

URGENT ACTION

MAN ARRESTED IN HIS TEENS NEARS EXECUTION

A young Iranian man, Himan Uraminejad, on death row for an offence carried out when he was a child, has been told that he will be executed soon after 1 April, when the 13-day Iranian New Year holiday period ends.

Himan Uraminejad was sentenced to death in August 2012 after he was convicted of murder over the fatal stabbing of a boy during a fight, when he was 17. He is now aged 21, and on death row in Sanandaj's Prison, western Kurdistan Province, where he has been told he will be executed after the Iranian New Year holiday period ends on 1 April.

He was retried in June 2015, and sentenced to death again. The retrial, before Branch 9 of the Provincial Criminal Court in Kurdistan Province, had been ordered by Iran's Supreme Court in September 2014, based on new juvenile sentencing guidelines in Iran's 2013 Islamic Penal Code. These allow courts to replace death sentences with alternatives if they determine that a juvenile offender had not understood the nature of the crime or its consequences, or there were doubts about their "mental growth and maturity" at the time of the crime. The court used this discretion to resentence Himan Uraminejad to death. In its ruling, the court ignored the absolute prohibition, in international law, on using the death penalty against people who were under 18 at the time of the crime, and the fundamental principles of juvenile justice that require all those under 18 years old be treated as children. Instead, it focused on Himan Uraminejad's "mental health", noting an official medical opinion from June 2015 that found no evidence of "a disorder at the time of the crime which would extinguish [the accused's] criminal liability." The court also referred to Himan Uraminejad's statements confirming that he had no "mental illness or history of hospitalization." This reasoning was confirmed by the Supreme Court in November 2015.

The judicial proceedings that led to Himan Uraminejad's conviction were unfair. He admitted stabbing the victim during the interrogations, which were conducted without a lawyer present. He is believed to have been tortured while he was held in a police detention centre (*agahi*): this included severe beatings that apparently left scars and bruises all over his face and body. His trial was held before an adult court, without special juvenile justice protections. No investigation is known to have been carried out into his allegations of torture and other ill-treatment.

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

- Urging the Iranian authorities to halt any plans to execute Himan Uraminejad and commute his death sentence, without delay;
- Urging them to order that he is retried in fair proceedings in accordance with the principles of juvenile justice, and that no statements obtained through torture and other ill-treatment are admitted as evidence;
- Urging them to ensure his allegations of torture are investigated and those responsible are brought to justice.

PLEASE DIRECT YOUR APPEALS BEFORE 5 MAY 2016 TO:

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 Abad

Please send your appeals care of diplomatic representatives accredited to your country, listed below. If there is no Iranian diplomatic office, please mail the letter to the Permanent Mission of the Islamic Republic of Iran to the UN in New York City.

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.

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ADDITIONAL INFORMATION

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" 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 adequate knowledge and expertise on issues of child psychology. Amnesty International has documented the cases of several juvenile offenders wherein judges conflated the issue of lesser culpability of juveniles because of their lack of maturity with the diminished responsibility of people with intellectual disabilities or mental illness, concluding that the juvenile offender was not "afflicted with insanity" or was "in a healthy mental 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 Himan Uraminejad, Amnesty International is aware of at least seven other juvenile offenders – Salar Shadizadi, Hamid Ahmadi, Sajad Sanjari, Siavash Mahmoudi, Amir Amrollahi 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 is also aware of at least two juvenile offenders, Milad Azimi and Alireza Pour Olfat, who have been sentenced to death for the first time since the adoption of the 2013 Islamic Penal Code. 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. Amnesty International has been able to identify the names of 49 of these juvenile offenders, some of whom have been on death row for over a decade. Amnesty International has called on the Iranian authorities to take legislative measures to completely abolish, without any discretion for the courts or other exceptions, the death penalty for crimes committed by children, in line with Iran's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. (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: Himan Uraminejad

Gender m/f: m

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