

# URGENT ACTION

## IRANIAN ARRESTED AT 15 RISKS IMMINENT EXECUTION

**Peyman Barandah is at imminent risk of execution on 10 May in Shiraz's Adel Abad prison, Fars Province, Iran. He was 15 years old at the time of his arrest, and was sentenced to death after a grossly unfair trial.**

On 2 May, the Prosecutor of Shiraz met with **Peyman Barandah's** family and told them that if the cheque of 5.5 billion rials (US\$169,500) representing "blood money" (*diyah*) they gave to the family of the teenager he was convicted of murdering does not clear at the bank on its due date of 7 May, then Peyman Barandeh's execution will be carried out on 10 May as planned. When they wrote the cheque, Peyman Barandah's family did not have the funds and have said they still are unable to pay. The Prosecutor told them that there will be nothing his office can do to stop the execution. Peyman Barandah's execution was previously scheduled for 9 April, but postponed at the last minute so that his family would have more time to raise the money.

The judicial proceedings leading to Peyman Barandah's conviction of murder were grossly unfair. After an arrest in June 2010, he was held for three months in solitary confinement in a police detention centre in Shiraz, without access to his family and lawyer. Peyman Barandah said that during this period, he was subjected to severe beatings and other forms of torture and ill-treatment. He met his lawyer for the first time at his trial, which consisted of two brief sessions each lasting about two hours before an adult court, without any special juvenile justice protections. The court did not order any investigation into his torture allegations. In August 2012, he was sentenced to death after being convicted of murder in connection with the fatal stabbing of a teenager during a group fight in June 2010. Peyman Barandah 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.

### **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 retrial in accordance with international fair trial standards and the principles of juvenile justice and without resort to the death penalty;
- Ensure his allegations of torture are investigated and those responsible brought to justice in a fair trial;
- Amend Article 91 of the 2013 Islamic Penal Code to abolish the use of the death penalty for crimes committed by people under 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 16 JUNE 2017 TO:**

#### Head of 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 Prosecutor  
Dadgostari, Shahr-dari (Shohdada)  
Square  
Shiraz, IRAN  
**Salutation: Your Excellency**

#### **And copies to:**

Dr Will Parks  
UNICEF Tehran  
P.O. Box 19395-1176  
Tehran, IRAN  
Email: tehran@unicef.org

**Also send copies to diplomatic representatives accredited to your country.** H.E. Hamid Baeidinejad, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email:

[iranconsulate.lon@mfa.gov.ir](mailto:iranconsulate.lon@mfa.gov.ir)

**Please check with your section office if sending appeals after the above date.** This is the first update of UA 94/17. Further information: <https://www.amnesty.org/en/documents/mde13/6105/2017/en/>

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### ADDITIONAL INFORMATION

Since 2016, Peyman Barandah has made three requests for retrial under the juvenile sentencing provisions of the 2013 Islamic Penal Code (IPC) and all three were rejected by the Supreme Court. To date, 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.”

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 inflicted the fatal blow. The police immediately arrested him. His family said that they saw the investigator slapping Peyman Barandah in the face even in front of them. He 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 him 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 IPC, 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.

Under Iranian criminal law, murder is punishable by “retribution in kind” (*qesas*), which involves inflicting on the guilty party the same treatment suffered by the victim of the crime. In cases of murder, the relatives of the murder victim are authorized to demand and carry out the death sentence. They also have the power to pardon the offender and accept financial compensation, known as “blood money” (*diyah*), instead. Article 549 of the IPC states that the amount of *diyah* is determined at the beginning of each year by the Head of the Judiciary after obtaining the view of the Supreme Leader; there appears to be nothing in law to prevent the family of the deceased to condition pardon on receiving larger sums of money.

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 IPC] 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 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.

Further information on UA: 94/17 Index: MDE 13/6179/2017 Issue Date: 5 May 2017