

### APPENDIX 3: JUVENILE OFFENDERS AT RISK OF FACING THE DEATH PENALTY

No.	Name	Age at the time of the crime	Year of final sentencing	Prison	Information
1	Abumuslem Sohrabi	17	2003	Shiraz's Adel Abad Prison, Fars Province	<p>Abumuslem Sohrabi was sentenced to death in January 2003 after a Criminal Court in Fars Province convicted him of murder. The conviction was for the fatal stabbing of a young man in December 2001. During interrogation sessions, conducted without a lawyer present, Abumuslem Sohrabi said that he had stabbed the victim after the latter had raped him once and indicated he had plans to do so again. The Court did not accept the claim, referring to a forensic report that had found no signs of penetration. The sentence was upheld by Branch 33 of the Supreme Court in September 2003.</p> <p>In 2014, Abumuslem Sohrabi submitted an "application for retrial", based on Article 91 of the 2013 Islamic Penal Code. At the time of writing, the application was pending before the Supreme Court.</p>
2	A.H. <sup>1</sup>	16	2007	Karaj's Raja'i Shahr Prison, Alborz Province	<p>A.H. was first sentenced to death in October 2007 by Branch 80 of the Provincial Criminal Court of Tehran Province for the murder of a security guard during an armed robbery in August 2006. Iran's Supreme Court initially overturned the sentence in January 2008 due to flaws in the investigation process and sent the case back to the trial court for retrial. After the retrial A.H. was sentenced to death again and the death sentence was upheld by the Supreme Court.</p> <p>Following the adoption of the 2013 Islamic Penal Code, A.H. requested a retrial, which was granted by the Supreme Court. At the time of writing, he was awaiting the outcome of his retrial.</p>

<sup>1</sup> Real name withheld.

					A.H. was arrested on suspicion of suffocating a security guard during an armed robbery involving several men. During his interrogations, which were conducted without a lawyer present, he “confessed” to having suffocated the security guard. At his trial however, he retracted the “confession” saying that he was tortured and otherwise ill-treated to “confess”. No investigation is known to have been conducted into his allegations of torture and other ill-treatment. Amnesty International understands that the family of the murder victim have indicated a willingness to pardon A.H. if 3 billion rials (around US\$100,000) are paid as “blood money” ( <i>diyah</i> ).
3	Ahmad Sajedi	15	N/A	Rasht’s Lakan Prison, Gilan Province	Ahmad Sajedi has been sentenced to death for murder. Amnesty International understands that the family of the murder victim has indicated a willingness to pardon Ahmad Sajedi in exchange for “blood money” ( <i>diyah</i> ). He has apparently been in prison for the past 11 years.
4	Ali Amouyee	17	2012	Rasht’s Lakan Prison, Gilan Province	Ali Amouyee was sentenced to death in July 2012 after Branch 12 of the Provincial Criminal Court of Gilan Province convicted him of murder for the fatal stabbing of a man during a group fight. Ali Amouyee was 17 years old when the crime occurred in September 2011. However, the Court documents mistakenly referred to his age as being 19. His lawyer has since detected the mistake and requested a retrial from the Supreme Court. At the time of writing, his case was pending before the Supreme Court.
5	Alireza Pour Olfat	16	2013	Rasht’s Lakan Prison, Gilan Province	Alireza Pour Olfat, now aged 18, was sentenced to death between June and July 2013 after the Provincial Criminal Court of Gilan Province convicted him of murder for the fatal stabbing of a man during a fight involving several individuals. The sentence was subsequently upheld by the Supreme Court. Alireza Pour Olfat has since requested a retrial, based on Article 91 of the 2013 Islamic Penal Code, which he says the Provincial Criminal Court of Gilan Province failed to apply during the initial trial. At the time of writing, his case was pending before Branch 37 of the Supreme Court.  Following his arrest in April 2013, Alireza Pour Olfat was held in a police station ( <i>agahi</i> ) in Rasht, Gilan Province, for several days, where he said he suffered severe beatings and other ill-treatment to “confess”. He was subsequently transferred to a Juvenile Correctional Centre in Rasht where he was held until he turned 18 years old. He was then moved to Rasht’s Lakan Prison where he is currently held.

6	Amanj Veisee	15	2008	Sanandaj's Central Prison, Kordestan Province	<p>Amanj Veisee was sentenced to death in May 2008 after Branch 1 of the Provincial Criminal Court of Kordestan Province convicted him of murder for the fatal stabbing of his cousin during a fight in April 2006. The sentence was subsequently upheld by the Supreme Court, approved by the Head of the Judiciary and sent to the Office for the Implementation of Sentences. His execution has been twice scheduled and then postponed.</p> <p>Following the adoption of the 2013 Islamic Penal Code, Amanj Veisee requested a retrial of his case, which was granted by the Supreme Court in March 2015. His case was subsequently returned to the same Branch of the Provincial Criminal Court of Kordestan Province that had originally sentenced him to death. The court referred him to the Legal Medicine Organization of Iran which stated that it cannot reliably assess his level of "mental maturity" at the time of the crime which occurred nine years ago. At the time of writing, Amanj Veisee was awaiting the outcome of his retrial.</p>
7	Amir Amrollahi	16	2007	Shiraz's Adel Abad Prison, Fars Province	<p>Amir Amrollahi was sentenced to death in August 2007 after Branch 5 of the Provincial Criminal Court in Fars Province convicted him of murder. The conviction was for the fatal stabbing of a boy during a fight in November 2006. His sentence was upheld by Branch 27 of the Supreme Court in October 2007 and sent to the Office for the Implementation of Sentences in 2008.</p> <p>Amir Amrollahi claimed that he stabbed the deceased in the chest in self-defence. According to eyewitnesses, there was a delay of at least half an hour before any medical assistance reached the victim of the stabbing.</p> <p>Amir Amrollahi's family did not have the financial means to attain competent legal representation at his trial because his family is poor. According to a lawyer who later took his case, the court did not hear that the killing had been unintentional. It further failed to adequately consider his mental state at the time of the incident or that he was prescribed heavy doses of sedatives while in prison awaiting trial.</p> <p>Amir Amrollahi submitted an "application for retrial" based on Article 91 of the 2013 Islamic Penal Code, which was granted by the Supreme Court in early 2015. In</p>

