

URGENT ACTION

YOUTH ARRESTED AT 15 RE-SENTENCED TO DEATH

Salar Shadizadi was sentenced to death again in November after a retrial in Iran. He has been on death row since 2007 for a crime committed when he was 15. He had been granted a retrial after his execution was halted due to public pressure in December 2015.

Salar Shadizadi, aged 25, was sentenced to death for a second time in November for fatally stabbing a friend when he was 15 years old. He had been granted a retrial in early 2016 after the authorities halted his scheduled execution due to a global outcry in December 2015. His case was subsequently referred to a criminal court in Gilan Province in light of the new juvenile sentencing provisions in Iran's 2013 Islamic Penal Code. These provisions give judges discretion to replace the death penalty with an alternative punishment if they determine that a juvenile offender did not understand the nature of the crime or its consequences, or their "mental maturity" at the time of the crime was in doubt. However, the criminal court resented Salar Shadizadi to death again after concluding that he was "mentally mature" at the time of the crime. Information provided to Amnesty International indicates that, to justify this conclusion, the court noted Salar Shadizadi's decision to bury the dead body in his family's garden in an attempt to hide the crime. He has now appealed against the death sentence to the Supreme Court.

Salar Shadizadi was arrested in February 2007 when he was 15 years old and sentenced to death in December 2007 after Branch 11 of the Provincial Criminal Court of Gilan Province convicted him of murder. The Supreme Court upheld the sentence in March 2008. Since then, on at least three occasions, Salar Shadizadi has been subjected to the mental anguish of being transferred to solitary confinement in preparation for his execution and then told, days or hours before the scheduled date, that his execution has been postponed. The last time this happened was in December 2015, when the Prosecutor General of Gilan Province confirmed less than two days before the scheduled date that his execution had been postponed. In the days leading up to this, a worldwide campaign was mobilized by Amnesty International to call for Salar Shadizadi's execution to be halted.

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

- Urging the Iranian authorities to immediately commute Salar Shadizadi's death sentence to a term of imprisonment;
- Urging them to amend Article 91 of the 2013 Islamic Penal Code to completely abolish, without any discretion for the courts or other exceptions, the use of the death penalty for crimes committed by people below the age of 18, in line with Iran's 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 27 JANUARY 2017 TO:

Head of the Judiciary
Ayatollah Sadegh Larijani

Secretary General of
Iran's National Body on the Convention
on the Rights of the Child
Mozaffar Alvandi

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

Please send your appeals to the care of Iranian embassy in your country, listed below. If there is no Iranian embassy in your country, please mail the letter to the Permanent Mission of the Islamic Republic of Iran to the United Nations, 622 Third Avenue, 34th Floor, New York, NY 10017, United States. 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. This is the fifth update of UA 165/15. Further information:
<https://www.amnesty.org/en/documents/MDE13/2994/2015/en/>

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ADDITIONAL INFORMATION

Salar Shadizadi was arrested in February 2007 after his friend's dead body was found in a garden that belonged to Salar Shadizadi's family. In a letter from prison in November 2015, Salar Shadizadi wrote that he "unintentionally" caused the "catastrophic" death of his childhood friend by stabbing, in the dark, a moving object that had frightened him. He said the object was covered in green cloth and he realized that it was his friend only after he had stabbed it. This happened, he said, during a "silly game" where his friend had dared him to go into the garden at night, knowing that Salar Shadizadi was afraid of the dark and his grandmother had warned him since childhood that the garden was haunted by "evil spirits" (*jen*). Salar Shadizadi added in his letter that the environment in the police station, where he was detained without access to his family or a lawyer, was so intimidating and coercive that he did not dare to tell the truth about what had happened. He added that he intended to tell the truth during his trial, but his lawyer persuaded him to remain silent.

In July 2013, the authorities scheduled the execution of Salar Shadizadi but halted it at the last minute, after Salar Shadizadi wrote a letter from inside prison and requested that his death sentence be commuted to a term of imprisonment, based on Article 91 of the revised Islamic Penal Code, which had been adopted into law in May of that year. This article gives judges discretion to replace the death penalty with an alternative punishment if they determine that a juvenile offender did not understand the nature of the crime or its consequences, or their "mental maturity" at the time of the crime was in doubt. During this time period, Iranian courts were confused and unclear about the appropriate process for applying Article 91 of the 2013 Islamic Penal Code to juvenile offenders sentenced to death before the adoption of the code. This led to Salar Shadizadi's case being sent back and forth between the Criminal Court of Gilan Province and the Supreme Court.

Initially, the Criminal Court of Gilan Province referred Salar Shadizadi to the Legal Medicine Organization of Iran (LMOI), a state forensic institute, to examine whether he had attained "mental maturity" at the time of the crime. The LMOI found that "there is no evidence to conclude that Salar Shadizadi was insane at the time of the crime but examining his mental growth seven years after the event was impossible." Faced with this finding and unclear about the appropriate process to follow, the Criminal Court of Gilan Province referred the case to the Supreme Court to decide the question of commutation. In response, Branch 13 of the Supreme Court ruled, in November 2014, that any request to commute the sentence had to be made to the court that had handed down the death sentence. However, a month later, in December 2014, the General Board of Iran's Supreme Court issued a "pilot judgement" (*ra'ye vahdat-e ravieh*) in a separate case and ruled that everyone on death row for crimes committed when they were under 18 was entitled to request a retrial from the Supreme Court based on the 2013 Islamic Penal Code.

Following the pilot judgement, Salar Shadizadi's request for the application of Article 91 to his case came before the Supreme Court again. This time, however, the Court denied his request on the basis of the 2013 opinion from the LMOI that stated that Salar Shadizadi was "sane" at the time of the crime. In its April 2015 verdict, the court stated: "The prima facie presumption is that individuals who have passed the age of *bolugh* [15 lunar years for boys, nine for girls] have attained full mental maturity... A claim to the contrary requires proof, which has not been established here." Salar Shadizadi was subsequently scheduled for execution on 1 August 2015. The execution was, however, postponed after an international outcry and he was transferred to the general ward of Rasht's Lakan Prison after spending 41 days in solitary confinement. The authorities later rescheduled the execution for 28 November 2015. However, less than two days before the scheduled date, they postponed it again due to public pressure. Salar Shadizadi subsequently appointed a lawyer, who submitted a fresh request for retrial. The Supreme Court granted the request in early 2016, quashed his death sentence and referred the case to a differently constituted criminal court in Gilan Province for retrial.

Name: Salar Shadizadi

Gender m/f: m

Further information on UA: 165/15 Index: MDE 13/5367/2016 Issue Date: 16 December 2016