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IRAN: DEATH PENALTY SOUGHT IN SHAM TRIALS

The Iranian authorities are seeking the death penalty for at least 21 people in sham trials by Revolutionary Courts designed to further repress the popular uprising that has rocked Iran since September 2022 and to instill fear among the public. The 21 individuals have been referred to trial on capital charges in connection with protests, amid disturbing calls by Iranian officials to rush proceedings and execute them in public.

Amnesty International calls on the Iranian authorities to immediately quash all death sentences, refrain from seeking the imposition of the death penalty and drop all charges related to the peaceful exercise of human rights. Highlighting a chilling escalation in the use of the death penalty as a tool of political repression and the systematic violation of fair trial rights in Iran, the organization urges all governments with embassies in Iran to immediately send high level observers to all ongoing capital proceedings, which the authorities have announced to be public hearings.

On 13 November 2022, Iran's judiciary announced that a Revolutionary Court in Tehran has sentenced an unnamed individual to death on the charge of "enmity against God" (*moharebeh*) in connection with acts of arson committed within the context of recent protests in the capital.¹ On 15 and 16 November 2022, the judiciary announced that four other unnamed individuals had been sentenced to death in connection with the protests.² These announcements come amid a flurry of state media reports about the trial of nine men for "enmity against God" (*moharebeh*) or "corruption on earth" (*efsad-e fel arz*), which commenced on 29 October, and the announcement of a separate indictment against 11 other individuals, including a woman, on 12 November, on charges of "corruption on earth" (*efsad-e fel arz*). Both charges carry the death penalty.

Based on publicly available material reviewed by Amnesty International, the names of the nine men undergoing trials since 29 October on capital charges are **Mohammad Ghobadlou, Saman Seydi (Yasin), Saeed Shirazi, Mohammad Boroughani, Abolfazl Mehri Hossein Hajilou, Mohsen Rezazadeh Gharagholou, Sahand Nourmohammad-Zadeh, Mahan Sedarat Madani, and Manouchehr Mehman-Navaz**. Amnesty International has been unable to ascertain whether the five unnamed individuals who, according to the judiciary's announcements since 13 November 2022, have been sentenced to death are among the nine men due to the Iranian authorities' lack of transparency and their reprisals against relatives and lawyers of those detained, which impedes them from speaking out against violations and sharing information publicly. Based on the information revealed about the cases of the five unnamed individuals sentenced to death, Iranian human rights activists believe them to be Mohammad Ghobadlou, Manouchehr Mehman Navaz, Mahan Sedarat Madani, Mohammad Boroughani and Sahand Nourmohammad-Zadeh.

The names of all the 11 individuals listed in the indictment announced on 12 November are not publicly available, but Amnesty International has learned that among them is a married couple, **Farzaneh Ghare-Hasanlou and Hamid Ghare-Hasanlou**.

Amnesty International is also aware of another man, 26-year-old **Parham Parvari** from Iran's Kurdish minority, who has been charged with "enmity against God" (*moharebeh*) in connection with protests.

Amnesty International fears that many others are at risk of facing the death penalty, given the thousands of people arrested and number of indictments issued by the authorities.

Amnesty International is gravely concerned that the proceedings against all 21 individuals are grossly unfair. Documented violations of fair trial rights include denial of the rights to access a lawyer of their choosing from the time of arrest and throughout the investigation and trial proceedings; to be presumed innocent; to remain silent and not to be compelled to incriminate oneself or to confess guilt; to be protected from torture and other-ill-treatment; to obtain full access to relevant evidence; to the exclusion of evidence obtained in violation of international standards; and to receive a fair, public hearing before a competent, independent and impartial tribunal. The organization believes that the gravity of fair trial violations in

¹ Islamic Republic News Agency, صدور احكام بدوی برخی اغتشاشگران در تهران/یک متهم محکوم به اعدام و حبس برای ۵ نفر, 13 November 2022, bit.ly/3AffjwR

² Mizan Online News Agency, یکی از متهمان اغتشاشات اخیر براساس حکم اولیه دادگاه به اعدام محکوم شد, 15 November 2022, <https://bit.ly/3Eg4sUj>

the cases of the 21 individuals effectively renders the proceedings against them show trials intended to deter others from taking part in the popular uprising. Under international law, the imposition of the death penalty following an unfair trial violates the right to life and the absolute prohibition of cruel, inhuman and degrading punishment.

Concerns about the unfairness of the proceedings and blatant biases against defendants are further heightened by shocking public statements and official documents that show the head of the judiciary, parliamentarians, prosecution authorities and a senior police chief calling for speedy trials, the imposition the death penalty and public executions.

