

DEATH PENALTY: Submission for the UN Secretary-General's report to the Human Rights Council on the question of the death penalty.
Child Rights International Network (CRIN), 15 April 2016.

CRIN is campaigning for the abolition of inhuman sentencing of children, defined to include the death penalty, corporal punishment and life imprisonment. We want to emphasise that while, for the purposes of this campaign, CRIN is calling for the abolition of the juvenile death penalty, we believe that the death penalty should be abolished for all individuals, regardless of age.

While we welcome the abolition of, or moratoria on, the death penalty, we are concerned that this can lead to an increase in sentences of life imprisonment for children. As recognised by the UN Special Rapporteur on torture in March 2015, life imprisonment of children is also a form of cruel and inhuman punishment¹ and so when the death penalty is abolished for children, the alternative must not be life imprisonment.

We welcome the inclusion in the Secretary-General's 2014 report of the recommendation that States must abolish the death penalty for all offences committed while under the age of 18 and avoid sentencing children to life imprisonment as an alternative to the death penalty.² We urge the Secretary-General to continue to address abolition of the death penalty for children in line with related human rights standards, particularly with regards to the prohibition on life imprisonment for children. In this respect, the abolition of the death penalty for child offenders must be seen as a step towards establishing a rights compliant juvenile justice system

Legality of the juvenile death penalty

Our research indicates that in 15 countries, capital punishment remains lawful for offences committed by children or is imposed despite being prohibited.³

Only a handful of States are known to have executed a juvenile in recent years. However, as long as the sentence remains a possibility in national law, children run the risk of being executed should the situation in a given country change.

In May 2015 the Supreme Court of **Bangladesh** ruled that the mandatory death penalty was unlawful in a case that revolved around the death sentence of Sukur Ali, a man who was

¹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 March 2015, A/HRC/28/68, para. 74. Available at: www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_68_E.doc.

² Report of the Secretary-General on the question of the death penalty, 30 June 2014, A/HRC/27/23, para. 74. Available at: www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_23_ENG.doc.

³ CRIN has produced reports for the countries included within this figure, available at: www.crin.org/node/42131. We have removed India (Jammu and Kashmir) from this list since our submission in 2015 as Section 17(1) of the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act now clearly prohibits the death penalty for juveniles in conflict with the law.

sentenced to death for rape and murder he allegedly committed when he was 14. Bangladesh abolished the death penalty for children when it enacted the Children's Act 2013, but as the offence took place long before this legislation came into force, the court made its decision based on the law that was in force at the time. Concerns remain, therefore, that the death penalty could be imposed for offences committed by children prior to the entry into force of the Children's Act.⁴

Sentences and executions between 1 April 2015 and 31 March 2016

In **Iran**, Samad Zahabi was hanged in Dizel Abad Prison in October 2015. He was convicted of shooting a fellow shepherd over a row on who should graze their sheep. He was 17 years old at the time of the offence.⁵ The following week, Fatemah Salhehi was hanged in Adelbad Prison after being sentenced for the murder of her husband in 2008 when she was 17 years old.⁶ Javed Saberi and Vazir Amroddin were also reported to have been hanged in Iran in April and June 2015 respectively.⁷

Amnesty International reported that as of the end of 2015, at least 160 juvenile offenders were on death row in Iran.⁸ Sajad Sanjari and Hamid Ahmadi were resentenced to death in December 2015 for offences they allegedly committed when they were 15 and 17 years old, respectively.⁹ Amanj Veisee was also resentenced to death in December 2015 for the fatal stabbing of his cousin, committed when he was 15 years old.¹⁰

Himan Uraminejad was informed that he would be executed soon after the 1 April when the Iranian New Year holiday period ended. He was sentenced to death in August 2012 after he was convicted of a murder committed when he was 17. He confessed to the offence, though no lawyer was present and he was allegedly tortured while he was detained.¹¹

⁴ For full details of reforms in Bangladesh, see CRIN, Bangladesh: Inhuman sentencing of children, 12 January 2016. Available at: www.crin.org/node/30447.

⁵ Amnesty International, "Execution of two juvenile offenders in just a few days makes a mockery of Iran's juvenile justice system", 14 October 2015. Available at: <http://www.amnestyusa.org/news/press-releases/execution-of-two-juvenile-offenders-in-just-a-few-days-makes-a-mockery-of-iran-s-juvenile-justice-sy>.

⁶ Iran Human Rights, "Juvenile offender Fatemeh Salbehi hanged in Iran", 13 October 2015. Available at: <http://iranhr.net/en/articles/2341/>.

⁷ Amnesty International, "Urgent Action: Juvenile offender resentenced to death", 11 December 2015. Available at: https://www.amnestyusa.org/sites/default/files/uua28615_0.pdf and *Death sentences and executions in 2015*, April 2016, p. 51. Available at: <https://www.amnesty.org/en/documents/act50/3487/2016/en/>.

⁸ Amnesty International, *Global Report: Death sentences and executions 2015*, p. 51.

