

PART I: FACT PATTERN/BACKGROUND

Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi are anti-government protesters facing prison and death sentences imposed after grossly unfair trials, based on confessions that the three men and their lawyers claim were coerced under torture. The Revolutionary Court in Tehran sentenced Moradi, Rajabi, and Tamjidi to death for their alleged involvement in an arson and other alleged acts that took place during the nationwide protests of November 2019. They received prison sentences and floggings for other acts. According to research conducted by Amnesty International, the Human Rights Activist News Agency (HRANA), and United for Iran, the trial and treatment of the three men were riddled with human rights violations.

PRE-ARREST ACTIVITIES

Moradi, Rajabi, and Tamjidi are friends and all participated in the November 2019 protests in Iran.¹ In November 2019, anti-government protests and unrest erupted in cities and towns across Iran in response to a cut in fuel subsidies. Iranian authorities responded swiftly with a violent crackdown, resulting in hundreds of protesters dead and injured and thousands of arrests.

Little else is known about the three youth outside the government's allegations. Moradi or all three are alleged to have operated Telegram channels which might or might not have discussed the protests.² Moradi was also a refugee in Germany, where he might or might not have had contact with opposition groups. He eventually returned to Iran to care for his family and because of his personal health problems.³

ARREST & PRE-TRIAL DETENTION

Moradi, age 25, was arrested on 19 November 2019 at an unknown location. Moradi first spent a week in the detention house of the security police and was then transferred to a section of Evin prison controlled by the Intelligence Ministry.⁴ He was kept in a solitary cell the whole time and had no access to a lawyer.⁵ According to reports Moradi claims he was tortured by interrogators. “One of the security police interrogators stood on my chest so that my ribs were pushed in,” Moradi reportedly told his family.⁶ He also alleged that another interrogator, an official from the Tehran Prosecutor’s Office named Amin Nasser, beat and zapped him with an electroshocker.⁷ According to Moradi, he experienced paralysis and panic attacks and the interrogators told him that any medical treatment was incumbent on providing the confessions demanded by the interrogators.⁸ When he gave such confessions, however, he was still reportedly denied medical care.⁹

¹ [HRANA](#)

² [HRANA](#)

³ [Iran Prison Atlas](#)

⁴ [HRANA](#)

⁵ [HRANA](#)

⁶ [HRANA](#)

⁷ [HRANA](#)

⁸ [Amnesty International](#)

⁹ [Amnesty International](#)

On 24 December 2019 Iranian state television broadcasted a segment featuring 13 persons with blurred out faces confessing to various acts and crimes that purportedly took place during the November protests.¹⁰ One of these people is understood to have been Moradi.¹¹ According to rights groups, this confession was used against him in court. Political prisoners in Iran regularly report they confess on camera under torture, debilitating psychological pressure or with the promise of an early release and that they were forced to repeat the words fed to them by their interrogators. In a series of programs made around the November protests, state television generally claimed that the protesters were “thugs, rioters and chaos-mongers.”

On 20 November 2019, a day after Moradi was arrested, Rajabi, age 25, and Tamjidi, age 27, left Iran for Turkey.¹² They went to the Turkish police in Antalya, explained their fear of arrest to the police and to an official who claimed to represent the United Nations.¹³ They then asked for asylum, according to a source familiar with the case. But the police reportedly told them they would either be sent back to Iran or have to remain restricted to a refugee camp for a year.¹⁴

On 28 December 2019, Iranian authorities arrested the two young men.¹⁵ It is unclear how they were returned to Iran (i.e., by Turkish officials, Iranian officials or voluntarily). They were briefly held in police custody and subsequently transferred to Evin prison to be detained in a ward run by the Intelligence Ministry.¹⁶ A week later on 4 January, Rajabi was released on bail but on 19 January, he was summoned and arrested. Rajabi and Tamjidi have also said that they were tortured.¹⁷ They reportedly said that interrogators hung them upside down from their feet and beat them with batons.¹⁸ Like Moradi, neither of them had access to a lawyer during the interrogation and investigation phase of their pre-trial detention.¹⁹