					December 2015, the Provincial Criminal Court in Fars Province, however, resented him to death after concluding that he had attained “mental maturity” at the time of the crime eight years earlier. At the time of writing his appeal was pending before the Supreme Court.
8	Asou Sohrabi	17	2015	Bokan’s Prison, Kordestan Province	Asou Sohrabi was sentenced to death by a criminal court in Boukan, West Azerbaijan Province, in November 2015 after he was convicted of a murder that occurred in 2012 when he was 17 years old. Amnesty International does not have more details about his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
9	Barzan Nasrollahzadeh	17	2013	Karaj’s Raja’i Shahr Prison, Alborz Province	Barzan Nasrollahzadeh, a Sunni Muslim and member of Iran’s Kurdish minority, was sentenced to death in 2013 after Branch 28 of the Revolutionary Court in Tehran convicted him of national security-related charges including “enmity against God” ( <i>moharebeh</i> ) and “having connections with Salafist groups”. The Supreme Court upheld the death sentence in August 2015. Amnesty International understands that the Supreme Court made no reference in its judgement to Barzan Nasrollahzadeh being under 18 years of age at the time of the crime.  Amnesty International understands that Barzan Nasrollahzadeh has not had access to adequate legal representation to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code. The Iranian authorities have written, in their reply to the List of Issues of the UN Committee on the Rights the Child, that “his file is being examined for cancellation of death sentence.” However, this contradicts what the prison authorities have told Barzan Nasrollahzadeh, namely that his sentence has been sent to the Office for the Implementation of Sentences and may be carried out at any moment.
10	Bahaoddin Ghasemzadeh	15	2013	Oroumieh’s Central Prison, West Azerbaijan Province	Bahaoddin Ghasemzadeh was sentenced to death in June 2013 after a criminal court in Oroumieh, West Azerbaijan Province, convicted him of murder. The sentence was upheld by Branch 6 of the Supreme Court in October 2013. Bahaoddin Ghasemzadeh “confessed” to murder during the period that he was held in Oroumieh’s police station ( <i>agahi</i> ) but he retracted his “confessions” during subsequent interrogations, saying that he made them under torture and other ill-treatment. Nevertheless, the court apparently relied on these “confessions” to convict him. Amnesty International does not know if Bahaoddin Ghasemzadeh has requested a retrial of his case based on Article 91 of the

					2013 Islamic Penal Code.
11	Farhad	<18	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	Farhad (last name is unknown) was sentenced to death for murder. Amnesty International does not have more details about his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
12	Hamid Ahmadi	17	2009	Rasht's Lakan Prison, Gilan Province	<p>Hamid Ahmadi, now aged 24, was sentenced to death in August 2009 after Branch 11 of the Provincial Criminal Court of Gilan Province convicted him of murder. The conviction was for the fatal stabbing of a young man during a fight involving five boys.</p> <p>Branch 27 of the Supreme Court overturned the verdict in November 2009 due to flaws in the investigation process. The case was sent back to Branch 11 of the Provincial Criminal Court of Gilan for retrial.</p> <p>During the retrial, Hamid Ahmadi again stated that police had tortured him into "confessing". It appears the court did not investigate his allegations of torture and instead relied on his "confessions" and circumstantial evidence to convict him, in March 2010, of murder and sentence him to death. Branch 27 of the Supreme Court upheld the verdict in November 2010.</p> <p>Between May 2014 and February 2015, Hamid Ahmadi twice requested the Supreme Court to quash his sentence and send his case back for retrial, once after a witness retracted his testimony and another time when a new witness stepped forward. Both requests were denied.</p> <p>In May 2015, Hamid Ahmadi was taken to the Legal Medicine Organization of Iran for an assessment of his maturity at the time of the crime. The Legal Medicine Organization of Iran concluded that it could not determine Hamid Ahmadi's level of maturity at the time of the crime seven years before.</p> <p>Hamid Ahmadi subsequently requested the Supreme Court to order a retrial under Article 91 of the 2013 Islamic Penal Code. Branch 35 of the Supreme Court agreed to</p>

					the request in June 2015, leading to a retrial before a differently constituted court in the Provincial Criminal Court of Gilan Province. Amnesty International learned in December 2015 that the Provincial Criminal Court of Gilan Province had resentedenced Hamid Ahmadi to death but had yet to issue its written judgement.
13	Hamid Ali Mohammadi	17	N/A	Ahvaz's Sepidar Prison, Khuzestan Province	Hamid Ali Mohammadi has been sentenced to death for murder. Amnesty International does not have more details about his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
14	Hassan Rezaiee	16	2008	Rasht's Lakan Prison, Gilan Province	<p>Hassan Rezaiee was sentenced to death in 2008 for fatally stabbing a man during a fight among several young men in 2007.</p> <p>His trial was unfair and relied on evidence obtained through torture and other ill-treatment and during police questionings that were conducted without a lawyer present. Hamid Rezaiee was apparently held and interrogated in Anzali's police station (<i>agahi</i>) in Gilan Province for two months, without access to his family and a lawyer. During this period, he says the police shouted at him, beat him using sticks and bare fists, tied him to a bed and whipped him with pipe hoses and cables, in order to "confess". No investigation is known to have taken place into Hamid Rezaiee's allegations of torture and other ill-treatment.</p> <p>As of January 2015, Amnesty International's understanding is that Hassan Rezaiee does not have access to a lawyer to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code.</p>
15	Himan Uraminejad	17	N/A	Sanandaj's Central Prison, Kordestan Province	Himan Uraminejad, now aged 21, was sentenced to death by Branch 6 of the Provincial Criminal Court of Kordestan Province for a murder that occurred in March 2012. Following the adoption of the 2013 Islamic Penal Code, the Supreme Court quashed the sentence and sent it back to be retried. The Provincial Criminal Court of Kordestan Province subsequently resentedenced Himan Uraminejad to death. Amnesty International does not have more details about the court's decision and reasoning. Himan Uraminejad has appealed the sentence to the Supreme Court; at the time of writing the appeal was pending.
16	Hossein Baharloei	17	N/A	Esfahan's Central Prison, Esfahan Province	Hossein Baharloei has been sentenced to death for murder. Amnesty International understands that the Supreme Court has denied his request for a retrial but does not

					have more information about the reasons for the denial.
17	Hossein Ranjbar	<18	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	Hossein Ranjbar has been sentenced to death for murder. Amnesty International does not have more information about the details of his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
18	Iman Shahmoradi	<18	N/A	Esfahan's Prison, Esfahan Province	Iman Shahmoradi has been sentenced to death for murder. Efforts are apparently under way to obtain a pardon from the family of the murder victim. Amnesty International does not have more information about the details of his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
19	Jamal Dehghan	17	N/A	Shiraz's Adel Abad Prison, Fars Province	Jamal Dehghan has been sentenced to death for murder. Amnesty International does not have more information about the details of his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
20	Mahyar Haghgou	17	2008	Rasht's Lakan Prison, Gilan Province	Mahyar Haghgou was sentenced to death in 2008 after Branch 102 of the Provincial Criminal Court of Gilan Province convicted him of killing his father. The sentence was upheld by the Supreme Court in September 2008. The killing took place in February 2005. Mahyar Haghgou's former lawyer has said that the killing took place in the context of domestic violence where Mahyar Haghgou saw his mother suffering sustained abuse and harassment at the hands of his father. Mahyar Haghgou's mother, who was also accused of complicity in the murder, testified in court that Mahyar Haghgou committed the attack after his father began abusing her and tried to rape her in front of Mahyar Haghgou. She added that her son had no control over his actions at the time of the incident as he was in a deeply agitated state and under the influence of alcohol, which had been given to him by his father. Mahyar Haghgou is now aged 28. Amnesty International understands that he has not had access to a lawyer to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code.
21	Mehdi Bohlouli	<18	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	Mehdi Bohlouli has been sentenced to death for murder. Amnesty International does not have more information about the details of his case and does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal

					Code.
22	Mehdi Sajedi	15	2010	Ardabil's Prison, Ardabil Province	Mehdi Sajedi was sentenced to death in February 2010 after Branch 7 of the Provincial Criminal Court of Ardabil Province found him guilty of suffocating his stepmother. Branch 13 of the Supreme Court upheld the sentence in May 2010. Amnesty International does not know if he has had access to lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
23	Mehdi Soltani	17	2010	Karaj's Raja'i Shahr Prison, Alborz Province	Mehdi Soltani was sentenced to death in November 2010 after Branch 113 of the Provincial Criminal Court of Tehran Province found him guilty of killing his stepfather. The sentence was later upheld by the Supreme Court.  Mehdi Soltani submitted an "application for retrial" in September 2015, which is currently pending before the Supreme Court.
24	Milad Azimi	17	2015	Kermanshah's Dizel Abad Prison, Kermanshah Province	Milad Azimi was sentenced to death by Branch 3 of the Provincial Criminal Court of Kermanshah Province in May 2015 for involvement in a fatal stabbing during a fight involving several young men in December 2013. His trial was unfair and relied on "confessions" which he said were extracted using torture, including flogging, and he retracted them before the prosecutor and during the trial. The court also referred to evidence which was gathered at the investigation stage when Milad Azimi was denied access to his lawyer and family.  In its verdict, the court acknowledged that Milad Azimi was under 18 years of age at the time of the crime but said there was "no doubt about his mental growth and maturity and that he understood the nature of his crime and the dangers of using a knife".  The death sentence was upheld by Branch 17 of the Supreme Court in August 2015. Milad Azimi subsequently requested a retrial of his case based on Article 91 of the 2013 Islamic Penal Code, which at the time of writing was pending before Branch 30 of the Supreme Court. In October 2015, concerns were raised that the Supreme Court had rejected the request. The authorities have since confirmed however that the Supreme Court has not yet reached a decision, pending which a stay of Milad Azimi's execution has been ordered.

25	Milad Bashghareh	17	2011	Gorgan's Prison, Golestan Province	<p>Milad Bashghareh was sentenced to death after Branch 3 of the Provincial Criminal Court of Golestan Province convicted him of murder. The conviction was for the fatal stabbing of a man, during a group fight. During investigations which were conducted without a lawyer present, Milad Bashghareh "confessed" to stabbing the victim but he later retracted his "confession", saying that he made it under coercion. The death sentence was upheld by Branch 9 of the Supreme Court in July 2012.</p> <p>The Provincial Criminal Court of Gilan Province and the Supreme Court both acknowledged in their verdicts that the Convention on the Rights of the Child prohibits the use of the death penalty against Milad Bashghareh. They, however, held that "in cases of conflict between Iran's domestic laws and the standards of the Convention on the Rights of the Child, Iran's domestic laws shall prevail." They stated:</p> <p><i>The age of maturity is 15 lunar years for boys and nine lunar years for girls. When individuals who have become mature commit a crime, penalties defined in Iranian criminal law including the death penalty are enforceable against them, regardless of whether they have reached 18 or not. [Such individuals] fall outside the scope of the Convention on the Rights of the Child.</i></p> <p>Amnesty International understands that Milad Bashghareh has not had access to a lawyer to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code.</p>
26	Milad Sanian	<18	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	<p>Milad Sanian has been sentenced to death on the charge of murder. Amnesty International does not have any information about the details of his case but is concerned that he may not have had access to a lawyer to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code.</p>
27	Mohammad Ahsani	17	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	<p>Mohammad Ahsani has been sentenced to death on the charge of murder. Amnesty International understands that he has requested a retrial of his case based on Article 91 of the 2013 Islamic Penal Code, which was at the time of writing pending before the Supreme Court.</p>
28	Mohammad Ali Shirzadi	17	N/A	Shiraz's Adel Abad Prison, Fars Province	<p>Mohammad Ali Shirzadi has been convicted of murder. Amnesty International does not have more information about the details of his case and does not know if he has had</p>

					access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
29	Mohammad Ali Zehi	<18	2008	Shiraz's Adel Abad Prison, Fars Province	<p>Mohammad Ali Zehi, an Afghan national, was sentenced to death in 2008 when a Revolutionary Court in Jahrom, southern Fars Province, convicted him of drug trafficking. His family and lawyer maintain that he was under the age of 18 at the time of the crime, but, due to poverty and his undocumented status in Iran, he was not able to provide any official identification document to prove his age.</p> <p>His trial was unfair: the court relied on “confessions” that he said were obtained through torture and other ill-treatment during the two months he was held in a police station without access to his family and a lawyer. Amnesty International understands that his court-appointed lawyer, whom he met for the first time at trial, raised the young age of Mohammad Ali Zehi as a matter of concern, but the Revolutionary Court ignored this. The death sentence was subsequently confirmed by the Office of the Prosecutor General, which until June 2015 was, along with the Head of the Supreme Court, the body authorized to review and confirm the sentence of those convicted of drug-related offences.</p> <p>Following the adoption of a new Code of Criminal Procedure in June 2015, which reinstated the right to appeal of those sentenced to death under the Anti-Narcotics Law, Mohammad Ali Zehi requested a retrial of his case, which was granted by Branch 26 of the Supreme Court in November 2015. It is not yet confirmed if his case has been sent to the Court for Children and Adolescents, which has exclusive jurisdiction over drug-related offences committed by individuals under 18 years of age.</p>
30	Mohammad Fadai	17	2005	Karaj's Raha'i Shahr Prison, Alborz Province	<p>Mohammad Fadai was sentenced to death in 2005 after Branch 71 of the Provincial Criminal Court of Tehran Province convicted him of murder. The conviction was in connection with the fatal stabbing of a young man during a fight involving several people. Amnesty International does not know if he has requested a retrial of his case, based on Article 91 of the 2013 Islamic Penal Code.</p> <p>Mohammad Fadai's trial was unfair: the court relied on “confessions” that he said were obtained through torture and other ill-treatment during the investigative period where he</p>

					was denied access to his family and a lawyer. He denied during his trial that he had killed the victim, attributing responsibility to another man involved in the fight. He stated that his statements during police interrogation were obtained under “sustained beatings”.
31	Mohammad Reza Haddadi	15	2004	Shiraz’s Adel Abad Prison, Fars Province	<p>Mohammad Reza Haddadi was sentenced to death in 2004 after a criminal court in Kazeroun, Fars Province, convicted him of murder. The conviction was for the killing of a driver during an incident involving Mohammad Reza Haddadi and three other adults. His death sentence was confirmed by the Supreme Court in July 2005. Since then, the execution of Mohammad Reza Haddadi, who is now around 27, has been scheduled and later postponed several times.</p> <p>Mohammad Reza Haddadi confessed to the murder during interrogations, but retracted the confession during his trial, saying he had claimed responsibility for the killing only because his two co-defendants had offered to give his family money if he did so. During the trial he said that he had not taken part in the murder. His co-defendants later supported Mohammad Reza Haddadi’s claims of innocence, and withdrew their testimony that had implicated him. They were both over 18 years old at the time of the crime and received prison sentences.</p> <p>In December 2013 or January 2014, Mohammad Reza Haddadi submitted an “application for retrial” to the Supreme Court, which at the time of writing was pending.</p>
32	Mojtaba Mojaveri	17	2011	Rasht’s Lakan Prison, Gilan Province	<p>Mojtaba Mojaveri was sentenced to death by Branch 12 of the Provincial Criminal Court of Gilan Province in June 2011 for the fatal stabbing of a man during a group fight. The sentence was upheld by the Supreme Court in September 2012 and sent to the Office for the Implementation of Sentences. It can be carried out any moment at the request of the family of the murder victim.</p> <p>Mojtaba Mojaveri was held in Lahijan’s police station (<i>agahi</i>) in Gilan Province for several days, without access to his family and a lawyer. He says that he was denied access to medical care even though he had sustained injuries during the fight and that he was threatened that his father would be killed if he did not “confess”. He was held in a Juvenile Correctional Centre in Anzali, Gilan Province, for a period and then</p>