Amnesty International's research reveals that with respect to eight of the nine aforementioned men undergoing trial since 29 October, the Iranian authorities are further violating their obligations under international law by seeking the death penalty for offences which do not involve any allegations of intentional killing. In the group trial of the 11 aforementioned individuals, the charge of "corruption on earth" (*efsad-e fel arz*) relates to the fatal assault of an agent of the Basij paramilitary force, but the organization has no information on whether the precise allegation against each individual involves intentional killing. The charge of "corruption on earth" (*efsad-e fel arz*) is overly broad and allows for the application of the death penalty for acts that do not involve intentional killing if the judge determines that they were committed on a widespread scale. Under the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, crimes punishable by death must be limited to "the most serious crimes", which "must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing".³

Amnesty International opposes the death penalty without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is a violation of the right to life enshrined in the Universal Declaration of Human Rights, and is the ultimate cruel, inhuman and degrading punishment.

In advance of the scheduled Special Session on Iran before the UN Human Rights Council on 24 November 2022, Amnesty International reiterates its call on member states engaging in the Council to ensure that the session is concluded with a strong resolution establishing an independent investigative and accountability mechanism to investigate crimes under international law and other serious human rights violations committed in Iran. Such a mechanism should collect, consolidate, preserve, and analyze evidence in a manner that meets general standards of admissibility in criminal proceedings and to assist in the investigation and prosecution of those reasonably suspected of criminal responsibility.

For this statement, Amnesty International reviewed official reports and statements; reports by state media; publicly available information shared by one of the men's lawyer, including selected casefile materials; statements publicly given by the relative of two of the men; video footage used as evidence against three of the men; video footage of brief segments of the proceedings before the Revolutionary Courts; a petition circulated by a group of medical workers; as well as information including medical notes obtained through two human rights defenders.

INDIVIDUALS AT RISK OF BEING SENTENCED TO THE DEATH PENALTY

The cases of the 21 individuals who are at risk of the death penalty are at different stages and taking place before various courts. The case of the man sentenced to death is appealable to the Supreme Court.

According to reports published by the judiciary's news agency, Mizan Online, as well as other state-affiliated media, nine men have been put on trial since 29 October 2022 on vaguely worded and broadly defined capital charges such as "enmity against God" (*moharebeh*) and "corruption on earth" (*efsad-e fel arz*), brought in relation to the popular uprising.

The trials of the nine men are taking place before different branches of Revolutionary Courts. The cases of six men – Mohammad Ghabadlou, Saman Seydi (Yasin), Saeed Shirazi, Mohammad Boroughani, Abolfazl Mehri Hossein Hajilou, and Mohsen Rezazadeh Gharagholou – have been joined together and referred to a Revolutionary Court in Tehran for a group trial. The cases of three other men – Sahand Nourmohammad-Zadeh, Mahan Sedarat Madani and Manouchehr Mehman-Navaz – have been referred to Branches 29, 26 and 28 of the Revolutionary Court in Tehran, respectively.

On 12 November 2022, the head of the Department of Justice in Alborz province announced that an indictment had been issued against 10 men and a woman, charging them with "corruption on earth" (*efsad-e fel arz*) in connection with the fatal assault of an agent of the Basij paramilitary force on 12 November 2022 in Karaj, Alborz Province. According to a petition issued by a group of medical workers, reviewed by Amnesty International, among them is a married couple,

³ UN Human Rights Committee, General Comment 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life, 30 October 2018, UN doc CCPR/C/GC/36, para 35.

Farzaneh Ghare-Hasanlou and Hamid Ghare-Hasanlou, who is a medical doctor. The cases of these 11 individuals have been referred to Branch 1 of the Revolutionary Court in Alborz province for trial.⁴

On 14 November 2022, in a video message that was broadcast by Persian language media outside Iran, the father of a 26-year-old man from Iran's Kurdish minority, **Parham Parvari**, said that his son has also been charged with "enmity against God" (*moharebeh*). According to his father, Parham Parvani has been held in section 209 of Evin prison in Tehran for over 40 days following his arrest in a violent manner from a street in Tehran during protests, while he was returning home from his place of work.⁵ Amnesty International has no further information on the current status of his case.

GROUP TRIAL OF SIX MEN

On 29 October 2022, Mizan Online reported that an unspecified number of individuals accused in connection with "recent riots" had appeared earlier in the day before a Revolutionary Court in Tehran.⁶ The court is presided over by the head of Branch 15 of the Revolutionary Court, Abolghasem Salavati, but it remains unclear if Branch 15 is conducting the trial or a special court has been set up by the authorities in response to the protests. The official banner appearing behind the judge identifies the body conducting the group trial as the "court for dealing with the charges against recent rioters". This banner reveals the highly biased position towards the defendants and undermines their presumption of innocence.

