

URGENT ACTION

JUVENILE OFFENDER BEATEN, DAYS FROM EXECUTION
Iranian juvenile offender Saman Naseem was beaten to force him to make more TV “confessions” on 15 February. He is scheduled to be executed on 19 February for crimes he is accused of having committed when he was 17 years old.

Saman Naseem called his family on 15 February and told them that earlier that day men in plain clothes had taken him to the security department of the Oroumieh Prison. He said the men, who he believed belonged to the Ministry of Intelligence and were carrying cameras and recording equipment, beat him for several hours to force him into making video-taped “confessions”, but he refused to do so.

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.

Saman Naseem was allowed no access to his lawyer during early investigations and he said he was tortured, which included the removal of his finger and toe nails and being hung upside down for several hours.

Please write immediately in Persian, 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 subjected 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 for crimes committed by persons below 18 years of age;
- Urging them to ensure that he is not subjected to torture or other ill-treatment; investigate the allegations that he was subjected to torture or other ill-treatment; and ensure that “confessions” obtained from him under torture are not used as evidence in court.

PLEASE SEND APPEALS BEFORE 30 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: (via website)
<http://www.leader.ir/langs/en/index.php?p=letter>
 Twitter: @khamenei_ir (English),
 @Khamenei_ar (Arabic),
 @Khamenei_es (Spanish).
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),
 @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 third update of UA 234/14. Further information:
<http://amnesty.org/en/library/info/MDE13/004/2015/en>

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Additional Information

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. According to court documents, during early investigations, he admitted firing towards Revolutionary Guards forces in July 2011. He retracted his statement during the first court session, saying that he had only fired into the air. 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. On 2 December 2014, the Supreme Court issued a "pilot judgment," ruling that all individuals currently on death row for crimes they allegedly committed when they were under the age of 18 can submit judicial review requests to the Supreme Court on the grounds of Article 91 of the Islamic Penal Code.

The use of the death penalty against juvenile offenders – persons who were below the age of 18 at the time of the offence - is strictly prohibited under international human rights 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 13/007/2015 Issue Date: 16 February 2015