

PUBLIC

AI Index: MDE 13/031/2005

24 June 2005

UA 176/05 Fear of Torture/Medical concern

IRAN Vahid (m), aged 28 (surname unknown)

Vahid has been sentenced to have his eyes surgically gouged out for a crime committed when he was 16 years old. The Supreme Court rejected an appeal on 9 June, and ordered that the punishment should be carried out. It may now be inflicted at any time.

According to Iranian press reports, Vahid was convicted of deliberately pouring acid from a battery on the face of another youth, Gholam-Hosseini, blinding him. This took place in 1993, when Vahid had been working as a labourer in the capital, Tehran. Vahid reportedly maintained throughout his trial that the attack was not intentional and that he had only meant to threaten the youth with the battery during an argument, but the battery's lid had opened accidentally, causing the injury.

The trial court reportedly ordered that Vahid's eyes be sprayed with acid as retribution (*qesas*) for his actions. Vahid's lawyer appealed, arguing that the rest of his face would also be damaged from the acid. The appeal was reportedly rejected by a second court which ruled instead that Vahid's eyes would be surgically gouged out in order not to damage his face.

Vahid's lawyer is reportedly seeking clemency for his client from Gholam-Hosseini's family. Vahid has been asked to pay three billion Rials (US\$300,000) as *diyeh* (blood-money) to escape the punishment, but he has reportedly said that he does not have that much money.

BACKGROUND INFORMATION

Under Article 1210(1) of Iran's Civil Code, the age of criminal responsibility is set at 15 years for boys and nine years for girls.

Iran is a state party to the Convention on the Rights of the Child, which clearly prohibits torture or other cruel, inhuman and degrading treatment or punishment. However, people convicted of crimes committed while they were under 18 may be subjected to corporal punishment, both under Iran's definition of the age of criminal responsibility and under Note 2 of article 49 of the Penal Code, which provides for "bodily punishment" of children.

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

- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes punishments which constitute cruel, inhuman and degrading treatment, amounting to torture;
- expressing grave concern at reports that Vahid's sentence to have his eyes surgically removed as a punishment has been upheld by the Supreme Court;
- expressing concern that such punitive surgery would be contrary to international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to international codes of medical ethics such as the UN Principles of Medical Ethics and the World Medical Association's Declarations of Geneva and Tokyo;
- urging the authorities to abolish punishments such as eye-gouging which constitute cruel, inhuman and degrading treatment, amounting to torture.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei)

Email: info@wilayah.org

Salutation: Your Excellency

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

Gholamali Haddad Adel

Majles-e Shoura-ye Eslami (Parliament)

Imam Khomeini Avenue,

Tehran, Islamic Republic of Iran

Fax: + 98 21 646 1746

Salutation: Dear Sir

Minister of Health and Medical Education

His Excellency Dr Masoud Pezeshkian

Ministry of Health

Jomhuri-ye Eslami Avenue,

Hafez Crossing,

Tehran, Islamic Republic of Iran

Fax: + 98 21 6709088

Email: sadrizadehb@mohme.gov.ir

Salutation: Your Excellency

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 5 August 2005.