

URGENT ACTION

IRANIAN-CANADIAN FACING EXECUTION IN IRAN

A man with dual Iranian-Canadian nationality, Hamid Ghassemi-Shall, appears to be at imminent risk of execution. His family were told on 15 April that his death sentence had been passed to the body within the Judiciary that carries out executions.

Hamid Ghassemi-Shall was arrested on 24 May 2008 while visiting his elderly mother in Iran. His older brother, Alborz Ghassemi-Shall, had been arrested about two weeks earlier. Both brothers were held in solitary confinement without legal representation, in Tehran's Evin prison for 18 months; in November 2009 the brothers were transferred to a section of the prison holding other prisoners.

On 29 December 2008 both men were sentenced to death following an unfair trial by a Revolutionary Court. They were convicted of *moharebeh* (enmity against God) for espionage and cooperation with the proscribed People's Mojahedin Organization of Iran (PMOI). Amnesty International understands that the evidence used against the brothers during trial included a "confession" and an email the authorities alleged Hamid Ghassemi-Shall had sent to his brother Alborz Ghassemi-Shall, who had previously worked as a mechanical engineer in the Iranian army, which he denied sending. On 7 November 2009, the Supreme Court upheld the sentence. In January 2010 Alborz Ghassemi-Shall, who was suffering from stomach cancer, died in prison.

Hamid Ghassemi-Shall has said that while in Evin Prison, before he had access to legal representation, he was under "extreme pressure" to "confess". "Confessions" made under torture are frequently accepted as evidence in Iranian courts, violating the right to a fair trial. The Iranian authorities had previously threatened to arrest the brothers' sister Mahin Ghassemi-Shall, who has since died, for speaking out on behalf of her brother.

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

- Urging the Iranian authorities to stop the execution of Hamid Ghassemi-Shall;
- Urging them to retry him in proceedings which fully comply with international fair trial standards and without recourse to the death penalty;
- Calling on them to ensure that Hamid Ghassemi-Shall is given immediate and regular access to his family, his lawyer and any necessary medical treatment.

PLEASE SEND APPEALS BEFORE 7 JUNE 2012 TO:

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
Twitter: "Call on #Iran leader
@khamenei_ir to halt the execution of
Hamid Ghassemi-Shall"

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
[Care of] Public Relations Office
Number 4, 2 Azizi Street intersection
Tehran,
Islamic Republic of Iran
Email: bia.judi@yahoo.com (Subject
Line: FAO Ayatollah Sadegh Larijani)

Salutation: Your Excellency

And copies to:

Secretary General, High Council for
Human Rights
Mohammad Javad Larijani
High Council for Human Rights
[Care of] Office of the Head of the
Judiciary, Pasteur St., Vali Asr Ave.
south of Serah-e Jomhouri, Tehran
1316814737, Islamic Republic of Iran
Email: info@humanrights-iran.ir (subject
line: FAO Mohammad Javad Larijani)

Also send copies to diplomatic representatives accredited to your country.

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hamid Ghassemi-Shall's wife, Antonella Mega, who lives in Canada, told Amnesty International on 20 April 2012 that her husband had called her on 15 April, and told her that his mother and his sister, Parvin Ghassemi-Shall, had been allowed to visit him at Evin Prison earlier that day. They had met in the office of a judge from the Office for the Implementation of Sentences. His mother and sister told him that another sister, Mahin Ghassemi-Shall, had died following an illness. The judge, who was present, immediately told the grieving family that Hamid Ghassemi-Shall's death sentence was "on his table" and that he was awaiting orders from Tehran Province's Chief Prosecutor to carry out Hamid Ghassemi-Shall's execution.

There were serious flaws in the fairness of the brothers' trial. They were held for months undergoing interrogation but without access to legal representation. Access to a lawyer from the outset of detention is essential to ensuring a fair trial. International fair trial standards require that anyone accused of a serious crime has access to a lawyer not only during the trial itself, but also immediately on arrest and throughout all subsequent proceedings, in particular in cases of offences carrying the death penalty. At the beginning of their interrogation and in court, the brothers denied the charges and the only evidence produced in the trial appears to have been the disputed email and a "confession" made by Hamid Ghassemi-Shall, apparently under duress, that he had obtained confidential military information from his brother. Under international law, no one should be forced to confess guilt; international law also prohibits the use of confessions extracted under torture as evidence except against those who carry out such torture.

The brothers were sentenced to death on the basis of Article 186 of Iran's Penal Code. It states that members and supporters of a group which has "waged armed struggle against the Islamic State are regarded to be *moharebs* provided they know the position of that group; are in active pursuit of their aims while the central [structure] of that organization or group exists." The article applies to all members and supporters of such groups even though they may not have taken up arms.

The PMOI is a banned opposition group based in Iraq which advocates the overthrow of the Iranian government. The PMOI has previously engaged in armed action against the Iranian government.

The Iranian authorities resort extensively to the imposition of the death penalty, with over 600 executions reported in the country from official and unofficial sources in 2011. So far this year, the Iranian authorities have acknowledged the execution of at least 85 people, 19 of them put to death in public. Amnesty International has received credible reports of 41 other executions which were not officially acknowledged, mostly of people convicted of drugs offences. Among others in Iran feared to be facing imminent execution are Habibollah Golparipour, Zaniar Moradi, Loghman Moradi (all members of Iran's Kurdish minority) Abd al-Rahman Heidari, Taha Heidari, Jamshid Heidari, Mansour Heidari, and Amir Muawi (or Mo'avi), Aref Hamidian (all members of Iran's Ahwazi Arab minority), Abdolreza Ghanbari and Saeed Malekpour. For further information regarding the use of the death penalty in Iran in 2011, see *Amnesty International: Death Sentences and Executions in 2011*, (MDE ACT 50/001/2012), 27 March 2012, <http://www.amnesty.org/en/library/info/ACT50/001/2012/en>.

The UN Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights (ICCPR), expressing concern at the large numbers of death sentences and executions, has called on the Iranian authorities to "consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the 'most serious crimes'" which it has interpreted to mean intentional crimes with lethal consequences. The UN Human Rights Committee also stated its concern about the use of solitary confinement in Iran.

Amnesty International opposes the death penalty in all cases without exception as the ultimate cruel, inhuman and degrading punishment and as a violation of the right to life, and is calling for all death sentences in Iran to be overturned or commuted.

Name: Hamid Ghassemi-Shall
Gender m/f: m

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