysee, Shahram Ahmadi, and Edris Nemati. Four Sunni men who have been held in a Ministry of Intelligence detention in Sanandaj, Kurdistan Province, since their arrests, Bashir Shahnazari, Saman Mohammadi, Loghman Amini and Shouresh Alimoradi, are also featured.[41]

The stage-managed "confession documentaries" have sensationalist headlines such as *In the Devil's hands*, *In the depth of darkness* and *In the orbit of decay* and melodramatic background music. In some of the videos, the scenes have been interposed with film industry slogans such as "coming soon" to heighten their dramatic effect.[42]

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40 See, for example, Islamic Republic of Iran Broadcasting, *Takfir va terror* [Takfir and terror], 3 August 2016, available at: bit.ly/2eUuRuW (accessed 27 October 2016); Habilian: Iranian Perspectives and News on Terrorism, *Dar omgh-e tariki* [In the depth of darkness], 6 August 2016, available at: bit.ly/2e0VAr1 (accessed 27 October 2016); Otagh-e Khabar 24, *Shahram Ahmadi kist?* [Who is Shahram Ahmadi?], August 6 2016, available at: otaghkhabar24.ir/news/57610 (accessed 27 October 2016); Fergheha, *Bar madar-e tabahi: Negahi be jenayat gorouhak salafiat dar Kurdistan* [In the orbit of decay: A look at the crimes of the Salafist group in Kurdistan], 7 August 2016, available at: bit.ly/2dM73w7 (accessed 27 October 2016); Tasnim News Agency, *Filme e'terafat a'zayeh e'dami gorouhak-e terroristi-e "Towhid va Jahad"* [The confession film of the executed members of the terrorist group "Towhid va Jahad"], 3 August 2016, available at: bit.ly/2dM9fnp (accessed 27 October 2016).

41 As noted in section 3.1, the status of their cases and whether they have been sentenced to death is unclear to Amnesty International.

42 See, for example, Otagh-e Khabar 24, *Shahram Ahmadi kist?* [Who is Shahram Ahmadi?], August 6 2016, available at: otaghkhabar24.ir/news/57610 (accessed 27 October 2016).

The people featured in the videos engage in repeated self-denigration, describing themselves as "terrorists" and "heinous criminals" who deserve their punishment.[43] They "confess" to being involved with the group Towhid va Jahad, which they say carried out armed attacks and plotted assassinations of "disbelievers" (*kuffar*).

In some of the "confession" videos, the men compare themselves to the armed group calling itself the Islamic State (IS) and claim that they "would have committed atrocities worse than IS if we had not been stopped". These videos are interjected with clips showing IS atrocities carried out in Syria and Iraq, which suggests an effort by the authorities to exploit Iranian people's fears about security threats elsewhere in the region to justify the men's executions.[44]

In messages recorded from inside prison using a clandestine mobile phone, the executed men had said that they were forced to give "confessions" recorded on video after suffering months of torture in the Ministry of Intelligence detention centres where they were held in prolonged solitary confinement.[45] Common methods of torture they described included kicking, punching, beatings with electric batons, flogging, suspension, sleep deprivation and denial of access to food and medication.

One of the men, Mokhtar Rahimi, described in a video message leaked from prison how he was forced to "confess" to crimes that he had not committed during the six-month period that he was held in solitary confinement and suffered physical torture repeatedly.

> **"I felt I had no options left and I could not bear any more abuse and torture… They [intelligence officials] took me before a camera and told me that my case would be closed and they would release me if I stated what they told me to… However, they then put my statements on a CD and that was used to convict me.**
>
> Mokhtar Rahimi, March 2013.[46]

Another man, Kaveh Sharifi, reported in a video message leaked from prison that when filming the "confessions", the interrogators told him how to read his scripts, and interrupted him repeatedly if he did not speak the words or display the facial emotions as instructed.

> **"The Ministry of Intelligence prepared six pages [of written text] and asked me to memorize them. I practised for almost two hours a day until I had the information completely memorized. Then they made me sit in front of a camera. They even told me how I should move my hands and keep a happy face so that no one would suspect I was held in solitary confinement or ill-treated. I was forced to follow their instructions so they wouldn't put me in more difficult conditions."**
>
> Kaveh Sharifi, June 2014.[47]

Amnesty International has also found several inconsistencies between the videos, which indicates that the "confessions" are likely to have been scripted, including where the videos link the men to crimes that occurred months after their arrests.

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43 See, for example, Fergheha, *Bar madar-e tabahi: Negahi be jenayat gorouhak salafiat dar Kurdistan* [In the orbit of decay: A look at the crimes of the Salafist group in Kurdistan], Part One, Minute 23:30, 7 August 2016, available at: bit.ly/2dM73w7 (accessed 27 October 2016).

44 See, for example, Habilian: Iranian Perspectives and News on Terrorism, *Dar omgh-e tariki* [In the depth of darkness], Part One, Minute 4:32, 6 August 2016, available at: bit.ly/2e0VAr1 (accessed 27 October 2016).

45 See, for example, the video statements of Behrouz Shahnazari, Mokhtar Rahimi, Taleb Maleki and Shahram Ahmadi, recorded by a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=I-amjW8aAyQ; www.youtube.com/watch?v=J9JK1MdhqzE; www.youtube.com/watch?v=Hfpu6nf4Xyo; and www.youtube.com/watch?v=UI8qV4G9ank (accessed 27 October 2016).

46 Statement of Mokhtar Rahimi recorded on a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=J9JK1MdhqzE (accessed 10 November 2016).

47 Statement of Kaveh Sharifi recorded on a clandestine mobile phone from inside prison, available at: www.youtube.com/watch?v=7iBLcjL43fs (accessed 27 October 2016).

For example, in the video entitled *Takfir and terror*, **Kaveh Sharifi** "confesses" to being the mastermind behind a plan to assassinate senior Sunni cleric Mamusta Borhan Aali in September 2009.[48] However, in another video, entitled *In the orbit of decay*, he is featured to "confess" that his comrades assassinated Mamusta Borhan Aali out of spontaneous malice and without any prior planning or Kaveh Sharifi's knowledge.[49]

Another man, **Kaveh Veysee**, is repeatedly implicated in the videos as the person who issued religious fatwas in support of the four assassinations that occurred in Sanandaj in September 2009. However, in a media "interview" with a state-controlled website, which was published after his execution in August 2016, Kaveh Veysee only "confesses" to his participation in an April 2009 attack on the headquarters of the Special Unit of Iranian Police on Mohammadieh Road in Sanandaj. He says that he did not know any of the men arrested for their alleged membership in the group Towhid va Jahad prior to his imprisonment and had no knowledge of or involvement in the assassinations that took place several months after his arrest.[50]

Broadcasting forced "confessions" extracted through torture is a denial of human dignity for the prisoners and their families and a serious violation of their rights. Under Article 14 of the 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 or other cruel, inhuman or degrading treatment or punishment.

