

URGENT ACTION

IRANIAN YOUTH'S EXECUTION HALTED, STILL AT RISK

The execution of 20-year-old Iranian youth Alireza Tajiki, which had been scheduled for 3 August, has been postponed again following renewed public pressure. Despite this, Alireza Tajiki, who was 15 years old when arrested, remains at risk of execution as the authorities have yet to quash his death sentence and grant him a fair retrial.

The execution of 20-year-old Iranian youth **Alireza Tajiki**, which had been scheduled to take place on 3 August, has been postponed by the authorities following public pressure. The Iranian authorities halted his execution on 1 August, two days before he was due to be sent to the gallows. The authorities did not explain the reasons behind their decision for the postponement and may still reschedule his execution, as he remains on death row. This was the second time that Alireza Tajiki came close to being executed. His scheduled execution on 15 May was stopped 24 hours before it was due to take place following a campaign calling on the authorities to stop juvenile executions.

Alireza Tajiki was sentenced to death in April 2013 when he was just 16 years old. His trial before the Provincial Criminal Court in Fars Province, which convicted him of murder and "*lavat-e be onf*" (forced male to male anal intercourse), was unfair and relied on "confessions" which Alireza Tajiki has said were extracted through torture, including beatings, floggings, and suspension by arms and feet. He was denied access to a lawyer throughout the investigation process and held in solitary confinement for 15 days without access to his family. The Supreme Court initially quashed his conviction and death sentence in April 2014 due to a lack of forensic evidence linking him to the sexual assault, and ordered the lower court to carry out further investigations. It also instructed the lower court to examine Alireza Tajiki's "mental growth and maturity" at the time of the crime in light of the juvenile sentencing provisions in Iran's 2013 Islamic Penal Code. In November 2014, the lower court resentenced him to death, referring to an official medical opinion stating he had attained "mental maturity". Its decision made no reference to concerns raised by the Supreme Court about the lack of forensic evidence, suggesting that the investigation was not carried out. The court also relied again on his "confessions" as proof of guilt, without conducting an investigation into his torture claims. The Supreme Court upheld the death sentence in February 2015.

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

- Urging the Iranian authorities to immediately halt any plans to execute Alireza Tajiki, ensure that his conviction and death sentence are quashed and that he is granted a retrial that meets international fair trial standards and without resort to the death penalty;
- Urging them to investigate the allegation that Alireza Tajiki was subjected to torture and other ill-treatment; and ensure that any self-incriminating statements extracted from him under torture or while he was denied access to a lawyer are excluded from any proceedings against him;
- Reminding them that there is an absolute prohibition on the use of the death penalty for crimes committed by persons below 18 years of age under both customary international law and the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which Iran has ratified.

PLEASE SEND APPEALS BEFORE 14 SEPTEMBER 2016 TO:

Office of the Supreme Leader
Ayatollah Sayed 'Ali Khamenei
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
Salutation: Your Excellency

And copies to:
Prosecutor General of Tehran
Abbas Ja'fari Dolat Abadi

Also send copies to diplomatic representatives accredited to your country. If there is no Iranian embassy in your country, please mail the letter to the Permanent Mission of the Islamic Republic of Iran to the United Nations, 622 Third Avenue, 34th Floor, New York, NY 10017, USA. 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 first update of UA 116/16. Further information: <https://www.amnesty.org/en/documents/mde13/4060/2016/en/>

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ADDITIONAL INFORMATION

Alireza Tajiki was arrested along with several other young men in May 2012 on suspicion of murdering and raping his friend who was stabbed to death. He was held in solitary confinement in a police station run by the Agahi (the investigative arm of Iran's police) in Shiraz, Fars Province, for 15 days, and then transferred to the city's Centre for Correction and Rehabilitation, a detention facility used for holding individuals below 18 years of age. Alireza Tajiki was held there until early May 2016, when he was transferred to Shiraz's Adel Abad Prison and placed in solitary confinement in preparation for his execution. He was removed from solitary confinement on 15 May, after his execution was halted at the last minute.

The second Supreme Court verdict of February 2015, which upheld Alireza Tajiki's conviction and death sentence, was only seven lines long and did not refer to any of the flaws previously identified by the court. It simply stated that "the request for appeal is unjustified considering the content of the court file, the reasoning of the court of first instance, and the attainment of knowledge about the guilt of the accused." The Head of the Judiciary approved the decision later that year. Amnesty International is concerned that the principle of "the knowledge of the judge" (*elm-e ghazi*) in Iranian law allows judges to make their own subjective and possibly arbitrary determination of guilt in the absence of conclusive evidence.

The minimum age of criminal responsibility in Iran has been set at nine lunar years for girls and 15 lunar years for boys. From this age, a child who is convicted of crimes that fall within the category of *hodud* (a crime for which a fixed punishment is derived from the Qur'an or the Hadith) or *qesas* (retribution-in-kind connected with a criminal act) is generally convicted and sentenced in the same way as an adult. However, since the adoption of the 2013 Islamic Penal Code, judges have been given discretion not to sentence juvenile offenders to death if they determine that juvenile offenders did not understand the nature of the crime or its consequences, or their "mental growth and maturity" are in doubt. The criteria for assessing "mental growth and maturity" are unclear and arbitrary. Judges may seek expert opinion from the Legal Medicine Organization of Iran (a state forensic institution) or rely on their own assessment even though they may lack expertise on issues of child psychology.

The UN Committee on the Rights of the Child reviewed Iran's implementation of the Convention on the Rights of the Child in January 2016. The Committee's Concluding Observations express "serious concern" that the exemption of juvenile offenders from the death penalty is "under full discretion of judges who are allowed, but not mandated to seek forensic expert opinion and that several persons have been resentenced to death following such retrials". Since the adoption of the 2013 Islamic Penal Code, Amnesty International has documented the cases of at least eight individuals who were under the age of 18 at the time of the crime and have been retried, and were found to have sufficient "mental growth and maturity" at the time of the crime and sentenced to death again. They are Himan Uraminejad, Salar Shadizadi, Hamid Ahmadi, Sajad Sanjari, Siavash Mahmoudi, Amir Amrollahi, Amanj Veisee, and Fatemeh Salbehi. The execution of Fatemeh Salbehi, who was 17 years old at the time of the commission of the crime, was carried out in October 2015. Amnesty International is aware of at least two cases – those of Milad Azimi and Alireza Pour Olfat – in which individuals have been sentenced to death for the first time under the 2013 Islamic Penal Code for an offence committed when they were under the age of 18. Amnesty International has recorded at least 73 executions of juvenile offenders between 2005 and 2015. According to the UN, at least 160 juvenile offenders are now on death row in Iran (See *Growing up on death row: The death penalty and juvenile offenders in Iran*, <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>).

Name: Alireza Tajiki
Gender m/f: m

Further information on UA: 116/16 Index: MDE 13/4602/2016 Issue Date: 3 August 2016