

URGENT ACTION

21-YEAR OLD MAN ARRESTED AT 16 AT RISK OF EXECUTION

A 21-year old Iranian man Abolfazl Naderi is at risk of execution in Arak's prison, Markazi province. Abolfazl Naderi was 16 years old at the time of his arrest and was sentenced to death after a grossly unfair trial, based on "confessions" which he claims were made under torture.

Abolfazl Naderi, aged 22, has been on death row in Arak's prison, Markazi province, central Iran since 2013 when he was sentenced to death in connection with the death of his friend. He was 16 years old at the time of the crime in June 2012 and has consistently maintained his innocence. Amnesty International learned on 6 February 2018 that the authorities had transferred him to solitary confinement on 23 January 2018 in preparation for his execution. However, the execution was postponed after the victim's family agreed to pardon Abolfazl Naderi and forgo their request for "retribution-in-kind" (*qesas*) if Abolfazl Naderi's family paid them three billion Rials (equivalent to US\$80,000) as "blood money" (*diyah*) within two months.

Abolfazl Naderi was sentenced to death at the age of 17 in July 2013 after a grossly unfair trial before Branch One of the Criminal Court in Markazi Province which convicted him of murder. The court relied on "confessions" which Abolfazl Naderi has repeatedly said were made under torture. He was arrested in June 2012 and subsequently held in solitary confinement at a police station for 14 days, without access to his family and lawyer. He states that during this period, police officers suspended him from the ceiling, flogged him on the soles of his feet, beat him with a wooden rod, and denied him drinking water. Abolfazl Naderi claims that he tried to retract his "confessions" when he was taken before an investigator from the Office of the Prosecutor, but the investigator threatened that if he did, he would be returned to the police station and subjected to further torture. Abolfazl Naderi raised the allegations of torture again during trial and maintained his innocence. There is no indication that the court investigated his allegations. According to Abolfazl Naderi, he was not informed about his death sentence for about two years as the authorities did not want to cause him distress. He only learned about his death sentence after he was transferred to Arak's prison in Markazi Province.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Halt any plans to execute Abolfazl Naderi and ensure that his conviction and sentence are quashed and he is granted a fair retrial in accordance with the principles of juvenile justice, without resort to the death penalty and excluding statements obtained through torture or other ill-treatment or without the presence of a lawyer;
- Conduct an impartial and transparent investigation into his allegations of torture and other ill-treatment and bring those responsible to justice in trials that meet international fair trial standards;
- Amend Article 91 of the 2013 Islamic Penal Code to completely abolish, without any discretion by 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 international law;
- Establish an official moratorium on executions with a view to abolishing the death penalty.

Contact these two officials by 22 March, 2018:

Deputy Secretary General of the High Council for Human Rights
Kazem Gharib Abadi
Esfandiar Boulevard
Tehran, Iran

H.E. Gholamali Khoshroo
Permanent Representative of the Islamic Republic of Iran to the United Nations
622 Third Avenue, 34th Floor
New York, NY 10017
Phone: (212) 687-2020 | Fax: (212) 867-7086
Email: iran@un.int
Salutation: Dear Excellency

2) LET US KNOW YOU TOOK ACTION

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21-YEAR OLD AT RISK OF EXECUTION AFTER UNFAIR TRIAL

ADDITIONAL INFORMATION

Under Iranian law, the family of the murder victim is entitled to request that a death sentence is imposed and carried out under the Islamic principle of "retribution-in-kind" (*qesas*). The family also has the power to pardon the offender and accept final compensation instead, which is known as "blood money" (*diyah*).

Abolfazl Naderi was arrested in June 2012 after he went to the police to report his friend's suicide. The police rejected the suicide claim and insisted that the deceased had been murdered. Abolfazl Naderi was subsequently charged with murder as well as consuming alcohol and "male-male intercourse" (*lavat*). The latter charge was brought based on a forensic report that noted signs of anal bleeding in the body of the deceased and linked them to possible penetration.

Abolfazl Naderi was later acquitted of *lavat* as the court ruled that the anal bleeding could be the result of blunt force trauma to the testicles. Instead, Branch One of the Criminal Court convicted him of "same-sex sexual conduct without penetration" (*tafkhez*) and sentenced him to 100 lashes. The evidential basis for this conviction is not clear from the verdict, which has been reviewed by Amnesty International. The court also sentenced Abolfazl Naderi to 80 lashes for consuming alcohol. These sentences have not yet been implemented.

When prosecuting and sentencing Abolfazl Naderi, Branch One of the Criminal Court in Markazi Province did not consider the juvenile sentencing provisions included in Article 91 of Iran's 2013 Islamic Penal Code, which give judges the discretion to replace the death penalty with an alternative punishment if they determine that the juvenile offender did not understand the nature of the crime or its consequences, or that there were doubts about his or her "mental growth and maturity" at the time of the crime. These provisions violate well-established principles of juvenile justice, which state that individuals under 18 years of age should always be treated as less mature, and should never face the same penalties as adults.

Abolfazl Naderi has said that the authorities never informed him of his right to seek a retrial based on the juvenile sentencing provisions of Iran's 2013 Islamic Penal Code and he only learned about it around 2016 through an article in a newspaper. However, he did not have the means to retain a lawyer to submit the request for him. In early 2017, a lawyer took his case on a *pro bono* basis and submitted a request for retrial. The request was rejected by the Supreme Court in June or July 2017.

Iran is a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which prohibit without exception the use of the death penalty against persons who were below 18 years of age at the time of the crime. However, the Iranian authorities continue to impose the death penalty on juvenile offenders. Between 2005 and 2018, Amnesty International recorded the execution of 88 individuals in Iran who were below 18 years old when the crime of which they were convicted took place, including four individuals in 2017 and three so far in 2018. The real number is likely to be much higher.

Amnesty International has also identified the names of at least 80 individuals on death row who were below 18 when the crimes of which they were convicted took place. Many have spent prolonged periods on death row – in some cases more than a decade. Some have had their executions scheduled and then postponed or stayed at the last minute on multiple occasions, adding to their torment.

Name: Abolfazl Naderi
Gender m/f: m

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