

URGENT ACTION

IMMINENT EXECUTION OF 24 YEAR OLD IRANIAN MAN

Ehsan Shah Ghasemi, a 24 year-old Iranian man, is at imminent risk of execution. Ehsan Shah Ghasemi was sentenced to death for the murder of Ali Khalili. He stabbed Ali Khalili in the neck in July 2011, causing injuries that allegedly resulted in his death almost three years later in April 2014. Amnesty International believes Ehsan Shah Ghasemi did not receive a fair trial as there is no known conclusive evidence of a substantial causal link between the knife assault on Ali Khalili in 2011 and his death in 2014.

Ehsan Shah Ghasemi was initially arrested in July 2011 for stabbing Ali Khalili during a street fight that broke out when Ali Khalili stopped Ehsan Shah Ghasemi and his friends for playing loud “illegal” music in their car. Ehsan Shah Ghasemi was held in a Security Police station for two weeks where he claims he was subjected to torture and other ill-treatment. He was subsequently transferred to Kahrizak Detention Centre in southern Tehran where he spent three months in solitary confinement, apparently with shackles on his hands and feet. A criminal court in Tehran sentenced him sometime between March and April 2012 to 3 years’ imprisonment and ordered him to pay “financial compensation” (*diyah*) of 35 million rials [equivalent to 1,214 US dollars]. He was also sentenced to 70 lashes for consumption of alcohol. Later in 2012, Ali Khalili and his father pardoned Ehsan Shah Ghasemi and the case was closed.

Ehsan Shah Ghasemi was, however, re-arrested 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 is now with the head of judiciary to be approved on an expedited basis.

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

- Calling on the Iranian authorities to not execute Ehsan Shah Ghasemi, commute his death sentence, and order a retrial in strict compliance with international fair trial standards and without recourse to the death penalty;
- Reminding them that under international human rights law, the death penalty may be imposed only for “the most serious crimes” which international bodies have interpreted as being limited to intentional killing, and when the guilt of the person is proved upon clear and convincing evidence leaving no room for an alternative explanation.

PLEASE SEND APPEALS BEFORE 10 JULY 2015 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
Twitter: @khamenei_ir (English) or
@Khamenei_fa (Persian)
Email: info_leader@leader.ir

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, 2 Azizi Street intersection
Tehran, Islamic Republic of Iran

Salutation: Your Excellency

And copies to:

President of the Islamic Republic of Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Email: media@rouhani.ir
Twitter: @HassanRouhani (English) and
@Rouhani_ir (Persian)

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Ehsan Shah Ghasemi's death sentence was sent to the Centre for the Implementation of Sentences immediately after it was upheld by Iran's Supreme Court in May 2015. His family has requested the authorities to delay the implementation of the sentence so as to have more time to secure a pardon from the family of the deceased. The authorities have, however, denied the request, referring to a high-level instruction to fast track the implementation of the sentence.

Amnesty International fears that Ali Khalili's association with Iran's Basij militia and the authorities' attempt to portray him as a "martyr" who gave his life to "promote Islamic virtue and prohibit vice" has affected the impartiality of the court's proceedings. A Law to Protect Promoters of Virtue and Preventers of Vice was passed in May 2015 that authorizes members of the public to engage in the written and verbal promotion of virtue and prevention of vice, defined, respectively, as any act or omission that has been encouraged by "Islamic jurisprudence" (*shari'a*) and law or prohibited by them.

According to press reports, the expert opinion of the Iranian Legal Medicine Organization was that the original assault was "not unrelated" to the cause of death. In an earlier report in 2011 however, the Iranian Legal Medicine Organization had apparently found that Ali Khalili was on the path to full recovery. There are fears that in convicting Ehsan Shah Ghasemi of murder, the court did not take into account intervening acts that could break the chain of causation during the three year period between the assault and the death.

During his trial, Ehsan Shah Ghasemi said that he was severely intoxicated by alcohol when committing the knife assault and was incapable of understanding the nature of his conduct and its consequences.

Article 6 of the International Covenant on Civil and Political Rights, to which Iran is a state party, provides that in countries that have not abolished the death penalty, the death penalty may be imposed only in cases where it can be shown that there was an intention to kill, which resulted in the loss of life. According to UN safeguards guaranteeing protection of the rights of those facing the death penalty, capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

Ehsan Shah Ghasemi was denied the right to the effective assistance of a lawyer of his own choosing during his trial after the death of Ali Khalili. He did not have access to a lawyer at the investigation stage and was instructed to retain a lawyer only after the prosecution submitted its case for trial. This lawyer was threatened to withdraw before the start of the first trial session. Ehsan Shah Ghasemi then retained a court-recommended lawyer who he met for the first time at his trial.

Ehsan Shah Ghasemi attempted suicide by using bedding sheets during the time that he was held in Tehran's Kahrizak Detention Centre in 2011. His fellow inmates said that prison officials beat him all over his body with batons when they found him unconscious in his cell.

Name: Ehsan Shah Ghasemi
Gender m/f: m

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