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Iran: Ensure fair trials for those accused of killings of nuclear scientists, and cease use of televised “confessions”

Amnesty International expresses concern at the recent announcement that 18 individuals accused of assassinating Iranian nuclear scientists and academics will face trial after the Persian Nowrouz (New Year) period and urges the Iranian authorities to ensure that they are tried in proceedings which comply with international law and standards relating to fair trials and without recourse to the death penalty. In particular, any public “confession” made by the defendants should be excluded from the evidence considered by court.

Amnesty International also reiterates its call on the Iranian authorities to end the practice of filming alleged confessions by detained individuals and broadcasting them on national or local television in advance of their trial. This practice seriously undermines a defendant’s right to a fair trial, in particular the right of every person charged with a criminal offence to be presumed innocent until and unless proved guilty according to law after a fair trial, and the right not to be compelled to testify against oneself or confess guilt¹. The use and broadcasting of such “confessions” is particularly alarming when defendants are accused of crimes which could lead to their being sentenced to death and executed.

On 17 March 2013 the Tehran Prosecutor announced that after the Nowrouz period, which traditionally lasts for 13 days, the trials will take place of 18 individuals “suspected of the killings” of Iranian nuclear scientists and academics who have been assassinated in recent years. Although no information was provided regarding the identity of the 18 individuals, Amnesty International fears that the group includes those who in August 2012 appeared in a television documentary purportedly confessing to involvement in the killings. This followed announcements by Iran’s Intelligence Minister Heydar Moslehi that all individuals involved in the assassination of the country’s nuclear scientists had been arrested, and that “confessions” by detained “spies” would soon be broadcast.

The purported confessions of 12 people to involvement in the killings were broadcast on 5 August in a documentary called “Terror Club” aired by Iranian television channel IRTV1. The 12 individuals comprise seven men – **Arash Kheyratgir, Ayoub Moslem, Behzad Abdoli, Fouad Famarzi, Mazyar Ebrahimi, Mohsen Sedeghi-Azad and Ramtin Mahdavi Moshayi** – and five women – **Firouzeh Yeganeh, Maryam Izadi, Maryam Zargar, Nashmin Zareh and Tara Bagheri**. The documentary did not show any evidence to support the allegation that the individuals were involved in the killings.

Amnesty International has learned that at least one of those who appears in the video, Mazyar Ebrahimi, has been held incommunicado in an unknown location without access to his family or a lawyer of his choosing since his arrest in June 2012 when he was arrested by Ministry of Intelligence security forces at his parents’ home in Tehran. The arresting officers cited reasons of “national security” as the grounds for his arrest. Mazyar Ebrahimi’s family has received contradictory information concerning his whereabouts since his arrest and their repeated requests for contact with him have been denied. The family was told by officials that they were not permitted to obtain a lawyer on his behalf as his case was still considered to be under investigation.

¹ As set out in Article 14 of the International Covenant on Civil and Political Rights, to which Iran is a state party

A 13th man who featured in the documentary, **Majid Jamali Fashi**, was executed on 15 May 2012. He was sentenced to death in August 2011 for killing an Iranian physicist after appearing in a televised “confession” broadcast months before his trial in January 2011. He and the 12 individuals mentioned above were all shown purportedly confessing to having been hired by the Israeli authorities and trained in a location outside Tel Aviv in Israel to carry out targeted killings in Iran.

In a letter dated 3 January 2013, to which no reply has yet been received, Amnesty International requested information from the Iranian Head of Judiciary, Ayatollah Sadegh Larijani, about the whereabouts and legal status of the 12 persons shown purportedly making confessions in the footage broadcast on 5 August 2012. The organization expressed concern that over the years a number of defendants have been sentenced to death and executed on the basis of alleged confessions which they made in pre-trial detention and when they were held with little or no access to lawyers. Amnesty International’s letter urged that all of those detained be granted immediate and regular access to their families and lawyers of their choosing.