The mental anguish caused to families by "confession" videos that dehumanize their loved ones and purport to show their guilt for serious crimes violates the prohibition on cruel, inhuman and degrading treatment under Article 7 of the ICCPR.[51]

State-controlled bodies that have been involved in the production and distribution of the "confession" videos, including in this case Islamic Republic of Iran Broadcasting (IRIB), Press TV and an organization called Habilian Association, share responsibility for the human rights violations committed against the men featured in their productions, and their families. Amnesty International's research shows that IRIB and Press TV work closely with intelligence and security officials, who frequently subject detainees to torture or other ill-treatment in order to obtain video-recorded "confessions".

5.2 INFLAMMATORY STATEMENTS

As part of their attempts to dehumanize the executed men, as well as those still on death row, Iran's Prosecutor General Mohammad Jafar Montazeri stated in a media interview with state television on 3 August: "The executed men committed any crime that they had the opportunity to… They committed murder... killed women and children, caused destruction, acted against national security, and killed Sunni religious leaders in some Kurdish regions."[52]

The justice department of Kurdistan Province announced on 2 August that "with the help of Almighty God and in line with the implementation of divine law" the death sentences against a "terrorist group whose hands were stained with the blood of our compatriots" were carried out.

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48 Islamic Republic of Iran Broadcasting, *Takfir va terror* [Takfir and terror], 3 August 2016, Part Two, available at: bit.ly/2eUuRuW (accessed 27 October 2016).

49 Aparat, *Bar madar-e tabahi* [In the orbit of decay], Part Two, Minute 8:00, 28 February 2016, available at: bit.ly/2e1dERF (accessed 27 October 2016).

50 Mashregh News, "The Confessions of a Takfiri about the attack on Sanandaj's police station", 9 August 2016, available at: bit.ly/2aKxMWD (accessed 27 October 2016).

51 For cases where the way families of direct victims were affected constituted torture or other ill-treatment of the families, see for instance *Elena Quinteros Almeida and Maria del Carmen Almeida de Quinteros v. Uruguay,* UN Human Rights Committee, UN Doc. CCPR/C/OP/2 (1990), para. 14; *Kurt v. Turkey* (24276/94), European Court of Human Rights (1998), para. 134; *Blake v. Guatemala*, Inter-American Court (1998), para. 116; *L'affaire ministère public contre Hissein Habré,* Extraordinary African Chambers, 16 March 2016, para. 587.

52 Iran's High Council for Human Rights, "Prosecutor-General: There is no crime that executed Takfiri terrorists would not have committed", 6 August 2016, available at: www.humanrights-iran.ir/news-51572.aspx (accessed 27 October 2016).

> **"The Takfiri terrorist group had been established with the intention to carry out moharebeh [enmity against God], armed activities inside the country, killings and assassinations of innocent people [including] Kurdistan's dear religious scholars the martyrs Mamusta Sheikh Al-Islam and Mamusta Borhan Aali… It also bombed several locations in Sanandaj, carried out armed robberies of gold jewellery shops, distributed poisonous food among citizens in Kurdistan Province… and attacked police stations."**
>
> Statement from the justice department of Kurdistan Province.[53]

The Ministry of Intelligence similarly issued a statement, and attributed to the executed men a long list of criminal activities including four incidents of assassinations, 12 incidents of armed confrontations with security and intelligence forces and six incidents of armed robberies.[54]

As with the video "confessions", the authorities' statements attribute to the men collectively a wide range of criminal activities and do not clarify what involvement the men had in each of the reported incidents, particularly when the incidents took place months after some of the men had been arrested. This approach provides a skewed description of events and disparages the dignity and reputation of the executed men and their families. It further raises concerns that the authorities may have convicted the men of "enmity against God" based on their associations with one another and without any conclusive evidence that they had each taken part in armed attacks.

53 Mashregh News, "The execution of the members of the Takfiri terrorist group 'Towhid va Jahad' has been carried out", 2 August 2016, available at: bit.ly/2eK60JK (accessed 27 October 2016).

54 Ministry of Intelligence, "A summary of the activities of the Takfiri terrorist group in Sanandaj called Towhid va Jahad", 3 August 2016, available at: www.vaja.ir/Public/Home/ShowPage.aspx?Object=NEWS&CategoryID=35fd205a-597a-4f8e-9c88-e3cd19f90928&WebPartID=dd88926a-c76c-4319-aea5-3b5b53bd6090&ID=4cff163e-41ff-449b-b0e1-340c01b513dd (accessed 26 October 2016).

6. LEGAL BACKGROUND ON "ENMITY AGAINST GOD"

Article 183 of Iran's old Islamic Penal Code stated, "Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered a *mohareb* [enemy of God] and a *mofsed fel-arz* [corrupter on earth]."

Iran's new Islamic Penal Code, which came into effect in May 2013, differentiates between the crimes of "enmity against God" (*moharebeh*) and "corruption on earth" (*efsad-e fel-arz*). Article 279 of the Code defines *moharebeh* as: "taking up arms with the intention of [taking] people's lives, property, or honour in order to cause fear among them in a manner that causes insecurity in the [public] space. Whenever a person takes up arms against one or a few specific individuals because of personal disputes and his acts are not directed at the public and whenever a person takes up arms but due to his inability does not cause insecurity, they shall not be considered *mohareb*."

