

URGENT ACTION

JUVENILE OFFENDER'S EXECUTION STILL IMMINENT

Juvenile offender Salar Shadizadi remains at imminent risk of execution after a conviction for murder. He is currently held in solitary confinement in Lakan Prison, Rasht, northern Iran.

Salar Shadizadi's scheduled execution on 10 August did not take place. His first execution date was 1 August, which was postponed to 10 August. He remains at risk of imminent execution, though no new date has been confirmed. Salar Shadizadi's lawyers have filed an application for a new judicial review with the Supreme Court.

Salar Shadizadi was arrested in February 2007 and charged with the murder of a friend when he was 15 years old. He was not granted access to a lawyer at the investigative stage and was only allowed to retain a lawyer when his case was sent to court for trial. He says that he was also tortured and otherwise ill-treated during the investigative stage. He was first sentenced to death in December 2007 under the Islamic principle of *qesas* (retribution-in-kind) by Branch 11 of the Criminal Court of Appeal in Gilan province, which was the court of first-instance. Branch 37 of the Supreme Court upheld the sentence three months later in 2008.

In 2013, Salar Shadizadi submitted a request for judicial review based on a new article in Iran's revised Penal Code, passed into law in May 2013. Branch 13 of Iran's Supreme Court accepted the request for judicial review and sent the case back to the court of first instance to examine Salar Shadizadi's maturity at the time of the crime. The court then referred Salar Shadizadi to Iran's Legal Medicine Organization (LMO) for psychological examination. The LMO found that "there is no evidence to conclude that Salar Shadizadi was insane at the time of the crime but examining his mental growth seven years after the event is impossible". Based on this finding, Branch 13 of the Supreme Court upheld the original death sentence.

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

- Urging the Iranian authorities to immediately halt the execution of Salar Shadizadi and ensure that his death sentence is quashed and he is granted a retrial that complies with international fair trial standards, without recourse to the death penalty;
- Reminding them that Iran has ratified the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which strictly prohibit the use of the death penalty for crimes committed by persons below the age of 18;
- Calling on them to investigate the allegations that Salar Shadizadi was tortured or otherwise ill-treated and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 6 OCTOBER 2015 TO:

Leader of the Islamic Republic
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:
<http://www.leader.ir/langs/en/index.php?p=suggest>
Twitter: @khamenei_ir (English) or
@Khamenei_es (Spanish)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
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 165/15. Further information:

www.amnesty.org/en/documents/mde13/2209/2015/en/

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ADDITIONAL INFORMATION

Salar Shadizadi was arrested in February 2007 after his friend's dead body was found in a garden belonging to Salar Shadizadi's family. Salar Shadizadi was accused of fatally stabbing the deceased in the neck. The circumstances of the crime are not clear to Amnesty International.

As a state party to the Convention on the Rights of the Child (CRC), Iran is under the obligation to ensure that all legislation defines a child as a person under the age of 18 years, and to conform to the CRC in both law and practice. The CRC has determined the age of 18 as the standard age of entering into majority and full criminal responsibility, without any discrimination between boys and girls. This is a different matter from the minimum age of criminal responsibility, the age below which children shall not be arrested and charged with a crime at all. The minimum age of criminal responsibility varies around the world but the CRC has said in its General Comment 10, paragraph 32: "A minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable. States parties are encouraged to increase their lower minimum age of criminal responsibility to the age of 12 years as the absolute minimum age and to continue to increase it to a higher age level."

The age of adult criminal responsibility remains nine lunar years for girls and 15 lunar years for boys in Iran. Above this age, in cases of *hodud* (offences against God carrying inalterable punishments prescribed by Shari'a law) and *qesas* (retribution-in-kind connected with a criminal act), a child is generally convicted and sentenced in the same way as an adult. However, since the adoption of a revised Penal Code in 2013, judges have been given discretion not to sentence juvenile offenders to death if they determine that the juvenile offenders did not comprehend the nature of the crime or its consequences or their "mental growth and maturity" are in doubt.

Between May 2013 and January 2015, some branches of Iran's Supreme Court accepted the request of juvenile offenders for judicial review of their cases based on the revised Penal Code, and sent them back to the court of first instance for retrial. Other Supreme Court branches, however, refused to accept that the revised Penal Code provided valid grounds for judicial review or retrial. This inconsistency in jurisprudence led some lawyers in 2014 to apply to the General Board of the Supreme Court for a "pilot judgement". The General Board ruled on 2 December 2014 that all those on death row for crimes committed when they were under 18 are entitled to request judicial review of their cases and have their cases sent back for retrial in the light of their "mental growth" at the time of the crime of which they were convicted.

The UN Committee on the Rights of the Child, which monitors the implementation of the CRC, has asked Iran to inform the Committee, by October 2015, of the outcome and progress of the judicial review of cases of persons on death row for crimes committed when they were below the age of 18 years based on the 2014 "pilot judgement" of the Supreme Court.

At least 72 juvenile offenders are believed to have been executed in Iran between 2005 and 2014 and at least 160 juvenile offenders are believed to be on death row.

Name: Salar Shadizadi

Gender m/f: m

Further information on UA: 165/15 Index: MDE 13/2324/2015 Issue Date: 25 August 2015