

**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 28/2017

17 October 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 35/15 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 risk of imminent execution of juvenile Mr [REDACTED].

According to information received:

[REDACTED] is scheduled to be executed in a prison in Tehran on 19 October 2017. He is seventeen years of age. He was detained in April 2016 and sentenced to death after being convicted of the rape and murder of a seven-year-old girl.

He was sentenced in September 2016, by Branch 7 of Criminal Court No 1 in Tehran. He was given two death sentences, one for murder in accordance with the Islamic principle of "retribution-in-kind" (qesas) and another for rape. He was also sentenced to 74 lashes for mutilating the corpse. The Supreme Court upheld both death sentences in January 2017.

The Criminal Court concluded that he had attained "mental maturity" at the time of the crime and understood the nature and consequences of his actions. In reaching its conclusion, the court cited opinions from Iran's state forensic institute attesting to his "mental sanity" as well as evidence alleged to have pointed to his efforts to conceal the crime.

In its final verdict the court said that the death sentence against [REDACTED] was issued after taking into account "societal expectations and public opinion".

The Public Prosecutor of Varamin has suggested that the execution is justifiable on the basis that [REDACTED]'s will reach 18 years of age on the basis of a lunar calendar, despite his date of birth being 16 December 1999.

After being taken into custody, [REDACTED] did not have contact with his family for between one and one-and-a-half months. He was further beaten in custody by officers.

[REDACTED] was transferred to Raja'i Shahr prison, Karaj, on 11 October 2017.

We express grave concern that the death penalty may be carried out against [REDACTED], who was a child at the time of the alleged crime, in violations of international treaties to which the Islamic Republic of Iran is a party.

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 article 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. [REDACTED], 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.

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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. [REDACTED] identified above, and the legal basis and evidence used in court to sentence him to death. In addition, please provide specific information regarding the application in this case of the provisions of the Juvenile Sentencing Guidelines relating to alternative punishments to the death penalty.
3. Please provide information on the investigation conducted, if any, into the allegation that Mr. [REDACTED] was beaten in custody, and its outcome. If no investigation has taken place, please explain why.
4. Please provide detailed information on the measures taken to provide Mr. [REDACTED] 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 updated detailed information on children sentenced to death and/or executed in 2017 and those who remain on death row for crimes committed under the age of 18.
6. Please provide updated 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 issues 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