Amnesty International has repeatedly deplored the lack of a sufficiently precise definition of "enmity against God" in Iranian law and raised concerns that its broad definition has been subject to widely differing and arbitrary interpretations, leading to violations of the right to life under international human rights law.[55] The crime of "enmity against God" encompasses a number of criminal activities that do not involve intentional killing, which is the required threshold for using the death penalty under international human rights law and standards.[56]

Up until the new Islamic Penal Code came into effect in 2013, any member or supporter of an organization that sought to overthrow the Islamic Republic by procuring arms was considered an "enemy of God" (*mohareb*) even if they did not individually take part in the military activities of the organization. "Effective efforts and activities" by such an individual towards furthering the goals of the organization would have resulted in them being considered a *mohareb* as long as they had knowledge of the organization's positions.[57]

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55 Amnesty International, *Flawed reforms: Iran's new Code of Criminal Procedure* (Index: MDE 13/2708/2016), 11 February 2016, pp. 24-26, available at: www.amnesty.org/en/documents/mde13/2708/2016/en/; and *Growing up on death row: The death penalty and juvenile offenders in Iran* (Index: MDE 13/3112/2016), 26 January 2016, pp. 18-19, available at: www.amnesty.org/en/documents/mde13/3112/2016/en/

56 Article 6(2) of the ICCPR provides that "sentence of death may be imposed only for the most serious crimes", which experts have interpreted as being restricted to intentional killings. See for instance the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/HRC/4/20 (2007), paras 53, 65, available at: www.extrajudicialexecutions.org/application/media/A_HRC_4_20.pdf; and UN Doc. A/67/275 (2012), para. 67, available at: www.un.org/Docs/journal/asp/ws.asp?m=A/67/275

57 The 1996 Islamic Penal Code, Article 187.

For years, the Iranian authorities relied on this provision to sentence to death individuals who were members, supporters and sympathizers of armed opposition groups but had not taken up arms against the state themselves.[58]

Iran's new Islamic Penal Code restricts the scope of the crime of "enmity against God" to situations when an individual personally resorts to the use of arms, "with the intention of taking people's lives, property, or honour and in order to cause fear among them in a manner that causes insecurity in the [public] space".

Nonetheless, this definition continues to suffer from a severe lack of legal precision. Article 279 of the Code fails to clarify how an act must be carried out in order to "cause insecurity in the [public] space". Nor does it establish clear criteria for what exactly constitutes "insecurity". Moreover, the Article prescribes the use of the death penalty, in breach of international human rights law and standards, for circumstances where an individual's actions have not resulted in loss of life.

Since the adoption of the 2013 Islamic Penal Code, many individuals convicted of "enmity against God" under the previous Islamic Penal Code have submitted a special request to the Supreme Court known as an "application for retrial" (*e'adeh dadresi*). These requests have asked the Supreme Court to quash the applicants' convictions and grant them a retrial to examine whether or not their activities meet the definitional elements of "enmity against God" under the new Islamic Penal Code.

However, courts and Public Prosecutors appear not to be implementing even the broad requirements of the new provisions under the 2013 Islamic Penal Code concerning "enmity against God". Information received by Amnesty International suggests that scores of individuals have been executed or are held on death row or imprisoned for life on the charge of "enmity against God", despite no evidence being presented to the court that they have been involved in planning, organizing or taking part in preparations to carry out armed attacks.[59]

This appears to have been the case for some of the Sunni men executed on 2 August as well. Having been sentenced to death under the old Islamic Penal Code, they had sought retrial from the Supreme Court, arguing that they had not participated in armed activities and that their cases did not, therefore, meet the definitional elements of "enmity against God" (*moharebeh*) in the 2013 Islamic Penal Code. Despite this, the Supreme Court denied their requests without giving detailed reasons or providing any evaluation of the sufficiency of the evidence submitted at trial.

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58 For example, see Amnesty International, "Iran: Gholamreza Khosravi Savadjani executed" (Index: MDE 13/030/2014), 3 June 2014, available at: www.amnesty.org/en/documents/mde13/030/2014/en/

59 Amnesty International, "Iran: Jailed Kurdish women at risk of going blind: Zeynab Jalalian" (Index: MDE 13/4931/2016), 19 October 2016, available at: www.amnesty.org/en/documents/mde13/4931/2016/en/

7. HARASSMENT AND ILL-TREATMENT OF FAMILY MEMBERS

The mass execution of 2 August was carried out in an atmosphere of fear and secrecy, and without notice to the men's families before the day of execution. On 1 August, worrying reports surfaced that prison guards had raided Section 10 of Raja'i Shahr Prison, shackled the death row prisoners who were held in that section, and transferred them to an unknown location, possibly in preparation for their executions. Prison officials subsequently telephoned the families of some of the men on the morning of 2 August to inform them that they were to be executed and that they should come to the prison by 3pm for a final visit.

However, later that same day, as the families were making their way from their homes in Kurdistan Province to the prison, intelligence officials called the families and said they must go to the office of the Legal Medicine Organization of Iran (a state forensic institution under the supervision of the judiciary) in Kahrizak, south of Tehran, to receive the bodies of their loved ones.

When the families reached the Office of the Legal Medicine Organization in Kahrizak, they were informed that they were not allowed to take the bodies away for private burials in their home towns. Instead, they said Ministry of Intelligence officials took them and the bodies from the office of the Legal Medicine Organization to the Behesht Zahra Cemetery in Tehran where they buried the men. Families said the officials gave them no opportunity to provide consent for the burial or otherwise.

The authorities' failure to notify the families of the scheduled execution date of their loved ones, and their subsequent refusal to return the bodies to the families for private burial, amounts to inhuman treatment of the families, in violation of article 7 of the ICCPR, to which Iran is a party.[60]

Amnesty International understands that, following the mass execution, intelligence officials harassed the families and threatened them with detention if they held memorial ceremonies or talked about the experiences of their deceased relatives.

The families of some of the men who remain on death row were also subjected to such intimidation and harassment, in an apparent effort to make access to information about the number and identity of those executed and the circumstances surrounding their executions more difficult.

Little information remains available about the situation of the death row inmates who are at risk of execution.

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60 UN Human Rights Committee, *Natalia Schedko v. Belarus*, Communication No. 886/1999, UN Doc. CCPR/C/77/D/886/1999 (1999), para. 10.2.

RIGHTS OF FAMILIES OF PERSONS SENTENCED TO DEATH

The lack of transparency with regard to the date of the scheduled execution is considered to increase the mental trauma of persons sentenced to death and negatively impact on their families.

The UN Human Rights Committee has stated that authorities must "ensure that inmates on death row and their families are given reasonable advance notice of the scheduled date and time of an execution, with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for this event".[61] The Committee has stated that failing to be transparent about the fate of an individual, including by withholding information from families about imminent executions, could itself constitute a human rights violation.[62]

The UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment has said that "[s]ecrecy and the refusal to hand over remains to families are especially cruel features of capital punishment, highlighting the need for total transparency and avoidance of harm to innocents in the whole process" and called on States to "end the practice of executions with little or no prior warning given to condemned prisoners and their families."[63]

In its resolution 30/5 of 1 October 2015, the UN Human Rights Council called upon states "to ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child".[64]

61 UN Human Rights Committee, *Concluding observations of the Human Rights Committee, Japan*, 30 October 2008, UN Doc. CCPR/C/JPN/CO/5, para. 16.

