

**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 2/2018

16 January 2018

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 imminent execution of Mr. **Abolfazl Chezani Sharahi**, who was 15 years old at the time of the alleged commission of the crime for which he was convicted and sentenced to death.

According to information received:

Mr. Abolfazl Chezani Sharahi is scheduled to be executed in Qom prison at dawn on 17 January 2018 for a crime that he was convicted of committing at the age of 15. It is understood that he has been transferred to solitary confinement in preparation of the implementation of his sentence.

He was sentenced to death in September 2014 after Branch 1 of the Criminal Court in Qom Province convicted him of murder for the fatal stabbing of a man during a fight. In sentencing him to death, the court cited an expert opinion from the Legal Medicine Organization of Iran that stated he had attained «mental growth and maturity» at the age of 15. The verdict was upheld by Branch 24 of the Supreme Court in November 2014.

In 2015, he submitted a request for retrial on the basis of Article 91 of the 2013 Islamic Penal Code. The request noted that the medical commission assessing his maturity at the time of the crime did not include a child psychology specialist. In October 2015, Branch 33 of the Supreme Court rejected the request for retrial.

We express grave concern that the death penalty may be carried out against Mr. Abolfazl Chezani Sharahi, who was a child at the time of the commission of the alleged crime, in violation of the international human rights 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 information seems to 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's attention to the fact that any judgment imposing the death sentence and execution of a juvenile offender is incompatible with the international legal obligations undertaken by your Excellency Government under the various instruments and unlawful. 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 18 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 the 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 to immediately halt the execution of Mr. Abolfazl Chezani Sharahi, which, on the basis of the information made available to us would violate international human rights law and standards, and thus constitute 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 human rights law and 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.

We would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Abolfazl Chezani Sharahi 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. Abolfazl Chezani Sharahi identified above, and the legal basis and evidence used in court to

sentence him to death, including in light of information received suggesting that a child psychology specialist did not participate in the medical commission assessing his maturity. 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 application of Article 91 of the 2013 Islamic Penal Code, including in light of his request for a retrial and subsequent rejection of this request.
4. Please provide detailed information on the measures taken to provide Mr. Abolfazl Chezani Sharahi with a fair trial and due process guarantees, 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 all children sentenced to death and/or executed in Iran 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 as, in our view, the information upon which the press release is 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