URGENT ACTION

MAN ARRESTED AT 15 FACES IMMINENT EXECUTION

Peyman Barandah, who was 15 years old at the time of his arrest, is due to be executed on 10 May in Shiraz's Adel Abad prison, Fars Province, Iran. He was sentenced to death after a grossly unfair trial which violated principles of juvenile justice. He was detained in prolonged solitary confinement during which he said he was repeatedly beaten.

Peyman Barandah, aged 22, is scheduled to be executed on 10 May in Shiraz's Adel Abad prison, Fars Province. In August 2012, he was sentenced to death after Branch Five of the Criminal Court in Fars Province convicted him of murder, in connection with the fatal stabbing of a teenager during a group fight in June 2010. Peyman Barandah was 15 years old at the time of the crime, and has consistently maintained his innocence saying another teenager inflicted the fatal blow. Branch Six of the Supreme Court upheld his death sentence in September 2013. Peyman Barandah's execution was initially scheduled to take place on 9 April 2017. On the morning of 8 April, prison officials put a cloth bag over his head and took him to solitary confinement. Later in the afternoon, they granted him a "cabin" visit (behind a glass screen) with his family while his hands and feet were shackled. He was then returned to solitary confinement and held there for 48 hours, which he has described as "harrowing" and "akin to suffering a slow death". His execution was postponed at the last minute after his family were given until 5 May to pay 5.5 billion rials (equivalent to around US$169,500) as "blood money" (*diyah*) to the family of the deceased.

The judicial proceedings leading to Peyman Barandah's conviction were grossly unfair and blatantly violated the principles of juvenile justice. Following his arrest in June 2010, he was held for three months in solitary confinement in a police detention centre (*agahi*) in Shiraz, without any access to his family and lawyer. He said that during this period, he was tortured, including through severe beatings. He met his lawyer for the first time at his trial, which consisted of two brief sessions each lasting about two hours. The trial was before an adult court, without any special juvenile justice protections. The court did not order any investigation into his torture allegations. Since 2016, three requests for retrial under the juvenile sentencing provisions of the 2013 Islamic Penal Code have been rejected by the Supreme Court. However, no written decision has been ever communicated to Peyman Barandah or his family and lawyer. His family said the judge presiding over Branch 35 of the Supreme Court told them "his death sentence is the will of God and the Prophet and must be carried out and nothing can be done about it."

Please write immediately in English, Persian or your own language urging the Iranian authorities to:

- Halt any plans to execute Peyman Barandah and ensure that his conviction is quashed and he is granted a fair retrial in accordance with the principles of juvenile justice and without resort to the death penalty;
- Ensure his allegations of torture are investigated and those responsible are brought to justice in a fair trial;
- Amend Article 91 of the 2013 Islamic Penal Code to completely abolish the use of the death penalty for crimes committed by people below the age of 18, in line with Iran's human rights obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child;
- Immediately establish an official moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 5 JUNE 2017:

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Deadend of 1 Azizi
Above Pasteur Intersection
Vali Asr Street, Tehran, Iran
Salutation: Your Excellency

Prosecutor General of Shiraz
Ali Salehi
Office of the Prosecutor
Dadgostari, Shahrdari (Shohada) Square
Shiraz Iran
Salutation: Your Excellency

And copies to:
Dr Will Parks
UNICEF Teheran
P.O. Box 19395-1176
Teheran, Islamic Republic of Iran
Email: tehran@unicef.org

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

Peyman Barandah was arrested on 15 June 2010 after his family took him to a police station in Shiraz to report the fight. He admitted to his involvement in the fight from the outset but maintained that another teenager had inflicted the fatal blow. The police immediately put him under arrest. His family said that they saw the investigator slapping him in the face even in front of them. Peyman Barandah was detained incommunicado in solitary confinement for three months, and then transferred to a juvenile correction centre in Shiraz where he was held for three years. He was then moved to Shiraz's Adel Abad prison.

Branch Five of the Criminal Court in Fars Province convicted Peyman Barandah based on the testimonies of the other teenagers involved in the fight. The court ruled that Peyman Barandah had not been able to offer any evidence to prove that he was innocent and that another person had inflicted the fatal blow. This reasoning, which reverses the burden of proof onto the accused, is a serious violation of the right to presumption of innocence, which requires that everyone charged with a criminal offence is presumed and treated as innocent unless the prosecution proves guilt beyond reasonable doubt in a fair trial.

The minimum age of criminal responsibility in Iran is set at nine lunar years for girls and 15 lunar years for boys. From this age, a child who is convicted of murder or crimes that fall in the category of *hodud* (offences that carry inalterable punishments prescribed by Shari'a law) is generally convicted and sentenced in the same way as an adult. However, since the adoption of the 2013 Islamic Penal Code, judges have been given discretion not to sentence juvenile offenders to death if they determine that the juvenile offender did not understand the nature of the crime or its consequences, or their "mental maturity" was in doubt.

In January 2016, Iranian authorities claimed before the UN Committee on the Rights of the Child that "all adolescents who were under 18 at the time of committing the crime are granted retrials [under Article 91 of the 2013 new Islamic Penal Code] and their previous verdicts are annulled by the Supreme Court." However, lawyers have told Amnesty International that some branches of the Supreme Court, including branches 35 and 38, tend to deny the applications for an Article 91 retrial. Amnesty International is aware of at least two cases - **Peyman Barandah** and **Mehdi Bohlouli** (Bahlouli) - where this has recently occurred. For more information, see *Iran: Halt imminent execution of two men arrested as teenagers,* 18 April 2017, available at https://www.amnesty.org/en/latest/news/2017/04/iran-halt-imminent-execution-of-two-men-arrested-as-teenagers/.

Even when juvenile offenders have been granted retrials, Amnesty International has documented many cases where they were re-sentenced to death, after the courts presiding over their retrial found that they had sufficient "mental growth and maturity" at the time of the crime. Among these are **Hamid Ahmadi**, **Sajad Sanjari** and **Salar Shadizadi**. The criteria for assessing "mental growth and maturity" are unclear and arbitrary. Judges often conflate the issue of lesser culpability of juveniles because of their lack of maturity with the diminished responsibility of people with mental illness, concluding that the juvenile offender was not "afflicted with insanity" or was "in a healthy mental state", and therefore deserved the death penalty. For more information, see *Growing up on death row: The death penalty and juvenile offenders in Iran*, 26 January 2016, available at https://www.amnesty.org/en/documents/mde13/3112/2016/en/. In January 2016, the UN Committee on the Rights of the Child expressed "serious concern" that the exemption of juvenile offenders from the death penalty is "under full discretion of judges".

Amnesty International has recorded at least 75 executions of juvenile offenders between 2005 and 2016, including two in 2016. Amnesty International has identified the names of at least 90 juvenile offenders currently on death row across Iran. Many have spent prolonged periods on death row – in some cases more than a decade. Some have had their executions scheduled then postponed or stayed at the last minute on multiple occasions, adding to their torment.

Name: Peyman Barandah
Gender m/f: m
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