62 See, for example, UN Human Rights Committee, *Natalia Schedko v. Belarus*, 3 April 2003, Communication No. 886/1999, UN doc. CCPR/C/77/D/886/1999; *Mariya Staselovich v. Belarus*, 3 April 2003, Communication No. 887/1999, UN doc. CCPR/C/77/D/887/1999; and Concluding observations of the UN Human Rights Committee, Botswana, UN Doc. CCPR/C/BWA/CO/1, 28 March 2008, para. 13.

63 UN General Assembly, *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Note by the Secretary-General*, 9 August 2012, A/67/279, para. 52.

64 Resolution adopted by the Human Rights Council on 1 October 2015: The question of the death penalty, A/HRC/30/L.11/Rev.1, 12 October 2015, para. 4.

8. CONCLUSIONS AND RECOMMENDATIONS

The cases of the Sunni men who were executed in Raja'i Shahr Prison on 2 August are appalling examples of the human rights violations that are common in Iran's criminal justice system. These violations include the denial of access to a lawyer throughout the investigation stage; the use of torture and other ill-treatment; the admission of "confessions" obtained under torture as evidence; the refusal to allow adequate time and facilities to prepare a defence; and the failure to conduct public hearings and issue public, reasoned judgements.

As of November 2016, there was still little reliable information available about the precise criminal activities that each of the executed men had been charged with and convicted of. The lack of information resulted primarily from the environment of censorship and fear created by the authorities, which have refused to issue public reasoned judgements in order to allow the public to know the facts and legal grounds on which the courts relied to convict the men of "enmity against God" (*moharebeh*). Ministry of Intelligence officials have harassed and intimidated the men's families and lawyers and warned them against disclosing the details of their cases.

Faced with widespread condemnation, the authorities have resorted to various propaganda tactics in order to dehumanize the executed men in the eyes of the public and justify their execution. These have included releasing numerous "confession" videos on state media outlets and issuing several inflammatory statements. In both cases, the victims are described as "terrorists" belonging to a "Takfiri Salafist" group called Towhid va Jahad who deserved their punishment because they had allegedly carried out multiple armed attacks and assassinations.

However, many of the criminal activities that these state-controlled media outputs attribute to the men took place when some of them were already in detention, having been arrested several months earlier. This fact aggravates concerns that the men may have been sentenced to death in the absence of any conclusive evidence proving their participation in armed attacks.

The "confession" videos also illustrate the extent to which Iran's intelligence and security forces, which held the men in prolonged solitary confinement and conducted the interrogations, repeatedly violated their rights to remain silent during questioning and at trial, to benefit from the presumption of innocence and not to be forced to incriminate themselves. State-controlled bodies that have been involved in the production and distribution of these "confession" videos, including Islamic Republic of Iran Broadcasting (IRIB), Press TV and an organization called the Habilian Association, share responsibility for these human rights violations.

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 carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights and is the ultimate cruel, inhuman and degrading punishment. While the majority of the world's countries – 102 – have now fully abolished the death penalty and 140 states across the globe are abolitionist in law or practice, international human rights law still allows for the use of the death penalty in limited circumstances, that is for the "most serious crimes". However, international human rights bodies agree that it is a violation of the right to life to pass a death sentence on and execute a person after criminal proceedings that violate fair trial guarantees or for offences that do not involve intentional killing, which is the required threshold for using the death penalty under international human rights law.

Amnesty International calls on all countries that still retain the death penalty, including Iran, to immediately establish an official moratorium on executions with a view to abolishing the punishment altogether.

Pending the full abolition of the death penalty, Amnesty International calls on Iran to comply with its obligations under international human rights law, including by removing from the scope of the death penalty any offences other than intentional killing, and ensuring that proceedings in death penalty cases scrupulously observe all relevant international human rights standards protecting the right to a fair trial, including full access to a lawyer from the moment of arrest and during the investigation stage, exclusion as evidence of any statements or information obtained as a result of torture or other ill-treatment, and the right to an effective appeal and to seek clemency.

Regarding the cases of the Sunni men who remain on death row, Amnesty International calls on the Iranian authorities to ensure that the convictions and death sentences of the Sunni men who remain on death row are immediately quashed, and that they are granted a fair retrial without recourse to the death penalty that excludes any information obtained under torture or other ill-treatment as inadmissible evidence and strictly complies with all other international legal provisions protecting the right to a fair trial;

With respect to those executed, the Iranian authorities should return their bodies to their families for private burial and allow their families to hold mourning ceremonies, free from harassment and intimidation.

In cases where there are allegations of torture, the authorities should undertake without delay an independent, impartial and efficient investigation and ensure that, where sufficient, admissible evidence exists, those suspected of responsibility, including individuals suspected of command or other superior responsibility for the torture, are prosecuted in fair trials, without recourse to the death penalty.

More broadly, the Iranian authorities should end once and for all the practice of producing and posting "confession videos" and issue public, reasoned judgements in all criminal cases, allowing the public to know the essential findings, evidence and legal reasoning relied upon to convict and impose sentences.

9. ANNEX I

The following is a judgement from Branch 31 of Iran's Supreme Court which concerns the cases of 26 men.

The judgement noted that the death sentences of seven men – Keykhosro Sharafipour, Varia Amiri, Vahed Sharifi Pour, Foad Yousefi, Erfan Naderi Zadeh, Mohammad Yaser Sharifi Pour and Kambiz Abbasi – were final as they had not sought appeal. These men are believed to remain on death row.

It dismissed the appeals of 17 men: Mohammad Ahmad Sharif, Omar Ghader Abdollah, Bahman Rahimi, Mokhtar Rahimi, Omid Peyvandi, Mohammad Keyvan Karimi, Mohammad Yavar Rahimi, Pouria Mohammadi, Shahram Ahmadi, Farzad Honarjou, Omid Mahmoudi, Mohammad Gharibi Kani, Sayed Shahou Ebrahimi, Varia Ghaderi, Farshid Naseri Khalili, Keywan Momenifard and Barzan Nasrollahzadeh.

Thirteen of these men were among those executed on 2 August and four (Mohammad Ahmad Sharif, Omar Ghader Abdollah, Farshid Naseri Khalili and Barzan Nasrollahzadeh) remain on death row.

It quashed the convictions, and consequently death sentences, of two men – Farzad Shahnazari and Teimour Naderi – and referred their cases to a Revolutionary Court in Tehran for retrial.

Amnesty International has not seen the court judgement in the case of the remaining 12 executed men, namely Alam Barmashti, Taleb Maleki, Ahmad Nasiri, Edris Nemati, Amjad Salehi, Behrouz Shahnazari, Kaveh Sharifi, Arash Sharifi, Kaveh Veysee, Hekmat Araqi, Hamzeh Qelahvo and Ali Abdolkarim Shemirani.

