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Iran: Death Sentences of juvenile offenders and stoning sentences continue to be passed

Amnesty International is outraged that Iran is continuing to pass death sentences on minors and juvenile offenders (those convicted of crimes committed before the age of 18), and that it is still passing sentences of stoning to death, despite having announced a moratorium on such executions.

Most recently, the newspaper *Iran* reported on 9 October 2005 that a youth identified as "Hamid" has been sentenced to death by Branch 71 of the Criminal Court in Tehran for the murder of a 23-year-old man committed in 2004. The newspaper originally published his age as 17 but the following day published a letter from the court stating that his age is now 18. He would, however, have been under 18 at the time of his alleged offence. His case will now be submitted to the Supreme Court for review.

Previously, in August, "Mostafa", a 16-year-old student, and "Sina", a 17-year-old musician, were reported to have had their death sentences upheld by the Supreme Court. According to the Iranian daily newspaper *E'temad*, "Mostafa" was convicted of killing a drunken man in the Pars district of Tehran. The drunken man was reportedly harassing a girl when Mostafa intervened to stop him. The man reportedly started hitting Mostafa, who eventually killed him in the ensuing scuffle.

E'temad also reported that "Sina", a musician in Tehran, was convicted of murder after a dispute with a man over cannabis in October 2004. "Sina" reportedly told the Court that he was addicted to drugs and had gone to a park in Tehran on the day of the incident to try and obtain cannabis from a drug dealer. He allegedly stabbed the drug dealer to death during a fight.

Iran has executed at least seven juvenile offenders in 2005 including two minors who were under 18 at the time of their execution. Most recently, on 12 September 2005, a 22-year-old Iranian man convicted of rape was publicly hanged in the southern province of Fars. According to *E'temad*, he had been sentenced to death in 2000, suggesting he was under the age of 18 when the crime was committed.

As a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has the obligation not to execute anyone for an offence committed when they were less than 18 years old. For about four years, the Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed under the age of 18.

On 11 October 2005, Minister of Justice, Jamal Karimirad, acting in his capacity as spokesman for the Iranian Judiciary, was reported as having told the Iranian Students' News Agency that if this bill was passed by the Majles (parliament), then those under the age of 18 would no longer be executed. However,

he made a distinction between “qisas” (retribution – the sentence issued in cases where defendants are found guilty of murder) and other crimes carrying the death penalty, stating that “qisas” was a private, not a state matter, although he did state that attempts were being made to address the issue of “qisas” as well.

It is clear from his statement that the draft law currently under consideration falls far short of the measures which are urgently needed in Iran if it is to meet its international obligations under the ICCPR and the CRC. The majority of executions of minors and juvenile offenders in Iran are cases of “qisas” where the individual has been found guilty of murder and it is unacceptable in this regard for the Iranian authorities to separate cases of murder from other crimes carrying the death penalty. Legislation is urgently required to ensure that no person in Iran is sentenced to death for any crime, including murder, committed when they were under the age of 18.

Amnesty International is also concerned at reports on 15 October 2005 that a woman called “Soghra” has been sentenced to death by stoning. According to *E'temad*, she was convicted of adultery by Branch 71 of the Criminal Court. She also received a 15-year prison sentence for complicity in the murder of her husband, an Afghan. Another Afghan man, known as “Ali Reza”, was sentenced to death for the murder of her husband and to 100 lashes for adultery.

“Soghra” apparently maintained her innocence during her trial. She reportedly claimed that she had been married against her will and that her husband had ill-treated her but that she had not wanted to murder him, and that the reason she had fled her home with “Ali Reza” after he had killed her husband was because she feared that she would be killed by her husband’s brother.

Iran imposed a moratorium upon stoning in December 2002 under a directive from the Head of the Judiciary, which was welcomed by Amnesty International. However, in September 2003, a law was passed concerning the implementation of certain kinds of penalties, including stoning. Amnesty International has recorded sentences of stoning being imposed since the moratorium was announced, although it is not aware of any such sentences being carried out. The organization has written to the Iranian authorities on two occasions to seek clarification of the precise status of stoning in Iran, but has not received any reply. The organization urges the Iranian authorities as a matter of urgency to clarify the position of stoning in Iranian law.

Amnesty International opposes the death penalty as the ultimate cruel, inhuman and degrading punishment, in violation of the Universal Declaration of Human Rights and the ICCPR, to which Iran is a state party. Article 6 of the ICCPR states: “Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age”. Methods of execution such as stoning, which are specifically designed to cause the victim grievous pain before death are of particular concern to Amnesty International, as the most extreme and cruel form of torture.

Amnesty International urges the Iranian authorities to commute all death sentences in Iran, including those of “Hamid”, “Mostafa”, “Sina” and “Soghra”.

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