

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE:
UA IRN 23/2017

14 August 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 34/19 and 34/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent execution of **Mr. Mehdi Bahlouli, who was sentenced to death in 2001 when he was 17 years old for allegedly fatally stabbing a man during a fight.**

Mr. Bahlouli was the subject of a previous communication, sent by several Special Procedure mandate holders on 18 April 2017 (see case IRN 16/2017). We regret that we have not yet received a reply.

According to the information received:

The execution of Mr. Mehdi Bahlouli is scheduled to take place on 16 August in Raja'i Shahr Prison in Karaj, Alborz province. Mr. Bahlouli was transferred to solitary confinement on the morning of 14 August in preparation for his execution.

On 12 November 2001, Mr. Mehdi Bahlouli was sentenced to death by Branch 1601 of the Criminal Court in Tehran.

On 18 June 2002, Branch 2 of the Supreme Court upheld his death sentence.

In January 2017, Mehdi Bahlouli's request for retrial was denied.

In April 2017, authorities already scheduled his execution which was later postponed.

Without making any judgement as to the accuracy of the information made available to us, we express serious concern that the death penalty may be carried out

against Mr. Mehdi Bahlouli in violation of international treaties to which the Islamic Republic of Iran is a party as he was a child at the time he was sentenced to death for the alleged crime. We reiterate our concern about the procedural flaws in Mr. Mehdi Bahlouli's case, considering that his request for retrial under article 91 of the 2013 Islamic Penal Code was denied.

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. Mehdi Bahlouli**, which on the facts available to us may constitute a violation of applicable international human rights standards, and thus constitute an arbitrary execution. We further urge you to ensure that Mr. Bahlouli's death sentence is annulled and that he is re-tried in compliance with international law and standards.

The above alleged facts indicate a prima facie violation of the right of every individual to life and not to be arbitrarily deprived of his life, as set forth in articles 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975. These allegations also seem to be in contravention of articles 6(5) of the ICCPR and 37(a) of the Convention on the Rights of the Child (CRC), both of which strictly prohibit the issuing of death sentences for offences committed by persons below 18 years of age.

The alleged treatment of Mr. Bahlouli further violates the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR and, in Human Rights Council Resolution 25/13 and in paragraph 1 of General Assembly Resolution 68/156.

We would also like to refer your Excellency's Government to article 14 of the ICCPR and article 40 of the CRC, which enshrine the right to a fair trial, including the right to access to a lawyer and other essential procedural guarantees. The imposition of a death sentence following a trial in which these provisions have not been respected constitutes a violation of the right to life.

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 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. Bahlouli, and the legal basis and evidence used in court to sentence him to death.
3. Please indicate on which grounds Mr. Bahlouli's request for retrial was rejected.
4. Please provide detailed information on the measures taken to provide Mr. Bahlouli with the guarantees of due process and fair trial, as provided in under international human rights law, in particular articles 9,14 and 15 of the ICCPR.
5. Please provide detailed information on juvenile sentenced to death and/or executed in 2017 and those who remain on death row for crimes committed under the age of 18.

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.

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

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