

**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 2/2017

16 January 2017

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 Mr. [REDACTED]**.

According to the information received:

[REDACTED] was first sentenced to death in January 2012 for fatally stabbing a man when he was 15 years old.

In January 2013, Branch 27 of the Supreme Court quashed his death sentence because of flaws in the investigation process and sent the case back for further investigation. In July 2013, the death sentence was confirmed and the verdict upheld by Branch 27 of the Supreme Court in February 2014.

In June 2015, [REDACTED] was granted a retrial based on the new juvenile sentencing provisions in Iran's 2013 Islamic Penal Code, which allows courts to determine whether juvenile offenders had the requisite "mental growth and maturity" to understand the consequences of their actions at the time they committed an offence. However, in November 2015, Branch Three of the Provincial Criminal Court of Kermanshah Province sentenced him to death again. In this verdict, the Court indicates that [REDACTED] merits the death penalty as he "understood the nature of his crime and there is no doubt or uncertainty about his mental maturity and development at the time of the commission of the crime". The sentence was upheld by the Supreme Court in August 2016.

During his trial, [REDACTED] reportedly admitted that he had stabbed the man but maintained that he had done so in self-defence after the man tried to rape him. He said that the man had warned him the previous day that he would come to rape him, so he took a kitchen knife to scare him away. The court rejected [REDACTED]'s claims, after several witnesses testified to the good character of the deceased. The court added that even if the rape threats and the attack had been

carried out, ██████ could not claim self-defence because the attack was predictable from at least a day before and he had had ample time to raise the matter with the authorities or seek help from people living nearby, to reduce hostility and prevent the attack from happening.

Despite the request for judicial review submitted by ██████'s lawyer to the Supreme Court, Sajad's execution was scheduled to take place on 11 January. It was subsequently postponed for unknown reasons. ██████ has been transferred from the juvenile correction facility in the city of Kermanshah to Kermanshah's Central Prison and his execution may be carried out at any moment.

We express grave concern that the death penalty has been imposed against ██████, who was a child at the time of the alleged crime, which is in contravention of international human rights law.

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 every individual to life and security and not to be arbitrarily deprived of his life or liberty, as set forth in articles 6 (1) and 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975, 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.

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. ██████**, which, on the facts available to us 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](http://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. [REDACTED] identified above, and the legal basis and evidence used in court to sentence him to death.
3. Please provide information on the implementation of the new juvenile sentencing provisions in Iran's 2013 Islamic Penal Code and indicate how many juveniles had their death sentenced cancelled as a result of the new provisions and the number of those who had their death sentenced confirmed after re-trial.
4. Please provide information on the follow up given to the recommendations made by the Committee on the Rights of the Child in January 2016) concerning the sentencing of children to death (CRC/C/IRN/CO/3-4 para.38)

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 intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. 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.

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