					transferred to Rasht's Lakan Prison.  Until September 2015, Mojtaba Mojaveri and his family remained unaware of the right to submit an "application for retrial" to the Supreme Court based on Article 91 of the 2013 Islamic Penal Code. They have since retained a lawyer to assist with the preparation and submission of the application.
33	Morteza Zakeri	<18	N/A	Kerman's Prison, Kerman Province	Morteza Zakeri has been convicted of murder. The Human Rights Activists News Agency has reported that he was 15 years old at the time of the crime and has apparently been in prison for the past 12 years. Amnesty International does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
34	Nasir Borhan Zehi	<18	N/A	Kerman's Prison, Kerman Province	Nasir Borhan Zehi has been convicted of murder. The Human Rights Activists News Agency has reported that he was 16 years old at the time of the crime and has apparently been in prison for the past seven years. Amnesty International does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
35	Navid Yaghmaei	<18	N/A	Karaj's Raja'i Shahr Prison, Alborz Province	Navid Yaghmaei was sentenced to death for murder. Amnesty International does not know if he has had access to lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
36	Rasoul Holoumi	17	2010	Ahvaz's Karoun Prison, Khuzestan Province	Rasoul Holoumi, now aged 23, was sentenced to death in October 2010 after Branch 17 of the Provincial Criminal Court of Khuzestan Province convicted him of murder. The conviction followed a trial in which he was accused of having thrown, during a fight involving multiple people in September 2009, a hard object at a young man, resulting in fatal head injuries.  Rasoul Holoumi was scheduled to be executed on 4 May 2014 but the execution was stayed at the last minute. He subsequently applied for retrial under Article 91 of the 2013 Islamic Penal Code. The Supreme Court granted the request in January 2015. His first retrial session before the Provincial Criminal Court of Khuzestan Province took place on 22 February 2015 and lasted around 20 minutes. The court asked whether he knew that it was wrong to kill someone and whether he felt upset when he threw a hard object at the head of the victim. Rasoul Holoumi answered yes to both questions. The lawyer introduced into evidence Rasoul Holoumi's transcripts from grade 7, which showed poor marks, to prove that he lacked the requisite mental state to be held

					culpable as an adult.  The Legal Medicine Organization of Iran has stated that it cannot reliably assess Rasoul Holoumi's "mental maturity" given the number of years that have passed since the date of the crime. At the time of writing, he was awaiting the outcome of his retrial.
37	Razieh Ebrahimi	17	2010	Ahvaz's Sepidar Prison, Khuzestan Province	<p>Razieh Ebrahimi was sentenced to death in 2010 by Branch 17 of the Provincial Criminal Court of Khuzestan, which found her guilty of killing her husband earlier that year when she was 17. She said that she did so after years of being abused, physically and psychologically. Razieh Ebrahimi was married to her husband at the age of 14.</p> <p>Razieh Ebrahimi's execution was scheduled for 1 April 2014, but was stopped at the last minute when she told the judge overseeing the implementation of the execution that she had committed the crime when she was 17. Her lawyer subsequently submitted a retrial request to the Supreme Court based on Article 91 of the 2013 Islamic Penal Code. Branch 35 of the Supreme Court initially refused the request, reasoning that the application of Article 91 is within the remit of the court of first instance that issued the death sentence originally. After a national and international outcry, Branch 35 of the Supreme Court accepted the request and sent the case back to a different branch of the Provincial Criminal Court of Khuzestan for retrial.</p> <p>Razieh Ebrahimi's retrial took place in December 2014. The court focused on whether she understood that killing is wrong and can lead to a death sentence. According to his lawyer's interviews with local media, the court asked Razieh Ebrahimi if she understood what happens when a human body is shot at. In response, Razieh Ebrahimi said: "I understood that shooting someone can result in his death but I did not know that the punishment for doing so is death and I thought that after a few months, everything will be forgotten." She apparently added: "Faced with my husband's abuses, I did not appreciate that I should not kill my husband and should confront him in a different way. I really was not aware of what I was doing."</p> <p>Razieh Ebrahimi was referred to the Legal Medicine Organization of Iran for psychological examination and was awaiting, at the time of writing, the outcome of her</p>

					retrial.
38	Saeed Arab	<18	N/A	Gorgan's Prison, Golestan Province	Amnesty International has not had access to the full details of his case but is concerned that he may not have had access to a lawyer to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code.
39	Saeed Elahian	16	2011	Karaj's Raja'i Shahr Prison, Alborz Province	<p>Saeed Elahian was sentenced to death in August 2011 by Branch 113 of the Provincial Criminal Court of Tehran Province, after he was convicted of murder. He was said to have stabbed a young man during a fight in 2010, causing injuries that led to his death later in hospital. The sentence was upheld by Branch 27 of the Supreme Court in May 2012.</p> <p>Saeed Elahian submitted an "application for retrial" to the Supreme Court in September 2015, which at the time of writing was pending.</p>
40	Sajad Sanjari	15	2012	Kermanshah's Dizel Abad Prison, Kermanshah Province	<p>Sajad Sanjari was first sentenced to death after Branch 1 of the Provincial Criminal Court of Kermanshah Province convicted him of murder for fatally stabbing a man. Branch 27 of the Supreme Court quashed the death sentence in January 2013 due to various flaws in the investigation process and reverted the case to the same branch of the Provincial Criminal Court of Kermanshah Province for further investigation. The court subsequently resented Sajad Sanjari to death in July 2013. The sentence was upheld by Branch 27 of the Supreme Court in February 2014.</p> <p>The Court rejected the defence argument that he had not yet attained the maturity of an adult. It also rejected the argument that he had attacked the deceased in self-defence.</p> <p>Following the adoption of the 2013 Islamic Penal Code, Sajad Sanjari sought a retrial, which was granted in early 2015. His retrial took place before Branch 3 of the Provincial Criminal Court of Kermanshah Province in October 2015. The court focused on whether he could distinguish right from wrong at the time of the crime. His lawyer highlighted that Sajad Sanjari did not have access to proper schooling as he worked as a shepherd, and his parents were poor and illiterate.</p> <p>In November 2015, Branch 3 of the Provincial Criminal Court of Kermanshah Province re-sentenced Sajad Sanjari to death, with little explanation. The verdict, which has</p>

