

URGENT ACTION

JUVENILE OFFENDER FACES DEATH AFTER RETRIAL

Iranian juvenile offender Amir Amrollahi has been sentenced to death for the second time, after a retrial and following a decade in prison. The court rejected the conclusion of an official forensic report which had said he had not attained “mental growth and maturity” at the time of the crime, in November 2005, when he was 16 years old.

Juvenile offender **Amir Amrollahi**, aged 26, who had been first sentenced to death in August 2007 in connection with the fatal stabbing of a boy during a fight, was sentenced to death again in November 2015. Branch One of Criminal Court No. 1 of Fars Province noted the expert opinion of an official forensic commission, composed of two general psychiatrists and one child and adolescent psychiatrist, which had concluded that he did not have mental maturity at the time of the crime. However, the court ruled that this opinion was “inconsistent” with Amir Amrollahi’s statements in detention. According to the court, the use of phrases such as “I thrust the knife deep into the victim’s chest ...” clearly showed that Amir Amrollahi had inflicted the stab wound [when he was] in a healthy mental and emotional state and fully aware of the kind of murder weapon used, and of the sensitivity of the area of the body targeted.

Amir Amrollahi was first arrested in November 2005. He was then held in pre-trial detention until August 2007 when Branch Five of the Provincial Criminal Court in Fars Province sentenced him to death for murder. The death sentence was upheld by Branch 27 of the Supreme Court in October 2007 and sent to the Office for the Implementation of Sentences in 2008. He remained on death row for the next seven years. After the adoption of a new Islamic Penal Code in May 2013, he submitted an “application for retrial”. Article 91 of the Code allows courts to replace the death penalty with an alternative sentence if they determine that a juvenile offender had not understood the nature of the crime or its consequences, or there were doubts about his or her “mental growth and maturity” at the time of the crime. In January 2015, the Supreme Court granted the application and sent the case back for retrial to the court of first instance which has now resented him to death.

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

- Urging the Iranian authorities not to execute Amir Amrollahi and commute his death sentence, without delay;
- Urging them not to execute any person who was below the age of 18 at the time of a crime;
- Urging them to take legislative measures to completely abolish, without any discretion for the courts or other exceptions, the death penalty for crimes committed by people below the age of 18, in line with Iran’s obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

PLEASE SEND APPEALS BEFORE 13 APRIL 2016 TO:

Supreme Leader

Ayatollah Sayed ‘Ali Khamenei
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](http://www.leader.ir/langs/en/index.php?p=letter)
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:

Prosecutor General of Tehran
Abbas Ja’fari Dolat Abadi
Tehran General and Revolutionary
Prosecution Office
Corner (Nabsh-e) of 15 Khordad Square
Tehran, 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 second update of UA 15/08. Further information:
<https://www.amnesty.org/en/documents/mde13/114/2008/en/>

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ADDITIONAL INFORMATION

Amnesty International understands that at the time of his first trial in 2007, Amir Amrollahi's family did not have the financial means to secure competent legal representation. According to a lawyer who later took the case, the court failed to adequately consider Amir Amrollahi's mental state at the time of the incident or that he was prescribed heavy doses of sedatives while in prison awaiting trial.

As a state party to the Convention on the Rights of the Child (CRC), Iran is legally obliged to treat everyone under the age of 18 as a child. This is different from the minimum age of criminal responsibility, which is the age below which children are deemed not to have the capacity to break the law. This age varies between countries, but it must be no lower than 12 years, according to the UN Committee on the Rights of the Child. People who have broken the law who are above the minimum age of criminal responsibility, but under 18, may be considered criminally responsible, prosecuted, tried and punished. However, they should never be subjected to the death penalty or life imprisonment without the possibility of release.

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 in the category of *hodud* (offences against God carrying unalterable punishments prescribed by Shari'a law) 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" is unclear and arbitrary. Judges may seek expert opinion from the Legal Medicine Organization of Iran (a state forensic institution under the supervision of the judiciary) or rely on their own assessment even though they may lack adequate knowledge and expertise on issues of child psychology. Beside Amir Amrollahi, Amnesty International has documented the cases of several other juvenile offenders including Hamid Ahmadi, Milad Azimi and Siavash Mahmoudi, wherein judges conflated the issue of lesser culpability of juveniles because of their lack of maturity with the diminished responsibility of individuals with intellectual disabilities or mental illness, concluding that the juvenile offender was not "afflicted with insanity" or was "in a healthy mental and emotional state", and therefore deserved the death penalty.

The UN Committee on the Rights of the Child reviewed Iran's implementation of the CRC 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". Beside Amir Amrollahi, Amnesty International is aware of at least seven other juvenile offenders – Salar Shadizadi, Hamid Ahmadi, Sajad Sanjari, Siavash Mahmoudi, Himan Uraminejad and Amanj Veisee, and Fatemeh Salbehi – who have been retried, found to have sufficient "mental growth and maturity" at the time of the crime and sentenced to death again. 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 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 (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: Amir Amrollahi

Gender m/f: m

Further information on UA: 15/08 Index: MDE 13/3560/2016 Issue Date: 2 March 2016