Video footage and photographs of the 29 October court session, which have been published by state media, show at least 13 defendants present in court. Mizan Online named six men who face charges that carry the death penalty, while the identities and the charges against the remainder remain unknown to Amnesty International. Based on information publicly available, the six men named are accused of involvement in separate incidents, strengthening concerns that the authorities are resorting to group show trials to further instill fear among the public and quash the ongoing uprising.

The names of the six men are Mohammad Ghobadlou, Saman Seydi (Yasin), Saeed Shirazi, Mohammad Boroughani, Abolfazl Mehri Hossein Hajilou, and Mohsen Rezazadeh Gharagholou.

Mohammad Ghobadlou, aged 22, was arrested on 22 September 2022 and is on trial before the Revolutionary Court on the charge of "corruption on earth" (*efsad-e fel arz*) through "taking extensive action against police forces on motorbikes" and "running them over" with his car, resulting in the death of a police official and injuries to five others. The incident is alleged to have taken place in the early hours of 22 September 2022 in the city of Robat Karim, Tehran province.

According to a report by Mizan Online, Mohammad Ghobadlou is simultaneously undergoing trial before Criminal Court 1 in Tehran on the charges of causing bodily harm, murder, and attempted murder,⁷ which suggest the authorities, in contravention of their obligation to protect against double jeopardy, are trying Mohammad Ghobadlou for the same conduct in two separate criminal proceedings. If convicted, he could receive two death sentences, one for "enmity against God" and another for murder imposed under the Islamic principle of *qesas* (retribution in kind).⁸

During the proceedings before the Revolutionary Court on 29 October, the prosecution stated that based on the report of the Legal Medicine Organization of Iran (LMOI), a state forensic institute that works under the supervision of the judiciary, the death of the police official was caused "by severe trauma to the head [resulting in] a shattered brain and bleeding".

State media has aired self-incriminating statements made by Mohammad Ghobadlou in court. Amnesty International has serious concerns that such statements were extracted through torture and other ill-treatment. These concerns are supported by Mohammad Ghobadlou's forensic report shared by his lawyer on 30 October.⁹ The forensic report, dated 20 October 2022, pointed to bruising and injuries on Mohammad Ghobadlou's right arm, right elbow and left shoulder blade which it assessed could have been sustained within the previous 5-7 days, when he would have been in custody.

⁴ Mizan Online News Agency, اتهام افساد فی الارض برای ۱۰ مرد و یک زن در پرونده شهادت بسیجی حافظ امنیت در کرج/ اتهام افساد فی الارض برای ۱۰ متهمان پرونده، 12 November 2022, mizan.news/4510635

⁵ Voice of America, اتهام «محاربه» و «افساد فی الارض» برای چند معترض؛ پدر پرهام پروری: نهادهای حقوق بشری کمک کنند، 13 November 2022, bit.ly/3g68mqW

⁶ Mizan Online News Agency, برگزاری جلسه دادگاه رسیدگی به اتهامات اغتشاشگران اخیر در تهران/ متهمی که با خودرو افسران پلیس را زیر گرفت و منجر به شهادت یک مأمور شد/ درخواست پدر شهید از دادگاه برای اشد مجازات، 29 October 2022, mizan.news/4492959

⁷ Mizan Online News Agency, برگزاری جلسه دادگاه رسیدگی به اتهامات اغتشاشگران اخیر در تهران/ متهمی که با خودرو افسران پلیس را زیر گرفت و منجر به شهادت یک مأمور شد/ درخواست پدر شهید از دادگاه برای اشد مجازات، ۲۹ October 2022, mizan.news/4492959

⁸ Mizan Online News Agency, شرح روند رسیدگی به اتهامات محمد قبادلو/ اتهامات این متهم در دو دادگاه جداگانه رسیدگی می شود/ وکلای انتخابی می توانند حضور ۳ ساعته وکلای انتخابی متهم در آخرین جلسه دفاع در دادسرا، 2 November 2022, mizan.news/4499607

⁹ Amir Raesian, Twitter post, 30 October 2022, bit.ly/3Tz3sAB

Amnesty International is not aware of any independent or impartial investigation being carried out into the circumstances under which Mohammad Ghobadlou sustained his bruises and injuries. On 1 November 2022, Mohammad Ghobadlou's mother released a video message, saying authorities had barred her son from receiving visits, were holding him in solitary confinement and denying him his medication. This followed an earlier video message by Mohammad Ghobadlou's mother wherein she stated her son suffered from mental health problems.¹⁰

On 30 October, Mohammad Ghobadlou's independently appointed lawyer published a series of tweets pointing to serious violations of his client's right to a fair trial including denial of the right to access a lawyer at the investigation phase. Amnesty International has consistently documented the use of torture and other ill-treatment by the Iranian authorities during the investigative phase for the purpose of extracting "confessions".¹¹ Mohammad Ghobadlou's lawyer added that his client is also denied the right to be represented by his independently appointed lawyer during the trial before the Revolutionary Court in Tehran.

In his tweets, Mohammad Ghobadlou's lawyer also pointed to the prosecution's reliance on flawed evidence and the absence of credible inculpatory evidence against his client in the casefile, such as photographs of the crime scene and injuries sustained by the deceased at time of the incident, his hospitalization records, and the post-mortem examination.¹² He also noted discrepancies between the allegations by the prosecution of the defendant running over the police official with a car and the narrative promoted by the authorities attending the deceased's funeral, which suggests that the deceased was found alone on the street and subjected to fatal beatings.¹³

Mohammad Ghobadlou's lawyer also criticized the authorities' failure to adequately examine his client's mental health, despite reports that the head of Fashafouyeh prison, Tehran province, where Mohammad Ghobadlou was held, had submitted a written request to the prosecution authorities to authorize his release on medical grounds following warnings about his health by prison doctors.

On 2 November 2022, Mizan Online published an article confirming that the authorities are barring Mohammad Ghobadlou's independently appointed lawyers from representing him in his trial before the Revolutionary Court in Tehran, noting that independently appointed lawyers are allowed to defend him in the parallel case he is facing before a criminal court.¹⁴

The next day, Mohammad Ghobadlou's lawyer posted another tweet, criticizing the refusal of the judicial authorities to address concerns over flawed investigations. The lawyer raised the alarm that the authorities are seeking to convict his client in a summary fashion, which he said would constitute "revenge" rather than justice.¹⁵

Saman Seydi (also known as **Saman Yasin**), a rapper from Iran's persecuted Kurdish minority, faces several charges including "enmity against God" (*moharebeh*) through "pulling a pistol and shooting three times into the air" and "gathering and colluding to commit crimes against national security". According to information gathered by Amnesty International, security forces arrested Saman Seydi (Yasin) at his home in Tehran on 2 October and he is currently held in Evin prison in Tehran. His family was given no information about his fate and whereabouts until almost a week later when he was allowed to briefly phone them. The authorities have denied him access to a lawyer of his choosing. According to an informed source, prior to his arrest, Saman Seydi (Yasin) had posted several Instagram stories in support of the uprising in Iran. His rap songs also include sociopolitical themes critical of the authorities.

¹⁰ The videos were broadcast by Persian speaking media outlets outside Iran. See: Iran International, Twitter post, 1 November 2022, bit.ly/3hMvuvb; BBC Persian, Twitter post, 31 October 2022, bit.ly/3V0p75F

¹¹ Amnesty International, *Trampling Humanity: Mass arrests, disappearances and torture since Iran's 2019 November protests* (Index: MDE 13/2891/2020), 2 September 2020, amnesty.org/en/documents/mde13/2891/2020/en/

¹² Amir Raesian, Twitter post, 30 October 2022, bit.ly/3GfGhby

¹³ Amir Raesian, Twitter post, 30 October 2022, bit.ly/3tyZkG6

¹⁴ In justifying the ban on Mohammad Ghobadlou's access to a lawyer of his own choosing, the article referred to the Note to Article 48 of the Code of Criminal Procedure. This provision requires individuals facing charges related to national security to select their legal counsel for the investigation phase from a list of lawyers vetted and approved by the head of the judiciary. However, Amnesty International has consistently documented a pattern of interrogators belonging to security and intelligence bodies and prosecution authorities failing to respect even this limited guarantee and refusing to provide individuals any access to even lawyers vetted and approved by the judiciary during the investigation phase. Furthermore, in recent years, prosecution authorities and judges presiding over Revolutionary Courts have consistently invoked the Note to Article 48 of the Code of Criminal Procedure to prevent some detainees from accessing lawyers of their own choosing not only at the investigation phase, but even during trial, despite such a restriction being outside the scope of the Note. In these cases, the authorities told defendants that they had to choose their lawyers from a list of lawyers approved by the head of the judiciary, and the defendants who refused were consequently forced to represent themselves at trial. Mizan Online News Agency, *شرح روند رسیدگی به اتهامات محمد قبادلو / اتهامات این متهم در دو دادگاه جداگانه رسیدگی می شود/ وکلای انتخابی می توانند در دادگاه کیفری*, 2 November 2022, mizan.news/4499607

¹⁵ Amir Raesian, Twitter post, 3 November 2022, bit.ly/306drfz

Saeed Shirazi has been charged with “corruption on earth” (*efsad-e fel arz*) through “widespread incitement and encouragement of people to commit crimes against national security” and “causing severe disruptions in [public] order”. According to Mizan Online, Saeed Shirazi has maintained his innocence in court and denied the charges against him.¹⁶ Mizan Online has reported that during the trial session on 29 October, the presiding judge claimed that most of the content posted by Saeed Shirazi on social media related to “trainings on making hand-made grenades” and included “insults” and cited this as “evidence” against him.

