6 February 2009

Further Information on UA 252/08 (MDE13/134/2008, 11 September 2008) and follow up (MDE/13/008/2009, 30 January 2009) – <u>Death penalty</u>

IRAN	**Bahman Salimian (m), aged 27, juvenile offender**

The execution of juvenile offender Bahman Salimian, scheduled to be carried out on 5 February, was halted late on 4 February by order of the Head of the Judiciary, Ayatollah Mahmoud Shahroudi. However, it is feared that it could be rescheduled at any time.

According to a 5 February report in Iran's *E'temad-e Melli* newspaper, the execution was halted following direct appeals to the Head of the Judiciary by lawyers for Bahman Salimian, 150 other lawyers, and the Association for Supporting Children (Anjoman-e Hemayat-e Koudakan), a non-governmental organization in Iran. The Association for Supporting Children called on Ayatollah Shahroudi to adhere to Iran's obligations under international law not to execute those sentenced for crimes committed while they were under the age of 18.

The reason given by Ayatollah Shahroudi for halting the execution is not known and Amnesty International fears that it could be rescheduled at any time, leaving Bahman Salimian at risk of imminent execution. Under Iranian law, a lawyer should be informed of his or her client's execution at least 48 hours in advance. In some cases, however, lawyers have not received this prior notification.

Throughout his first trial for the killing of his 70-year-old grandmother, allegedly committed in 1996 when he was 15 years old, Bahman Salimian repeatedly claimed that his grandmother had talked of committing suicide, and so he had killed her to minimize her suffering. On hearing Bahman Salimian's unusual motive for the murder, the trial judge ordered that he be psychologically assessed. Experts concluded that he was suffering from a psychological disorder and, accordingly, the judge sentenced him to five years' imprisonment and the payment of *diyeh* (financial compensation, also called "blood money"), to be paid by his parents to other members of their family. Some members of his grandmother's family appealed, and demanded the death penalty for Bahman Salimian's crime.

Branch 33 of the Supreme Court overturned the lower court's verdict, and sentenced him to *qesas* (retribution), in this case execution, disregarding his age and the findings of the coroner concerning Bahman Salimian's psychological state at the time of the crime.

He was previously scheduled to be executed on 28 August 2008, but the judicial authorities in Esfahan province halted his execution three days before the execution date, to allow for further attempts to negotiate a pardon from an uncle, the only relative who still insists that Bahman Salimian should be executed. Two other uncles are said to have pardoned him, or to be willing to accept financial compensation.

BACKGROUND INFORMATION
Since 1990 Iran has executed at least 42 juvenile offenders, eight of them in 2008 and one on 21 January 2009.

The execution of juvenile offenders is prohibited under international law, as stated in Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child, to

which Iran is a state party to and so has undertaken not to execute anyone for crimes committed when they were under 18.

In Iran a person convicted of murder has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the ICCPR. The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation (*diyeh*). Under the Iranian law regulating *qesas*, if one member of the victim's family refuses to pardon the convict, even if the other family members have received the appropriate amount of *diyeh*, the death sentence will be implemented.

For more information about executions of child offenders in Iran, please see: *Iran: The last executioner of children* (Index: MDE 13/059/2007), June 2007, http://web.amnesty.org/library/index/engmde130592007

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English or your own language:
- welcoming the halt to Bahman Salimian's execution;
- calling on the authorities to commute Bahman Salimian's death sentence, as executing him would violate Iran's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

APPEALS TO:
Head of the Judiciary
His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri
Tehran 1316814737, Islamic Republic of Iran
Email: shahroudi@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)
Salutation: Your Excellency

Head of the Esfahan Department of Justice
Gholam Reza Ansari
Email: reisasat@dadgostary-es.ir
Salutation: Your Excellency

COPIES TO:
Leader of the Islamic Republic
Ayatollah Sayed 'Ali Khamenei
Office of the Supreme Leader
End of Shahid Keshvar Doust Street, Islamic Republic Street, Tehran, Islamic Republic of Iran
Email: info_leader@leader.ir
                 via website: http://www.leader.ir/langs/en/index.php?p=letter (English)
                 http://www.leader.ir/langs/fa/index.php?p=letter (Persian)
Salutation: Your Excellency

Director, Human Rights Headquarters of Iran
Howzeh Riassat-e Ghoveh Ghazaiyeh (Office of the Head of the Judiciary)
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran
Fax: +98 21 3390 4986 (please keep trying)
Email: int_aff@judiciary.ir (In the subject line: FAO Director, Human Rights Headquarters)
Salutation: Dear Sir

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 20 March 2009.