TRIAL

Moradi, Rajabi, and Tamjidi were tried on 5 and 6 January 2020, in Branch 15 of the Revolutionary Court in Tehran.²⁰ Prosecutors brought a series of charges around claims that the defendants used deadly weapons against riot police, burned a petrol station and collaborated with the opposition group People’s Mojahedin Organization of Iran (PMOI).²¹ Moradi was also accused of using the messaging app Telegram to teach other protesters how to take cameras from the security forces who were filming the crowds. Prosecutors claimed that Moradi said he used a taser to do this.²²

¹⁰ [Iran Prison Atlas](#)

¹¹ [Iran Prison Atlas](#)

¹² U4I’s interview with informed sources, April 2020

¹³ U4I’s interview with informed sources, April 2020

¹⁴ U4I’s interview with informed sources, April 2020

¹⁵ [HRANA](#)

¹⁶ [HRANA](#)

¹⁷ [HRANA](#)

¹⁸ [Amnesty International](#)

¹⁹ U4I’s interview with informed sources, June 2020

²⁰ [Amnesty International](#)

²¹ [HRANA](#)

²² [HRANA](#)

The trial was presided over by Judge Abolghassem Salavati, who is known in Iran for his harsh sentencing of political detainees. During the trial, the defendants reportedly told Judge Salavati that their confessions had been made under torture and that the accusations had no truth to them. But, allegedly, Judge Salavati ignored these statements.²³

The three defendants did not have the right to freely pick their lawyer. The lawyers assigned to them by the court allegedly did nothing to defend them during the trial.²⁴ Sources reported that the lawyers not only did not defend their clients, but also told the Judge that they were disappointed by what their defendants had done.²⁵

On 21 February, Judge Salavati convicted Moradi, Tamjidi and Rajavi of “*Moharebe*” (acting against God) by “taking part in destruction and burning, aimed at countering the Islamic Republic of Iran” and sentenced them to death. He also said Moradi’s taking of a camera from a security force was tantamount to “taking part in armed robbery...” and sentenced him to 15 years in prison. Tamjidi and Rajabi each received 10 years in prison for similar allegations. They also each received an additional one-year sentence on the conviction of “illegal exit from the country.”

POST-TRIAL

Since their conviction, Moradi, Tamjidi and Rajavi have been subjected to continued abuse by the Iranian authorities. In March 2020, when Moradi was in the hospital for paralysis, interrogators went to his room and told him, “you will be executed next week and it is not economical for us to spend any funds on your treatment.”

On 2 March 2020, the authorities in Fashafuoye prison in Tehran transferred the three detainees, together with some others, to closed quarters and told them that they had contracted the novel coronavirus. A few weeks later, they were sent to their former prison section and told that they had actually been isolated as a punishment.

Moradi’s health has reportedly suffered greatly as a result of mental and physical torture and denial of medical care. He reportedly required a wheelchair to move and developed severe skin ulcers.

CONFIRMATION OF DEATH SENTENCE

²³ [HRANA](#)

²⁴ U4I’s interview with informed sources, June 2020

²⁵ [HRANA](#)

On 24 June 2020, it was reported that Iran's Supreme Court confirmed the death sentences against the three men.²⁶ This was later disputed, with information being difficult to verify since the lawyers on the file -- lawyer Babak Paknia representing Moradi, Hossein Taj (who was denied access to the case) and Mostafa Nili (who was not permitted to come on the case as a lawyer) -- claimed they were not given access to any rulings or court documents.²⁷

In July 2020, the three lawyers, Babak Paknia, Hossein Taj and Mostafa Nili, confirmed that the death sentences against the three men had indeed been confirmed, with a majority of judges on the Supreme Court in favor and one against.²⁸

