

# URGENT ACTION

## JUVENILE OFFENDER FACES THE GALLOWS AGAIN

**Juvenile offender Salar Shadizadi has been rescheduled for execution on Saturday 28 November, despite the prohibition on the use of the death penalty against juvenile offenders under international law and standards, and his right to be granted a re-trial under Iran's own domestic law.**

**Salar Shadizadi**, now aged 24, was sentenced to death by Branch 11 of the Provincial Criminal Court of Gilan Province in December 2007 for stabbing his childhood friend. He was 15 years old at the time. The sentence was upheld by Branch 37 of the Supreme Court in March 2008 and approved by the Head of the Judiciary in May 2013. Since then, the authorities have twice scheduled the execution and later postponed it. They have, however, failed to take the steps necessary to ensure that Salar Shadizadi is granted a re-trial, even though the General Board of Iran's Supreme Court has ruled that all those on death row for crimes committed when they were under 18 are entitled to receive a re-trial based on the new juvenile sentencing provisions of Iran's 2013 Islamic Penal Code.

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. In a will letter written from prison in November 2015, Salar Shadizadi has revealed, for the first time, how he unintentionally caused the "catastrophic" death of his childhood friend by unintentionally stabbing a frightening moving object, covered in green cloth, in the dark, which he then realized to be his deceased friend. He writes that this happened in the context of a "silly game" where his friend had dared him to go to their family garden at night, knowing that Salar Shadizadi was afraid of the dark and had been warned by his grandmother since childhood that the garden is haunted by "evil spirits" (*jen*). The execution of Salar Shadizadi was scheduled on 1 August 2015 but was postponed at the last minute, possibly as a result of international pressure.

### **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 and principles of juvenile justice, 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.

### **PLEASE SEND APPEALS BEFORE 5 JANUARY 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: via website  
<http://www.leader.ir/langs/en/index.php?p=letter>  
Twitter: @khamenei\_ir (English)  
**Salutation: Your Excellency**

Head of the Judiciary  
Ayatollah Sadeq Larijani  
c/o Public Relations Office  
Number 4, 2 Azizi Street intersection  
Tehran, Islamic Republic of Iran  
Email: [info@humanrights-iran.ir](mailto:info@humanrights-iran.ir)  
**Salutation: Your Excellency**

**And copies to:**  
Prosecutor General of Gilan Province  
Ali Mostafavinia  
General and Revolutionary  
Prosecution Office in Gilan Province  
7 Azar Roundabout, Pasdaran Street,  
Pol Aragh Judicial Complex  
Rasht, Islamic Republic of Iran

### **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 165/15. Further information:

<https://www.amnesty.org/en/documents/MDE13/2324/2015/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 once to Salar Shadizadi's family. Salar Shadizadi was accused of murder for fatally stabbing the deceased. In his will letter, Salar Shadizadi has written that the environment in the police station, where he was detained without access to his family, was so intimidating and coercive that he did not dare to tell the truth about what had happened. He adds that he intended to tell the truth during his trial but he did not after his lawyer persuaded him to remain silent and not make a confession.

Salar Shadizadi was scheduled for execution on 1 August 2015. The execution was postponed, possibly as result of an international outcry, and he was transferred to the general ward of Rasht's prison after spending 41 days in solitary confinement.

Previously, Salar Shadizadi's execution had been scheduled and postponed in July 2013. That time, the authorities also halted the execution at the last minute, after Salar Shadizadi requested a commutation of his death sentence based on Article 91 of the revised Islamic Penal Code adopted into law in May 2013. This article allows judges to replace the death penalty with an alternative punishment if they find that a juvenile offender convicted of murder did not understand the nature of the crime or its consequences at the time of commission or there are doubts about his or her "mental maturity and development".

Subsequently, the Provincial Criminal Court of Gilan Province referred Salar Shadizadi to the Legal Medicine Organization of Iran (LMOI) to examine whether Salar Shadizadi had attained "mental maturity" at the time of the crime and understood the nature and consequences of his conduct. The LMOI 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." Faced with this finding and unclear about the appropriate process for applying the revised Islamic Penal Code to juvenile offenders sentenced to death prior to the Code's adoption, the Provincial Criminal Court of Gilan Province made a request from the Supreme Court to decide the question of commutation based on the revised Penal Code. In November 2014, Branch 13 of the Supreme Court ruled that any request for commuting the sentence based on the revised Islamic Penal Code must be made to the court that initially issued the death sentence.

Salar Shadizadi's case came before Branch 13 of the Supreme Court in April 2015 again. This was after the General Board of Iran's Supreme Court issued a "pilot judgment" (*ra'ye vahdat-e ravieh*) in a separate case in December 2014 and ruled that all those on death row for crimes committed when they were under 18 are entitled to request a retrial of their cases. Despite this ruling, Branch 13 of the Supreme Court denied Salar Shadizadi's request for a re-trial, citing the LMOI opinion that had stated Salar Shadizadi was "sane" at the time of the crime but his mental maturity years after the commission of his alleged crime could not be assessed. The court stated: "The prima facie presumption is that individuals who have passed the age of bolugh have attained full mental maturity... A claim to the contrary requires proof, which has not been established here... The applicant's request is, thereby, denied and the [death] sentence is final." The Convention on the Rights of the Child (CRC), which Iran has ratified, provides in Article 37, "Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age".

In 2015 at least four juvenile offenders are believed to have been executed. They included Javad Saberi, hanged on 15 April, Vazir Amroddin, hanged in June/July, Samad Zahabi, hanged on 5 October, and Fatemeh Salbehi, hanged on 13 October. (See: *Iran: Execution of two juvenile offenders in just a few days makes a mockery of Iran's juvenile justice system*, 14 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/iran-jvenile-offenders-executed/>).

Name: Salar Shadizadi

Gender m/f: m

Further information on UA: 165/15 Index: MDE 13/2934/2015 Issue Date: 24 November 2015