

Special Rapporteur on extrajudicial, summary or arbitrary executions A/HRC/14/24/Add.1 para 375

Full recommendation

We therefore urge your Excellency's Government to take all necessary measures to guarantee that Yunes Aghayan is not deprived of his life in violation of the obligations your Excellency's Government has entered into under international law. Considering the irremediable nature of capital punishment, this can only mean suspension of the death sentence against him until the question whether the acts he was found guilty of satisfy international criteria for what constitutes "most serious crimes" has been clarified.

Assessment

Yunes Aghayan is a member of Iran's Azerbaijani minority and follower of the Yarsan (or "Ahl-e haq") faith who was convicted of "waging war against God" after being arrested for his alleged involvement in armed clashes between security forces and a Yarsan group in 2004.¹

According to an urgent action appeal published by Amnesty International in April 2009², Yunes Aghayan was arrested following "at least two clashes in September 2004 between members of a group of Ahl-e Haq members and police. The group had refused to take down religious slogans at the entrance to their cattle farm in Uch Tepe, West Azerbaijan Province. During the clashes, five Ahl-e Haq members and at least three members of the security forces were killed."³ Tensions between officials and the Yarsan community stretched back to at least 2000, when a commanding officer in the area had demand that a Yarsan soldier shave his religiously significant moustache, occasioning a letter-writing campaign to air grievances including discrimination in employment.⁴

In January 2005, Yunes Aghayan and Mehdi Qasemzadeh were sentenced to death by Branch 2 of the Mahabad Revolutionary Court. They were charged with "Moharebeh" (waging war against God). The Supreme Court upheld their death sentences in April 2005 and Mehdi Qasemzadeh was executed in February 2009. Yunes Aghayan's sentence, however, was later commuted to life in prison by the Supreme Leader.⁵ The last known report on his case was published by Human Rights Activists News Agency (HRANA) in 2016, which called attention to the fact that Mr. Aghayan had been imprisoned without furlough for over 12 years.⁶ It is not known whether the commutation granted to Mr. Aghayan was pursuant to a "clarification" of the acts of which he

¹ Source: HRANA: <https://www.en-hrana.org/yunes-aghayan-deprived-furlough-12th-year-imprisonment>

² Amnesty International: <https://www.refworld.org/docid/4d54da3b2.html>

³ Iran Human Rights: <https://iranhr.net/en/articles/847/>

⁴ See One Person's Story: Mehdi Qasemzadeh for more information on the 2004 incident.

<https://www.iranrights.org/memorial/story/-7330/mehdi-qasemzadeh>

⁵ HRANA, February 7, 2016: <https://www.en-hrana.org/yunes-aghayan-deprived-furlough-12th-year-imprisonment?hilitte=%27yunes%27%2C%27aghayan%27>

⁶ *Ibid.*

was accused in light of the “most serious crimes” standard as requested by the Special Rapporteur.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.