

IRAN: HALT EXECUTION OF KURDISH ACTIVIST HEIDAR GHORBANI

ACHRS STATEMENT



The Iranian-Kurdish political prisoner Heidar Ghobarni was sentenced to death by a revolutionary court in Iranian Kurdistan on charges of Baghi, or armed rebellion against the state, although he was not in possession of a weapon. Observers point to the unfairness of the trial and the use of torture by Iranian authorities. ACHRS condemns the use of torture and urges the Iranian authorities to immediately halt Ghorbani's execution, drop false charges, and establish a fair trial.

Heidar Ghobarni is being held in the central prison of Sanandaj. First convicted of complicity in murder and attempted kidnapping in 2019, he was convicted in February 2020 of armed rebellion against the Islamic States. He is accused of being involved in the killing of three Iranian Basij paramilitaries.

According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), some independent experts appointed by the UN have expressed concerns about the quality of the trial and the treatment of the Kurdish prisoner. One expert described the trial, saying that "many foundational guarantees of fair trial and due process enshrined in international human rights appear to have been violated." Heidar Ghorbani was subjected to an unfair trial, torture, and cruel treatment in prison in order to obtain forced confessions. Ghorbani was also deprived of a lawyer during his hearing and throughout the course of the investigation. The Supreme Court ruling states that Heidar Ghorbani is the fifth defendant in a murder case involving five people. The main accused are reportedly still wanted. Thus, Ghorbani could carry the sentence and punishment of the fugitives at large.

United Nations experts are lobbying and urging Iran to hold a retrial. On 5 August 2020, an appeal for a retrial was rejected by the Supreme Court. OHCHR has demanded the immediate repeal of Ghorbani's death sentence. Although Iran is not a signatory to the Second Additional Protocol to the International Covenant on Civil and Political Rights, Article 6 of the ICCPR ratified by Iran measures and limits the use of the death penalty to "most serious crimes." Thus, ACHRS finds a violation of international law and national customary law by Iran, as the death penalty under the conventions should apply in Iran to "most serious crimes," and convictions for rebellion against the state should only be applied to armed suspects. On 03 September 2021, the United Nations again called on Iran to suspend Ghorbani's trial.

Although Iran is a signatory to the International Covenant on Civil and Political Rights, it remains one of the world's biggest practitioners of the death penalty. The number of political prisoners remains very high. The UN Special Rapporteur on human rights in Iran attests to the over-representation of Kurdish political prisoners in Iran. The ACHRS urges Iran to respect international law, to eradicate the use of torture and unfair trials, and to halt the execution of Heidar Ghorbani. In addition, ACHRS calls for a hearing on the allegations of torture and enforced disappearance in Ghobarni's imprisonment.