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**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the independence of judges and lawyers**

REFERENCE: UA Iran (2011-16) G/SO 214 (3-3-16)  
IRN 12/2011

20 September 2011

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 the independence of judges and lawyers pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/9 and 17/2.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the execution by public hanging of **Mr. Alizera Molla-Soltani**, and the public lashing of **Mr. Alireza Nouri and Mr. Ali Soleimani** allegedly scheduled for 21 September 2011. According to information made available to us, Mr. Molla-Soltani was born on 25 December 1993 and is aged 17, while Mr. Nouri and Mr. Soleimani are respectively 17 and 18 years old.

The following information has been drawn to our attention:

On 18 July 2011, Alireza Molla-Soltani was arrested in Karaj for the killing of Mr. Ruhollah Dadashi, an Iranian weightlifting champion, on 16 July in the Poneh Street of Karaj. During his trial, Mr. Molla-Soltani testified that the stabbing of the deceased was not premeditated and occurred during a driving dispute. He claimed that while arguing, Mr. Dadashi hit him in the face, thereby injuring him in the mouth and slammed him against a car with a kick. In a moment of panic,

Mr. Molla-Soltani reportedly brandished a knife in the dark in the direction of his assailant.

Despite the accused's testimony and although his legal representative pleaded self-defence, the First Chamber of Karaj's Provincial Criminal Court, on or around 20 August 2011, sentenced Mr. Molla-Soltani to public hanging for intentional homicide. On or around 11 September 2011, the Supreme Court upheld his death sentence. Two of his friends, Mr. Alireza Nouri and Mr. Ali Soleimani, respectively aged 17 and 18, and present the night of the incident were sentenced to 80 strokes each.

The execution by public hanging of Mr. Molla-Soltani will reportedly take place on 21 September 2011 at 4:30 a.m. in Golshiri square where the incident occurred. It is further reported that the lashing sentences of Mr. Alireza Nouri and Mr. Ali Soleimani will also be carried out publicly and at the same time.

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 upon juvenile offenders below the age of 18 are incompatible with your international obligations entered into under various instruments. Article 37(a) of the Convention on the Rights of the Child, which the Islamic Republic of Iran ratified on 13 July 1994 and article 6(5) of the International Covenant on Civil and Political Rights (ICCPR), which the Islamic Republic of Iran ratified on 24 June 1975, provide that the death penalty shall not be imposed on persons who were below eighteen years of age at the time of commission of the crime.

With regard to the information that Mr. Molla-Soltani has been convicted for intentional homicide, although information suggests that it was not premeditated as described above, we wish to recall that under article 40(2)(b)(iii), every child alleged or accused of having infringed the penal law has the right "to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance ...". The right to a fair trial is also enshrined in article 14(3) of the ICCPR which is also binding upon your Excellency's Government.

Furthermore, we are seriously concerned about information indicating that Mr. Alireza Nouri and Mr. Ali Soleimani have been sentenced to strokes and that their lashing sentences will be carried out publicly. In this regard, we refer to article 37(a) of the CRC which stipulates that "[n]o child shall be subjected to torture or other cruel,

inhuman or degrading treatment or punishment”. We would also like to underline that sentencing a person to death for having committed a crime when under 18 years old amounts to cruel, inhuman and degrading punishment, which is prohibited inter alia in the Convention on the Rights of the Child, and the ICCPR. In addition, we would like to draw the attention of your Excellency’s Government to paragraph 1 of Human Rights Council Resolution 16/23 which “[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

We would therefore urge your Excellency’s Government not to proceed with the execution of Mr. Molla-Soltani and not to carry out the lashing sentences of Mr. Alireza Nouri and Mr. Ali Soleimani, which would, on the facts available to us, clearly constitute a violation of international law. Moreover, in order to ensure compliance with the absolute ban of the death sentence against juvenile offenders who were below the age of 18 at the time of commission of the offence in international human rights law, the sentence will have to be commuted. Finally, we urge your Excellency’s Government to adopt effective measures to prevent the recurrence of these acts.

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. Molla-Soltani, Mr. Alireza Nouri and Mr. Ali Soleimani in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged above accurate?
2. Please explain the reasons why Mr. Molla-Soltani was convicted of intentional homicide.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit 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

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers