

URGENT ACTION

IRANIAN MAN RELEASED FROM DEATH ROW

Ehsan Shah Ghasemi, a 25-year-old Iranian man who had been on death row since October 2014, was released from prison on 13 March after he was pardoned by the victim's family in September 2015. He had been sentenced to death in connection with the death of another man, following a stabbing incident.

Ehsan Shah Ghasemi was released on 13 March from Raja'i Shahr Prison in Karaj near Tehran. His release came after the family of the deceased victim formally pardoned him in September 2015. A criminal court gave him a prison term of three years and five months for the public aspect of the offence (*janbeh omoumi*) in January 2016, but the time he had already spent in prison was counted as time served toward his sentence.

Under Iranian law, there are two components to the sentencing regime for the crime of murder. First, in every murder case, the family of the murder victim is entitled to request that a death sentence should be imposed and carried out under the principle of "retribution in kind" (*qesas*). The family also has the power to pardon the offender and accept financial compensation instead, which is known as "blood money" (*diyah*). This is referred to as the private component of the sentencing regime. Second, depending on whether the family of the victim opts to forgo the death penalty, the state can sentence the accused to between three and 10 years in prison. This is known as the public aspect of the sentencing regime.

Ehsan Shah Ghasemi was initially arrested in July 2011 for stabbing another man, Ali Khalili, during a street fight after the man tried to stop Ehsan Shah Ghasemi and his friends playing loud "illegal" music in their car. He was held in Kahrizak Detention Centre, south of Tehran, for two weeks where he says he was subjected to torture and other ill-treatment. A criminal court in Tehran subsequently sentenced him in 2012 to three years' imprisonment and ordered him to pay financial compensation (*diyah*). Later in 2012, Ali Khalili and his father pardoned Ehsan Shah Ghasemi and the case was closed.

However, Ehsan Shah Ghasemi was rearrested when Ali Khalili passed away in March 2014 as a result of health complications allegedly related to the original assault and the medical treatment administered after the initial injury. He was sentenced to death in October 2014 under the principle of "retribution in kind" (*qesas*). This was after two trial sessions before Branch 113 of the Criminal Court of Tehran Province, where he was denied the right to a lawyer of his own choosing and only met his court-recommended lawyer for the first time at his trial. The sentence was upheld by Iran's Supreme Court in May 2015 and subsequently approved by the Head of Judiciary on an expedited basis.

No further action is requested from the UA network. Many thanks to all who sent appeals.

This is the first update of UA 120/15. Further information: <https://www.amnesty.org/en/documents/MDE13/1758/2015/en/>

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