

PUBLIC

AI Index: MDE 13/041/2001

28 September 2001

Further information on UA 157/01 (MDE 13/019/2001, 22 June 2001) and follow-up (MDE 13/027/2001, 2 August 2001) - Death Penalty

**IRAN Azizullah Shenwari [m], Pakistani national, aged 13  
(May be known to the authorities as Aziz Afghan, Afghan national)**

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Amnesty International has learned that approximately three weeks ago, Azizullah Shenwari's father was able to visit his son in prison in Iran. He was reportedly in good health, and told his father that he had originally been sentenced to death by a lower court in Yazd, Central Iran. On appeal, his death sentence was commuted to life imprisonment by a local Judge.

According to his father, Azizullah Shenwari has now filed an appeal to a higher court in Tehran, seeking his release on the grounds that he is a juvenile, and that he was kidnapped and forced to commit the crime he was convicted of (drug trafficking). The appeal was filed three months ago, but a decision has yet to be made.

#### **BACKGROUND**

Article 37 of the Convention on the Rights of the Child, to which Iran is a state party, states that "States Parties shall ensure that (a) Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age...The arrest, detention or imprisonment of a child...shall be used only as a measure of last resort and for the shortest appropriate period of time...every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits...Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."

**FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible in English, Farsi or in your own language:**

- asking the authorities to clarify whether Azizullah Shenwari has been detained and sentenced under the name of Aziz Afghan;
- asking for details of the length of the life sentence that he has now been sentenced to, and pointing out that this should be "for the shortest appropriate period of time", in line with Article 37 of the Convention on the Rights of the Child;
- seeking details of the trial proceedings and both appeals in this case, and calling for him to be granted full and immediate access to legal and consular assistance and medical attention as necessary in line with Article 37 of the Convention on the Rights of the Child;
- seeking assurances that he is being held in a juvenile detention centre in accordance with Article 37 (c) of the Convention on the Rights of the Child, and asking exactly which juvenile centre he is being detained in;
- asking for clarification regarding the extent to which juvenile courts and detention centres have been established in Iran, in line with previous commitments made by the authorities, and in keeping with Article 37 of the Convention on the Rights of the Child;

- urging the Iranian authorities to take immediate steps to halt and eventually abolish the imposition of the death penalty, particularly for crimes committed by persons under 18 years of age.

**APPEALS TO:**

Leader of the Islamic Republic of Iran,

His Excellency Ayatollah Sayed Ali Khamenei  
c/o The Presidency, Palestine Avenue, Azerbaijan Intersection,  
Tehran, Islamic Republic of Iran  
**Telegrams: Ayatollah Khamenei, Tehran, Islamic Republic of Iran**  
**Salutation: Your Excellency**

President

His Excellency Hojjatoleslam Sayed Mohammad Khatami  
The Presidency, Palestine Avenue, Azerbaijan Intersection,  
Tehran, Islamic Republic of Iran  
**Telegrams: President Khatami, Tehran, Islamic Republic of Iran**  
**Faxes: + 98 21 649 5880**  
**E-mails: khatami@president.ir**  
**Salutation: Your Excellency**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahruddi  
Ministry of Justice, Park-e Shahr  
Tehran, Islamic Republic of Iran  
**Telegrams: Head of Judiciary, Tehran, Islamic Republic of Iran**  
**Faxes: + 98 21 879 6671 (number may be unreliable, please be patient)**  
**Salutation: Your Excellency**

**COPIES TO:**

Minister of Foreign Affairs,

His Excellency Kamal Kharrazi, Ministry of Foreign Affairs, Sheikh Abdolmajid  
Keshk-e Mesri Avenue, Tehran, Islamic Republic of Iran  
**Faxes: + 98 21 390 1999 (Human Rights Department)**  
**E-mails: matbuat@mfa.gov.ir (please ask for the message to be forwarded to the  
Human Rights Department)**  
**Salutation: Your Excellency**

Director, Organization for Defending Victims of Violence

PO Box 16765-911, Tehran, Iran  
**Fax: + 98 21 653091**  
**Email: odvv@neda.net**

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 9 November 2001.