« رأی شعبه »

با بررسی مجموع اوراق پرونده کلاسه بالا (در ۹ جلد و در مجموع ۳۹۴۲ برگ براساس برگ شماری مدیردفتر شعبه ۲۸ دادگاه انقلاب تهران) و گزارش ضابطین – وزارت اطلاعات و اظهارات و اقاریر برخی از متهمین در مراحل مختلف تحقیق در دادگاه و غیرموجه بودن پاره ای از توجیهات آنان و یا وکلای آنان در نحوه بیان و اقرار متهمین در مراحل تحقیق و مواجهه حضوری آنان و ربایش افراد و تهیه سلاح و مهمات و حمل و نگهداری و بکارگیری آن در جهت مبارزه با نظام و براندازی جمهوری اسلامی ایران و سرقت های مسلحانه از طلافروشی های متعلق به مالباختگان در زنجان و همدان و تیراندازی در شهرهای مذکور با هدف اخافه و ایجاد رعب و وحشت و بررسی لوایح تجدیدنظرخواهی وکلای برخی از آنان و هم بعضاً شخص نامبردگان به شرح گزارش عضو ممیز – و دیگر شواهد و قراین موجود در پرونده امر ، و نظر بر اینکه دادگاه صادرکننده رأی تجدیدنظرخواسته تصریح به این واقعیت دارد که : رأی معترض عنه براساس کیفرخواست شماره ۹۰۱۰۴۳۸۷۱۳۸۰۰۰۶۶ مورخ ۹۰/۲/۲۲ دادسرای عمومی و انقلاب اسلامی سنندج ، و از بابت اتهام اصلی

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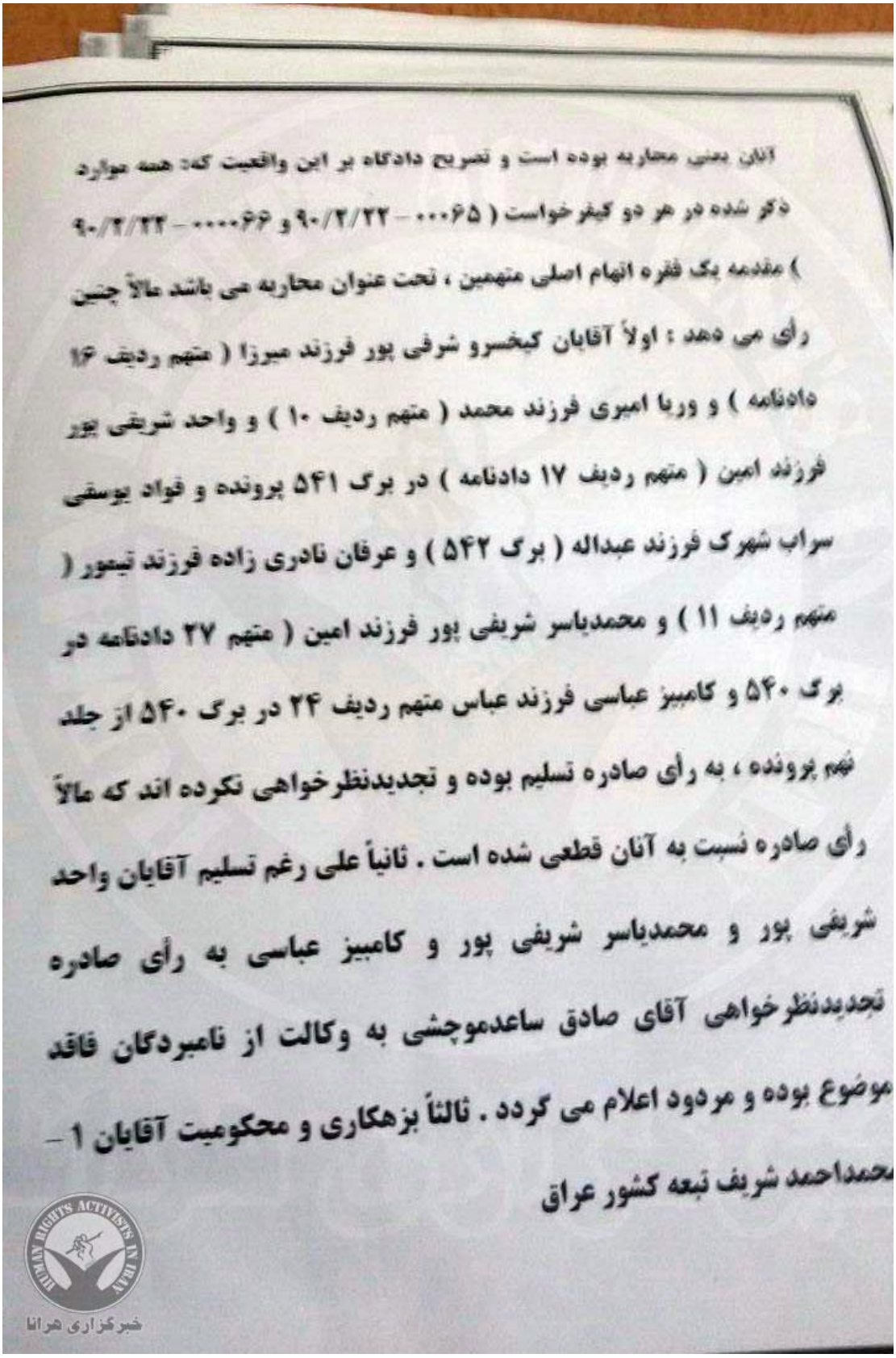

آنان یعنی محاربه بوده است و تصریح دادگاه بر این واقعیت که: همه موارد
ذکر شده در هر دو کیفرخواست (۰۰۰۶۵ – ۹۰/۲/۲۲ و ۰۰۰۰۶۶ – ۹۰/۲/۲۲
) مقدمه یک فقره اتهام اصلی متهمین ، تحت عنوان محاربه می باشد مالاً چنین
رأی می دهد : اولاً آقایان کیخسرو شرفی پور فرزند میرزا (متهم ردیف ۱۶
دادنامه) و وریا امیری فرزند محمد (متهم ردیف ۱۰) و واحد شریفی پور
فرزند امین (متهم ردیف ۱۷ دادنامه) در برگ ۵۴۱ پرونده و فواد یوسفی
سراب شهرک فرزند عبداله (برگ ۵۴۲) و عرفان نادری زاده فرزند تیمور (
متهم ردیف ۱۱) و محمدیاسر شریفی پور فرزند امین (متهم ۲۷ دادنامه در
برگ ۵۴۰ و کامبیز عباسی فرزند عباس متهم ردیف ۲۴ در برگ ۵۴۰ از جلد
نهم پرونده ، به رأی صادره تسلیم بوده و تجدیدنظرخواهی نکرده اند که مالاً
رأی صادره نسبت به آنان قطعی شده است . ثانیاً علی رغم تسلیم آقایان واحد
شریفی پور و محمدیاسر شریفی پور و کامبیز عباسی به رأی صادره
تجدیدنظرخواهی آقای صادق ساعدموچشی به وکالت از نامبردگان فاقد
موضوع بوده و مردود اعلام می گردد . ثالثاً بزهکاری و محکومیت آقایان ۱ –
محمداحمد شریف تبعه کشور عراق

