

URGENT ACTION

JUVENILE OFFENDER NEAR TO EXECUTION

Juvenile offender Salar Shadizadi is at imminent risk of execution for a murder allegedly committed when he was 15 years old. He is scheduled to be executed on 1 August.

Salar Shadizadi was arrested in February 2007 on a charge of murdering a friend. He was sentenced to death in December that year, under the Islamic principle of *qesas* (retribution-in-kind), by Branch 11 of the Criminal Court of Appeal in the northern province of Gilan. His sentence was upheld three months later, by Branch 37 of the Supreme Court. After several years on death row, Salar Shadizadi was transferred to solitary confinement on 7 July 2013 in preparation for execution. The authorities, however, halted the execution at the last minute and allowed Salar Shadizadi to submit a request for judicial review under Article 91 of Iran's 2013 Penal Code, which gives judges the discretion not to impose the death penalty if they determine that a juvenile offender did not understand the nature of the crime or its consequences, or if there are doubts about the offender's "mental growth and maturity".

Later that year, 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 the issue of Salar Shadizadi's maturity at the time of the crime. The court of first instance 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. In its reasoning, the Supreme Court stated: "presumptively, mental maturity is present after children reach the age of maturity [which is 15 for boys and nine for girls] and the rebuttal of this presumption requires proof which has not been established in this case."

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

- Urging the Iranian authorities to immediately halt the execution of Salar Shadizadi and commute without delay his death sentence to a term of imprisonment;
- Reminding them that Iran has ratified the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child (CRC), which strictly prohibit the use of the death penalty for crimes committed by persons below 18 years of age.

PLEASE SEND APPEALS BEFORE 7 SEPTEMBER 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: 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)
@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.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

JUVENILE OFFENDER NEAR TO EXECUTION

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 subsequently arrested and accused of fatally stabbing the deceased victim in the neck. The circumstances of the crime are not clear to Amnesty International.

As a state party to the 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 May 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 judgment" 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.

Names: Salar Shadizadi

Gender m/f: m

UA: 165/14 Index: MDE 13/2164/2015 Issue Date: 27 July 2015