

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

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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 and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 28/21 and 26/12.

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. **Salar Shadizadi**, a juvenile offender reportedly at risk of imminent execution.

According to information received:

Mr. Shadizadi was arrested in February 2007 when he was 15 years old after his friend's dead body was discovered on his family's property. He was accused of fatally stabbing the deceased victim in the neck, and sentenced to death in December 2007 under the principle of qesas (retribution-in-kind) by Branch 11 of the Criminal Court of Appeal. Branch 37 of the Supreme Court upheld his sentence three months later. Mr. Shadizadi spent several years on death row before being transferred to solitary confinement on 7 July 2013 in anticipation of execution.

Mr. Shadizadi's execution was halted at the last minute and permission was given for him to submit a request for judicial review under article 91 of the 2013 Penal Code, which give judges the discretion to not sentence individuals who committed an offense while under the age of 18 to death if they determine that the juvenile offenders did not comprehend the nature of the crime or its consequences, or their "mental growth and maturity" is in doubt. Later in 2013, Branch 13 of the Supreme Court accepted the request for judicial review and remitted the case back

to the court of first instance to examine the issue of Mr. Shadizadi's maturity at the time of the offense.

The court referred Mr. Shadizadi to the Legal Medicine Organisation for psychological examination, which concluded that there was no evidence that Mr. Shadizadi was insane at the time of the crime and that it would be impossible to examine his mental growth seven years after the event.

Branch 13 of the Supreme Court used this finding to uphold the death sentence, claiming that mental maturity is presumed to be present when children reach the age of maturity, which is 15 lunar years for boys and 9 lunar years for girls. The court reasoned there was no evidence established in Mr. Shadizadi's case that rebutted this presumption, and thus affirmed his death sentence. Mr. Shadizadi is scheduled to be executed on 1 August 2015.

We are grave concerned about the imminent execution of Mr. Shadizadi, a juvenile offender at the time of the alleged crime.

Without making any judgment as to the accuracy of the information made available to us, it appears to be sufficient grounds to indicate that the above alleged facts seem to be in contravention of international human rights law, in particular with article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified on 24 June 1975.

Moreover, we would like to draw your Excellency's Government's attention to the fact that any judgments imposing the death sentence and executions of juvenile offenders are incompatible with the international legal obligations undertaken by your Excellency's Government under various instruments. Article 37(a) of the Convention on the Rights of the Child, ratified on 13 July 1994, expressly prohibits the imposition of the death penalty for offences committed by persons below eighteen years of age. Article 6(5) of the International Covenant on Civil and Political Rights, contains similar wording. The Committee on the Rights of the Child, in its General Comment No. 10 on children's rights in juvenile justice, has interpreted article 37(a) of CRC to mean that a death penalty may not be imposed for a crime committed by a person under 18 regardless of his/her age at the time of the trial or sentencing or of the execution of the sanction

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 clarification on all cases brought to our attention, we would be grateful for your cooperation and 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 and detention of Mr. Shadizadi and explain how these grounds comply with international norms and standards, particularly those enshrined, inter alia, in article 9 of the ICCPR.
3. Please provide information on each stage of the judicial and post-conviction proceedings against Mr. Shadizadi, 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.
4. Please provide an explanation for how Mr. Shazadi's death sentence complies with article 37 of the CRC, 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 imminent execution of Mr. Shadizadi and to commute his death sentence.

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
Special Rapporteur on the situation of human rights in the Islamic
Republic of Iran

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions