

URGENT ACTION

IRANIAN TEENAGER FACING EXECUTION

Juvenile offender Ebrahim Hamidi, now aged 18, has been sentenced to death for allegedly sexually assaulting a man two years ago, when he was 16. He has retracted his “confession”, saying he made it under coercion. He is at risk of execution and currently without a lawyer.

Ebrahim Hamidi had been involved in a fight, in the suburbs of Tabriz, in East Azerbaijan Province. He and three friends were arrested afterwards, and charged with committing a sexual assault on one of the men they had been fighting. Hamidi confessed to the crime after three days in detention, during which he said he was tortured. The other three were promised that they would be freed if they testified against Ebrahim Hamidi. All four were initially sentenced to death but during a third trial, the other three defendants were acquitted while Ebrahim Hamidi was again sentenced to death for *lavat*, or “sodomy”. The alleged victim admitted in a recorded statement to police on 7 July 2010 that he had been under pressure from his parents to make false accusations.

The Supreme Court has rejected the East Azerbaijan provincial court’s verdict twice and has ordered a re-examination of the case, but the provincial court apparently intends to proceed with the execution.

Ebrahim Hamidi now has no legal representation. He had been represented by prominent human rights lawyer Mohammad Mostafaei, who was forced to flee the country for fear for his safety in early August 2010 possibly in relation to the role he played in drawing international attention to the case of a woman, Sakineh Mohammadi Ashtiani, who was sentenced to death by stoning for adultery. Mohammad Mostafaei had written an open letter about Ebrahim Hamidi’s case in July 2010 in order to highlight the issue of execution in Iran of juvenile offenders – those convicted of having committed a crime which took place when they were under 18. .

PLEASE WRITE IMMEDIATELY in Persian, Arabic, English, French or your own language:

- √ calling on the Iranian authorities to halt the execution of Ebrahim Hamidi, and commute his death sentence;
- √ reminding them that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibit the use of the death penalty against people convicted of having committed crimes which took place when they were under 18;
- √ urging them to investigate the allegations that Ebrahim Hamidi was tortured, to bring those found responsible to justice and to disregard as evidence in courts statements obtained under torture.

PLEASE SEND APPEALS BEFORE 1 OCTOBER 2010 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
Email: info_leader@leader.ir;
via website: - <http://www.leader.ir/langs/en/index.php?p=letter> (English)
<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadeq Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh
(Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of
Serah-e Jomhuri
Tehran 1316814737
Islamic Republic of Iran
Email: Via website:
<http://www.dadiran.ir/tabid/75/Default.aspx>
SPX
First starred box: first name; **second box:** family name; **third:** email address
Salutation: Your Excellency

And copies to:

Director, Human Rights Headquarters
Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh
Pasteur St, Vali Asr Ave., south of
Serah-e Jomhuri
Tehran 1316814737
Islamic Republic of Iran
Fax: +98 21 3390 4986
Email: bia.judi@yahoo.com (In the subject line: FAO Mohammad Javad Larijani)
Salutation: Dear Mr Larijani

Also send copies to diplomatic representatives of Iran accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Since 1990, Iran has executed at least 46 juvenile offenders – that is, people convicted of having committed crimes which took place when they were under 18 years old. Eight of these executions were in 2008 and five in 2009. At least 135 juvenile offenders are now on death row in Iran.

Delara Darabi was executed on 1 May 2009 despite having been given a two-month stay of execution by the Head of the Judiciary. Neither her parents nor her lawyers were notified before her execution, though under Iranian law her lawyer should receive 48 hours' notice. Behnoud Shojaee was executed on 11 October 2009, convicted of killing another youth when he was 17 years old. His execution had been postponed six times. On 17 December 2009, Mosleh Zamani was executed; he had been sentenced to death in 2006, convicted of raping a woman several years older than he was, with whom he was allegedly having a relationship, when he was 17. His death sentence was confirmed by the Supreme Court in July 2007. He may not have had adequate legal representation.

The execution of juvenile offenders is prohibited under international law, including Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), to which Iran is a state party.

For more information about executions of juvenile offenders in Iran, see *Iran: The last executioner of children* (MDE 13/059/2007), <http://web.amnesty.org/library/index/engmde130592007>.

According to the Iranian penal code, sodomy can be punished by flogging or execution, although the application of the death penalty is at the discretion of the judge.

Mohammad Mostafaei is a prominent human rights lawyer and critic of the Iranian criminal justice system, who has defended large numbers of juvenile offenders sentenced to death and political prisoners. He had been representing Ebrahim Hamidi, and was detained for questioning on 24 July 2010, apparently due to the international attention brought to the case of another client, Sakineh Mohammadi Ashtiani, who had been sentenced to be stoned to death for adultery. Mohammad Mostafaei went into hiding and his wife Fereshteh Halimi and her brother Farhad were arrested and detained in Evin Prison. Mohammad Mostafaei fled first to Turkey and then to Norway in early August 2010, and his wife and brother-in-law were released (see UA 175/09 MDE 13/064/2010, and updates). In an open letter about the Ebrahim Hamidi case he wrote, "I have asserted in the past that many of the execution cases I took on were flawed to the point that an execution verdict couldn't possibly be issued. This case too, is one of those cases where an innocent person is ordered to be executed."

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