

**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. Mr. Naseem was already the subject of a joint urgent appeal dated 14 October 2014, to which we are yet to get a response.

On 17 July 2011, Mr. Naseem was arrested for his alleged involvement in an armed confrontation between the Revolutionary Guards and the PJAK, in Sardasht. Mr. Naseem, under 18 years of age at the time of the alleged crime, was reportedly forced to confess and was not allowed access to his lawyer during initial investigations. In April 2013, he was sentenced to death by a criminal Court in Mahabad for Moharebeh "enmity against God" and Ifsad fil-Arz "corruption on earth". The Supreme Court upheld the sentence in December 2013.

According to the new information received:

Mr. Saman Naseem is reportedly at risk of imminent execution. The Oroumieh Central Prison, where Mr. Naseem is currently being held, has reportedly received clearance from the judiciary's implementation division to carry out his execution on 19 February 2015. Mr. Naseem's lawyer has allegedly been prevented from reviewing the case file for information about the impending execution and pursuing the case.

We express our grave concern at the imminent execution facing Mr. Naseem, who at the time of the alleged crime is believed to have been less than 18 years old, 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.

In view of the 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. 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.

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 prohibit 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 has evolved so as to prohibit, as a *jus cogens* norm, the execution of persons who are under 18 years of age at the time of committal of the crime (para. 62).

We would also like to bring to the attention of your Excellency's Government that article 3 of the Universal Declaration of Human Rights (UDHR) guarantees the right of every individual to life, liberty and security. According to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, capital punishment may only be carried out pursuant to all possible safeguards to ensure a fair trial. Only full

respect for stringent due process guarantees distinguishes capital punishment from a summary execution.

We would like also to remind your Excellency's Government that article 6 (4) of the ICCPR provides that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. It is essential that whenever capital punishment is resorted to, all fair trial standards contained in international human rights law in the relevant proceedings should be fully respected, including an application for clemency.

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 the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Naseem in compliance with international instruments.

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 comment you may have on the above mentioned allegations.
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?
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.

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.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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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