

URGENT ACTION

EXECUTION LOOMS FOR SAMAN NASEEM

Iranian juvenile offender, Saman Naseem, could be executed as early as 19 February 2015 for crimes allegedly committed when he was 17 years old. He was sentenced to death after an unfair trial.

The family of **Saman Naseem**, who is now aged 21, have received reliable information that he will be executed on 19 February. Amnesty International understands that the authorities have prevented Saman Naseem's lawyer from pursuing the case and have not allowed him to appoint another lawyer.

Saman Naseem was sentenced to death in April 2013 by a criminal court in Mahabad, West Azerbaijan Province, for "enmity against God" (*moharebeh*) and "corruption on earth" (*ifsad fil-arz*) because of his membership of the Kurdish armed opposition group Party For Free Life of Kurdistan (PJAK), and for taking part in armed activities against the Revolutionary Guards. His death sentence was upheld by the Supreme Court in December 2013.

According to court documents, during early investigations Saman Naseem admitted firing towards Revolutionary Guards forces in July 2011. He retracted this during the first court session, saying that he had only fired into the air and had not been aware of the content of the written "confessions" he was forced to sign as he had been kept blindfolded while he was interrogated. Saman Naseem was allowed no access to his lawyer during early investigations and he said he was tortured by being hung upside down for a lengthy period of time.

Please write immediately in English, Arabic, French, Spanish or your own language:

- Urging the Iranian authorities to stop the execution of Saman Naseem immediately and ensure that his case is subject to a judicial review;
- Reminding them that Iran has ratified both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which strictly prohibit the use of the death penalty against people who were below 18 years of age at the time of the crime;
- Urging them to investigate the allegation that he was tortured or otherwise ill-treated and ensure that "confessions" obtained from him under torture are not used as evidence in court.

PLEASE SEND APPEALS BEFORE 20 MARCH 2015 TO:

Leader of the Islamic Republic of Iran
Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street - End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: info_leader@leader.ir
Twitter: @khamenei_ir
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, 2 Azizi Street intersection
Tehran, Islamic Republic of Iran
Salutation: Your Excellency

And copies to:
President of the Islamic republic of Iran
Hassan Rouhani
The Presidency
Pasteur Street, Pasteur Square
Tehran, Islamic Republic of Iran
Twitter: @HassanRouhani (English) and
@Rouhani_ir (Persian)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 234/14. Further information:
<http://www.amnesty.org/en/library/info/MDE13/049/2014/en>

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ADDITIONAL INFORMATION

Saman Naseem started a hunger strike on 20 November 2014, along with 23 other prisoners from Iran's Kurdish minority, in protest at the conditions in Ward 12 of Oroumieh Central Prison, West Azerbaijan Province, where political prisoners are held. In retaliation, the authorities threatened to expedite the execution of Saman Naseem and nine other men on death row. The men ended their hunger strike after 33 days, after the authorities promised to meet their demands.

Saman Naseem was arrested on 17 July 2011 after a gun battle between Revolutionary Guards and PJAK, in the city of Sardasht, West Azerbaijan Province. Court documents say that during the fight one member of the Revolutionary Guards was killed and three others were wounded. In September 2011, Saman Naseem was forced to make a "confession" which was filmed and aired on state television. He told the court that during interrogation he had been hung upside down from the ceiling while blindfolded and that the interrogators had put his fingerprints on his "confessions", whose contents he did not know. He has also alleged that the interrogators pulled out his toenails and fingernails and subjected him to beatings which left him with bruises on his back, legs and abdomen. The court dismissed his statements and allowed the use of his "confession".

Saman Naseem was first sentenced to death in January 2012 by a Revolutionary Court but the Supreme Court overturned the sentence in August 2012 and sent the case back for a retrial as he had been under the age of 18 at the time of the alleged crimes. During his retrial, the court once again allowed the use his "confession" and sentenced him to death.

Under the Islamic Penal Code, the execution of offenders under the age of 18 is allowed for *qesas* (retribution-in-kind) and *hodoud* (offences and punishments for which there are fixed penalties under Islamic law). However, Article 91 of the Islamic Penal Code excludes the death penalty for crimes that fall under these categories of punishment, if the juvenile offender did not understand the nature of the crime or its consequences, or if there are doubts about the offender's mental capacity.

The use of the death penalty against juvenile offenders – those convicted of crimes committed when they were below 18 - is strictly prohibited under international law, as set out in Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and Article 37(a) of the Convention on the Rights of the Child (CRC), both of which Iran has ratified. Articles 37(d) and 40(2)(b)(ii) of the CRC guarantee children who have been deprived of their liberty or who are suspected of criminal offences the right to legal and other appropriate assistance in the preparation and presentation of their defence, access to which must be prompt. The best interests of the child should be a primary decision in all legal proceedings affecting children, which require particular care to ensure respect for children's right to be free from compulsion to confess guilt or to incriminate themselves. In view of the irreversible nature of the death penalty, the proceedings in capital cases must scrupulously observe all relevant international standards protecting the right to a fair trial, including access to the services of competent defence counsel at all stages of criminal proceedings including the preliminary investigation.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the offender or the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

Name: Saman Naseem
Gender m/f: m

Further information on UA: 234/14 Index: MDE 13/004/2015 Issue Date: 6 February 2015