

URGENT ACTION

IRANIAN MAN ARRESTED AT 17 FACES IMMINENT EXECUTION

Hamid Ahmadi, an Iranian man arrested as a juvenile, is at imminent risk of execution. He has been transferred to solitary confinement in Lakan prison in Rasht, northern Iran, in preparation for his execution on 4 February. He was 17 years old when he was arrested for the fatal stabbing of a young man during a fight between him and four others in 2008.

Hamid Ahmadi is scheduled to be executed on 4 February for the fatal stabbing of a young man that took place during a fight among five boys in the city of Siahkal, Gilan Province, in 2008, when he was just 17 years old. On 28 January, he was moved to solitary confinement in Rasht's Lakan prison, Gilan Province, in preparation for his execution. This is the third time that Hamid Ahmadi has been scheduled to be executed and subjected to the mental anguish of being transferred to solitary confinement in preparation for his execution. The last time this occurred was in May 2015 when his execution was halted at the last minute due to public pressure. Following this, he was granted a retrial based on new juvenile sentencing provisions in Iran's 2013 Islamic Penal Code. However, the Provincial Criminal Court of Gilan Province sentenced him to death for the second time in December 2015.

Hamid Ahmadi, now aged 26, was first sentenced to death in August 2009 following an unfair trial before Branch 11 of the Provincial Criminal Court of Gilan Province. The court relied on "confessions" he had made at the police station after his arrest, when he did not have access to a lawyer or his family. Hamid Ahmadi has said that the "confessions" were obtained under torture and other ill-treatment. 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. Hamid Ahmadi has said that the pain inflicted on him was so severe that he was willing to confess to anything to end it. The authorities are not known to have investigated his torture allegations.

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

- Urging the Iranian authorities to immediately halt any plans to execute Hamid Ahmadi, and immediately establish an official moratorium on executions with a view to abolishing the death penalty;
- Urging them to ensure 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, in particular ensuring that no statements obtained through torture or other ill-treatment or without the presence of his lawyer are admitted as evidence;
- Urging them to ensure that his allegations of torture and other ill-treatment are investigated and that those responsible are held to account in trials that meet international fair trial standards;
- Reminding them that there is an absolute prohibition on the use of the death penalty for crimes committed by persons below 18 years of age under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which Iran has ratified.

PLEASE SEND APPEALS BEFORE 13 MARCH 2017 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
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
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. H.E. Hamid Baeidinejad, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email: iranconsulate.lon@mfa.gov.ir

Please check with your section office if sending appeals after the above date. This is the first update of UA 296/15. Further information: 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 he said he played no direct role.

After his death sentence was passed by Branch 11 of the Provincial Criminal Court of Gilan Province, Branch 27 of the Supreme Court overturned the verdict in November 2009 on the grounds that it was entirely based 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” and stated that he had made them under torture at the police station. The court did not investigate his torture allegations and instead relied on his “confessions” and circumstantial evidence to convict him of murder and resentence him to death. The court used the Iranian legal principle of “knowledge of the judge” which allows judges to convict an accused person 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, once after a witness retracted his testimony and the other 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 alleged crime. The assessment was arranged by his family after the authorities in Rasht’s Lakan prison told juvenile offenders on death row to contact their families and ask that they book an appointment for them with the Legal Medicine Organization. The Legal Medicine Organization concluded 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 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 defers the execution until after they have passed the age of 18. Amnesty International has recorded at least 75 executions of juvenile offenders between 2005 and 2016, including two in 2016. See *Growing up on death row: The death penalty and juvenile offenders in Iran*, 26 January 2016 (Index: MDE 13/3112/2016), <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>

Further information on UA: 296/15 Index: MDE 13/5594/2017 Issue Date: 30 January 2017