

URGENT ACTION

IRANIAN TEENAGER FACES IMMINENT EXECUTION

A 19-year old Iranian man has been scheduled for execution on 16 April for an offence committed when he was under 18 years of age. He has been put in solitary confinement in Rasht's Lakan Prison in advance of the execution.

Alireza Pour Olfat, was sentenced to death in October 2013 after he was convicted of murder over the fatal stabbing of a man during a group fight on 1 May 2013. He was 16 at the time of the crime. He is now aged 19, and on death row in Rasht's Lakan Prison, Gilan Province. He was put in solitary confinement on 8 April, in preparation for his execution on 16 April.

Alireza Pour Olfat was arrested on 2 May 2013. He was sentenced to death under *qesas* (retribution-in-kind) on 19 October 2013 by Branch Three of the Criminal Court in Gilan Province. Amnesty International understands that the court did not take into account Alireza Pour Olfat's age in its proceedings and sentencing despite the new juvenile sentencing guidelines stipulated under Iran's 2013 Islamic Penal Code which had entered into force earlier in May 2013. These guidelines allow courts to replace death sentences with alternatives if they determine that a juvenile offender had not understood the nature of the crime or its consequences, or there were doubts about their "mental growth and maturity" at the time of the crime. Branch 24 of the Supreme Court upheld his death sentence on 14 June 2014.

In April 2015, the Supreme Court rejected Alireza Pour Olfat's application for retrial (*e'adeh dadres*) stating that the documents submitted by his lawyer with regards to his client's mental state at the time of the crime, including a neurologist's certificate, did not amount to fresh evidence. A further application for retrial, which was submitted in February 2016, also appears to have been rejected by the Supreme Court. The judicial proceedings that led to Alireza Pour Olfat's conviction were unfair. He is believed to have been tortured or otherwise ill-treated while held in a police detention centre (*agahi*). He did not have access to his family and a lawyer during this period even though he was subjected to interrogations. No investigation is known to have been carried out into his allegations of torture and other ill-treatment.

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

- Urging the Iranian authorities to stop the execution of Alireza Pour Olfat, commute his death sentence, and establish an official moratorium on executions with a view to abolishing the death penalty;
- Urging them to order that he is retried in fair proceedings in accordance with the principles of juvenile justice, and that no statements obtained through torture and other ill-treatment are admitted as evidence;
- Urging them to ensure that allegations of torture and other ill-treatment in his case are promptly investigated and that those suspected of criminal responsibility are brought to justice.

PLEASE SEND APPEALS BEFORE 24 MAY 2016 TO:

Office of the Supreme Leader
Ayatollah Sayed 'Ali Khamenei
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
Salutation: Your Excellency

And copies to:
Prosecutor of Rasht
Hojjatoleslam Ali Mostafavinia

Please send your appeals to the care of diplomatic representatives accredited to your country, listed below. H.E. Mohammad Hassan Habibollahzadeh, Embassy of the Islamic Republic of Iran, 16 PRINCES GATE LONDON SW7 1PT, Tel: 02072254208 or 02072254209 Email: iranemb.lon@mfa.gov.ir

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

IRANIAN TEENAGER FACES IMMINENT EXECUTION

ADDITIONAL INFORMATION

As a state party to the UN Convention on the Rights of the Child (CRC), Iran is legally obliged to treat everyone under the age of 18 as a child. This is different from the minimum age of criminal responsibility, which is the age below which children are deemed not to have the capacity to break the law. This age varies between countries, but it must be no lower than 12 years, according to the UN Committee on the Rights of the Child. People who have broken the law and who are above the minimum age of criminal responsibility, but under 18, may be considered criminally responsible, prosecuted, tried and punished. However, they should never be subjected to the death penalty or life imprisonment without the possibility of release.

The minimum age of criminal responsibility in Iran has been set at nine lunar years for girls and 15 lunar years for boys. From this age, a child who is convicted of crimes that fall in the category of *hodud* (offences against God carrying inalterable punishments prescribed by Shari'a law) or *qesas* (retribution-in-kind connected with a criminal act), 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 juvenile offenders did not understand the nature of the crime or its consequences, or their "mental growth and maturity" are in doubt. The criteria for assessing "mental growth and maturity" are unclear and arbitrary. Judges may seek expert opinion from the Legal Medicine Organization of Iran (a state forensic institution) or rely on their own assessment even though they may lack adequate knowledge and expertise on issues of child psychology. Amnesty International has documented the cases of several juvenile offenders wherein judges conflated the issue of lesser culpability of juveniles because of their lack of maturity with the diminished responsibility of people with intellectual disabilities or 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.

The UN Committee on the Rights of the Child reviewed Iran's implementation of the CRC in January 2016. The Committee's Concluding Observations express "serious concern" that the exemption of juvenile offenders from the death penalty is "under full discretion of judges who are allowed, but not mandated to seek forensic expert opinion and that several persons have been resentenced to death following such retrials". Amnesty International is aware of at least eight other individuals who were under the age of 18 at the time of the crime and have been retried, found to have sufficient "mental growth and maturity" at the time of the crime and sentenced to death again. They are Himan Uraminejad, Salar Shadizadi, Hamid Ahmadi, Sajad Sanjari, Siavash Mahmoudi, Amir Amrollahi, Amanj Veisee, and Fatemeh Salbehi. The execution of Fatemeh Salbehi, who was 17 years old at the time of the commission of the crime, was carried out in October 2015. Beside Alireza Pour Olfat, Amnesty International is aware of at least one other, Milad Azimi, who has been sentenced to death for the first time since the adoption of the 2013 Islamic Penal Code for an offence committed when he was under the age of 18. Amnesty International has recorded at least 73 executions of juvenile offenders between 2005 and 2015. According to the UN at least 160 juvenile offenders are now on death row. Amnesty International has been able to identify the names of 49 of these juvenile offenders, some of whom have been on death row for over a decade. Amnesty International has called on the Iranian authorities to take legislative measures to completely abolish, without any discretion for the courts or other exceptions, the death penalty for crimes committed by children, in line with Iran's obligations under the International Covenant on Civil and Political Rights and the CRC. (See *Growing up on death row: The death penalty and juvenile offenders in Iran*, <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>).

Name: Alireza Pour Olfat
Gender m/f: m

UA: 85/16 Index: MDE 13/3818/2016 Issue Date: 12 April 2016