					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”.
41	Salar Shadizadi	15	2007	Rasht’s Lakan Prison, Gilan Province	<p>Salar Shadizadi, now aged 24, was sentenced to death by Branch 11 of the Provincial Criminal Court of Gilan Province for stabbing his childhood friend. The sentence was upheld by Branch 37 of the Supreme Court in March 2008 and approved by the Head of the Judiciary in May 2013. Since then, the authorities have scheduled and later postponed his execution three times, possibly as a result of international pressure. They have, however, failed to take the steps necessary to ensure that Salar Shadizadi’s death sentence is quashed and he is granted a retrial, based on Article 91 of the 2013 Islamic Penal Code.</p> <p>Salar Shadizadi was arrested in February 2007 and charged with the murder of a friend. He was not granted access to a lawyer at the investigative stage and was only allowed to retain a lawyer when his case was sent to court for trial. He says that he was also tortured and otherwise ill-treated during the investigative stage. In a letter written from prison in November 2015 that included his final thoughts and wishes, Salar Shadizadi stated, for the first time, how he “unintentionally” caused the “catastrophic” death of his childhood friend by stabbing a frightening moving object, covered in green cloth, in the dark, which he then realized to be his deceased friend. He wrote that this happened in the context of a “silly game” where his friend had dared him to go to their family garden at night, knowing that Salar Shadizadi was afraid of the dark.</p>
42	Saman Haidary	17	2012	Kermanshah’s Dizeh Abad Prison, Kermanshah Province	<p>Saman Haidary, now aged 25, was sentenced to death after Branch 2 of the Provincial Criminal Court of Kermanshah Province found him guilty of stabbing his father in February 2008. The court documents indicate that he stabbed his father after years of physical and mental abuse by him. The Supreme Court upheld the death sentence in March 2013.</p> <p>In August 2014, Saman Haidary asked the Supreme Court to quash his sentence and grant him a retrial pursuant to Article 91 of the 2013 Islamic Penal Code. The Supreme Court did so in November 2014. His retrial session took place before Branch 1 of</p>

					<p>Criminal Court 1 of Kermanshah Province. The court focused on whether Saman Haidary understood that it was wrong to kill a human being. Saman Haidary apparently stated that he understood the wrongfulness of killing but did not know the legal consequences of his actions. The court referred Saman Haidary to the Legal Medicine Organization of Iran for a psychological examination. The Legal Medicine Organization of Iran stated that it could not assess the mental maturity of Samain Haidary at the time of his crime seven years previously. At the time of writing, Saman Haidary was awaiting the outcome of his retrial.</p> <p>Amnesty International understands from the court verdicts that the history of abuse, family dysfunction, substance abuse, and poor and inappropriate supervision was not taken into account in Saman Haidary's trial and sentencing.</p>
43	Saman Naseem	17	2013	Oroumieh's Prison, West Azerbaijan Province	<p>Saman Naseem, a member of Iran's Kurdish minority, was sentenced to death after the Provincial Criminal Court of West Azerbaijan Province convicted him of "enmity against God" (<i>moharebeh</i>) and "corruption on earth" (<i>efsad-e fel-arz</i>) for taking part in armed activities against the state that led to the death of a member of the Revolutionary Guards. His trial used, as evidence, "confessions" that he says were obtained through torture and other ill-treatment.</p> <p>Saman Naseem was scheduled to be executed on 19 February 2015. The news sparked widespread international concern. The authorities halted the execution at the last minute and transferred Saman Naseem from Oroumieh Central Prison to an undisclosed location. His family asked prison officials and the Ministry of Intelligence office in Oroumieh what had happened, but the authorities refused to provide any concrete information about his fate and whereabouts. Only in July was he allowed to call his family.</p> <p>Saman Naseem's lawyer learned around the same time that the Head of the Judiciary had ordered a stay of Saman Naseem's execution on 6 April and the Supreme Court had subsequently granted Saman Naseem's request for retrial on 22 April, which meant his conviction and death sentence were quashed and that he was entitled to a retrial based on Article 91.</p>

					Saman Naseem was transferred on 19 September back to Oroumieh Central Prison. His case is now before Branch 1 of Criminal Court 1 of West Azerbaijan Province for retrial. He has since had an appointment with the Legal Medicine Organization of Iran for an assessment of his “mental maturity” at the time of the crime. His retrial session is scheduled to take place on 27 January 2016.
44	Seyed Morteza Seyedi	<18	N/A	Karaj’s Raja’i Shahr Prison, Alborz Province	Seyed Morteza Seyedi was sentenced to death for murder. Amnesty International does not know if he has had access to lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
45	Shahab Dir	15	N/A	Bandar Abbas’ Prison, Hormozgan Province	Shahab Dir has been convicted of murder. The Human Rights Activists News Agency has reported that he was 15 years old at the time. Amnesty International does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
46	Siavash Mahmoudi	17	2013	Sanandaj’s Prison, Kordestan Province	<p>Siavash Mahmoudi was sentenced to death in May 2013 by the Provincial Criminal Court of Kordestan Province after he was convicted of the murder of a man 10 years older than him. The man was fatally stabbed during a group fight in March 2013 that Siavash Mahmoudi said started when the deceased attempted to make sexual advances on him and threatened him with rape. Branch 24 of the Supreme Court quashed the death sentence in November 2014 and sent the case back to the Provincial Criminal Court of Kordestan Province for retrial in light of Article 91 of the 2013 Islamic Penal Code.</p> <p>In February 2015, the Provincial Criminal Court of Kordestan Province resented Siavash Mahmoudi to death, after concluding that he “understood the nature and consequences of his conduct” and “there are no doubts about his mental maturity and growth” at the time of the crime.</p> <p>The reasoning of the court is confined to a few questions and answers aimed at finding out if Siavash Mahmoudi understood whether killing another human being is permitted or not. Following Siavash Mahmoudi’s response that he understood that killing is “religiously forbidden” (<i>haram</i>), the court proceeded to ask why he was carrying a knife. He replied: “I carried a knife because I wanted to hear my friends saying that Siavash</p>

					<p>has a knife. I had never seen someone getting killed with a knife though I had heard about it.” In response, the court asked why he stabbed the victim if he had heard that knife stabbings can be deadly. Siavash Mahmoudi replied: “I was scared. He had a knife too... I was sad after the murder. I cried and regretted it. I so wish that I had not caused his death.”</p> <p>Based on this brief exchange, the Court concluded that Siavash Mahmoudi had mental maturity at the time of the crime, understood the consequences of his actions, and therefore deserved the death penalty.</p> <p>He has appealed the sentence to the Supreme Court. At the time of writing, the appeal was pending.</p>
47	Yaghoub Royan	<18	N/A	Kerman’s Prison, Kerman Province	Yaghoub Royan has been convicted of murder. The Human Rights Activists News Agency has reported that he was 17 years old at the time of the crime and has apparently been in prison for the past 11 years. Amnesty International does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
48	Yaser Ansari	<18	N/A	Bandar Abbas’ Prison, Hormozgan Province	Yaser Ansari has been convicted of murder. The Human Rights Activists News Agency has reported that he was 16 years old at the time of the crime and has apparently been in prison for the past nine years. Amnesty International does not know if he has had access to a lawyer to seek retrial based on Article 91 of the 2013 Islamic Penal Code.
49	Yousef Mohammadi	15	2011	Sanandaj’s Prison, Kordestan Province	<p>Yousef Mohammadi was sentenced to death after a Criminal Court in Kordestan Province convicted him of murder. The conviction was for the fatal stabbing of his cousin during a fight. Yousef Mohammadi was 15 years old at the time and the victim was twice his age. He said that he stabbed the victim in self-defence as the victim was beating him. The death sentence was upheld by Branch 19 of the Supreme Court in March 2012.</p> <p>Yousef Mohammadi was initially held in a Juvenile Correctional Centre in Sanandaj, Kordestan Province, and then transferred to Sanandaj’s Prison.</p> <p>He was scheduled to be executed on 24 November 2015 but the execution was stopped after high-ranking judicial authorities in Tehran intervened. Until then, his family was</p>

					not aware that they can submit an “application for retrial” to the Supreme Court. They have since tried to retain a lawyer for the preparation and submission of this application.
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## APPENDIX 4: DETAILED CASES OF INDIVIDUAL JUVENILE OFFENDERS

### BARZAN NASROLLAHZADEH



Barzan Nasrollahzadeh, a Sunni Muslim and member of Iran's Kurdish minority, was sentenced to death in 2013 after Branch 28 of the Revolutionary Court in Tehran convicted him of "enmity against God" (*moharebeh*), "having connections with Salafist groups" and taking part in assassination plots, including one on 17 September 2009 that killed a senior Sunni cleric with ties to the government. Amnesty International understands that he was 17 years old at the time of his arrest. The Supreme Court upheld the death sentence in August 2015. Amnesty International understands that the Supreme Court made no reference to Barzan

Nasrollahzadeh being under 18 years of age at the time of the crime.

Amnesty International understands that Barzan Nasrollahzadeh has not had access to adequate legal representation to request a retrial of his case based on Article 91 of the 2013 Islamic Penal Code. The Iranian authorities have written, in their reply to the List of Issues of the UN Committee on the Rights the Child, that "his file is being examined for cancellation of death sentence". However, this contradicts the information apparently given to Barzan Nasrollahzadeh by prison officials that his death sentence has been finalized and sent to the Office for the Implementation of Sentences and may be carried out at any moment.

Barzan Nasrollahzadeh was arrested on 29 May 2010 by Ministry of Intelligence officials in Sanandaj, Kordestan Province. One of the officials apparently shot him in his abdomen, causing injuries to his spleen for which he did not receive adequate medical care. Subsequently, he was held for several months in a Ministry of Intelligence detention facility in Sanandaj without access to his family and a lawyer. He said that, during this period, intelligence officials tortured him, including by using an electric-shock device, suspending him upside down, and beating him. Barzan Nasrollahzadeh met his court-appointed lawyer for the first time at his trial on 21 August 2013. The whole trial apparently lasted less than one hour.

Photo on ADAM: ID 223537

### HAMID AHMADI



Hamid Ahmadi, now aged 24, was sentenced to death in August 2009 after Branch 11 of the Provincial Criminal Court of Gilan Province convicted him of murder. The conviction was in connection with the fatal stabbing of a young man during a fight that took place among five boys in the city of Siahkal, northern Gilan Province. Hamid Ahmadi was 17 years old at the time.

Branch 27 of the Supreme Court overturned the verdict in November 2009 on the grounds that it was entirely based on testimony from witnesses whose credibility was in doubt. The case was subsequently sent back to Branch 11 of the Provincial Criminal Court of Gilan for retrial. During the retrial, Hamid Ahmadi stated that police had tortured and otherwise coerced him into "confessing". It appears the court did not investigate his allegations of torture and instead relied on his "confession" and circumstantial evidence to convict him, in March 2010, of murder and sentence him to death. The court used the principle in Iranian law of "knowledge of the judge", which allows judges to convict an accused based on their subjective view, even when facts do not satisfy the threshold

of “guilt beyond reasonable doubt”, the internationally recognized standard of proof in criminal cases. Branch 27 of the Supreme Court upheld the verdict in November 2010.

Between May 2014 and February 2015, Hamid Ahmadi twice requested the Supreme Court to quash his sentence and send his case back for retrial, once after a witness retracted his testimony and another time when a new witness stepped forward. Both requests were denied.

In May 2015, Hamid Ahmadi was taken to the Legal Medicine Organization of Iran for an assessment of his maturity at the time of his alleged crime. The assessment was apparently arranged by his family after the authorities in Rasht Prison told juvenile offenders on death row to contact their families and ask that they book an appointment for them with the Legal Medicine Organization of Iran. The Legal Medicine Organization of Iran concluded that it could not determine Hamid Ahmadi’s level of maturity at the time of his alleged crime seven years previously.

Hamid Ahmadi subsequently requested the Supreme Court to order a retrial under Article 91 of the 2013 Islamic Penal Code. Branch 35 of the Supreme Court agreed to the request on 25 June 2015, leading to a retrial before a differently constituted court in the Provincial Criminal Court of Gilan Province. Amnesty International learned in December 2015 that the Provincial Criminal Court of Gilan Province had resentedenced Hamid Ahmadi to death but had not yet issued the written verdict.

Photo on ADAM: ID 223533

## MILAD AZIMI



Milad Azimi was sentenced to death by Branch 3 of the Provincial Criminal Court of Kermanshah Province in May 2015 for involvement in a fatal stabbing during a fight involving several young men in December 2013. He was 17 years old at the time of the crime. His trial was grossly unfair and relied on “confessions” extracted using torture, including flogging, and which he retracted before the prosecutor and during the trial.

In its verdict, the court acknowledged that Milad Azimi had been under 18 at the time of the crime but said there was “no doubt about his mental growth and maturity and that he understood the nature of his crime and the dangers of using a knife”. The court further acknowledged that he had not intended to kill but said that he was aware of the fatal nature of his conduct. The death sentence was upheld in August 2015 by Branch 17 of the Supreme Court.

Milad Azimi subsequently requested a retrial based on Article 91 of the Penal Code, which is currently pending before Branch 30 of the Supreme Court. In October 2015, concerns were raised that the Supreme Court had rejected the request. The authorities have since confirmed, however, that the Supreme Court has not yet reached a decision, pending which a stay of Milad Azimi’s execution has been ordered.

Photo on ADAM: ID 223536

## MOHAMMAD ALI ZEHI

Mohammad Ali Zehi, an Afghan national held in Shiraz’s Adel Abad Prison, Fars Province, is at risk of facing the death penalty for involvement in drug-trafficking. His family and lawyer maintain that he was under the age of 18 at the time of the crime but due to his undocumented status in Iran and his lack of access to an original birth certificate from Afghanistan (where many poor people cannot access the birth registration system), he was not able to provide any

official identification document to prove that to the Revolutionary Court in Jahrom, Fars Province, which sentenced him to death in 2008. His trial was unfair: the court relied on “confessions” that he said were obtained through torture and other ill-treatment during the two months he was held in a police station without access to his family and a lawyer.

Amnesty International understands that his court-appointed lawyer, whom he met for the first time at trial, raised the young age of Mohammad Ali Zehi as a matter of concern, but the Revolutionary Court ignored this. The death sentence was subsequently confirmed by the Office of the Prosecutor General which was, until June 2015, authorized, along with the Head of the Supreme Court, to review and confirm the sentences of those convicted of drug-related offences.

In 2009, Mohammad Ali Zehi asked the Office of the Prosecutor General to review his case. The Office referred Mohammad Ali Zehi to the Legal Medicine Organization of Iran for a medical examination. For unknown reasons, the Legal Medicine Organization of Iran was unable to establish the age of Mohammad Ali Zehi. Accordingly, the Prosecutor General confirmed the death sentence. Mohammad Ali Zehi later requested a pardon from the Pardon Commission of Fars Province, which was denied.

Following the adoption of the new Code of Criminal Procedure in June 2015, which revoked Article 32 of the Anti-Narcotics Law, Mohammad Ali Zehi requested a retrial of his case, which was granted by Branch 26 of the Supreme Court in November 2015. It is not yet clear whether the Supreme Court has referred his case for retrial to a juvenile court.

