

URGENT ACTION

JUVENILE OFFENDER RISKS EXECUTION

Iranian juvenile offender Milad Azimi may be at risk of execution in connection with the murder of a man when he was 17 years old. His trial was grossly unfair and relied on “confessions” extracted through torture.

Milad Azimi was sentenced to death by Branch 3 of the Provincial Criminal Court of Kermanshah Province in May 2015 under the Islamic principle of *qesas* (retribution-in-kind) for his alleged involvement in a fatal stabbing during a fight among several young men in December 2013. He has denied to have inflicted the fatal stab wound. In its verdict, the court acknowledged that Milad Azimi had been under 18 at the time of the crime but said there was “no doubt about his mental growth and maturity and that he understood the nature of his crime and the dangers of using a knife”. The court acknowledged that he had had no prior intention to kill but said that he was aware of the fatal nature of his conduct. His death sentence was upheld in August 2015 by Branch 17 of the Supreme Court. Milad Azimi subsequently requested a retrial based on the new juvenile sentencing guidelines in Iran’s 2013 Islamic Penal Code. The Supreme Court is now believed to have rejected the request. Once the Head of the Judiciary approves the sentence, the deceased’s family can ask for it to be carried out at any time.

Milad Azimi was arrested on 11 December 2013 and was held in a police station (*agahi*) in the western province of Kermanshah for 15 days. During this time he is believed to have been tortured and otherwise ill-treated: this included being flogged to make him “confess” that he had stabbed the victim. He was denied access to a lawyer and was only allowed to see his family six days after his arrest, when he was taken to the Office of the Prosecutor. He retracted his “confessions” before the prosecutor and during his trial, saying it had been extracted through torture. No investigation into his allegations of torture are known to have been carried out.

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

- Urging the Iranian authorities to halt any plans to execute Milad Azimi immediately, and ensure that his death sentence is quashed and he is granted a retrial that complies with international fair trial standards, without recourse to the death penalty;
- Calling on them to investigate the allegations that Milad Azimi was tortured or otherwise ill-treated and bring those responsible to justice;
- Reminding them that Iran has ratified the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which strictly prohibit the use of the death penalty for crimes committed below the age of 18.

PLEASE SEND APPEALS BEFORE 9 DECEMBER 2015 TO:

Leader of the Islamic Republic of Iran
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: (via website)
[http://www.leader.ir/langs/en/index.php?
p=letter](http://www.leader.ir/langs/en/index.php?p=letter)
Twitter: @khamenei_ir (English),
@Khamenei_ar (Arabic),
@Khamenei_es (Spanish).

Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Deand 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:

President of the Islamic Republic 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**



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ADDITIONAL INFORMATION

Milad Azimi was arrested on 11 December 2013. He was not allowed any contact with his family until six days later, when he was taken to the Office of the Prosecutor, where he retracted his “confession” saying he had made it under duress. He was returned to the police station and was apparently subjected to further torture and other ill-treatment. During interrogations, conducted without a lawyer present, Milad Azimi said at first that another young man had stabbed the man who was killed. He later “confessed” to stabbing the man after an argument over a girl escalated into a fight. He stressed though that “I did so in a state of extreme anger ... and under circumstances where I had lost control over myself and did not understand what I was doing.” He added that he had stabbed the man in self-defence, with no intention to kill. At his trial in May 2015, Milad Azimi again retracted his “confession”, saying he had made it under duress.

As a state party to the Convention on the Rights of the Child (CRC), Iran is obliged to ensure that all legislation defines a child as a person under the age of 18 years. The CRC has determined the age of 18 as the standard age of attaining adult criminal responsibility, without any discrimination between boys and girls. This is a different matter from the minimum age of criminal responsibility, the age below which children may not be arrested and charged with a crime at all. The minimum age of criminal responsibility varies around the world but the Committee on the Rights of the Child has stated that a minimum age of criminal responsibility below the age of 12 years is not acceptable.

The age of adult criminal responsibility in Iran has been set at nine lunar years for girls and 15 lunar years for boys. Above this age, in cases of *hodud* (offences against God carrying inalterable punishments prescribed by Shari’a law) and *qesas* (retribution-in-kind connected with a criminal act), a child is generally convicted and sentenced in the same way as an adult. However, since the adoption of a revised Penal Code in 2013, judges have been given discretion not to sentence juvenile offenders to death if they determine that the juvenile offenders did not understand the nature of the crime or its consequences, or their “mental growth and maturity” are in doubt.

Between May 2013 and January 2015, some branches of Iran’s Supreme Court accepted the request of juvenile offenders for retrial based on the revised Penal Code, and sent them back to differently constituted courts of first instance for retrial. Other Supreme Court branches, however, refused to accept that the revised Penal Code provided valid grounds for the Supreme Court to consider a retrial request. This inconsistency in jurisprudence led some lawyers in 2014 to apply to the General Board of the Supreme Court for a “pilot judgement”. The General Board ruled on 2 December 2014 that all those on death row for crimes committed when they were under 18 are entitled to receive a retrial of their cases. These retrials are not, however, full trials, as they are confined to considering the juvenile offender’s “mental growth” at the time of the crime.

In 2015 at least four juvenile offenders are believed to have been executed. They included Javad Saberi, hanged on 15 April, Vazir Amroddin, hanged in June/July, Samad Zahabi, hanged on 5 October, and Fatemeh Salbehi, hanged on 13 October. (See: Iran: Execution of two juvenile offenders in just a few days makes a mockery of Iran’s juvenile justice system, 14 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/iran-juvenile-offenders-executed/>)

Name: Milad Azimi

Gender m/f: m