

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

REFERENCE:
UA IRN 33/2016

28 December 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 26/12 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the risk of imminent execution of three young men who were sentenced to death while they were under 18 years of age and the re-sentencing of a young offender to death.**

According to information received:

Mr. Salar Shadizadi was arrested in February 2007 when he was 15-year-old for fatally stabbing a friend. He was sentenced to death in December 2007 after Branch 11 of the Provincial Criminal Court of Gilan Province convicted him of murder. The Supreme Court upheld the sentence in March 2008. Since then, on at least three occasions, Salar Shadizadi has been transferred to solitary confinement in preparation for his execution and then told, days or hours before the scheduled date, that his execution has been postponed. The last time this happened was in December 2015, when the Prosecutor General of Gilan Province confirmed less than two days before the scheduled date that his execution had been postponed.

Mr. Salar Shadizadi, was granted a retrial in early 2016 after the authorities halted his scheduled execution. His case was subsequently referred to a criminal court in Gilan Province in light of the new juvenile sentencing provisions in Iran's 2013 Islamic Penal Code. While these provisions give judges discretion to replace the death penalty with an alternative punishment if they determine that a juvenile offender did not understand the nature of the crime or its consequences, or their "mental maturity" at the time of the crime was in doubt, the criminal court nevertheless resentenced Salar Shadizadi to death after concluding that he was "mentally mature" at the time of the crime. He has now appealed against the death sentence to the Supreme Court and is still at risk of execution.

The two following cases were also brought to our attention:

Mr. Vali Yousef Zehi was reportedly arrested when he was 17 years old for carrying opium. Working as a porter, he was paid a small amount of money to carry some opium when he was arrested and was sentenced to death. It is reported that Mr. Zehi comes from a very disadvantaged family and accepted the proposal of carrying out opium as he was bearing the burden of feeding his entire family. On 5 December 2016, Zabol prison authorities reportedly received instructions, to proceed with his execution.

Mr. Himan Ouraminejad, born in 1994, was sentenced to death for a crime he allegedly committed in 2010, while he was under 18. Mr. Ouraminejad is reported to be currently detained in Sanandaj prison. According to information received, the Supreme Court recently upheld his death sentence and the verdict was sent to the executive branch in the prison. Mr. Salar Shadizadi, who was the subject of a previous Urgent Appeal on 29 July 2015, is due to be executed in the coming days.

While we do not wish to prejudge the accuracy of these allegations, the above alleged facts indicate a prima facie violation of the right of the child, as set forth in article 6 (5) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975.

The above alleged facts may also constitute a violation of the right of every individual to life, security and liberty, as set forth in articles 6(1) and 9 of the ICCPR and 3 of the Universal Declaration of Human Rights (UDHR).

We would also like to draw your Excellency's Government attention to the fact that any judgments imposing the death sentence and execution of juvenile offenders are incompatible with the international legal obligations undertaken by your Excellency Government under various instruments. Article 6 (5) of the ICCPR, and Article 37(a) of the Convention on the Rights of the Child, ratified on 13 July 1994, expressly prohibit the imposition of the death penalty for offences committed by persons below eighteen years of age. 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.

Moreover, Article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty provides that capital punishment may only be carried out following a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings. Only full respect for stringent due process guarantees distinguishes capital punishment as possibly permitted under international law from an arbitrary execution. Furthermore, article 6.4 of ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or

commutation of the sentence and that amnesty, pardon or commutation of the sentence of death may be granted in all cases.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in article 7 of the ICCPR, and recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, **we call upon your Excellency's Government as a matter of urgency to halt the execution of Mr. Himan Ouraminejad, Mr. Vali Yousef Zehi and Mr. Salar Shadizadi**, which, on the facts available to us may constitute a violation of applicable international human rights standards, and thus an arbitrary execution. We further urge your Excellency's Government to ensure that the death sentence against the aforementioned individual is annulled and that he is re-tried in compliance with international standards.

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 the above-mentioned person(s) 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 the details of the proceedings against Mr. Himan Ouraminejad, Mr. Vali Yousef Zehi and Mr. Salar Shadizadi as well as the legal basis and evidence used in court to sentence them to death.
3. Please provide specific information regarding the application in these cases of the provisions of the juvenile sentencing guidelines relating to alternative punishments to the death penalty.
4. Please provide information on juvenile sentenced to death in 2016 and those who remain on death row for crimes committed under the age of 18.

5. Please provide information concerning any laws or regulations related to the right to a fair trial and imposition of the death penalty, and how these are in conformity with the international norms and standards mentioned above.

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.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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