Mohammad Ali Zehi was arrested in 2008 along with a woman who was apparently his neighbour when they were pulled over by the police on a motorway near Jahrom and a search of their vehicle found several kilos of heroin. He said that he had been asked by her neighbour to accompany her on a trip to Shiraz, and did not know about the drugs.

## RASOUL HOLOUMI



Rasoul Holoumi, now aged 23, was sentenced to death in October 2010, after Branch 17 of the Provincial Criminal Court of Khuzestan Province convicted him of murder. He was 17 at the time of the crime. The conviction was based on allegations that, during a fight involving multiple people in September 2009, he had thrown a hard object at a young man, resulting in fatal head injuries. The allegations appear to have been made by several of the people involved in the fight.

Rasoul Holoumi was scheduled to be executed on 4 May 2014 but the execution was stayed after the family of the victim agreed to forgo their request for “retribution-in-kind” (*qesas*) if Rasoul Holoumi’s family transferred the deeds of their house and farm to them and paid them 3.5 billion rials (around US\$135,300) as “blood money” (*diyah*).

Rasoul Holoumi subsequently applied for retrial under Article 91 of the 2013 Islamic Penal Code. The Supreme Court granted the request in January 2015. His first retrial session before the Provincial Criminal Court of Khuzestan Province took place on 22 February 2015 and lasted around 20 minutes. The court asked whether he knew that it was wrong to kill someone and whether he felt upset when he threw a hard object at the head of the victim. Rasoul Holoumi answered yes to both questions. The lawyer introduced into evidence Rasoul Holoumi’s transcripts from grade 7, which showed poor marks, to prove that he lacked the requisite mental state to be culpable as an adult.

Rasoul Holoumi was not given access to a lawyer during the investigation nor was he given adequate time and resources to prepare and defend himself before and during trial. Although he admitted to the charges when he was first summoned by the police, he later retracted this admission and made statements that raised doubts about whether he was even at the scene of the crime. Additional doubts were raised by reports that there was a history of

hostility between the family of Rasoul Holoumi and the principal witness in the case who testified against him. Despite all these doubts, the Supreme Court upheld Rasoul Holoumi's death sentence in 2010 without explanation.

Rasoul Holoumi was referred for a psychological examination to the Legal Medicine Organization of Iran, which found that it could not assess his "mental maturity" years after the commission of the crime. At the time of writing, he was awaiting the outcome of his retrial.

Photo on ADAM: ID 223538

## **RAZIEH EBRAHIMI**

Razieh Ebrahimi was sentenced to death in 2010 by Branch 17 of the Provincial Criminal Court of Khuzestan, which found her guilty of killing her husband earlier that year when she was 17. She said that she did so after years of being abused, physically and psychologically. Razieh Ebrahimi was married to her husband at the age of 14. Razieh Ebrahimi's execution was scheduled for 1 April 2014, but was stopped at the last minute when she told the judge overseeing the implementation of the execution that she had committed the crime when she was 17. Her lawyer subsequently submitted a retrial request to the Supreme Court based on Article 91. Branch 35 of the Supreme Court initially refused the request, reasoning that the application of Article 91 is within the remit of the court of first instance that issued the death sentence originally. After a national and international outcry, Branch 35 of the Supreme Court accepted the request and sent the case back to a different branch of the Provincial Criminal Court of Khuzestan for retrial.

Razieh Ebrahimi's retrial took place in December 2014. The court focused on whether she understood that killing is wrong and can lead to a death sentence. According to his lawyer's interviews with local media, the court asked Razieh Ebrahimi if she understood what happens when a human body is shot at. In response, Razieh Ebrahimi said: "I understood that shooting someone can result in his death but I did not know that the punishment for doing so is death and I thought that after a few months, everything will be forgotten." She apparently added: "Faced with my husband's abuses, I did not appreciate that I should not kill my husband and should confront him in a different way. I really was not aware of what I was doing."

Razieh Ebrahimi was referred to the Legal Medicine Organization of Iran for psychological examination and at the time of writing was awaiting the outcome of her retrial.

## **SAJAD SANJARI**

Sajad Sanjari was first sentenced to death in January 2012 after Branch 1 of the Provincial Criminal Court of Kermanshah Province convicted him of murder for fatally stabbing a man. He was 15 years old at the time of the crime. Branch 27 of the Supreme Court quashed the death sentence in January 2013 due to various flaws in the investigation process and reverted the case to the same branch of the Provincial Criminal Court of Kermanshah Province for further investigation. The court subsequently resentenced Sajad Sanjari to death in July 2013. The sentence was upheld by Branch 27 of the Supreme Court in February 2014.

Sajad Sanjari was arrested on 2 August 2010. He admitted that he had stabbed the man but maintained that he did 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 based on the testimony of several witnesses who attested to the good character of the deceased. The court added, however, that even if the rape threats and the attack indeed took place, Sajad Sanjari could not invoke 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 residents of the village in order to prevent the attack from happening.

The Court also rejected the defence argument that he had not yet attained the maturity of an adult, referring to religious rulings that identify “pubic hair development” and the “attainment of age 15” as indicators of maturity.

Following the adoption of the 2013 Islamic Penal Code, Sajad Sanjari sought a retrial, which was granted in early 2015. He subsequently had a retrial session before Branch 3 of the Provincial Criminal Court of Kermanshah Province in October 2015. The court focused on whether he 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.

On 21 November 2015, Branch 3 of the Provincial Criminal Court of Kermanshah Province resented Sajad Sanjari to death, with little explanation. 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”.

## SALAR SHADIZADI



Salar Shadizadi, now aged 24, was sentenced to death by Branch 11 of the Provincial Criminal Court of Gilan Province in December 2007 for murdering a friend. He was 15 years old at the time of the crime. The sentence was upheld by Branch 37 of the Supreme Court in March 2008 and approved by the Head of the Judiciary in May 2013. Since then, Salar Shadizadi has been subjected to the mental anguish of being transferred to solitary confinement in preparation for his execution and then told, at the last minute, that it has been postponed three times.

Salar Shadizadi was transferred to solitary confinement on 7 July 2013 in preparation for execution. The authorities halted the execution at the last minute, after Salar Shadizadi requested a commutation of his death sentence based on Article 91. This led to his case being sent back and forth between the Provincial Criminal Court of Gilan Province and the Supreme Court.

The Provincial Criminal Court of Gilan Province initially referred Salar Shadizadi to the Legal Medicine Organization of Iran to examine whether Salar Shadizadi had attained “mental maturity” at the time of the crime and understood the nature and consequences of his conduct. The Legal Medicine Organization of Iran 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 is impossible.” Faced with this finding and unclear about the appropriate process for applying the 2013 Islamic Penal Code to juvenile offenders sentenced to death before the Code was adopted, the Gilan Provincial Criminal Court made a request to the Supreme Court to decide the question of commutation based on the 2013 Islamic Penal Code. Branch 13 of the Supreme Court ruled in November 2014 that any request to commute the sentence based on the 2013 Islamic Penal Code had to be made to the court that had handed down the death sentence.

