

URGENT ACTION

MAN ARRESTED AT 17 AT RISK OF EXECUTION

Iranian man Hamid Ahmadi, arrested at 17 and sentenced to death on the basis of torture-tainted “confessions” is at risk of execution. According to the authorities, his request for retrial has been rejected and his death sentence is ready for implementation.

Hamid Ahmadi, aged 27, has been on death row in Lakan prison in Rasht, Gilan province, since August 2009 in connection with the fatal stabbing of a young man during a fight among a group of boys in 2008. He was 17 years old at the time of the crime. Since his sentencing, he has been scheduled for execution and transferred to solitary confinement at least five times, which has caused him great mental anguish. The last time was in February 2017, when his execution was halted at the last minute due to public pressure. He subsequently requested a retrial on the basis of his young age and the unfairness of his original trial. In October 2017, the prosecution authorities told his family that the Supreme Court had rejected the request for retrial because of “repetitive arguments” on issues that have already been considered. The authorities failed to provide a written copy of the decision. In January 2018, the prosecution authorities told his family that “there is no hope” and that his execution can be carried out at any moment unless they can obtain pardon from the family of the deceased.

Hamid Ahmadi’s original trial before Branch 11 of the Criminal Court in Gilan Province in 2009 was grossly unfair. The court relied on “confessions” which he repeatedly said were made under torture and while he was held at a police station without access to a lawyer or his family. He says that police officers held him for three days in a filthy, urine-stained cell; tied his hands and feet together and pushed him face down on the cell floor; tied him to a pole in the yard; kicked his genitals; and denied him food and water. One officer told him that he should not fear execution and should just “confess” to the stabbing so that the investigation would be concluded as soon as possible. There is no information or indication that the authorities have investigated his torture allegations. In June 2015, Hamid Ahmadi was granted a partial retrial focused on the issue of his eligibility to receive an alternative punishment pursuant to the juvenile sentencing provisions of the 2013 Islamic Penal Code. He was sentenced to death again in December 2015 after the court concluded that he had attained mental maturity at the time of the crime.

Please write immediately in English, Persian or your own language urging the Iranian authorities to:

- Halt any plans to execute Hamid Ahmadi and ensure that his conviction and sentence are quashed and he is granted a fair retrial in accordance with the principles of juvenile justice, without resort to the death penalty and excluding statements obtained through torture or other ill-treatment or without the presence of a lawyer;
- Conduct an impartial and transparent investigation into his allegations of torture and other ill-treatment and bring those responsible to justice in trials that meet international fair trial standards;
- Amend Article 91 of the 2013 Islamic Penal Code to completely abolish, without any discretion by the courts or other exceptions, the use of the death penalty for crimes committed by people below the age of 18, in line with Iran’s obligations under international law.

PLEASE SEND APPEALS BEFORE 5 MARCH 2018 TO:

Deputy Secretary General of the High Council for Human Rights
Kazem Gharib Abadi
Esfandiari Boulevard
Tehran, Islamic Republic of Iran

Rasht General Prosecutor
Ali Mostafavinia
Office of the Prosecutor
Pol-e Araq Judicial Complex
Pasdaran Street, 7 Azar Square
Rasht, Islamic Republic of Iran
Email: it@dadgil.ir

And copies to:

Spokesperson of the Legal and Judicial Parliamentary Commission
Haj Hassan Norouzi
Islamic Consultative Assembly
Baharestan Square
Tehran, Islamic Republic of Iran

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. This is the 3rd update of UA 296/17. Further information:

<https://www.amnesty.org/en/documents/mde13/3122/2015/en/>

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ADDITIONAL INFORMATION

Hamid Ahmadi was arrested on 5 May 2008 after he contacted the police to report the stabbing of a young man during a fight involving five individuals, an incident in which, according to him, he played no direct role.

Branch 11 of the Provincial Criminal Court of Gilan Province imposed a death sentence on him, after which Branch 27 of the Supreme Court overturned the verdict in November 2009 on the grounds that it was based entirely on testimony from witnesses whose credibility was in doubt. The case was subsequently sent back to Branch 11 of the Provincial Criminal Court of Gilan for retrial. During the retrial, Hamid Ahmadi retracted his earlier “confessions” stating that they were made under torture at the police station. The court did not investigate his allegations of torture and relied on his “confessions” and circumstantial evidence to again convict him of murder and sentence him to death. The court used the Islamic principle of “knowledge of the judge” under Iranian law which allows judges to convict the accused based on the judge’s subjective view, even when the facts do not meet the threshold of “guilt beyond reasonable doubt”, which is the internationally recognized standard of proof in criminal cases. Branch 27 of the Supreme Court upheld the verdict in November 2010. Between May 2014 and February 2015, Hamid Ahmadi twice requested the Supreme Court quash his sentence and send his case back for retrial, first after a witness retracted his testimony and the secondly when a new witness stepped forward. Both requests were denied.

In May 2015, Hamid Ahmadi was taken to the Legal Medicine Organization of Iran (a state forensic institution under the supervision of the judiciary that conducts diagnostic and clinical examinations in relation to criminal cases) for an assessment of his maturity at the time of the crime. The Legal Medicine Organization stated that it could not determine Hamid Ahmadi’s level of maturity at the time of the crime.

In early 2015, Hamid Ahmadi requested a retrial based on Article 91 of the 2013 Islamic Penal Code, which gives judges 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 that there were doubts about his or her “mental growth and maturity” at the time of the crime. On 25 June 2015, Branch 35 of the Supreme Court agreed to Hamid Ahmadi’s request, leading to a retrial before a differently constituted court in the Provincial Criminal Court of Gilan Province. In December 2015, the court sentenced him to death again after concluding that he had attained mental maturity at the time of the crime. This conclusion was reached after one brief session in which the judge asked Hamid Ahmadi a series of questions that were unrelated to his case – questions such as “what job does your brother-in-law have and where does he work?” and “how much does your father earn?”. The court also referred to his circumstances at the time of the crime, including his father’s alleged drug addiction.

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 use of the death penalty against 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. Amnesty International has recorded the execution of 86 juvenile offenders in Iran between 2005 and 2018, including four in 2017 and one so far in 2018. Amnesty International has also identified the names of at least 92 juvenile offenders currently on death row across Iran. Many have spent prolonged periods on death row – in some cases more than a decade. Some have had their executions scheduled and then postponed or stayed at the last minute on multiple occasions, adding to their torment.

Name: Hamid Ahmadi
Gender m/f: male

Further information on UA: 296/15 Index: MDE 13/7741/2018 Issue Date: 22 January 2018