

IRAN YOUTH WITH MENTAL DISABILITY RISKS EXECUTION

Mohammad Ghobadlou, a 22-year-old with mental disability is at grave risk of execution in connection with Iran's nationwide protests. He has received two death sentences after grossly unfair sham trials, marred by torture-tainted "confessions" and failure to order rigorous mental health assessments despite his mental disability. International law and standards prohibit using the death penalty against people with mental disabilities.

His double sentences are in relation to the death of an official which the authorities allege resulted from Mohammad Ghobadlou running over him with a car during a protest in Robat Karim, Tehran province, on September 22, 2022. The first sentence was issued by a Revolutionary Court for "corruption on earth" on November 16, 2022, and upheld by the Supreme Court on December 24, 2022. A request for judicial review remains pending. The second one was issued by Criminal Court One in Tehran province for "murder" on December 24, 2022 and an appeal is pending before the Supreme Court. Both sentences would amount to an arbitrary deprivation of his right to life as they followed flagrant violations of fair trial guarantees.

He was denied access to a lawyer throughout the investigation phase which lasted about a month. According to information obtained by Amnesty International, during this period, the authorities repeatedly beat him and withheld his bipolar medication, to force him to "confess" that he deliberately ran over several officials with a car to cause death. A forensic report dated October 20, 2022, confirms that while in custody, he sustained bruising and injuries. His independently chosen lawyer was not allowed to represent him at his trial before the Revolutionary Court, which consisted of two brief sessions on October 29 and November 15. The authorities placed him in solitary confinement between the two sessions, denied him access to his family and lawyers and continued to withhold his medication, which exacerbated his vulnerability. The trial before Criminal Court One in Tehran province also consisted of two brief sessions on December 4 and 10, 2022. Mohammad Ghobadlou was denied the right to an adequate defense as his independently chosen lawyer was denied access to material evidence.

Another serious violation is the authorities' failure to order independent rigorous mental health assessments even though his mental capacity to control his conduct is at issue. International law and standards prohibit the use of the death penalty against people with disabilities. Amnesty International opposes the death penalty without exception, regardless of the nature of the crime or the characteristics of the offender.

Write to the Head of judiciary urging him to:

- immediately quash the convictions and death sentences of Mohammad Ghobadlou and grant him a fair retrial without recourse to the death penalty
- Ensure that he has prompt and appropriate mental health treatment and regular access to his family and lawyers.
- Conduct an independent and impartial investigation into his allegations of torture and other ill-treatment, ensuring that all those suspected of criminal responsibility are held accountable
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.

Write to:

Head of judiciary, Gholamhossein Mohseni Ejei
c/o Embassy of Iran to the European Union,
Avenue Franklin Roosevelt No. 15, 1050
Bruxelles, Belgium Email: secretariat@iranembassy.be
Salutation: Dear Mr Gholamhossein Mohseni Ejei,

ADDITIONAL INFORMATION

Mohammad Ghobadlou was under the supervision of a psychiatric hospital for bipolar disorder since the age of 15. According to information obtained by Amnesty International, during the two months leading to his arrest on September 22, 2022, he had suffered from heightened distress and extreme mood episodes. Following his arrest, he was held for several days at a detention center of the Public Security Police of the Law Enforcement Command (police-e amniat), where, according to information gathered by Amnesty International, he was severely beaten. The organization learned that after repeated beatings and after his interrogators promised to release him and facilitate his departure from Iran, he was forced to “confess” and read a pre-typed statement in front of a video camera. He spent the rest of his time during the investigation stage, which lasted until late October 2022, at the Greater Tehran Central Penitentiary. During this period, he was taken several times before the lead investigator of Branch 1 of the Office of the Prosecutor in Robat Karim, Tehran province, for questioning. During each transfer, he said officials tied his hands and feet together, pushed him under the rear seat of a car and beat him.

Mohammad Ghobadlou was not provided with his bipolar medication throughout the investigation phase and until after his first trial session on October 29, 2022. This abusive practice, which violates the absolute prohibition of torture and other ill-treatment, led to a deterioration in his mental health and made him further vulnerable during his interrogations and trial. On November 1, 2022, his mother released a video message, saying authorities had barred her son from receiving visits, were holding him in solitary confinement and denying him his medication. The authorities subsequently transferred him from the Greater Tehran Central Penitentiary to Rajai’ Shahr prison in Karaj, where he remains to date. There, they provided him with his medication, but continued to keep him in solitary confinement until two days before his second trial session on November 15, 2022. Amnesty International reviewed two official letters, dated October 11 and 15 2022, sent by senior prison officials at the Greater Tehran Central Penitentiary to the prosecution authorities, warning about his mental health and calling for his release on medical grounds. The documents bear the official stamps of the prosecutor of Robat Karim, Tehran

province, and of the lead investigator of Branch 1 of the Office of the Prosecutor in Robat Karim, which indicate they received the warnings.

Despite this, the prosecution authorities failed to ensure that Mohammad Ghobadlou receives his medication or order a detailed mental health assessment, which his family and lawyer say would have provided evidence that his mental disability had substantially impaired his responsibility for his actions. He was brought before a psychiatrist working for the Legal Medicine Organization of Iran, the state forensic institute operating under the judiciary, only once about two weeks after his arrest. The psychiatrist was not provided with any background information on Mohammad Ghobadlou's mental health or his medical records. Without conducting a detailed assessment and after several general questions about the events of September 22, 2022, the psychiatrist stated that Mohammad Ghobadlou had acted in a purposeful manner and fully appreciated the nature of his conduct. The psychiatrist testified to this effect before Criminal Court One in Tehran province on December 10, 2022.

However, on December 29, 2022, the psychiatrist effectively retracted his earlier position and joined dozens of psychiatrists who published an open letter to the head of judiciary urging that a committee consisting of distinguished psychiatrists closely examines Mohammad Ghobadlou's mental health and assesses its impact on his capacity to exercise judgement. International standards require that defendants in capital cases have access to independent and rigorous mental health assessments at intervals throughout the entire criminal justice process. They further require that as soon as mental disabilities are diagnosed, prisoners are provided with prompt and appropriate treatment and support and protected against the imposition of the death penalty. According to the UN Committee on the Rights of Persons with Disabilities, denial of access to individual support and reasonable accommodation constitutes discrimination.

The trial of Mohammad Ghobadlou before Criminal Court One in Tehran province consisted of two brief sessions on December 4 and 10 2022. His lawyer has stated on his twitter account that he was denied access to material evidence, including the CCTV footage and photographs of the incident on September 22, the injuries sustained by the deceased at time of the incident or his body after death. The lawyer has also publicly stated that this lack of transparency, together with glaring discrepancies between police reports prepared shortly after the incident and subsequent allegations by the prosecution authorities about the nature of injuries sustained by the deceased, raises serious doubts as to whether his client's conduct was a substantial cause of death.

In opposing the death penalty, Amnesty International does not minimize or condone violent crimes. Families who have lost their loved ones to violent crimes have a right to see the person responsible held to account in a fair trial without resort to the death penalty. The death penalty is pre-meditated, vengeful state-sanctioned killing of human beings, not justice. It brutalizes society and devalues over time the worth that society places upon human life.

*****PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 March 2023**