Mohammad Boroughani is on trial on the charge of “enmity against God” (*moharebeh*). According to Mizan online, he is charged for his alleged involvement in “pulling a machete, attacking the governor’s building in Pakdasht [in Tehran province], and setting fire to the building and attacking a state agent while [he was] on duty resulting in him sustaining injuries”. Mizan Online has cited as “proof of his guilt” three videos, which it released publicly and which, according to the authorities’ claims were captured by Mohammad Boroughani and retrieved from his mobile phone. One of the videos appears to depict the aftermath of an assault incident; a man in plain clothes is seen running in the street with a bloodied face and hands while several individuals, including the person filming, chase and hurl threats at him. The faces of those involved are not visible in the video, nor are the circumstances leading to the injuries concerned. In the two other videos, several protesters are seen standing outside what appears to be a government building while a rubbish bin and what may be part of a building appear to be on fire. The authorities have alleged that the videos show that Mohammad Boroughani “played an active role in arson against the government building”. However, the videos are inconclusive as they merely depict chaotic scenes and do not show the individual capturing the footage taking part in any alleged acts of vandalism or arson. Amnesty International has not been able to obtain any information from independent sources to ascertain that Mohammad Boroughani filmed these videos or otherwise has any involvement in the captured footage.

Abolfazl Mehri Hossein Hajilou has been charged with “confronting the Islamic government through committing arson against public property in order to cause disruptions in the country’s order and security”, according to reports published by Mizan Online. According to the reports, the presiding judge accused Abolfazl Mehri Hossein Hajilou of having set fire to 25 rubbish bins during protests that took place in Tehran province. Under Note 1 to Article 675 of Iran’s Islamic Penal Code, acts of arson carried out with “intent to confront the Islamic government” must be punished as “enmity against God” (*moharebeh*), which means they may be punishable by death.

Mohsen Rezazadeh Gharagholou has been charged with “enmity against God” (*moharebeh*) through “participation in [acts of] arson against public property in order to cause disruption in public order and security”, “gathering and colluding to commit crimes against national security”, “making explosives in the form of Molotov cocktails for [committing acts] against security,” and “throwing stones at police forces.” Apart from the charges cited, Mizan Online and other state media have not disclosed any further details regarding his case.

TRIAL BEFORE BRANCH 29 OF THE REVOLUTIONARY COURT IN TEHRAN

On 7 November 2022, Mizan Online reported that **Sahand Nourmohammad-Zadeh** is on trial before Branch 29 of the Revolutionary Court in Tehran on several charges including “enmity against God” (*moharebeh*) through “[acts of] vandalism and arson of public property with the aim of causing disruption to the country’s peace and order and confronting the Islamic government”. The prosecution has accused Sahand Nourmohammad-Zadeh of “participating in riots in Tehran on 23 September 2022” during which they have claimed that he blocked a highway by “tearing down the highway railings and setting fire to rubbish cans and tires”. Two other men, accused of national security and public order offences which carry punishments other than death, are being tried in the same case.

In video footage shown during the proceedings and released publicly, a number of individuals, including a man wearing a mask, whom the authorities have alleged to be Sahand Nourmohammad-Zadeh, are seen placing the guard railing between two carriage ways on the road in order to block the traffic. In another section of the same video, the same man, along with another individual, are seen pushing a burning rubbish bin onto the road. According to video footage released by state media of some segments of the trial, Sahand Nourmohammad-Zadeh maintained his innocence in court and his lawyer emphasized in court that the video footage used as evidence does not depict him setting fire to the rubbish bins or tearing down the railings.¹⁷

¹⁶ Mizan Online News Agency, برگزاری جلسه دادگاه رسیدگی به اتهامات اغتشاشگران اخیر در تهران/ متهمی که با خودرو افسران پلیس را زیر گرفت و، 29 October 2022, mizan.news/4492959

¹⁷ Iranian Students’ News Agency, رسیدگی به اتهامات افرادی که بزرگراه اشرافی اصفهانی را مسدود کردند، 7 November 2022, isna.ir/news/1401081611123

