

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Iran: Teenager's execution exposes complicity of courts, parliament and doctors in assault on children's rights**

The execution on 27 June of Iranian teenager **Abolfazl Chezani Sharahi**, who was sentenced to death for a murder committed when he was aged 14 based on an official medical opinion that he was "mature" at the time of the crime, reflects a fundamental lack of respect for children's right to life by Iranian courts, successive parliaments and doctors affiliated with the state forensic institute.

Amnesty International renews its calls on the Iranian authorities to respect their international human rights obligations not to use the death penalty against people who were below the age of 18 at the time of the crime of which they are convicted and to commute the death sentences of all juvenile offenders without delay, with a view to abolishing the death penalty altogether. The organization reiterates its call on the country's parliament to urgently amend the Islamic Penal Code to completely abolish the use of the death penalty for crimes committed by people below the age of 18 in all circumstances and without any discretion for judges.

It also appeals to doctors to avoid giving medical legitimacy to judicial processes that lead to the use of the death penalty against those who were under the age of 18 at the time of the crime, contrary to the core principles of juvenile justice.

#### **Execution of Abolfazl Chezani Sharahi**

Abolfazl Chezani Sharahi, aged 19, was executed at dawn on 27 June in Qom prison in Qom province, central Iran. He had been sentenced to death in September 2014 after Branch 1 of the Criminal Court in Qom province convicted him of murder for the fatal stabbing of a young man during a fight on 26 December 2013. In its verdict, the court cited an expert medical opinion from the Legal Medicine Organization of Iran (the state forensic institute), which stated without explanation that Abolfazl Chezani Sharahi had gained full "mental maturity" at the age of 14.

This ruling was upheld by Branch 24 of Iran's Supreme Court in November 2014. According to the verdict of the Supreme Court, which Amnesty International has reviewed, the death sentence was upheld even though the representative (*dadyar*) of the Prosecutor's Office at the Supreme Court had submitted a legal opinion in favour of quashing the death sentence and raising concerns that the medical commission which had examined Abolfazl Chezani Sharahi's maturity had not included a child psychology expert and had conducted the examination a year after the date of the crime.

Abolfazl Chezani Sharahi subsequently submitted a request for judicial review, which was rejected by Branch 33 of the Supreme Court in October 2015. The court's written judgement was less than three lines long and did not address any of the serious concerns raised by Abolfazl Chezani Sharahi's lawyer and the Prosecutor's Office about his young age and the flawed nature of the maturity

assessments conducted.

### **Juvenile justice crisis**

Abolfazl Chezani Sharahi is the fourth individual since the beginning of 2018 to be executed after being convicted of a crime committed when under the age of 18. At least 85 other juvenile offenders remain on death row, including Mohammad Kalhori, Hamid Ahmadi, Abolfazl Naderi, Babak Pouladi, Mehdi Khazaian, who may be scheduled for execution at any moment. The real number of those at risk is likely to be much higher.

In February 2018, the UN High Commissioner for Human Rights deplored the fact that Iran violates “far more often than any other state” the absolute prohibition, under international law, of the use of the death penalty against people who were below the age of 18 at the time of the crime they are convicted of committing.

Under Iran’s Islamic Penal Code, boys aged above 15 lunar years and girls aged above nine lunar years who are convicted of murder and certain other capital crimes may be sentenced to death in the same way as adults. However, the law grants judges discretion to replace the death penalty with an alternative sentence if they find that there are doubts about the individual’s full “maturity” at the time of the crime. As flawed as this provision is, it allows the judiciary to prevent anyone who was under the age of 18 at the time of the crime from being subjected to the death penalty, in accordance with Iran’s obligations under international human rights law.

Iran’s parliament, for its part, has failed to amend the Islamic Penal Code to completely abolish the use of the death penalty for crimes committed by people below the age of 18 in all circumstances and without any discretion for judges.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment. The organization calls on all states to immediately establish an official moratorium on executions and abolish to the death penalty.

### **Complicity of state-affiliated doctors**

Doctors affiliated with the Legal Medicine Organization share responsibility for the ongoing assault on children’s right to life in Iran. When approached by courts to provide a medical opinion on the “maturity” of persons convicted of crimes committed when they were still children, they continue to provide such opinions, instead of refusing to participate in a process that inherently violates the human rights of children and adopting a position that all individuals under the age of 18 must be treated as less mature and culpable than adults, in accordance with established international principles of juvenile justice.

Medical professionals have a clear duty to avoid any involvement in torture and other cruel, inhuman or degrading punishment including the death penalty. By providing “maturity” assessments that are then used by courts to issue death sentences, doctors in Iran are effectively facilitating the execution of those who were children at the time of the crime.

In some legal jurisdictions over the past decades, medical associations have positively influenced courts with psychological studies including neuroscientific research on brain development that provide additional data consistent with well-established international principles of juvenile justice.<sup>1</sup> This includes studies that show individuals below 18 are more inclined than adults to rely in their decision-making on emotions such as anger or fear rather than logic and reason,<sup>2</sup> exhibit loss of judgement and insight during emotional and stressful situations, and be influenced by peers including with regard to risk-taking and delinquent involvement.<sup>3</sup>

Irrespective of the weight given to such scientific evidence, Iranian courts and state authorities are bound by international human rights law, and specifically by the rule that persons who were under the age of 18 at the time of the crime must never be punished with death or life imprisonment without the possibility of release.

This prohibition is provided in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which Iran has ratified. It is also recognized as a peremptory norm of customary international law, which means it is accepted and recognized by the international community of states as a norm which is binding on all states and from which no derogation is permitted.

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<sup>1</sup> *Brief for the American Psychological Association, and the Missouri Psychological Association as Amici Curiae supporting Respondent, Donald P. Roper, Superintendent, Potosi Correctional Center, Petitioner v. Christopher Simmons*, No. 03-633. See also *Brief of the American Medical Association, American Psychiatric Association, American Society for Adolescent Psychiatry, American Academy of Child & Adolescent Psychiatry, American Academy of Psychiatry and the Law, National Association of Social Workers, Missouri Chapter of the National Association of Social Workers, and National Mental Health Association as Amici Curiae in support of Respondent, Donald P. Roper, Superintendent, Potosi Correctional Center v. Christopher Simmons*, Respondent, 543 U.S. 551, No. 03-633, 19 July 2004, [www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_juvjus\\_simmons\\_ama\\_authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_juvjus_simmons_ama_authcheckdam.pdf)

<sup>2</sup> Thomas Grisso, "What We Know About Youth's Capacities", *Youth on Trial: A Developmental Perspective on Juvenile Justice*, 2000, pp. 267-69.

<sup>3</sup> See Dana L. Haynie, "Friendship Networks and Delinquency: The Relative Nature of Peer Delinquency", *Journal of Quantitative Criminology*, 2002, vol. 99; Peggy C. Giordano et al., "Changes in Friendship Relations Over the Life Course: Implications for Desistance from Crime", *Criminology*, 2003, vol. 41, p. 293; Terence P. Thornberry et al., "Delinquent Peers, Beliefs and Delinquent Behaviour: A Longitudinal Test of Interactional Theory", *Criminology*, 1994, vol. 31, pp. 74-75.