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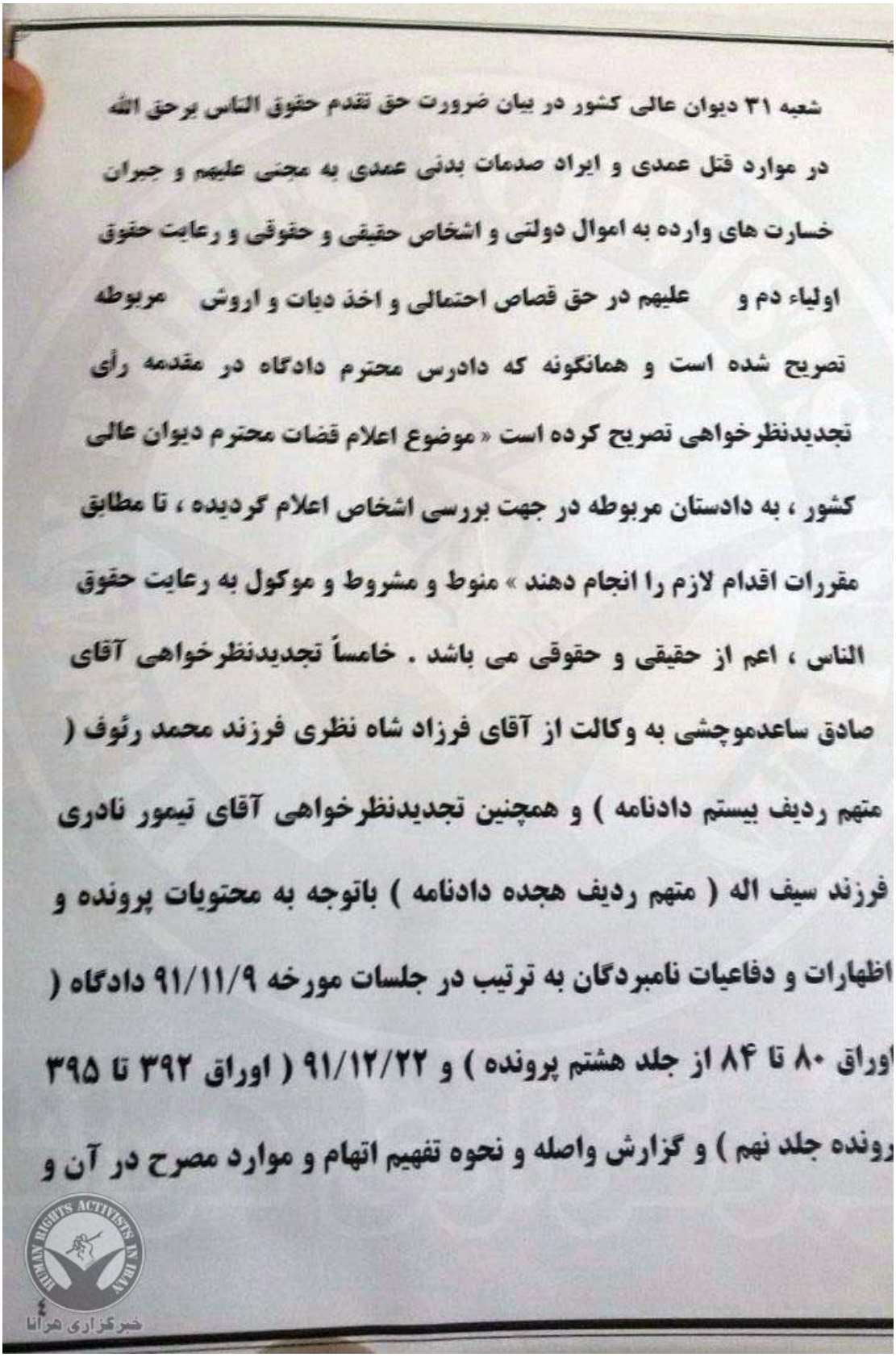
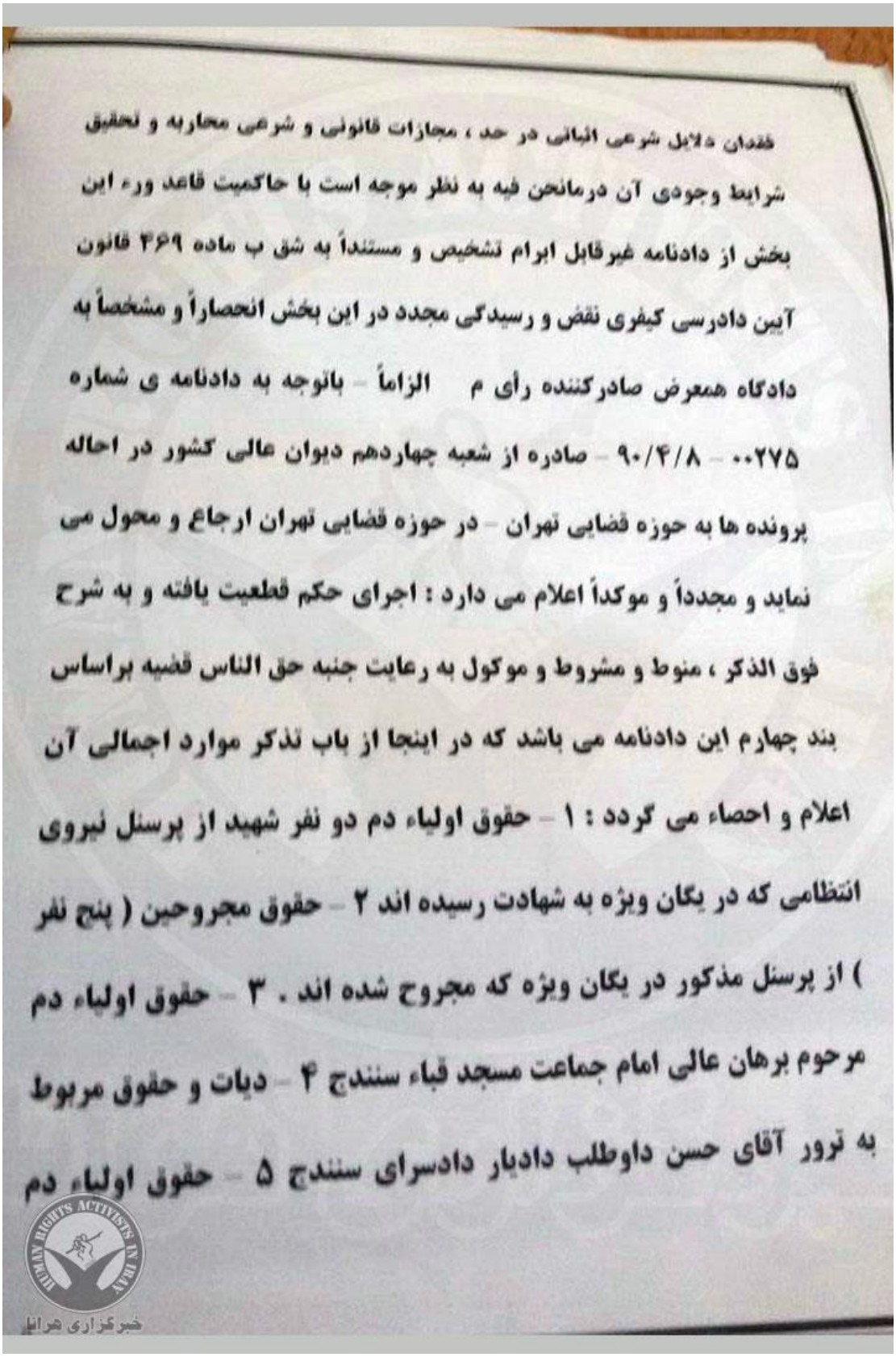
۲ – عمر قادر عبداله تبعه عراق ۳ – بهمن رحیمی فرزند محمد ۴ – مختار رحیمی فرزند محمد ۵ – امید پیوندی فرزند محمد بانام مستعار فرزاد ۶ – محمدکیوان کریمی فرزند رحیم مشهور به حسین ۷ – محمدیاور رحیمی فرزند ناصر ۸– پوریا محمدی بلبان آباد فرزند شریف ۹ – شهرام احمدی فرزند عبداله ۱۰ – فرزاد هنرجو فرزند محمدعلی ۱۱– امید محمودی فرزند محمدسلیم ۱۲ – محمدغریبی کانی پان فرزند حسن مشهور به هیوا ۱۳ – سیدشاهو ابراهیمی فرزند سیدمنصور ۱۴ – وریا قادری فرزند محمد ۱۵ – فرشید ناصری خلیلی ۱۶ – کیوان مؤمنی فرد فرزند عبداله ۱۷ – برزان نصراله زاده فرزند محمدسلیم موضوع تجدیدنظرخواهی وکلای (حسب مورد – آقایان صادق ساعدموچشی و عبدالعظیم ثابتی و عمران برزین پور و رحیم سعیدی و مهدی سلامت نیا و حسن سلطانی نیا و منصور سلاجقه و مسعود سعیدی همچنین تجدیدنظرخواهی شخصی آقایان پوریا محمدی و امید پیوند ثابت و محرز و مدلل است . فلذا ضمن رد تجدیدنظرخواهی آنان ، دادنامه ی تجدیدنظرخواسته در خصوص هفده نفر مذکور در بند ثالثاً فوق الاشعار همانگونه که در متن دادنامه ی شماره ۹۳۰۰۰۳۱۲ – ۹۳/۷/۱۴ صادره از

