

URGENT ACTION

JUVENILE OFFENDER RE-SENTENCED TO DEATH

An Iranian juvenile offender, Sajad Sanjari, was re-sentenced to death on 21 November, after a retrial. He had been convicted of murder, for fatally stabbing a man when he was 15 years old.

Sajad Sanjari who had been sentenced to death in January 2012 for fatally stabbing a man when he was 15 years old, was sentenced to death for the second time on 21 November after a re-trial. He has appealed the sentence to the Supreme Court.

Sajad Sanjari had been granted a retrial in June 2015 after new juvenile sentencing guidelines had been introduced in the 2013 Islamic Penal Code, which gives judges discretion to replace the death penalty with an alternative punishment if they determined that juvenile offenders 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 Three of the Provincial Criminal Court of Kermanshah Province re-sentenced Sajad Sanjari to death, with little explanation, on 21 November 2015. The verdict, which has been reviewed by Amnesty International, simply states that Sajad Sanjari merits the death penalty as he “understood the nature of his crime and there is no doubt or uncertainty about his mental maturity and development at the time of the commission of the crime”. Amnesty International understands that during the re-trial, judges focused on whether Sajad Sanjari could distinguish right from wrong at the time of the crime. His lawyer highlighted that Sajad Sanjari had not had access to proper schooling, as he worked as a shepherd and his parents were poor and illiterate.

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

- Urging the Iranian authorities to ensure that Sajad Sanjari’s death sentence is commuted immediately;
- Expressing concern that granting judges discretion to sentence juvenile offenders to death violates Iran’s obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which absolutely prohibit the imposition of death sentences for crimes committed by persons below the age of 18.

PLEASE SEND APPEALS BEFORE 22 JANUARY 2016 TO:

The Office of the Supreme Leader
Ayatollah Sayed ‘Ali Khamenei
Islamic Republic Street- End of Shahid
Keshvar Doust Street
Tehran, Islamic Republic of Iran
Email: via website
[http://www.leader.ir/langs/en/index.php?
p=letter](http://www.leader.ir/langs/en/index.php?p=letter)
Twitter: @khamenei_ir (English)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
c/o Public Relations Office
Number 4, Dead-end of 1 Azizi
Above Pasteur Intersection
Vali Asr Street
Tehran, Islamic Republic of Iran
Email: info@humanrights-iran.ir
Salutation: Your Excellency

And copies to:

Prosecutor General of Tehran
Abbas Ja’fari Dolat Abadi
Tehran General and Revolutionary
Prosecution Office
Corner (Nabsh-e) of 15 Khordad Square
Tehran, Islamic Republic of Iran

Also send copies to:

Iran does not presently have an embassy in the United States. Instead, please send copies to:
Embassy of Pakistan - Interests Section of the Islamic Republic of Iran
1250 23rd ST. N.W. #200, Washington, D.C. 20037
T: 202.965.4990 | 202.965.1073 | Email: info@daftar.org

Please let us know if you took action so that we can track our impact! EITHER send a short email to uan@aiusa.org with “UA 286/15” in the subject line, and include in the body of the email the number of letters and/or emails you sent, OR fill out this [short online form](#) to let us know how you took action. Thank you for taking action! Please check with the AIUSA Urgent Action Office if taking action after the appeals date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Sajad Sanjari was arrested on 2 August 2010 after a man was fatally stabbed. Branch One of the Provincial Criminal Court of Kermanshah Province convicted him of murder and sentenced him to death in January 2012. During his trial, Sajad Sanjari admitted that he had stabbed the man but maintained that he had done so in self-defence after the man tried to rape him. He said that the man had warned him the previous day that he would come to rape him, so he took a kitchen knife to scare him away. The court rejected Sajad Sanjari's claims, after several witnesses testified to the good character of the deceased. The court added that even if the rape threats and the attack had been carried out, Sajad Sanjari could not claim self-defence because the attack was predictable from at least a day before and he had had ample time to raise the matter with the authorities or seek help from people living nearby, to reduce hostility and prevent the attack from happening.

Branch 27 of the Supreme Court quashed the death sentence in January 2013 because of flaws in the investigation process and sent the case back to the same branch for further investigation. The court subsequently re-sentenced Sajad Sanjari to death in July 2013. This sentence was upheld by Branch 27 of the Supreme Court in February 2014.

International human rights law and standards prohibits the use of the death penalty for crimes committed by persons below 18 years of age. As a state party to the Convention on the Rights of the Child (CRC), Iran is obliged to ensure that all legislation defines a child as a person under the age of 18 years. The CRC has determined the age of 18 as the standard age of attaining adult criminal responsibility, without any discrimination between boys and girls. This is different from the minimum age of criminal responsibility, the age below which children may not be arrested and charged with a crime. The minimum age of criminal responsibility varies between countries but the Committee on the Rights of the Child has stated that a minimum age of criminal responsibility below the age of 12 years is not acceptable.

The age of adult criminal responsibility in Iran has been set at nine lunar years for girls and 15 lunar years for boys. From this age, in cases of *hodud* (offences against God carrying inalterable punishments prescribed by Shari'a law) and *qesas* (retribution-in-kind connected with a criminal act), a child 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.

Between May 2013 and January 2015, some branches of Iran's Supreme Court accepted the request of juvenile offenders for retrial based on the revised Penal Code, and sent them back to differently constituted courts of first instance for retrial. Other Supreme Court branches, however, refused to accept that the revised Penal Code provided valid grounds for the Supreme Court to consider a retrial request. This inconsistency in jurisprudence led some lawyers in 2014 to apply to the General Board of the Supreme Court for a "pilot judgement". The General Board ruled on 2 December 2014 that all those on death row for crimes committed when they were under 18 years old are entitled to receive a retrial of their cases. These retrials are not, however, full trials, as they are confined to considering the juvenile offender's "mental growth" at the time of the crime.

Amnesty International has confirmed the execution of at least three juvenile offenders in 2015. They included Javad Saberi, hanged on 15 April, Samad Zahabi, hanged on 5 October, and Fatemeh Salbehi, hanged on 13 October. Human rights groups reported that another juvenile offender, Vazir Amroddin, an Afghan national was hanged in June/July.

Name: Sajad Sanjari
Gender m/f: m

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