

PUBLIC

AI Index: MDE 13/038/2009
27 April 2009

UA 113/09 Risk of Imminent Execution
IRAN Yunes Aghayan, (m)

Yunes Aghayan, a member of Iran's Azerbaijani minority and an Ahl-e Haq follower, is at imminent risk of execution after being convicted of "enmity against God". He is held in Oromieh Prison in West Azerbaijan Province, in north-west Iran. Another man, Mehdi Qasemzadeh, was executed after being convicted in the same case around 28 February 2009, giving rise to fears that Yunes Aghayan could be executed at any time.

Yunes Aghayan was arrested around November 2004, 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.

Yunes Aghayan and four others were tried before Branch 2 of the Mahabad Revolutionary Court. In January 2005, Yunes Aghayan and Mehdi Qasemzadeh were sentenced to death for "enmity against God", usually applied to those who take up arms against the state. Their sentences were upheld by the Supreme Court in April 2005 and Mehdi Qasemzadeh was executed around 28 February 2009. Three others - Sehend Ali Mohammadi, Bakhshali Mohammadi, and Ebadollah Qasemzadeh - were also sentenced to death, but their death sentences were overturned by the Supreme Court in September 2007. They are serving 13-year prison sentences in internal exile in Yazd Province, central Iran.

BACKGROUND INFORMATION

The Ahl-e Haq are members of a religion founded in the 14th century, who live mainly in Iraq and western Iran. Most members are Kurdish, with smaller numbers from other ethnic minorities including Azerbaijanis.

The Iranian constitution guarantees equality to minorities in Iran, who are believed to number about half of the population of about 70 millions of inhabitants. Article 3(14) provides for equality of all before the law. Furthermore, Article 18 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, states: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Under Article 13 of Iran's Constitution, three religious minorities - Zoroastrians, Jews and Christians - are entitled to practise their faith. However, adherents of unrecognized religions, such as Baha'is, the Ahl-e Haq, and Mandaeans (Sabeans), or those who convert from Islam to another religion, are not permitted the freedom to practise their beliefs and are particularly at risk of discrimination or other violations of their internationally recognized human rights.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English, French or your own language:

- urging the authorities to commute Yunes Aghayan's death sentence;
- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;

- reminding the authorities that as a state party to the ICCPR, Iran has undertaken to uphold freedom of religion, including the right to manifest one's religion in public.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
c/o Director, Judiciary Public Relations and Information Office
Ardehsir Sadiq
Judiciary Public Relations and Information Office
No. 57, Pasteur St., corner of Khosh Zaban Avenue
Tehran, Iran

Email: info@dadiran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of Shahid Keshvar Doust Street
Tehran, Islamic Republic of Iran

Email: info_leader@leader.ir

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)

Salutation: **Your Excellency**

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency
Palestine Avenue, Azerbaijan Intersection
Tehran, Islamic Republic of Iran

Fax: **+ 98 21 6 649 5880**

Email: **via website:** <http://www.president.ir/email/>

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Iran

Fax: **+98 21 3390 4986 (please keep trying)**

Email: info@dadgostary-tehran.ir (In the subject line write: **FAO Javad Larijani**)

Salutation: **Dear Mr Larijani**

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 June.