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

REFERENCE:
UA IRN 8/2020

20 April 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 40/18 and 35/15.

In this connection, we would like to bring to the attention of your Excellency’s Government information we have received concerning the reported imminent execution of child offender Mr. Shayan Saeedpour. Mr. Saeedpour was reportedly convicted and sentenced to death for murder, which he allegedly committed when he was 17 years old. There are serious concerns that the imminent execution of Mr. Saeedpour would be a serious violation of the right to life. The prohibition of the execution of child offenders is absolute under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

According to the information received:

On 23 October 2018, Shayan Saeedpour was convicted of murder and sentenced to death by Branch 1 of Criminal Court 1 of Kurdistan Province. The conviction was in connection with the fatal stabbing of a man during a fight that took place on 16 August 2015. Mr. Saeedpour was born on 21 September 1997, making him only 17 years old at the time of the crime. He surrendered himself to the police two days after the incident.

In February 2019, the Supreme Court of Iran upheld his conviction and sentence based on an opinion from the Legal Medicine Organization of Iran that concluded that Mr. Saeedpour had attained full mental maturity at the time of the crime. His family and lawyer reportedly disputed the assessment, criticizing the court for not taking into account Mr. Saeedpour’s diagnosis of impulse control disorder. Mr. Saeedpour reportedly has a history of mental health concerns and has been under the supervision of a psychiatrist since January 2015. Mr. Saeedpour has been held on death row in Saeqez Prison in Kurdistan province.

Mr. Saeedpour was reportedly among 80 prisoners who escaped from Saeqez Prison on 27 March 2020 during a protest by prisoners against prison conditions
amid the COVID-19 outbreak. Around 3 April 2020, he was identified, arrested and subsequently transferred to Sanandaj Prison, also in Kurdistan province.

On 19 April 2020, Mr. Saeedpour’s lawyer was reportedly informed that Mr. Saeedpour would be executed on 21 April 2020. Mr. Saeedpour has allegedly been placed in solitary confinement pending his execution. On 19 April 2020, the prosecutor’s office rejected a request from Mr. Saeedpour’s family to postpone the execution by one month.

Without prejudging the accuracy of the received information, we express grave concern at the imminent execution of Mr. Shayan Saeedpour, who was a child at the time of the commission of the alleged crime, in violation of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a party. We are also concerned by reports that the Iranian judiciary failed to properly take into account Mr. Saeedpour’s psychological condition in its assessment of whether he had full mental maturity at the time of the commission of the alleged offending.

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 highlight that any judgment imposing the death sentence and execution of a child offender is incompatible with the international legal obligations undertaken by your Excellency’s Government under the various instruments and is unlawful. Article 6 (5) of the ICCPR, and Article 37(a) of the Convention on the Rights of the Child (CRC), 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 aged under 18 regardless of his or 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. Shayan Saeedpour, 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 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 Mr. Shayan Saeedpour 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. Shayan Saeedpour identified above, and the legal basis and evidence used in court to sentence him to death, including in light of information received suggesting Mr. Saeedpour’s psychological condition indicated he was not mentally mature at the time of the crime. 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 during Mr. Saeedpour’s court proceedings, from the court of first instance to his final Supreme Court hearing, including on how the assessment of maturity was carried by the Legal Medicine Organisation of Iran, including in relation to the information of his reported mental health condition.

4. Please provide detailed information on the measures taken to provide Mr. Saeedpour with a fair trial and due process guarantees.

5. Please provide updated detailed information on all child offenders sentenced to death and/or executed in Iran from 2013 to 2020 thus far 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 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.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Javaid Rehman  
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions