
Oberste Justizautorität

Ebrahim Raisi

c/o Permanent Mission of Iran to the UN

Chemin du Petit-Saconnex 28

1209 Genf

SCHWEIZ

September 30, 2020

Heidar Ghorbani

Dear Mr Ebrahim Raisi,

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

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

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

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

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

Yours sincerely,