

Special Rapporteur on extrajudicial, summary or arbitrary Executions A/HRC/23/47/Add.5 para 53

Full recommendation

The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply. He notes with concern that the Supreme Court upheld the death sentence against Mr. Behrooz Alkhani Aghbarzeh (Mr. Behrouz Alakhani). The Special Rapporteur would appreciate additional information on the evidence used to find the defendant guilty, as well as on any measures taken to investigate the allegations of violations of procedural safeguards in the proceedings conducted against him. He would also appreciate a response on the conformity of these proceedings to international human rights law standards of fair trial and due process guarantees. Should any of the alleged violations of procedural safeguards in the proceedings conducted against him be confirmed, the Special Rapporteur calls upon the Government of the Islamic Republic of Iran not to execute Mr. Behrooz Alkhani Aghbarzeh (Mr. Behrouz Alakhani), and commute without delay his sentence.

Assessment using Impact Iran human rights indicators¹

Mr. Behrouz Alkhani, a Kurdish prisoner, was arrested and accused of collaborating with the Kurdish PJAK party, *moharebeh* (offence of “enmity against God”) and carrying a firearm.² He was later accused of being involved in the assassination of a prosecutor in Khoy (West Azerbaijan Province).³ He was executed in Urmia Prison on August 26, 2015.⁴

Mr. Alkhani was sentenced to the death penalty on charges of *moharebeh* and ten years in prison for carrying a firearm by the Revolutionary Court of Urmia. The General Court of Urmia sentenced him to death for his alleged involvement in the assassination of the prosecutor in Khoy.⁵

According to Mr. Alkhani’s family, he was held in the Urmia Security Detention Center for 19 months after his arrest, during which he was subjected to torture and subsequently developed a mental disorder.⁶

According to his family, Mr. Alkhani was denied access to a lawyer of his choice until after the Court upheld the death sentence. Subsequently, Mr. Alkhani was permitted to choose his own lawyer to manage his appeal at the Supreme Court⁷

¹ CCPR.6.1.S.1; CPPR.6.2.S.2; CCPR.14.3.S.4

CCPR.6.2.P.2; CCPR.14.3.P.4

CCPR.6.1.O.1; CCPR.6.2.O.4

² <https://iranhr.net/en/articles/2292/>

³ Human Rights Activists in Iran: < <https://www.en-hrana.org/report-status-bahrooz-alkhane-death-row-prisoner> >

⁴ Amnesty International: <<https://www.amnesty.org/en/latest/news/2015/08/iran-kurdish-man-awaiting-appeal-of-his-death-sentence-executed/>>

⁵ Amnesty International: <<https://www.amnesty.org/en/latest/news/2015/08/iran-halt-execution-of-kurdish-man-due-to-be-carried-out-tomorrow-morning/>>

⁶ Radio Zamaneh: <<https://www.radiozamaneh.com/234781>>

⁷ Radio Zamaneh: <<https://www.radiozamaneh.com/234781>>

Following appeal, The Supreme Court overturned the death sentence. The case was then sent to another court of first instance for reconsideration. Upon review, this court re-issued the death sentence with no further evidence provided.⁸

Human rights organizations have reported that the judicial proceedings of Mr. Alkhani's case were in violation of international standards of fair trial. According to Mr. Alkhani's lawyer (who entered the case during the Supreme Court stage), there was insufficient evidence to issue a death sentence in the case.⁹

While family members and Mr. Alkhani's lawyer awaited re-examination by the Supreme Court, of the death sentence issued by the reviewing court, Mr. Alkhani's death sentence was performed.¹⁰

The Iranian authorities did not provide any report indicating the allegations of torture in detention or the lack of evidence presented during trials were independently investigated.¹¹

Alleged violations of procedural safeguards in the proceedings were not investigated or confirmed by Iranian authorities; however, NGO reports indicate that such violations did occur. The Islamic Republic of Iran executed Mr. Behrooz Alkhani Aghbarzeh (Mr. Behrouz Alakhani), despite these reports and did not take any steps to address the alleged violations of fair trial.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁸ Radio Zamaneh: <<https://www.radiozamaneh.com/234781> >

⁹ Radio Zamaneh: <<https://www.radiozamaneh.com/234781> >

¹⁰ Amnesty International: <<https://www.amnesty.org/en/latest/news/2015/08/iran-kurdish-man-awaiting-appeal-of-his-death-sentence-executed/> >

¹¹ Iran's response to UN allegation letter regarding this case: <<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33130> >