International fair trial standards require that anyone accused of a serious crime has access to a lawyer not only during the trial itself but immediately on arrest and throughout all subsequent proceedings. This requires access to a lawyer from the outset of detention. Moreover, in view of the irreversible nature of the death penalty, trials for offences carrying the death penalty in particular must scrupulously observe these and other standards protecting the right to a fair trial.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Background

Amnesty International has for many years documented how the Iranian authorities subject detainees and prisoners to torture or other ill-treatment, often to try to coerce them to make “confessions” which are then relied on in court. In many cases, detainees are pressured to appear on camera. The organization has documented cases where defendants have been sentenced to death on the basis of such purported confessions broadcast on television which they made in pre-trial detention, when they were mostly held incommunicado and had little or no access to lawyers. In some cases, they subsequently retracted their “confessions” on the grounds that they were coerced to make them, sometimes under torture or other ill-treatment. Some individuals have been executed after being convicted on the basis of such “confessions”, which were accepted as evidence by the courts without adequate investigation as to the circumstances in which they were obtained. International standards require that any statement elicited as a result of torture or other ill-treatment must be excluded as evidence at trial.

The “confessions” are generally made while individuals are in pre-trial incommunicado detention, without access to families or lawyers, a practice known to facilitate torture or other ill-treatment. Moreover, and particularly when detainees are held in isolation from others, incommunicado detention can in itself create a de facto psychological pressure which can induce detainees to make “confessions”.

The use and broadcasting of video-taped “confessions” by detainees violates not only international law and standards but also Iranian law. Article 37 of the Constitution states that “Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court”, a right affirmed in the Law on Respect for Legitimate Freedoms and Safeguarding Citizens’ Rights, enacted in 2004, which provides for the presumption of innocence. Article 38 of the Iranian Constitution states that “[c]ompulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence”.

Other cases of pre-trial televised “confessions” documented by Amnesty International in recent years include:

- **Hashem Sha’bani Amouri and Hadi Rashidi**, both members of Iran’s Ahwazi Arab minority, who on 13 December 2011 were featured on a programme aired by state-run television channel, Press TV, in which they purportedly confessed to having carried out “terrorist activities”. Another Ahwazi Arab man, Taha Heidarian, was shown in the same programme making a purported confession in connection with the killing of a law enforcement official in April 2011 amidst widespread protests in Khuzestan. On or around 19 June 2012, he and three other Ahwazi Arab men were executed in Karoun Prison in Ahvaz.
- **Amir Hekmati**, a dual US-Iranian national was shown in a pre-recorded interview broadcast on 18 December 2011 purportedly confessing to acting as a source of intelligence for the USA. His death sentence was recently overturned but he remains serving a prison sentence for “collaboration with a hostile government”.
- **Zaniar (or Zanyar) Moradi and Loghman (or Loqman) Moradi**, both members of Iran’s Kurdish minority, were featured in a 12 November 2010 programme called “Iran Today, Komalah Terrorist Organization” aired by Press TV in which they purportedly confessed to the 4 July 2009 murder of the son of a senior cleric in Marivan, Kordestan province, north-eastern Iran. They were arrested in August and October 2009, respectively, and were sentenced to death in December 2010 after being convicted of “enmity against God” (moharebeh) and “corruption on earth” for the murder, in addition to being convicted of participating in armed activities with Komala, a Kurdish opposition group. One week after their court hearing both men were transferred to Raja’i Shahr Prison where they wrote an open letter retracting their alleged confessions and stating that they were tortured during their interrogation in pre-trial detention and forced to “confess” to the allegations of murder.
- **Saeed Malekpour**, a dual Canadian and Iranian national, arrested in October 2008, was sentenced to death in October 2010 for "insulting and desecrating Islam" after a programme he had developed for uploading photos online was used to post pornographic images without his knowledge. In 2009, before his trial, Iranian state television repeatedly aired an alleged “confession” by Saeed Malekpour. In an open letter dated March 2010, he stated that his purported confession had been extracted after prolonged torture. On 2 December 2012, new reports emerged that his death sentence had been suspended, but the family has not received official confirmation in writing from the authorities.
- **Vahid Asghari**, student and blogger who hosted websites critical of the government, was arrested in May 2008 and sentenced to death in January 2012 after being convicted in an unfair trial of “corruption on earth” for allegedly organising a pornographic network. In October 2009 he said in a letter to a judge that he had been subjected to torture and forced to make a televised “confession” subsequently broadcast on state television. In March 2013, the Supreme Court overturned his death sentence and sent the case back to Branch 28 of the Revolutionary Court for review.

Public Document

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