خبرگزاری هرانا



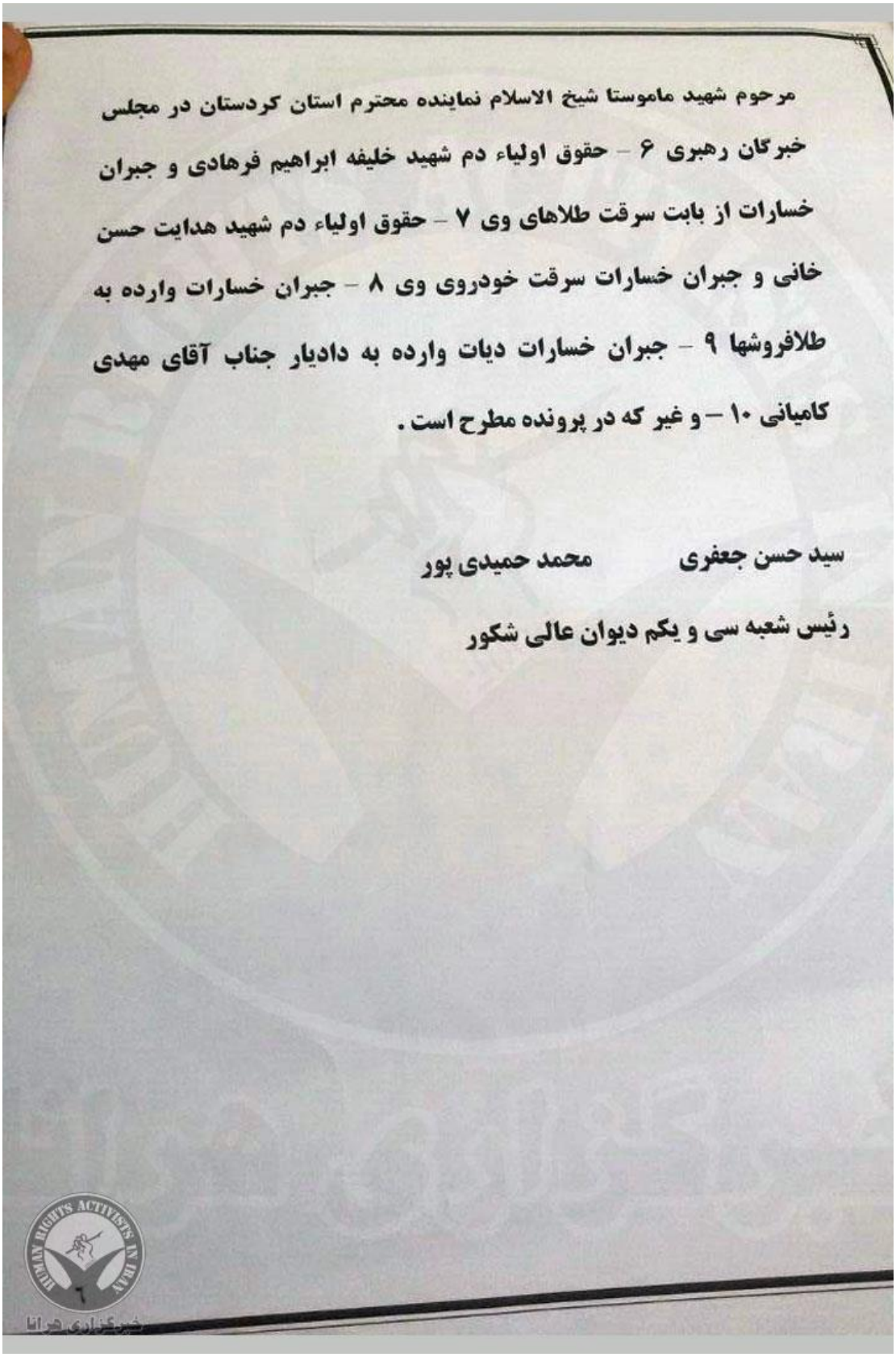
شعبه ۳۱ دیوان عالی کشور در بیان ضرورت حق تقدم حقوق الناس برحق الله
در موارد قتل عمدی و ایراد صدمات بدنی عمدی به مجنی علیهم و جبران
خسارت های وارده به اموال دولتی و اشخاص حقیقی و حقوقی و رعایت حقوق
اولیاء دم و علیهم در حق قصاص احتمالی و اخذ دیات و ارش مربوطه
تصریح شده است و همانگونه که دادرس محترم دادگاه در مقدمه رأی
تجدیدنظرخواهی تصریح کرده است « موضوع اعلام قضات محترم دیوان عالی
کشور ، به دادستان مربوطه در جهت بررسی اشخاص اعلام گردیده ، تا مطابق
مقررات اقدام لازم را انجام دهند » منوط و مشروط و موکول به رعایت حقوق
الناس ، اعم از حقیقی و حقوقی می باشد . خامساً تجدیدنظرخواهی آقای
صادق ساعدموچشی به وکالت از آقای فرزاد شاه نظری فرزند محمد رئوف (
متهم ردیف بیستم دادنامه) و همچنین تجدیدنظرخواهی آقای تیمور نادری
فرزند سیف اله (متهم ردیف هجده دادنامه) باتوجه به محتویات پرونده و
اظهارات و دفاعیات نامبردگان به ترتیب در جلسات مورخه ۹۱/۱۱/۹ دادگاه (
اوراق ۸۰ تا ۸۴ از جلد هشتم پرونده) و ۹۱/۱۲/۲۲ (اوراق ۳۹۲ تا ۳۹۵
رونده جلد نهم) و گزارش واصله و نحوه تفهیم اتهام و موارد مصرح در آن و

HUMAN RIGHTS ACTIVISTS IN IRAN
خبرگزاری هرانا



فقدان دلایل شرعی انبانی در حد ، مجازات قانونی و شرعی محاربه و تحقیق
شرایط وجودی آن درمانحن فیه به نظر موجه است با حاکمیت قاعد ورء این
بخش از دادنامه غیرقابل ابرام تشخیص و مستنداً به شق ب ماده ۴۶۹ قانون
آیین دادرسی کیفری نقض و رسیدگی مجدد در این بخش انحصاراً و مشخصاً به
دادگاه همعرض صادرکننده رأی م الزاماً - باتوجه به دادنامه ی شماره
۰۰۲۷۵ - ۹۰/۴/۸ - صادره از شعبه چهاردهم دیوان عالی کشور در احاله
پرونده ها به حوزه قضایی تهران - در حوزه قضایی تهران ارجاع و محول می
نماید و مجدداً و موکداً اعلام می دارد : اجرای حکم قطعیت یافته و به شرح
فوق الذکر ، منوط و مشروط و موکول به رعایت جنبه حق الناس قضیه براساس
بند چهارم این دادنامه می باشد که در اینجا از باب تذکر موارد اجمالی آن
اعلام و احصاء می گردد : ۱ - حقوق اولیاء دم دو نفر شهید از پرسنل نیروی
انتظامی که در یگان ویژه به شهادت رسیده اند ۲ - حقوق مجروحین (پنج نفر
) از پرسنل مذکور در یگان ویژه که مجروح شده اند . ۳ - حقوق اولیاء دم
مرحوم برهان عالی امام جماعت مسجد قباء سنندج ۴ - دیات و حقوق مربوط
به ترور آقای حسن داوطلب دادیار دادسرای سنندج ۵ - حقوق اولیاء دم

HUMAN RIGHTS ACTIVISTS IN IRAN
خبرگزاری هرانا



مرحوم شهید ماموستا شیخ الاسلام نماینده محترم استان کردستان در مجلس خبرگان رهبری ۶ – حقوق اولیاء دم شهید خلیفه ابراهیم فرهادی و جبران خسارات از بابت سرقت طلاهای وی ۷ – حقوق اولیاء دم شهید هدایت حسن خانی و جبران خسارات سرقت خودروی وی ۸ – جبران خسارات وارده به طلافروشها ۹ – جبران خسارات دیات وارده به دادیار جناب آقای مهدی کامیانی ۱۰ – و غیر که در پرونده مطرح است .

سید حسن جعفری محمد حمیدی پور

رئیس شعبه سی و یکم دیوان عالی شکور

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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BROADCASTING INJUSTICE

BOASTING OF MASS KILLING

A CASE STUDY OF THE AUGUST 2016 EXECUTION OF 25 SUNNI MEN IN IRAN

On 2 August 2016, 25 Sunni men were executed in Iran for the vaguely worded crime of "enmity against God" without their families being notified. The authorities subsequently issued statements that collectively attributed to the men a range of criminal activities and aired "confession" videos seemingly intended to dehumanize them. However, many of the men had said they were targeted for their religious beliefs and practices.

Amnesty International has not been able to ascertain exactly where the truth lies. However, its research shows that Iran's justice system blatantly violated the men's right to a fair trial, including their rights to access a lawyer; not to be subjected to torture and other ill-treatment; to remain silent; to have their cases heard in public hearings; and to have a meaningful review of their sentences.

Their case is an appalling example of the lack of regard for fair trial rights and the right to life in Iran's criminal justice system. Pending the abolition of death penalty, the Iranian authorities should ensure that proceedings in death penalty cases scrupulously observe fair trial standards. They should further end the practice of producing and posting "confession videos" and issue public, reasoned judgements in all criminal cases.

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