TRIAL BEFORE BRANCH 26 OF THE REVOLUTIONARY COURT IN TEHRAN

On 3 November, state media, citing the judiciary's news agency, reported that **Mahan Sedarat Madani** is on trial before Branch 26 of the Revolutionary Court for several charges including "enmity against God" (*moharebeh*) through "wielding a cold weapon (a knife) in a manner that has caused insecurity and fear in the surrounding area", "gathering and colluding to commit crimes against national security", "causing intentional bodily harm by stabbing [an individual]" and causing damage to private property by setting fire to a motorcycle belonging to a member of the public and destroying a mobile phone on 12 October 2022 in Tehran.¹⁸

Mizan Online has released a CCTV footage which it alleges depicts Mahan Sedarat Madani attacking another man with a knife and setting fire to a motorbike. Amnesty International has reviewed the video footage, which is grainy and of low quality, making it difficult to identify any person with reasonable certainty. No knife is discernable in the video footage. According to state media reports, during the hearing, Mahan Sedarat Madani denied using a knife or stabbing anyone and stated that he had engaged in a physical altercation with another individual, had punched him and set a motorbike on fire.¹⁹

TRIAL BEFORE BRANCH 28 OF THE REVOLUTIONARY COURT IN TEHRAN

On 30 October 2022, Mizan Online reported that a day earlier, the trial of **Manouchehr Mehman-Navaz** commenced before Branch 28 of the Revolutionary Court in Tehran on charges including "arson at buildings with intent to confront the Islamic government", "disrupting public order and security through causing chaos and tumult" and "participation in illegal assemblies".

The authorities have accused Manouchehr Mehman-Navaz of having set fire to parts of a government building in Gharchak, Tehran province, and to several cars parked within its grounds. The authorities have not publicly stated when these alleged incidents had taken place. According to Mizan Online, Manoucherh Mehman-Navaz has maintained his innocence.²⁰

According to Mizan Online, the prosecution authorities have sought for the execution of Manoucher Mehman-Navaz to be carried out in public at the location of the alleged arson incident.

TRIAL BEFORE BRANCH 1 OF THE REVOLUTIONARY COURT IN ALBORZ PROVINCE

According to Mizan Online, on 12 November 2022, the head of the Department of Justice in Alborz province, Hossein Fazeli Harikandi, announced that 10 men and a woman have been charged with "corruption on earth" (*efsad-e fel arz*) in connection with the fatal assault of a Basij agent on 3 November 2022 in Karaj, Alborz Province and their cases have been referred to Branch 1 of the Revolutionary Court in Alborz province for trial.

Hossein Fazeli Harikandi stated that the accused individuals had been arrested in response to a "special order" by the Head of the Judiciary, Gholamhossein Mohseni-Ejei, requesting the "expedited identification, arrest and prosecution of all those involved" and as a result of efforts by Ministry of Intelligence agents and the office of the prosecutor. He added that the charges against them also included "gathering and colluding to commit crimes against national security" and "spreading propaganda against the system through chanting slogans and sharing criminal content online".

The identities of the individuals charged have not been disclosed by the authorities and state media. Amnesty International has reviewed a public petition by Iran's medical workers which identifies a married couple, Farzaneh Ghare-Hasanlou and Hamid Ghare-Hasanlou, who is a medical doctor, among the 11 individuals facing trial.

According to the petition, security forces arrested Farzaneh Ghare-Hasanlou and Hamid Ghare-Hasanlou from their home in Karaj on 4 November 2022 a day after they had taken part in the 40th commemoration ceremony (*chehelom*) of Hadis Najafi, a young woman shot dead by the security forces during the protests. According to the petition, Farzaneh Ghare-Hasanlou had attempted to save the deceased Basij agent by providing him with medical aid.

According to information obtained by Amnesty International from an informed source, the authorities subjected Hamid Ghare-Hasanlou to torture and other ill-treatment in order to extract forced "confessions", leading to his hospitalization

¹⁸Tasnim News Agency, [دادگاه اغتشاشگران تهران؛ رسیدگی به اتهامات اغتشاشگری که یک شهروند را مجروح کرد + فیلم](https://tasnimnews.com/fa/news/1401/08/12/2798340), 3 November 2022, tasnimnews.com/fa/news/1401/08/12/2798340

¹⁹ Mizan Online News Agency, [ادامه رسیدگی به اتهامات اغتشاشگران اخیر / اغتشاشگری که یک شهروند را مورد ضرب و شتم قرار داد و موتور وی را به آتش کشید](https://mizan.news/4500138), 3 November 2022, mizan.news/4500138

²⁰ Mizan Online News Agency, [برگزاری دادگاه فردی که اقدام به آتش زدن محیط بخشداری قرچک کرده بود / انجام اقدامات فنی برای اثبات حضور متهم در صحنه حادثه / قاضی عموزاد: نقطه زنی نشان می‌دهد متهم پرونده در آن منطقه حضور داشته است](https://mizan.news/4494511), 30 October 2022, mizan.news/4494511

with broken ribs and difficulties breathing. Amnesty International has obtained a medical note corroborating Hamid Ghare-Hasanlou's rib injuries. The same informed source told Amnesty International that the authorities also tortured Farzaneh Ghare-Hasanlou to coerce her into making incriminating statements against her husband Hamid Ghare-Hasanlou. Both have been denied access to their independently appointed lawyers.

