

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Prisoner May Face Imminent Death for Enmity Against God'

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(New York) - The Iranian Judiciary should immediately halt any planned execution of Sherko (Bahman) Moarefi and rescind his death sentence, Human Rights Watch said today. Human Rights Watch believes that Moarefi, currently being held at Saez prison in Kurdistan province, may be at imminent risk of execution.

Unconfirmed reports suggest the authorities have set May 1, 2011, as the date for Moarefi's execution, following a death sentence imposed in 2009 for belonging to a banned Kurdish separatist group, but his lawyers have been unable to get official word of the date. On April 28, Moarefi began a hunger strike in Saez prison in order to protest his "vague and unclear" legal status, according to several Iranian human rights groups.

"The uncertainty surrounding Moarefi's pending execution causes extraordinary hardship and suffering to both him and his family," said Joe Stork, deputy Middle East director at Human Rights Watch. "And we strongly suspect that his conviction was based on an unfair trial. Moarefi may be at imminent risk of execution and we urge the authorities to rescind his death sentence at once."

A Revolutionary Court sentenced Moarefi to death following a closed-door trial on terrorism-related charges in early 2009. In April Moarefi's lawyers informed Roozonline, a Persian-language media outlet, that the Supreme Court was still reviewing their client's case and rejected reports that an execution date had been set. Later, in a public letter reportedly written by Moarefi from prison and dated April 15, 2011, the detainee wrote that on March 22 authorities at Saez prison verbally informed him that his execution was scheduled for May 1, 2011. On April 29, in an interview with the Persian-language Radio Zamaneh, one of Moarefi's lawyers, Ahmad Saeed Sheikhi, said that the Supreme Court had apparently confirmed the death sentence and Moarefi's execution order had been sent to prison authorities for implementation on April 26. He noted, however, that neither he nor his colleague had received any official confirmation from the Judiciary regarding the date and method of their client's execution. Saeed Sheikhi maintained that the execution order should be rescinded because the head of the Judiciary had previously acknowledged that the death sentence had been issued in error.

Authorities arrested Moarefi in October 2008 close to the Iran-Iraq border on suspicion that he was a member of Komala, a leftist Kurdish separatist group branded as a terrorist organization by the Iranian government. The Revolutionary Court in the Kurdish-majority city of Saez sentenced Moarefi to death for the "acting against the national security" and *moharebeh*, or "enmity against God," a term usually applied to persons accused of taking up arms. Moarefi's lawyers maintain that their client was a supporter of Komala but not an active member. They also contend that Moarefi was involved in peaceful dissent at the time of his arrest and Komala had officially renounced armed struggle in the 1990s. They appealed the lower court's ruling both on substantive and procedural grounds.

An appellate court later affirmed the revolutionary court's ruling. In October 2009, a judge in the Kurdish city of Sanandaj ordered the execution of Moarefi and two other Kurdish political prisoners, Ehsan Fattahian and Habibollah Latifi, for the crime of *moharebeh*. Authorities [executed Fattahian](#) on November 11, 2009, allegedly for his involvement with Komala. Latifi was due to be executed for his involvement with "anti-revolutionary groups" on December 26, 2010, but his sentence was not carried after Human Rights Watch and other human rights organizations launched an international campaign to save his life. However, Latifi remains on death row.

At least 15 other Kurdish political prisoners are known to be on death row awaiting execution on various national security charges including *moharebeh*.

Under articles 186 and 190-91 of Iran's penal code, anyone found responsible for taking up arms against the state, or belonging to an organization taking up arms against the government, may be considered guilty of *moharebeh* and sentenced to death. Human Rights Watch has documented numerous cases where Iranian security forces used physical and psychological coercion including torture to secure false confessions in security-related cases, and courts have convicted defendants of *moharebeh* in trials where prosecutors relied primarily if not solely on confessions and failed to provide any convincing evidence establishing the defendant's guilt.

On January 15, 2011, Iranian rights groups reported that authorities had [executed Hossein Khezri](#) following a revolutionary court conviction for *moharebeh*. State-controlled media announced that day that prison authorities in West Azerbaijan province had hanged a member of the Party for Free Life of Kurdistan (PJAK), an armed Iranian Kurdish group, but did not reveal the person's identity. Mohammad Olyaeifard, Khezri's lawyer, earlier said that Khezri had joined PJAK militants in Iraq when he was younger, but that he had never participated in the group's military wing and that his interrogators tortured him to falsely confess to taking part in a violent attack that happened in 2008.

On May 9, 2010, authorities [executed five prisoners](#), four of them ethnic Kurds charged with having ties to an armed Kurdish group. Authorities failed to notify their lawyers in advance and prevented delivery of the bodies to the families for burial. Human Rights Watch [documented](#) numerous trial irregularities in these cases, including credible allegations of torture, forced confessions, and lack of adequate access to a lawyer.

"Given what we know about how Iran's revolutionary courts operate, the government's treatment of Kurdish dissidents, and the vagueness of the charge of *moharebeh*, there is every reason to believe that Moarefi did not receive a fair trial," Stork said.

Fears surrounding the possibility of Moarefi's imminent execution are heightened by the sharp rise in the rate of executions in Iran since December 2010 - Human Rights Watch and other human rights organizations documented at least [86 executions](#) during the first 45 days of 2011 alone. According to official sources, Iranian authorities executed least 135 people so far in 2011, but the actual number is believed to be higher. At least two of those executed in 2011 are believed to have been juvenile offenders.

In a report released in March 2011, Amnesty International said that "Iranian officials acknowledged the execution of 252 people, including five women and one juvenile offender in 2010." But the organization reported that it had received "credible reports of more than 300 other executions which were not officially acknowledged."

Human Rights Watch opposes capital punishment in all circumstances because of its irreversible, cruel, and inhumane nature.

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