

URGENT ACTION

JUVENILE OFFENDER AT RISK OF EXECUTION IN IRAN

Iranian juvenile offender Rasoul Holoumi is at risk of execution for allegedly causing fatal injuries to a boy in a fight. He was 17 years old at the time. His death sentence has been sent to the Office of the Implementation of Sentences in Ahvaz, and could be carried out at the request of the family of the deceased victim at any time.

Rasoul Holoumi, now aged 22, was sentenced to death in October 2010 under *qesas* (retribution-in-kind) by Branch 17 of the Criminal Court of Khuzestan Province. The court convicted him of murder based on allegations that he threw a hard object at the head of Nasim Nouri Maleki during the course of a fight in September 2009. The allegations have been made by several of the people involved in the fight. The court documents indicate that Rasoul Holoumi initially admitted causing the fatal head injuries. He retracted his admission after several weeks with statements that raise doubts about the events, including the identity of the individual who struck the victim, the intentionality of the injuries caused, and even the presence of Rasoul Holoumi at the scene of the incident.

Despite of his age at the time of the offence, the seriousness of the charge, and the risk of the imposition of the death penalty, Rasoul Haloumi was not given access to a lawyer during the investigative phase nor was he provided with adequate time and facilities to prepare effective defence through competent appointed counsel before and during trial. In spite of this the Supreme Court upheld the death sentence in 2010 without justifying its decision.

The execution of Rasoul Holoumi was to be implemented on 4 May, but was stopped after the family of the deceased victim agreed to forgo their request for *qesas* if Rasoul Holoumi's family transferred the deeds of their house and farm to them and paid them 3.5 billion rials (135,323\$) as *diyah* (blood money). Rasoul Haloumi is at imminent risk of execution as the amount of *diyah* asked appears to be beyond his family's means. Sentences of *qesas* are not open to pardon or amnesty by the Supreme Leader, in breach of international law, but they can be temporarily stayed by the head of the judiciary in order to allow the family time to raise the requested blood money.

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

- Urging the Iranian authorities to immediately halt the execution of Rasoul Haloumi;
- Calling on them to ensure his case is reviewed urgently with a view to overturning his death sentence;
- Reminding them that execution of people for crimes committed under 18 is strictly prohibited under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both of which Iran has ratified;
- Reminding them that under Article 6(4) of the ICCPR, anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

PLEASE SEND APPEALS BEFORE 22 AUGUST 2014 TO:

Leader of the Islamic Republic
Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street- End of Shahid
KeshvarDoust Street
Tehran, Islamic Republic of Iran
Twitter: @khamenei_ir
Email: info_leader@leader.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
(Subject line: FAO
Ayatollah Sadegh Larijani)
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
Email: media@rouhani.ir
Twitter: @HassanRouhani (English) and
@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**



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ADDITIONAL INFORMATION

Under the revised Islamic Penal Code (IPC), passed into law in May 2013, the execution of offenders under the age of 18 is allowed for murder, which falls under the *qesas* (retribution-in-kind) and *hodoud* punishments, for which there are fixed penalties. Article 91 of the Penal Code excludes the death penalty for crimes that fall under *qesas*, if the juvenile offender did not understand the nature of the crime, its consequences, or if there are doubts about their mental capacity.

This provides grounds for the judiciary to review Rasoul Holoumi's case, with a view to overturning his death sentence.

The use of the death penalty against juvenile offenders – those convicted for crimes committed when they were below 18 - is strictly prohibited under international law, as stated in Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and Article 37 of the Convention on the Rights of the Child (CRC), both of which Iran has ratified.

Articles 37(d) and 40(20(b)(ii) of the CRC guarantee children who have been deprived of their liberty or who are suspected of criminal charges the right to legal and other appropriate assistance in the preparation and presentation of their defence, access to which must be prompt. The best interests of the child should be a primary decision in all legal proceedings affecting children, which requires, among others, particular care to ensure respect for children's right to be free from compulsion to confess guilt or to incriminate themselves. The Committee on the Rights of the Child has interpreted the prohibition against coercion and compulsion broadly, noting that children may be led to confess or incriminate themselves because of their age and state of development, their deprivation of liberty, their lack of understanding, the fear of unknown consequences, or the promise of lighter sanctions or release (CRC, General Comment 10, para. 57).

In view of the irreversible nature of the death penalty, the proceedings in capital cases must scrupulously observe all relevant international standards protecting the right to a fair trial, including access to the services of competent defence counsel at all stages of criminal proceedings including the preliminary investigation (HRC, General Comment 6, para. 7).

Iran's new Criminal Procedure Code, which came into effect in 2013, allows the access of defendants to a lawyer within the initial investigation phase, upon their request (article 48), and requires investigatory judges to inform the accused of the right to a lawyer and offer a court-appointed lawyer if the accused cannot afford one. Under the former criminal procedure, lawyers were prohibited access during the initial investigation.

Iran remains the second biggest executioner in the world, after China. In 2013, the Iranian authorities or state-controlled or state-sanctioned media officially acknowledged 369 executions; however, at least 335 additional executions were carried out, according to reliable sources. This would bring the total for 2013 to at least 704. Reports indicate that at least 11 of the executed may have been under the age of 18 at the time of their alleged crimes. As of 26 June 2014, 171 executions have been acknowledged by the Iranian authorities or state-sanctioned media. However, reliable sources have reported at least 233 additional executions.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the offender or the method used by the state to carry out the execution. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

Name: Rasoul Holoumi

Gender m/f: m

UA: 178/14 Index: MDE 13/040/2014 Issue Date: 11 July 2014