

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 43/24, 42/22, 44/5, 44/8 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the execution of Mr. **Mohammad Hassan Rezaiee**, for an offense he allegedly committed when he was a child. Mr. Rezaiee was reportedly convicted and sentenced to death for murder, which he allegedly committed when he was 16 years old. He was also reportedly subjected to torture and ill-treatment during his detention, which led him to make a false confession. The execution of Mr. Rezaiee constitutes a serious violation of the right to life. The prohibition of the execution of persons who committed a crime while under the age of 18 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:

Mohammad Hassan Rezaiee was born on 17 September 1990. He was arrested by members of the Investigation Unit of Iran's police force (agahi) on 4 August 2007 in connection with the stabbing of a man during a group fight which resulted in the man's death. He was 16 years old at the time of the alleged stabbing incident and his subsequent arrest. Mr. Rezaiee was reportedly arrested while he was still in hospital receiving treatment for the injuries that he had sustained during the fight. Following his arrest, he was transferred to a detention centre run by the Investigation Unit of the police force in Bandar-e Anzali, Gilan province, where he was reportedly beaten by being punched, kicked and hit with batons. He was reportedly denied access to medical care for his injuries.

After several days, Mr. Rezaiee was transferred to the central prison in Bandar-e Anzali where he was held for two months in solitary confinement, without access to his family or a lawyer. During this period and for the four months following it, he was repeatedly taken for interrogations to the detention centre of the Investigation Unit for periods of approximately two weeks each time. During these interrogations, he did not have a lawyer present and he was repeatedly subjected to torture in an attempt to have him confess to the alleged killing. The alleged torture reportedly included his interrogators shouting and

throwing objects at him, punching, kicking and beating him using sticks, and tying him to a bed and whipping him with a hosepipe and cables. The interrogators allegedly threatened that the torture would continue for months and years unless he “confessed”.

On 21 October 2008, Branch 12 of the Appeal and Criminal Court in Gilan province convicted him of murder and sentenced him to qisas (retribution-in-kind). The court verdict reportedly states that during the investigation Mr. Rezaiee confessed to stabbing the victim three times in the back with a 10 centimetre knife. He reportedly repeated this statement in court that he stabbed the victim. However, his lawyer presented to the court that Mr. Rezaiee falsely made those confessions “under a state of fear and distress resulting from the psychological pressures and beatings that his client was facing”. The lawyer also questioned whether stabbing the victim with a 10 centimetre knife was the cause of the murder and argued the death resulted from stabbings by other individuals during the fight. Despite the claims of torture and ill-treatment in obtaining the confession during the investigation process, the court relied on the reported forced confession in making its verdict. It stated that no evidence had been presented to establish that Mr. Rezaiee’s confessions had been made under coercion. No investigation is known to have been ordered into the allegations of torture and other ill-treatment. At an unknown date, the conviction and sentence were subsequently upheld by the Supreme Court. The verdict states that at the time of his sentencing, Mr. Rezaiee was held in the central prison in Bandar-e Anzali. He was subsequently transferred to Lakan prison in Rasht, Gilan province, where he remained on death row.

On 10 March 2018, Mr. Rezaiee was transferred to solitary confinement in Lakan prison in preparation for his execution. However, his execution was halted, and he was returned to the general ward the next day, apparently after his case was brought to the attention of Iran’s High Council for Human Rights.

According to information received, Mr. Rezaiee was not able to retain a lawyer to request a retrial based on Article 91 of Iran’s Penal Code. Introduced in 2013, Article 91 exempts children aged below 18 years and above the age of maturity from the death penalty if it is assessed that they “do not realize the nature of the crime committed or its prohibition, or if there is uncertainty about their full mental development, according to their age”. Article 91 also stipulates that “the court may ask the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development”. The Supreme Court in 2014 issued a “unifying judicial precedent” which confirmed that applications for retrials under Article 91 were admissible. In submissions to the Committee on the Rights of the Child, the Islamic Republic of Iran noted that “the retrial of all adolescents who were under 18 at the time of committing the crime is accepted and their previous verdicts have been annulled by the Supreme Court”. In August 2019, and separate from the Supreme Court ruling mentioned above, Mr. Rezaiee’s family lodged a request for a retrial under Article 91. Subsequently, his family had been told that this request had been referred to Branch 27 of the Supreme Court for consideration, but they have not been given any additional information as to how the request was ultimately decided. His transfer and reported imminent execution seem to indicate that this request was either

denied by the Supreme Court or the request was never properly filed.

