

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

**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 25/24, 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. **Saman Naseem**, a juvenile offender, who is reportedly at risk of imminent execution in the Islamic Republic of Iran.

According to the information received:

On 17 July 2011 Mr. Saman Naseem, a member of Kurdish minority and of Party for Free Life of Kurdistan (PJAK), was reportedly arrested after an armed confrontation between the Revolutionary Guards and PJAK in Sardasht (West Azerbaijan Province), which allegedly led to the death of one Revolutionary Guard and injury of three others.

Mr. Naseem, under the age of 18 at the time of the crime, allegedly admitted firing towards the Revolutionary Guards during initial investigations. He however retracted this statement during the first court session and claimed that he only fired into the air but not towards the guards. He alleged that he was forced to sign a written confession during his interrogation while blindfolded and was not aware of the content of this document. Mr. Naseem was reportedly not allowed access to his lawyer during early investigations and was allegedly subjected to torture and other ill-treatment.

In January 2012, Mr. Naseem was sentenced to death by the Revolutionary Court of Mahabad. In August 2012, the Supreme Court overturned the death penalty and ordered a retrial. In April 2013, a criminal court in Mahabad sentenced him to death for “enmity against God” (moharebeh) and “corruption on earth” (ifsad fil-arz). The death sentence was upheld by the Supreme Court in December 2013. Mr. Naseem is currently reportedly held in Oroumieh Central Prison, awaiting execution.

We express grave concern that the death penalty has been imposed against Mr. Naseem, who is believed to have been less than 18 years old at the time of the alleged crime, which is in contravention of international human rights law, especially the stringent respect of due process and fair trial guarantees in cases where the death penalty may be imposed and the prohibition of torture and ill-treatment.

While we do not wish to prejudge the accuracy of these allegations, 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 (CRC), and article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) ratified by the Islamic Republic of Iran, respectively on 13 Jul 1994 and on 24 Jun 1975, expressly prohibits the imposition of the death penalty for offences committed by persons below 18 years of age. In this context, we would also like to draw your Excellency’s Government’s attention to the 2012 report of the Special Rapporteur on torture (A/67/279), stating that the state of international law had evolved so as to prohibit, as a *jus cogens* norm, the execution of persons who were under 18 years of age at the time of committal of their crime (para. 62).

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

In view of irreversibility of the punishment of the death penalty, we urge your Excellency’s Government to take all steps necessary to prevent the execution of Mr. Saman Naseem, which if carried out, would be inconsistent with acceptable standards of international human rights law. We call upon your Excellency’s Government not to execute him and to commute without delay the death sentence.

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. Are the facts alleged in the summary of the case accurate?
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Naseem and how these measures are compatible with international norms and standards as stated *inter alia* in the ICCPR and the CRC.

3. Please provide information on each stage of the judicial and post-conviction proceedings against Mr. Naseem, and indicate how they comply with the guarantees of fair trial and due process, as enshrined inter alia, in article 14 of ICCPR.

4. Please provide the details, and when available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the allegations of torture and ill-treatment in these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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

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