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Iran: Baluchi man faces imminent execution despite urgent need for a fair retrial

The Iranian authorities must immediately halt the execution of Javid Dehghan, a member of Iran's disadvantaged Baluchi ethnic minority, scheduled to take place in less than 48 hours on 30 January 2021, Amnesty International said in a statement today. Highlighting a shocking catalogue of fair trial violations throughout the investigation, trial and appeal stages, the organization urged the Iranian authorities to quash the death sentence of the 31-year-old man and grant his lawyer's request for a fair retrial.

Javid Dehghan, held in the central prison in Zahedan, Sistan and Baluchestan province, Iran, was sentenced to death for "enmity against God" (*moharebeh*) in May 2017 in connection with his alleged membership in an armed group and alleged involvement in an armed ambush that killed two Revolutionary Guards agents, following a grossly unfair trial before Branch 1 of the Revolutionary Court in Zahedan. In convicting and sentencing Javid Dehghan to death, the court relied on torture-tainted "confessions" and ignored the serious due process abuses committed by Revolutionary Guards agents and prosecution authorities during the investigation process.

According to information obtained by Amnesty International from two informed sources, following his arrest in Iranshahr, Sistan and Baluchestan province, on 5 June 2015, the authorities concealed Javid Dehghan's fate and whereabouts from his family for three months, thereby subjecting him and his family to the international crime of enforced disappearance. During this period, his anxious family went to various hospitals, prisons and police stations and reached out to numerous intelligence, prosecution and judicial officials in Iranshahr to obtain information about him, but the authorities did not give them any information and denied that he was in state custody.

The first time that Javid Dehghan's family heard from him was three months after his arrest when he called them briefly to tell them that he was in a general ward in Zahedan prison, and it emerged that prior to that, he had been held in solitary confinement in an undisclosed detention facility run by the Revolutionary Guards. For the next 12 or 13 months, he was periodically taken back and forth between Zahedan prison and an undisclosed detention facility where he has said he was held in solitary confinement and subjected to torture and other ill-treatment. The first time that he was allowed a visit with his family was around a week after he called them from Zahedan prison.

According to information obtained by Amnesty International, methods of torture described by Javid Dehghan included beatings, floggings, pulling out at least one of his thumb's nails and stripping him naked.

During his trial, Javid Dehghan told the court that while held in solitary confinement, Revolutionary Guards agents repeatedly tortured him to "confess" that he was a member of an armed Jihadist group, Jaish ul-Adl, and that he had fatally shot two Revolutionary Guards agents during an ambush on 9 April 2015. Amnesty International understands that Javid Dehghan "confessed" under duress that he was a member of the armed group, but never accepted that he was in possession of weapons and involved in the fatal ambush. His persistent refusal to "confess" to these aspects of the case opened against him resulted in him languishing in solitary confinement for months.

The authorities' evidence against Javid Dehghan ultimately consisted primarily of the torture-tainted incriminating statements that the Revolutionary Guards agents obtained both from him regarding his alleged membership in Jaish ul-Adl, which he later retracted in court, and five co-defendants regarding his alleged involvement in plotting and carrying out the 2015 ambush. No investigation is known to have been carried out into the coercive circumstances, including the allegations of torture and other ill-treatment, through which these incriminating statements were extracted.

Amnesty International's research shows that Javid Dehghan's right, under both international law and Iranian law, to have a meaningful review of his conviction and sentence by a higher court has also been violated. Based on information, including documentary evidence, obtained by the organization, on 29 July 2017 the Supreme Court stated in a ruling

consisting of only a few lines that it had not received an appeal submission from Javid Dehghan and was not, therefore, under an obligation to examine the case. This is while the information recorded in Javid Dehghan's casefile indicates that he had requested an appeal after he had been informed of his death sentence in May 2017. It is not clear to Amnesty International if Javid Dehghan's court-appointed lawyer had submitted a detailed appeal for him that subsequently went missing, or that the lawyer had failed to submit a detailed request in the first place.

In either case, given the litany of due process abuses committed during the investigation process and ignored at the trial stage without an investigation, the Supreme Court had a duty to review substantively, both on the basis of sufficiency of the evidence and of the law, the conviction and sentence and ensure that a conviction and sentence following violations of the accused's rights to a fair trial do not become final.

Amnesty International is concerned that the Supreme Court also rejected a subsequent judicial review request submitted by Javid Dehghan's new lawyer in December 2020, which documented the major flaws marring the judicial process leading to Javid Dehghan's conviction and death sentence.

Javid Dehghan's lawyer was formally informed on 25 January 2021 that the Supreme Court had denied the judicial review request. His lawyer reported on his Twitter account that he was planning to submit a second request next week but, on 28 January 2021, he learned that the authorities have scheduled the execution of Javid Dehghan for 30 January 2021 and called his family to go to prison for their last visit.

Amnesty International has received information indicating that the Revolutionary Guards have been exercising undue influence over the prosecution and judicial authorities to carry out Javid Dehghan's execution, despite an urgent need for a fair and impartial review of his case.

Under international law, the imposition of the death penalty following an unfair trial constitutes an arbitrary deprivation of the right to life and violates the prohibition of inhuman or degrading treatment or punishment.

Amnesty International urges the Iranian authorities not to compound the shocking catalogue of human rights violations already committed against Javid Dehghan by carrying out his execution. All plans to execute him must be immediately halted and he must be granted a fair retrial.

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