

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special
Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 28/21, 26/12, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of Mr. **Ehsan Shah Ghasemi**, who is reportedly at risk of imminent execution.

According to information received:

Mr. Ghasemi was first arrested in July 2011 when he stabbed Mr. [REDACTED] in a street fight. Mr. [REDACTED], an individual associated with the Basij militia, had allegedly stopped Mr. Ghasemi and his friends for playing loud "illegal" music in their car, leading to the altercation. Mr. Ghasemi was detained in a Security Police station for two weeks, where he was allegedly subjected to torture and other mistreatment. He then reportedly spent three months in solitary confinement in Kahrizak Detention Centre, where his hands and feet were shackled. He attempted suicide during his detention at Kahrizak, and his fellow inmates reported that prison officials beat him with batons when they found him unconscious in his cell.

He was tried sometime between March and April 2012 in a Tehran criminal court, where he claimed that he was severely intoxicated when committing the assault and was therefore incapable of comprehending the nature of his conduct and its

consequences. The court sentenced him to 3 years in prison and ordered him to pay 35 million rials, equivalent to USD 15,000, in financial compensation to Mr. [REDACTED]'s family. His sentence also contained a punishment of 70 lashes for consuming alcohol.

Mr. [REDACTED] and his father pardoned Mr. Ghasemi later on in 2012, and the case was closed. However, Mr. [REDACTED] passed away in March 2014 from health complications that allegedly resulted from the original assault and medical treatment of the initial injury. According to press reports, the Iranian Legal Medicine Organization expressed the opinion that the original stabbing injury was "not unrelated" to the cause of death. However, in an earlier report from 2011, the organization declared that Mr. [REDACTED] was on the path to full recovery.

Mr. Ghasemi was re-arrested following Mr. [REDACTED]'s passing. He was allegedly denied the right to choose his lawyer in his first trial before Branch 113 of the Criminal Court of Tehran Province in October 2014, and did not have access to a lawyer at the investigation stage of his trial. He was instructed to retain a lawyer only after the prosecution submitted its case to the court, and he only met his court-recommended lawyer for the first time at his trial.

The Criminal Court sentenced him to death under the principle of "retribution-in-kind," and Iran's Supreme Court upheld the sentence in May 2015. His sentence was immediately transmitted to the Centre for the Implementation of Sentences. His family requested a delay in his execution to have more time to obtain a pardon from Mr. [REDACTED]'s family, but their request was denied because of an alleged high-level instruction to hasten the execution. His death sentence is now with the head of judiciary, for approval on this expedited basis.

Reports indicate that Mr. [REDACTED]'s portrayal by authorities as a "martyr" who gave his life to "promote Islamic virtue and prohibit vice" may have had an impact during the court's proceedings.

We express grave concern at the possibility of the imminent execution of Mr. Ghasemi, as well as the allegations of torture and other ill-treatment, arbitrary arrest and detention, including in solitary confinement, and denial of due process. There is particular concern that Mr. [REDACTED]'s association with the Basij militia and his portrayal by authorities as a "martyr" who gave his life to "promote Islamic virtue and prohibit vice" might have had an impact during the court's proceedings. This trial and execution contravenes international human rights law, particularly the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified on 24 June 1975.

In view of the irreversibility of the death penalty and of the allegations of unfair trial leading to the imposition of the death sentence mentioned above, we urge the

authorities of your Excellency's Government, as a matter of urgency **to take all steps necessary to prevent the execution of Mr. Ehsan Shah Ghasemi**, which if carried out would be inconsistent with Iran's obligations under international human rights law, and thus an arbitrary execution. We further call upon your Excellency's Government to suspend the death sentence against the aforementioned individual **and to ensure a fair retrial.**

Without making any judgment as to the accuracy of the information made available to us, the above alleged facts indicate a *prima facie* violation of the right of every individual to life and security and not to be arbitrarily deprived of his life, as set forth in articles 3 of the Universal Declaration of Human Rights (UDHR) and 6(1) of the ICCPR.

Moreover, Article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after a legal process which gives all possible safeguards to ensure a fair trial, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, *inter alia*, in article 7 of the ICCPR, and recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR. Moreover, we wish to draw the attention of your Excellency's Government to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the General Assembly (A/67/279), in which he calls upon all States to reconsider whether the use of the death penalty *per se* respects the inherent dignity of the human person, causes severe mental and physical pain or suffering and constitutes a violation of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (para. 79).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest, detention, including in solitary confinement, and treatment of Mr. Ghasemi and explain how these grounds comply with international norms and standards, particularly those enshrined, inter alia, in articles 7 and 9 of the ICCPR.
3. Please explain which steps have been taken to investigate the alleged acts of torture and ill-treatment of Mr. Ghasemi, including efforts made to identify, and punish, those responsible.
4. Please provide information on each stage of the judicial and post-conviction proceedings against Mr. Ghasemi, and indicate how they are compatible with the guarantees of fair trial and due process, as enshrined, inter alia, in article 14 of the ICCPR.
5. Please provide an explanation for how Mr. Ghasemi's death sentence complies with international human rights law, specifically article 6 of the ICCPR.

While awaiting a reply, we urgently appeal to your Excellency's Government to take all necessary measures **to prevent the execution of Mr. Ghasemi** and to safeguard his rights in compliance with international instruments.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed
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Republic of Iran

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