

URGENT ACTION

JUVENILE OFFENDER AGAIN FACES DEATH PENALTY

Hamid Ahmadi, an Iranian juvenile offender now aged 24, has been sentenced to death again. He had been convicted of the fatal stabbing of a young man during a fight between five boys when he was 17.

Iranian juvenile offender **Hamid Ahmadi**, who had been sentenced to death in 2009 for the fatal stabbing of a young man, has been sentenced to death by the Provincial Criminal Court of Gilan Province for a second time. He received the written verdict on 17 December. He intends to appeal the sentence again.

Hamid Ahmadi was granted a retrial in June 2015 after Branch 35 of the Supreme Court accepted his "application for retrial", which he filed based on the new juvenile sentencing provisions of the 2013 Islamic Penal Code. Under these provisions, judges are given the discretion to replace the death penalty with an alternative punishment if they determine that the juvenile offender did not understand the nature of the crime or its consequences, or there were doubts about his or her "mental growth and maturity" at the time of the crime.

Hamid Ahmadi was first sentenced to death in August 2009 after Branch 11 of the Provincial Criminal Court of Gilan Province convicted him of murder. The Supreme Court initially overturned the verdict due to doubts about the testimony of several key witnesses in November 2009, but ultimately upheld the verdict in November 2010.

Hamid Ahmadi's trial was unfair as the court relied on confessions he made at the police station where he did not have access to a lawyer and his family. He was a minor at the time and therefore he was not likely to have been able to fully understand the potential consequences of his statements before the police. He also claims that the confessions were obtained under torture and other ill-treatment. No investigations are known to have been conducted into his allegations.

Please write immediately in Persian, English, Spanish, French or your own language:

- Urging the Iranian authorities to ensure that Hamid Ahmadi's death sentence is commuted immediately;
- Expressing concern that granting judges discretion to sentence juvenile offenders to death violates Iran's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which absolutely prohibit the use of the death penalty for crimes committed by anyone below the age of 18;
- Calling on them to investigate the allegations that Hamid Ahmadi was tortured or otherwise ill-treated and bring anyone responsible to justice.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2016 TO:

The Office of the Supreme Leader

Ayatollah Sayed 'Ali Khamenei
Islamic Republic Street- End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: via website
[http://www.leader.ir/langs/en/index.php?
p=letter](http://www.leader.ir/langs/en/index.php?p=letter)
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

And copies to:

Prosecutor General of Tehran
Abbas Ja'fari Dolat Abadi
Tehran General and Revolutionary
Prosecution Office
Corner (Nabsh-e) of 15 Khordad Square
Tehran, Islamic Republic of Iran
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hamid Ahmadi was arrested on 5 May 2008 after he contacted the police to report the stabbing, in which he said he had no direct role. He was held for three days in an apparently filthy, urine-stained cell in Siaklak's police station without access to a lawyer or his family. Hamid Ahmadi said that, during this period, police officers pushed him face down on the cell's floor, which was covered with foul-smelling water; tied his hands and feet together in a painful manner; attached him to a pole in the detention centre's yard; kicked his genitals; and denied him food and water. One officer allegedly told him that he should not fear execution and should just "confess" so that the investigation could be concluded as soon as possible. He said that the pain they inflicted on him was such that he was willing to confess to anything.

Between May 2014 and February 2015, Hamid Ahmadi twice requested the Supreme Court to quash his sentence and send his case back for retrial, once after a witness retracted his testimony and another time when a new witness stepped forward. Both requests were denied. In May 2015, Hamid Ahmadi was taken to the Legal Medicine Organization of Iran (LMOI) for an assessment of his maturity at the time of his alleged crime.

The assessment was apparently arranged by his family after the authorities in Rasht Prison told juvenile offenders on death row to contact their families and ask that they book an appointment for them with the LMOI. The LMOI concluded that it could not determine Hamid Ahmadi's level of maturity at the time of his alleged crime seven years previously.

Hamid Ahmadi subsequently requested the Supreme Court to order a retrial based on Article 91 of the 2013 Islamic Penal Code, which it granted in June 2015.

Iran is a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which prohibit without exception the imposition of the death penalty on persons who were below 18 years of age at the time of the crime. However, Iran continues to impose the death penalty on juvenile offenders and frequently defer the execution until after they pass the age of 18.

In determining juvenile offenders' mental maturity, retrial courts often focus on whether the juvenile offender knew right from wrong and could tell, for example, that it is wrong to kill a human being. Sometimes they conflate the issue of lesser culpability of juveniles because of their lack of maturity with the diminished responsibility of individuals with intellectual disabilities or mental illness, concluding that the juvenile offender was not "afflicted with insanity", and therefore deserved the death penalty.

Iran is scheduled to be reviewed by the Committee on the Rights of the Child on 11 and 12 January. The Committee has already expressed deep concerns about the use of death penalty against juvenile offenders and asked Iran to provide information on the outcome and progress of the cases of juvenile offenders undergoing retrial.

Name: Hamid Ahmadi

Gender m/f: m

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