⁹ Amnesty International, "Iran: Renewed death sentences for juvenile offenders show 'contempt' for children's rights", 8 December 2015.

¹⁰ Amnesty International, "Urgent Action: Juvenile offender sentenced to death again", 19 February 2016. Available at: <http://deathpenaltynews.blogspot.co.uk/2016/04/stop-execution-of-amanj-veisee-juvenile.html>.

¹¹ Amnesty International, "Iran: Man arrested in his teens nears execution: Himan Uraminejad", 24 March 2016. Available at: <https://www.amnesty.org/en/documents/mde13/3722/2016/en/>.

Since **Pakistan** lifted its moratorium on executions for terrorism cases in December 2014 and in all capital cases in March 2015, the execution of child offenders has resumed.¹² Aftab Bahadur was executed on 10 June 2015 for a murder he allegedly committed when he was 15-years-old. His confession is alleged to have been extracted by torture and at the time of his execution, he had spent 23 years on death row.¹³ In August 2015, Shafqat Hussein was hanged for an offence he allegedly committed when he was 14-years-old. He was sentenced in 2004 by an anti-terrorism court for the kidnapping and killing of a boy who had gone missing from an apartment in Karachi.¹⁴ On 28 September 2015, Ansar Iqbal was also executed at Sargodha Central Jail.¹⁵

Age determination is a serious problem in the Pakistani justice system, but the Justice Project Pakistan and Reprieve estimate that as many as 800 people may be on death row for offences committed while under the age of 18.¹⁶

Three people, Ali al-Nimr, Dawood al-Marhoon and Abdullah al-Zaher remain at imminent risk of execution in **Saudi Arabia**. All three were under the age of 18 at the time they were arrested and their death sentences were upheld in 2015.¹⁷

In the **Maldives**, two young men were sentenced to death on 11 May for a murder committed when they were 16 years old¹⁸ and on 2 November a man was sentenced to death for an offence committed while a child.¹⁹ Six people were on death row at the end of 2015 for offences committed while under the age of 18.²⁰

¹² For full details on the reforms, see CRIN, Inhuman sentencing of children in Pakistan, 20 October 2015. Available at: www.crin.org/node/23982.

¹³ Reprieve, "Aftab Bahadur was hanged in Pakistan, despite evidence of his innocence". Available at: <http://www.reprieve.org.uk/aftab-bahadur-was-hanged-in-lahore-pakistan/>.

¹⁴ The Guardian, "Pakistan hangs Shafqat Hussain despite claim he was a child at the time of the offence", 4 August 2015. Available at:

<http://www.theguardian.com/world/2015/aug/04/pakistan-hangs-shafqat-hussain-claim-child-crime>.

¹⁵ The Guardian, "Pakistan hangs man who said he was 15 when arrested", 29 September 2015.

Available at: <http://www.theguardian.com/world/2015/sep/29/pakistani-man-ansar-iqbal-hanged-murder>.

¹⁶ Justice Project Pakistan and Reprieve, Juveniles on Pakistan's Death Row, March 2015. Available at: http://www.reprieve.org.uk/wp-content/uploads/2015/03/2015_03_17_PUBJuveniles-on-Pakistans-Death-Row.pdf.

¹⁷ Further information on the cases available at: <http://www.reprieve.org.uk/topic/death-penalty/>.

¹⁸ Hands Off Cain, "Maldives: Two 16-year-old murder convicts sentenced to death", 11 May 2015.

Available at: http://www.handsoffcain.info/archivio_news/index.php?iddocumento=19303256&mover=0.

¹⁹ Hands Off Cain, "Maldives: Death sentence passed in murder case", 22 November 2010. Available at:

http://www.handsoffcain.info/archivio_news/201011.php?iddocumento=13316415&mover=0. Original

High Court judgment available in Dhivehi at:

<http://www.highcourt.gov.mv/dhi/mediamanager/2011-49.pdf>.

²⁰ Amnesty International, *Global Report: Death sentences and executions 2015*, pp. 35-36. Available at: <https://www.amnesty.org/en/documents/act50/3487/2016/en/>.

In December 2015, the Maldives' Haveeru newspaper reported that the state budget for 2016 included funds for the construction of an execution chamber,²¹ leading to concerns that executions may be carried out in the country for the first time since the 1950s.²²

On 28 May 2015, the Delta State Governor in **Nigeria** granted a pardon to Moses Akatugba who had been sentenced to death for armed robbery in November 2013 when he was 16 years old.²³

²¹ Haveeru, "Maldives reintroducing death penalty biggest mistake", says UN rapporteur", 13 December 2015. Available at: <http://www.haveeru.com.mv/news/64766>.

²² Amnesty International report that the last execution took place in 1954, while other sources place the timing in 1952 or 1953.

²³ Amnesty International, "Nigeria: Moses Akatugba", 29 May 2015. Available at: <https://www.amnesty.org.uk/nigeria-moses-akatugba>.