On 6 November, two days after their arrest, state media outlets broadcast a video clip of the couple describing them and other individuals depicted in the video as "murderers". The video was interspersed with the "confessions" of several individuals "admitting" their involvement in assaulting the deceased Basij agent. Given the Iranian authorities' long-standing pattern of extracting video-recorded "confessions" under torture and other ill-treatment, Amnesty International is concerned that these televised "confessions" were also obtained under coercive circumstances. The practice of producing and airing televised "confessions" constitutes a serious violation of the individuals' rights to presumption of innocence and to not make self-incriminating statements. Amnesty International believes that it also violates the absolute prohibition of torture and other cruel, inhuman and degrading treatment considering the mental anguish caused to detainees and their families by such "confession" videos, which generally dehumanize and demonize them.

DENIAL OF THE RIGHT TO PUBLIC TRIAL BEFORE AN INDEPENDENT, IMPARTIAL TRIBUNAL

On 31 October, the head of the Department of Justice in Tehran announced that the trial of those accused of offences such as murder, assault and arson, whom he described as "key actors in the riots", would be held in public.²¹ Despite such claims, information obtained by Amnesty International indicates that the family members of at least two defendants, Mohammad Ghobadlou and Saman Seydi, and the lawyer of the former were not permitted to attend their trial session held on 29 October. Amnesty International is not aware of any information indicating that the men's four co-defendants and their families and lawyers were treated any differently.

The court sessions of the nine men undergoing trial before different courts since 29 October have not been broadcast in their entirety and only select brief video footage from the proceedings have been aired on the Islamic Republic of Iran Broadcasting (IRIB) and across various state affiliated media outlets. These snippets of footage as well as state media coverage of the trials have been used by the authorities to support their claims regarding the public nature of the proceedings. In reality, such material, which involves several defendants making incriminating statements against themselves and/or their co-defendants, is being used in propaganda packages to vilify protestors as "rioters" and "thugs" and publicize the trials to warn others against taking part in protests.

Under Iran's Islamic Penal Code, trials of all individuals charged with the capital offences of "corruption on earth" and "enmity against God" must be conducted before Revolutionary Courts. Since the establishment of the Islamic Republic in 1979, Amnesty International has consistently highlighted that Revolutionary Courts lack independence and operate under the influence of security and intelligence forces to impose harsh sentences following grossly unfair trials marked by summary and predominantly secret processes. Amnesty International has also found that judges presiding over Revolutionary Courts are hostile and biased against the protestors brought before them.²²

The UN Special Rapporteur on the situation of human rights in Iran said the following in his January 2022 report with regards to the Revolutionary Courts:

*"Established after the 1979 revolution following an order by the Supreme Leader, these courts conducted summary and arbitrary trials to exterminate political opponents of the revolution. Despite a lack of constitutional basis, revolutionary courts have continued to operate and sentence political activists, journalists, lawyers and human rights defenders behind closed doors, with convictions in such cases influenced by intelligence bodies... Since their inception, these courts have consistently violated fundamental human rights, including due process rights and the right to a fair trial as contained in article 14 of the International Covenant on Civil and Political Rights... The revolutionary courts are responsible for issuing the vast majority of the death penalty sentences, including thousands of summary and arbitrary executions."*²³

²¹ Islamic Republic of Iran News Agency, صدور هزار کیفرخواست برای اغتشاشگران اخیر/دادگاه‌ها علنی برگزار می‌شود, 31 October 2022, <http://bitly.ws/wJdf>

²² Amnesty International, *Trampling Humanity* (previously cited)

²³ UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Report, 13 January 2022, UN Doc. A/HRC/49/75, undocs.org/en/A/HRC/49/75, para. 56.

OFFICIAL CALLS FOR SPEEDY TRIALS, IMPOSITION OF THE DEATH PENALTY AND PUBLIC EXECUTIONS

State officials have called on the judiciary to expedite the prosecution of individuals detained in connection with the protests and for the imposition of the death penalty.

