

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; 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

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 26/12, 25/13 and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the imminent risk of execution of juvenile offender Mr. **Barzan Nasrollah Zadeh**.

According to the information received:

On 29 May 2010, officials of the Ministry of Intelligence arrested Mr. Barzan Nasrollah Zadeh, 17 years old at the time, in Sanandaj, Kordedtan Province. Mr. Barzan Nasrollah Zadeh is a member of the Sunni and Kurdish minorities in Iran.

At the time of his arrest, he was shot in the abdomen by a police officer, an injury for which he did not receive adequate care. In the months following his arrest, he was deprived of contact with his family, repeatedly tortured by intelligence officials, including beatings, electric shocks and prolonged upside-down suspensions.

On 21 August 2013, the trial against Mr. Barzan Nasrollah Zadeh commenced. Only at the hearing he was given the chance to meet his defence lawyer. At the completion of the trial, which lasted around one hour, Mr Barzan Nasrollah Zadeh was convicted by Branch 28 of the Revolutionary Court in Tehran for the charges of "enmity against God", "having connections with Salafist groups" and for his alleged participation in several assassinations, including the killing of a senior Sunni cleric on 17 September 2009. He was sentenced to death following the conviction.

In August 2015, The Supreme Court upheld the death sentence, without reference to Mr. Barzan Nasrollah Zadeh being a juvenile at the time of the crimes. Mr.

Barzan Nasrollah Zadeh has not had access to legal counsel to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code, which foresees fines and prison sentences for juveniles convicted for crimes that entail corporal punishments or the death sentence for adult offenders.

On 1 August, prison officials called Mr. Barzan Nasrollah Zadeh's family advising them to go to Karaj's Raja'i Shahr Prison, Tehran, for a last visit before his execution.

We express grave concern that the death penalty has been imposed against Mr Barzan Nasrollah Zadeh, who was less than 18 years old at the time of the alleged crimes, which is in contravention of international human rights law; and that his death sentence appears to have been pronounced in conditions that did not allow for a fair trial, in also contravention with international human rights law.

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 Barzan Nasrollah Zadeh, which, on the facts available to us may 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 Mr Barzan Nasrollah Zadeh is annulled and that he is re-tried in compliance with international standards.

While we do not wish to prejudge the accuracy of the information made available to us, 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, 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, and 3 of the Universal Declaration of Human Rights. These allegations also seem to be in contravention of articles 6(5) of the International Covenant on Civil and Political Rights (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 eighteen years of age. The alleged treatment of Mr. Barzan Nasrollah Zadeh 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.

We further recall that according to the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction and to seek pardon, or commutation of sentence. Capital punishment shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence. Moreover, capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts. Furthermore, if subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, as may be the case with the revision of article 91 of the Islamic Penal Code, the offender shall benefit thereby.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 or comments you may have on the above mentioned allegations.
2. Please provide the details of the proceedings against Mr Barzan Nasrollah Zadeh, 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 concerning any laws or regulations related to the right to a fair trial and imposition of the death penalty, and how these are in conformity with the international norms and standards mentioned above.
4. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Mr. Barzan Nasrollah Zadeh during his detention.

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

Juan Ernesto Mendez

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

Ahmed Shaheed

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