

PUBLIC

AI Index: MDE 13/008/2009
30 January 2009

Further Information on UA 252/08 (MDE13/134/2008, 11 September 2008) – Death penalty

IRAN **Bahman Salimian (m), aged 27, juvenile offender**

Juvenile offender Bahman Salimian is again at imminent risk of being executed. His family told his lawyer on or around 22 January that they had received notification of his execution, now scheduled to take place on 5 February in Esfahan prison.

Bahman Salimian was sentenced to *qesas* (retribution) by Branch 33 of the Supreme Court for the murder of his grandmother, committed in 1996 when he was 15 years old. He was due to be executed on 28 August 2008, but the judicial authorities halted his execution three days before the execution date, to allow for further attempts to negotiate a pardon from his uncle, the only relative who still insists that Bahman Salimian should be executed. His two other uncles have pardoned him.

Throughout his trial, Bahman Salimian repeatedly claimed that his 70-year-old grandmother had talked of committing suicide, and so he had killed her to minimize her suffering. On hearing Bahman Salimian's unusual motive for the murder the trial judge ordered that he be psychologically assessed. Experts concluded that he was suffering from a psychological disorder and, accordingly, the judge sentenced him to five years' imprisonment and the payment of *diyeh* (financial compensation, also called "blood money"), to be paid by his parents. Some members of his grandmother's family appealed, and demanded the death penalty for Bahman Salimian's crime. Branch 33 of the Supreme Court overturned the lower court's verdict, and sentenced him to *qesas*.

BACKGROUND INFORMATION

Since 1990 Iran has executed at least 42 juvenile offenders, eight of them in 2008 and one on 21 January 2009.

The execution of juvenile offenders is prohibited under international law, as stated in Article 6 (5) of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), to which Iran is a state party to and so has undertaken not to execute anyone for crimes committed when they were under 18.

In Iran a person convicted of murder has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the ICCPR. The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation (*diyeh*). Under the Iranian law regulating *qesas*, if one member of the victim's family refuses to pardon the convict, even if the other family members have received the appropriate amount of *diyeh*, the death sentence will be implemented.

For more information about executions of child offenders in Iran, please see: *Iran: The last executioner of children* (MDE 13/059/2007, June 2007), <http://web.amnesty.org/library/index/engmde130592007>

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English or your own language:

- expressing concern that Bahman Salimian is at imminent risk of execution for a crime committed when he was under 18;
- calling on the authorities to commute his death sentence;

- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Islamic Republic of Iran

Email: shahroudi@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

Head of the Esfahan Department of Justice

Gholam Reza Ansari

Email: reiasat@dadgostary-es.ir

ertebat@dadgostary-es.ir

Salutation: Your Excellency

COPIES TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Islamic Republic Street - Shahid Keshvar Doust Street
Tehran, Islamic Republic of Iran

Email: info_leader@leader.ir

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)

Salutation: Your Excellency

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani

Howzeh Riassat-e Ghoveh Ghazaiyeh (Office of the Head of the Judiciary)
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: fsharafi@bia-judiciary.ir (In the subject line: FAO Mohammad Javad Larijani)

int_aff@judiciary.ir (In the subject line: FAO Mohammad Javad Larijani)

Salutation: Dear Mr Larijani

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 March 2009.