On 6 November 2022, in a shocking statement read during a public session of parliament, 227 of 290 parliamentarians labelled some protesters “*mohareb*” (an individual accused of “waging war against God”), likened them to the Islamic State (IS) armed group, and called on the judiciary to “show no leniency” and to issue death sentences against them to “serve as a lesson” to others.²⁴ Following significant domestic and international criticism, the parliamentarians have since backtracked and disputed the accuracy of the statement.

On 7 November 2022, the Head of the Judiciary, Gholamhossein Mohseni-Ejei, also called for speedy trials and punishments, including executions, stating:

“[When] a person holds firearms or cold weapons and uses them, and for the purpose of collaborating with the enemy or as an agent of the enemy, has disturbed the security of the country, created fear in the surrounding area and, at the same time, committed murder, they can be executed under the principle of qesas [retribution in kind] as well as under other [criminal] charges. Judicial colleagues should take action as soon possible towards deterrent prosecutions and punishments of elements and culprits of the recent riots.”²⁵

Amnesty International has obtained and reviewed two official documents, which show that a senior police official and the country’s Prosecutor General have requested that the investigation, prosecution, conviction and sentencing proceedings concerning the killing of Farid Karampour, a police official, are conducted in a speedy manner. This is the official whom the authorities have alleged was killed by Mohammad Ghobadlou.

In the first letter, dated 29 September 2022, a senior police official has requested the country’s Prosecutor General to ensure that the case is processed within the office of the prosecution in an expedited manner, stating, “a prolonged period of [judicial] proceedings and a time lapse between the crime and the implementation of punishment would result in the fading of the crime in the public memory.” He has further called for the maximum punishment set out by the law, which is the death penalty, and asked that the death sentence be carried out in public at the location of the alleged incident as “a heart-warming gesture towards the security forces.”

The second document indicates that on 9 October 2022, the country’s Prosecutor General, Mohammad Jafar Montazeri, instructed prosecution authorities in Tehran province to expedite the criminal proceedings concerning the murder of Farid Karampour and to speed up the issuance of the verdict at both the court of first instance as well as at the appeal stage.

DEATH PENALTY FOR ALLEGED OFFENCES THAT DO NOT INVOLVE INTENTIONAL KILLING

Iran’s Islamic Penal Code defines the offence of “enmity against God” (*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 atmosphere.” The law fails to clarify how an act must be carried out in order to “cause insecurity in the atmosphere”, leaving the determination to the discretion of judges.

Similarly, the offence of “corruption on earth” (*efsad-e fel arz*) violates the principles of legality and legal certainty by providing the death penalty for a range of offences such as arson and crimes against national security if a judge determines that they were committed on a widespread scale.

Both offences provide for the death penalty for actions other than intentional killing, in contravention of international law, which prohibits the imposition of the death penalty for crimes that do not amount to the most serious crimes. According to the UN Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, “the term ‘most serious crimes’ must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. Crimes not resulting directly and intentionally in death... can never serve as the basis, within the framework of article 6 [of the Covenant], for the imposition of the death penalty.”²⁶

²⁴ Hamshahri Online, شعارهایی که نمایندگان پس از قرائت بیانیه دادند ؛ خونی که در رگ ماست, 6 November 2022, hamshahronline.ir/news/718042

²⁵ Iranian Students’ News Agency, محسنی اژه‌ای: مجازات عناصر اغتشاشات اخیر زودتر انجام شود, 7 November 2022, isna.ir/news/1401081610915

²⁶ UN Human Rights Committee, General Comment 36 (previously cited), para 35

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

BACKGROUND

Iran has been rocked by an unprecedented popular uprising against the Islamic Republic system since the death in custody of Mahsa (Zhin) Amini following her arrest by Iran's "morality" police on 16 September 2022. Security forces have responded with unlawful force, including lethal force, killing hundreds of men, women and children and injuring thousands of others. According to a leaked audio file obtained by BBC Persian, the authorities have arbitrarily arrested between 15,000 and 16,000 people in the first wave of arrests after the protests began.²⁷ Those arrested include protesters, journalists, human rights defenders, dissidents, university students and schoolchildren, and many have been subjected to enforced disappearance, incommunicado detention, torture and other ill-treatment, and unfair trials.

On 8 November, the judiciary announced that 1,024 indictments had been issued in relation to the protests in Tehran province alone, without providing further details on charges.²⁸

²⁷ BBC Persian, «اعتراض‌های ایران؛ فایل صوتی منسوب به مقام اطلاعاتی: «غضنفرهای ما بیش از ام‌آی ۶ تاثیر منفی دارند», 14 November 2022, bbc.com/persian/iran-63618568

²⁸ Mizan Online News Agency, «صدور هزار و ۲۴ کیفرخواست برای متهمان اغتشاشات در تهران», 8 November 2022, bitly.ws/wJcq