

URGENT ACTION

KURDISH JUVENILE OFFENDER FACING EXECUTION

Iranian juvenile offender Saman Naseem has been convicted of taking part in armed activities against the state and killing a member of the Revolutionary Guards, while he was under 18. He could be executed at any time as his death sentence has been sent to the Office of the Implementation of Sentences.

Saman Naseem, now aged 21, is a member of Iran's Kurdish minority. He was sentenced to death in April 2013 by a criminal court in Mahabad, West Azerbaijan Province, for "enmity against God" (*moharebeh*) and "corruption on earth" (*ifsad fil-arz*) because of his membership of the Kurdish armed opposition group, Party For Free Life of Kurdistan (PJAK), and for taking part in armed activities against the Revolutionary Guards. His death sentence was upheld by the Supreme Court in December 2013.

Saman Naseem had initially been sentenced to death in January 2012 by the Revolutionary Court of Mahabad but the sentence was overturned by the Supreme Court in August 2012 and sent to a lower court for a retrial as he had been under the age of 18 at the time of the crimes of which he has been convicted. According to the court documents, during early investigations Saman Naseem admitted firing towards Revolutionary Guards forces in July 2011. However, he retracted this during the first court session and said that he had only fired into the air and had not been aware of the content of the written "confessions" he was forced to sign as he had been kept blindfolded while he was interrogated. Saman Naseem was allowed no access to his lawyer during early investigations and was allegedly tortured or otherwise ill-treated.

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

- Urging the Iranian authorities to halt the execution of Saman Naseem immediately and order a retrial in proceedings which comply with fair trial standards, without recourse to the death penalty;
- Reminding them that executing anyone for crimes committed while they were under 18 is strictly prohibited by the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which Iran has ratified;
- Urging them to investigate the allegations that he was tortured or otherwise ill-treated and ensure that "confessions" obtained under torture are not used as evidence in court.

PLEASE SEND APPEALS BEFORE 31 OCTOBER 2014 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: info_leader@leader.ir
Twitter: @khamenei_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
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
Twitter: @HassanRouhani (English)
@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**



URGENT ACTION

KURDISH JUVENILE OFFENDER FACING EXECUTION

ADDITIONAL INFORMATION

Saman Naseem was arrested on 17 July 2011 after an armed confrontation between the Revolutionary Guards and PJAK in the city of Sardasht, West Azerbaijan Province, during which court documents say a member of the Revolutionary Guards was killed and another three were injured. He was detained in a series of detention centres in Sardasht, Oroumieh, and Mahabad. He is now imprisoned in Oroumieh Central Prison.

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

The use of the death penalty against juvenile offenders – those convicted of crimes committed when they were below 18 - is strictly prohibited under international law, as set out 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(2)(b)(ii) of the CRC guarantee children who have been deprived of their liberty or who are suspected of criminal offences 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 require, 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.

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.

Iran is 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 another 335 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 those executed may have been under the age of 18 at the time of their alleged crimes. As of 10 September 2014, 213 executions had been acknowledged by the Iranian authorities or state-sanctioned media. However, reliable sources had reported at least another 294 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: Saman Naseem

Gender m/f: m

UA: 234/14 Index: MDE 13/049/2014 Issue Date: 18 September 2014