The announcement of the death sentences triggered a mass social media campaign, calling for a stay of the execution of the three men.²⁹ The Persian hashtag #do_not_execute was used millions of times in the days following the announcement, with backing from prominent Iranian celebrities.³⁰ Soon after, the judiciary said its chief would consider any request from the men to review their sentences, and their lawyers were reportedly told that they could, for the first time, examine the court papers and evidence against their clients.³¹

On 19 July 2020, Babak Paknia -- Moradi's lawyer -- confirmed that the executions had been halted, as a request for retrial had been accepted by the Supreme Court.³²

[PART II: INTERNATIONAL LEGAL ANALYSIS](#)

The Islamic Republic of Iran has engaged in a decades-long pattern of silencing actual and perceived dissidents, in contravention of international human rights laws. In order to achieve this, they employ multiple oppressive methods, often steered by Iran's judiciary and intelligence services. Some of the methods regularly employed against IRI targets, and used against Moradi, Tamjidi and Rajavi, include: arbitrary arrest and detention; coercive interrogation; denial of due process and fair trial rights; convictions on baseless and trumped-up charges; denial of medical care; torture and other ill-treatment; sentences of excessive prison terms and even death sentences. These heavy-handed methods are used to repress individuals' rights to freedom of expression, beliefs, association, assembly and other fundamental freedoms protected under international human rights law.

A discussion of violations of Moradi, Tamjidi and Rajavi's substantive rights and procedural rights under international human rights law follows below.

VIOLATIONS OF SUBSTANTIVE RIGHTS

²⁶ [Iran Prison Atlas](#)

²⁷ [Iran Prison Atlas](#)

²⁸ [Iran Prison Atlas](#)

²⁹ [BBC News](#)

³⁰ [BBC News](#)

³¹ [BBC News](#)

³² [BBC News](#)

THE IRANIAN AUTHORITIES' ISSUANCE OF THE DEATH PENALTY VIOLATES IRAN'S INTERNATIONAL LEGAL OBLIGATIONS

Iran is a State Party to the International Covenant on Civil and Political Rights (ICCPR) and bound by its provisions. Moreover, under Article 9 of Iran's Civil Code, the ICCPR, like all ratified treaties, have the same force of law and Parliamentary legislation in Iran.

As a state party to the International Covenant on Civil and Political Rights, Iran is obligated to uphold the right to life under Article 6. Article 6 provides extremely narrow circumstances under which the death penalty can be imposed, stating:

In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime... This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

Article 6 provides clear standards that executions can only be issued for the "most serious crimes" and after a "final judgement rendered by a competent court."

The UN Human Rights Committee is the body created by the treaty charged with producing authoritative interpretations and explanations of the ICCPR. These interpretations and explanations are called General Comment. In General Comment 36 on the "Right to Life" the Committee explains the meaning of "the most serious crimes", establishing that:

The term "the most serious crimes" must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. Crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, drug and sexual offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty

If the allegations against the men are to be believed, and concerns about the unsubstantiated nature of the allegations set aside, they still would not justify imposition of the death penalty in this case. None of the men were accused of killing or trying to kill anyone. Indeed, none of the acts allegedly committed by Moradi, Tamjidi and Rajavi seemed intended to cause the death of anyone nor did they result in a death.

This includes the purported arson Judge Salvati referenced in connection to the death sentence, which was of a petrol station (i.e., the physical symbol of the fuel subsidy protests). The only act of violence alleged against a person was Moradi's alleged use of a taser, a non-lethal weapon, for the purposes of taking a camera away from a police officer. Again, the act was not aimed at killing the officer and there was no loss of life.

Given that there is no evidence or assertion by the prosecution or court of an intentional killing the standard of most serious crime was certainly not reached in Moradi, Tamjidi and Rajavi's case and the death sentence violated Article 6 of the ICCPR.

Moreover, the Human Rights Committee, in General Comment 36 adds that:

[T]he death penalty can only be carried out pursuant to a judgment of a competent court. Such a court must be established by law within the judiciary, be independent of the executive and legislative branches and be impartial.