Salar Shadizadi’s case came before Branch 13 of the Supreme Court in April 2015 again. This was after the General Board of Iran’s Supreme Court issued its “pilot judgement” that all those on death row for crimes committed when they were under 18 are entitled to request a retrial of their cases. Despite this ruling, Branch 13 of the Supreme Court denied Salar Shadizadi’s request for a retrial, citing the opinion of the Legal Medicine Organization of Iran that had stated Salar Shadizadi was “sane” at the time of the crime but his mental maturity years after the commission of his alleged crime could not be assessed. The court stated: “The prima facie presumption is that individuals who have

passed the age of *bolugh* have attained full mental maturity... A claim to the contrary requires proof, which has not been established here... The applicant's request is, thereby, denied and the [death] sentence is final."

Salar Shadizadi was scheduled for execution on 1 August 2015. The execution was 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.

Salar Shadizadi was subsequently rescheduled for execution on Saturday 28 November. This time, the Prosecutor General of Gilan Province confirmed less than two days before the scheduled date that his execution had been postponed to January to allow efforts to get the murder victim's family to pardon him. At the time of writing, he remained at risk, as the authorities had not yet granted Salar Shadizadi a fair retrial, in accordance with principles of juvenile justice and without recourse to the death penalty.

Photo on ADAM: ID 214549

## SAMAN HAIDARY



Saman Haidary, now aged 25, was sentenced to death in July 2012, after Branch 2 of the Provincial Criminal Court of Kermanshah Province found him guilty of stabbing his father in February 2008. He was 17 years old at the time of the murder. Court records indicate that he stabbed his father after years of physical and mental abuse by him. The Supreme Court upheld the death sentence in March 2013.

In the first round of police questioning, which was conducted in the absence of a lawyer, Saman Haidary admitted to stabbing his father multiple times after he threatened to slit his throat. He described the chain of events as follows:

*I arrived home from my evening Arabic class at around 11 o'clock at night. My father asked me where I was, while calling me a bastard. I ignored his question and went to the living room... I changed my clothes and went to my room. I saw that my father was there and had put his sleeping mattress and sheets there. He told me: "Come and sleep beside me; I will slit your neck while you are asleep." When I told him off and tried to take my sleeping stuff to leave the room, he came toward me with a wooden stick and tried to hit me. We got into a physical fight and I managed to get the stick out of his hand. He said: "I am going to bring a knife now and slit your throat." He then walked toward the kitchen. I was shaking in fear. He soon returned with a knife in his hand. As he came close to me, I hit him on his hands and face with the wooden stick. At some point, the stick broke, my father was thrown to the ground, and the knife fell out of his hand. As he tried to pick up the knife and get off, I took it and started stabbing him.*

In subsequent rounds of questioning, Saman Haidary denied his early admission and attributed the responsibility of the murder to his brother and maternal uncle. The court, however, rejected these claims in light of numerous inconsistencies and various pieces of alibi evidence which were in favour of Saman Haidary's brother and maternal uncle.

With regard to the question of self-defence, the court acknowledged that "the behaviour and conduct of the deceased was not without influence" but concluded that the "claim of self-defence is without merit in light of the method of stabbing."

In August 2014, Saman Haidary asked the Supreme Court to quash his sentence and grant him a retrial pursuant to

Article 91. The Supreme Court did so in November 2014.

In August 2015, Saman Haidary had his retrial session before Branch 1 of Criminal Court 1 of Kermanshah Province. The court focused on whether Saman Haidary understood that it was wrong to kill a human being. Saman Haidary apparently stated that he understood the wrongfulness of killing but did not know the legal consequences of his actions. The court subsequently referred Saman Haidary to the Legal Medicine Organization of Iran for psychological examination. The Legal Medicine Organization of Iran has stated that it cannot assess the mental maturity of Saman Haidary at the time of his crime seven years before. At the time of waiting, he was awaiting the outcome of his retrial.

Amnesty International understands from the court verdicts that the history of abuse, family dysfunction, substance abuse, and poor and inappropriate supervision was not taken into account in Saman Haidary's trial and sentencing.

Photo on ADAM: ID 223540

## SAMAN NASEEM



Saman Naseem, a member of Iran's Kurdish minority, was sentenced to death in 2013 after the Provincial Criminal Court of West Azerbaijan Province convicted him of "enmity against God" (*moharebeh*) and "corruption on earth" (*efsad-e fel-arz*) after he was accused of taking part in armed activities against the state that led to the death of a member of the Revolutionary Guards. He was 17 years old at the time of the crime. His trial used as evidence "confessions" that he says were obtained through torture and other ill-treatment.

Saman Naseem was scheduled to be executed on 19 February 2015. The news sparked widespread international concern and appeals. The authorities halted the execution at the last minute and transferred Saman Naseem from Oroumieh Central Prison to an undisclosed location. His family asked prison officials and the Ministry of Intelligence office in Oroumieh what had happened, but the authorities said they knew nothing. They then told the family to pick up Saman Naseem's personal effects from Oroumieh Central Prison on 21 February, leading the family to believe that he might have been executed.

Amnesty International learned in March 2015 that Saman Naseem had been transferred to Zanjan Prison on or around 19 February. The authorities still refused to provide his family and lawyer with any concrete information about his fate and whereabouts. Only in July was he allowed to call his family.

Saman Naseem's lawyer learned around the same time that the Head of the Judiciary had ordered a stay of Saman Naseem's execution on 6 April 2015 and the Supreme Court had subsequently granted Saman Naseem's request for retrial on 22 April, which meant his conviction and death sentence were quashed and that he was entitled to a retrial based on Article 91.

Saman Naseem was transferred on 19 September back to Oroumieh Central Prison. Branch 1 of Criminal Court 1 of West Azerbaijan Province has since referred him to the Legal Medicine Organization of Iran for an assessment of his "mental maturity" at the time of the crime. His retrial is scheduled to take place on 27 January 2016.

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## SIAVASH MAHMOUDI



Siavash Mahmoudi was sentenced to death in May 2013 by the Provincial Criminal Court of Kordestan Province after he was convicted of the murder of a man 10 years older than him. The man was fatally stabbed during a group fight in March 2013, that Siavash Mahmoudi said started when the deceased attempted to make sexual advances on him and threatened him with rape. Branch 24 of the Supreme Court quashed the death sentence in November 2014 and sent the case back to the Provincial Criminal Court of Kordestan Province for retrial in light of Article 91 of the 2013 Islamic Penal Code.

In February 2015, the Provincial Criminal Court of Kordestan Province resentenced Siavash Mahmoudi to death, after concluding that he “understood the nature and consequences of his conduct” and “there are no doubts about his mental maturity and growth” at the time of the crime.

The reasoning of the court is confined to a few questions and answers aimed at finding out if Siavash Mahmoudi understood whether killing another human being is permitted or not. Following Siavash Mahmoudi’s response that he understood that killing is “religiously forbidden” (*haram*), the court proceeded to ask why he was carrying a knife. He replied: “I carried a knife because I wanted to hear my friends saying that Siavash has a knife. I had never seen someone getting killed with a knife though I had heard about it.” In response, the court asked why he stabbed the victim if he had heard that knife stabbings can be deadly. Siavash Mahmoudi replied, “I was scared. He had a knife too... I was sad after the murder. I cried and regretted it. I so wish that I had not caused his death.”

Based on this brief exchange, the Court concluded that Siavash Mahmoudi had mental maturity at the time of the crime, understood the consequences of his actions, and therefore deserved the death penalty. He has appealed the sentence to the Supreme Court. At the time of writing, the appeal was pending.

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