On 17 December 2020, Mr. Rezaiee was transferred to solitary confinement at Lakan prison in Rasht, Gilan province in preparation for his execution. While an exact date of his planned execution was not set, it was reported that individuals close to him had been informed that his family had a week to seek a pardon from the family of the deceased to avoid his execution.

On 30 December 2020, Mr. Rezaiee was again transferred to solitary confinement and his family was reportedly informed that they were granted the right of last visit.

On 31 December 2020, around dawn, Mr. Rezaiee was executed. His execution has not been announced by the authorities.

Without prejudging the accuracy of the received information, we express grave concern at the reported execution of Mr. Mohammad Hassan Rezaiee, 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, following a trial which failed to meet due process standards established by these treaties. We are also concerned by reports that the Iranian judiciary failed to order a retrial of his case under Article 91 despite a request being lodged with the Supreme Court, at the allegations of forced confession under repeated incidents of torture and that the allegations of torture and cruel, inhuman and degrading treatment were not investigated.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 information about why your Excellency's Government proceeded with the implementation of the death sentence of Mr. Mohammad Hassan Rezaiee, in violation of international human rights law.
3. Please provide the details of the proceedings against Mr. Mohammad Hassan Rezaiee identified above, and the legal basis and evidence used in court to sentence him to death, including in light of information received suggesting Mr. Rezaiee's conviction was based on a forced confession extracted by torture. 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.

4. Please provide information on the nature of the intervention by Iran's High Council for Human Rights that prevented Mr. Mohammad Hassan Rezaiee's execution in 2018 and the impact the intervention had on his case.
5. Please provide information on the status of the request made under Article 91 of the 2013 Islamic Penal Code lodged in August 2019. Please explain why no decision by the Supreme Court concerning this request was communicated to Mohammad Hassan Rezaiee's family. If the request was denied by the Supreme Court, please explain why Mohammad Hassan Rezaiee was not granted a retrial under Article 91.
6. Please provide detailed information on the measures taken to provide Mr. Mohammad Hassan Rezaiee with a fair trial and due process guarantees consistent with Iran's international human rights obligations. Please clarify if Mr. Rezaiee had access to a lawyer from the moment of his arrest and if not, please explain why. Please also explain how his arrest and subsequent detention is compatible with the obligations of Iran under the Convention on the Rights of the Child.
7. Please provide the details and, where available, the results of any investigation, and judicial or other inquiries in relation to the allegations of torture and other cruel, inhuman or degrading treatment or punishment of Mr. Mohammad Hassan Rezaiee. If no such measures have been undertaken, please explain how this is compatible with the human rights obligations of Iran.
8. 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.

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.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent the re-occurrence of the alleged violations and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Diego García-Sayán  
Special Rapporteur on the independence of judges and lawyers

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

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we refer to 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.

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. We also wish to refer your Excellency's Government to the guarantees included in article 40 of the CRC which states that States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

Article 7 of the ICCPR prohibits torture and other cruel, inhuman or degrading treatment or punishment, whereas paragraph 7c of Human Rights Council Resolution 16/23 urges States "To ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, recognizing that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment."

With regard to the alleged violations of due process and of fair trial guarantees, including the imposed limitations in the access of legal assistance and representation, including at the investigation stage, and allegations of forced confessions extracted by use of torture, we would like to recall article 14 of the ICCPR, which enshrines the principle of equality before competent, independent and impartial courts and tribunals and a set of procedural guarantees that must be made available to all persons charged with a criminal offence, including the presumption of innocence, the right of accused persons to have access to, and communicate with, a counsel of their own choosing and the provision of adequate time and facilities for the preparation of their defence.

In its General Comment No. 32 (2007), the Human Rights Committee explained that the right to communicate with counsel enshrined in article 14 (3) (b) requires that the accused is granted prompt access to counsel. Counsel should be able

to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. He/she should also be able “to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter” (CCPR/C/GC/32, para. 34). The content of these rights is spelled out in greater details in the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990.

Furthermore, the Human Rights Committee stated in General Comment No. 20 that it “is important for the discouragement of violations under article 7 [of the ICCPR] that the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.” The Human Rights Committee further asserted in General Comment No. 32 that “as article 7 is also non-derogable in its entirety, no statements or confessions or, in principle, other evidence obtained in violation of this provision may be invoked as evidence in any proceedings covered by article 14”.

We further highlight that the Human Rights Committee has found that “violation of the fair trial guarantees provided for in article 14 of the Covenant in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the Covenant” (CCPR/C/GC/36, para. 41).