Moradi, Tamjidi and Rajavi were sentenced to death in a Revolutionary Court presided over by Judge Salavati. Iranian Revolutionary Courts are specialized courts that deal with particular serious crimes, including high-profile political cases and national security crimes. The procedures of these courts are often not public, verdicts are not published and the courts illustrate a pattern of limited fair trial and due process safeguards. There are no juries in Revolutionary Courts.³³

Human rights groups have repeatedly noted that Judge Salivati in particular demonstrates a pattern of deeply flawed prosecutions and close cooperation with intelligence authorities.³⁴

Based on the information gathered by Iran Prison Atlas since 2016, Judge Salavati has tried at least 240 of the political prisoners in the Islamic Republic, sentencing them to a collective 1,208 years in prison, two life sentences and 24 death sentences. At the time of this writing, at least 26% of political prisoner cases in the Tehran Revolutionary Court have been tried and sentenced by Judge Salavati between 2016 and now.

On average, he has committed three judicial violations in each case; about 88 percent of the people who were sentenced by him lacked free access to a lawyer; about 65 percent were kept in high-security detention cells for more than two weeks; half of his defendants were barred from contacting family members; and about 19 percent of his prisoners experienced physical torture.

As such, Moradi, Tamjidi and Rajavi death sentences could not reasonably be considered to be issued by a competent and independent court.

THE IRANIAN AUTHORITIES' TREATMENT OF MORADI, TAMJIDI AND RAJAVI VIOLATES THE PROHIBITION AGAINST TORTURE AND OTHER ILL-TREATMENT

While in custody, Moradi, Tamjidi and Rajavi have been subjected to both mental and physical torture by the IRI, in contravention of international human rights law. Additionally, the government of Turkey may also bear responsibility in violating the prohibition against torture and other ill-treatment against Tamjidi and Rajavi.

³³ Naji, Kasra. "Jason Rezaian trial: What are Iran's Islamic Revolutionary Courts?" BBC News (May 26, 2015), <https://www.bbc.com/news/world-middle-east-32890565>

ICCPR Article 7 imposes an obligation on State parties, including Iran, to refrain from committing acts amounting to torture or to cruel, inhuman or degrading treatment or punishment against any individual under their jurisdiction. Such prohibition is absolute and does not allow for any exception. Furthermore, Article 10 of the ICCPR clearly states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

In General Comment 20, on the Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment, the Committee notes that Article 7 allows for no derogation of these rights, even in situations of public emergency.³⁵ So even if the IRI authorities claim that the three young men pose a national security threat, that would still not allow a justification for torture.

While no exhaustive list of acts that constitute torture is provided, General Comment 20 notes that the prohibition on torture in Article 7 “relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.”³⁶

As noted above, Moradi claims he was abused by interrogators, including an interrogator standing on his chest to push Moradi’s ribs in, and another interrogator, Amin Nasseri, beating and zapping him with an electroshocker. As for Tamjidi and Rajavi, they claim that interrogators hung them upside down by their feet and beat them with batons. All of these acts would be unquestionably classified as torture and in violation of the IRI’s obligations under international law.

lly, the men claim that the confessions given to interrogators were false and obtained under torture. As noted above, during the trial, the defendants reportedly told Judge Salavati that their confessions had been made under torture and that the accusations had no truth to them.

General Comment 20 notes that “it is important for the discouragement of violations under article 7 that the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.”³⁷

Despite this guidance, Judge Salavati ignored the statements by the men, and proceeded to sentence them to death based on what was alleged to be false confessions obtained under torture. This is a clear violation of Article 7.

³⁵ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para. 3, available at: <https://www.refworld.org/docid/453883fb0.html> [accessed 28 August 2020]

³⁶ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para. 3, available at: <https://www.refworld.org/docid/453883fb0.html> [accessed 28 August 2020]

³⁷ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para. 12, available at: <https://www.refworld.org/docid/453883fb0.html> [accessed 28 August 2020]

General Comment 20 also provides that for the protection of the detainee, “prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.”³⁸

Here, the three men did not have access to a lawyer during the interrogation and investigation phase of their pre-trial detention. Also, as noted above, Moradi was denied medical care when he needed it, and his access to medical care was even predicated on him confessing to crimes during interrogation. Here, this denial of health care to a person deprived of liberty, can amount to torture or inhumane and degrading treatment in violation of Article 7.

General Comment 20 also states that “prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by Article 7.”³⁹

Furthermore, the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Nelson Mandela Rules) defines prolonged solitary confinement as “solitary confinement for a time period in excess of 15 consecutive days.”

After Moradi’s arrest in November 2019, he was kept in a solitary cell of a section of Evin prison controlled by the Intelligence Ministry for more than 15 consecutive days. This constitutes a violation of Article 7.

VIOLATIONS OF PROCEDURAL RIGHTS

THE IRANIAN AUTHORITIES DENIED MORADI, TAMJIDI AND RAJAVI THE RIGHT TO A FAIR TRIAL, IN VIOLATION OF IRAN’S INTERNATIONAL LEGAL OBLIGATIONS

ICCPR Article 14(1) makes clear that “In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.” ICCPR Article 14(3) sets forth additional minimum requirements for fair proceedings for anyone charged with a crime, with additional guidance provided by General Comment 32.⁴⁰

Moreover, the UN Human Rights Committee, in General Comment 36 on Article 6 of the ICCPR on the right to life, adds that:

³⁸ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para. 11, available at: <https://www.refworld.org/docid/453883fb0.html> [accessed 28 August 2020]

³⁹ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, para. 6, available at: <https://www.refworld.org/docid/453883fb0.html>.

⁴⁰ UN Human Rights Committee (HRC), Paragraph 23, General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial, 23 August 2007, *CCPR/C/GC/32*, available at: <https://www.refworld.org/docid/478b2b2f2.html>.

Violation of the fair trial guarantees provided for in article 14 of the Covenant in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the Covenant. Such violations might involve the use of forced confessions; the inability of the accused to question relevant witnesses; lack of effective representation involving confidential attorney-client meetings during all stages of the criminal proceedings, including criminal interrogation, preliminary hearings, trial and appeal; ... and general lack of fairness of the criminal process, or lack of independence or impartiality of the trial or appeal court.

In the case against Moradi, Tamjidi and Rajavi, the following due process rights and guarantees were violated: the right to a public hearing before a competent, independent and impartial tribunal (Article 14.1); the right to adequate time and facilities to prepare a defense, including confidential communication with counsel and disclosure of material information by the prosecution (Article 14.3(b)); the right to be presumed innocent until proven guilty according to law (Article 14.2); the right to a public judgment, including a well-reasoned verdict (Article 14.1); the right to have legal assistance of the accused's own choosing (Article 14.3(d)); and the right to not be compelled to testify against oneself or to confess guilt (Article 14.3(g)).

The trial of Moradi, Tamjidi and Rajavi was not fair. They were denied procedural rights that were afforded to the prosecution, in violation of the equality of arms principle. The IRI authorities placed severe limits on the defendants' access to lawyers during the investigation and interrogation phase prior to trial and they did not permit them a lawyer of their own choosing to represent them at trial. The court lacked impartiality and demonstrated bias against the defendants throughout the proceedings, including from their own lawyers who allegedly expressed regret at the defendants' actions and appeared to concede the guilt of the accused. The court relied on evidence and testimony that was obtained under torture during interrogations, and refused to investigate serious allegations of torture and ill-treatment against the three men.

These offenses created a chain reaction of compounded harms -- Iran's Criminal Procedure Code required that the three men have access to a lawyer, from a Judiciary approved list, upon arrest. While many so-called "court-appointed" lawyers in Iran are not independent from the Judiciary and the intelligence services, the presence of counsel during the initial investigation and interrogation of the three men could have safeguarded them from torture, and making false confessions.

By convicting the men without a fair hearing by an independent and impartial tribunal, the Government did not uphold their right to a fair trial and their right to the presumption of innocence, in violation of Articles 14.1 and 14.2 of the ICCPR.

