

PUBLIC

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UA 63/07 **Death penalty/ fear of imminent execution**

IRAN **Reza Alinejad (m), aged 21**

Reza Alinejad is at risk of imminent execution after being convicted of murder, despite his claims that he acted in self-defence. He was 17 years old at the time of the offence. Iran is a state party to international treaties which prohibit the execution of child offenders- those who were under the age of 18 at the time of their alleged offence.

On 26 December 2002, Reza Alinejad and his (male) friend Hadi Abedini were walking along a street in Fasa, a city near the city of Shiraz in central Iran. According to Reza Alinejad's lawyer, the two had purchased some food, when two men- Esmail Daroudi and Mohammad Firouzi- approached them and began to insult them and swear at them. Esmail Daroudi and Mohammad Firouzi then pulled out a nunchaku (or nun-chuks, a martial arts weapon) and began to beat Reza Alinejad and Hadi Abedini with it.

To protect himself and his friend from the attack, Reza Alinejad pulled out from his pocket a knife that he sometimes carried with him. He has said that he held out the knife in front of him with his right hand, and with his left hand he protected his head and face from being hit by the nunchaku. In the course of the struggle, Reza Alinejad is said to have accidentally stabbed and killed Esmail Daroudi with the knife.

An investigative judge conducted investigations into the case. In the course of the investigation, Mohammad Firouzi reportedly admitted that he and Esmail Daroudi had started the fight and attacked Reza Alinejad and Hadi Abedini, and that the latter two had been forced to defend themselves because there was no way for them to escape the attack. Reza Alinejad and Hadi Abedini were reportedly injured in the attack, and needed hospital treatment. An eyewitness to the attack also said that Reza Alinejad's actions had been in legitimate self-defence to protect himself and his friend. Despite these two testimonies, and Reza Alinejad's claim that he stabbed the man in self-defence, Reza Alinejad was sentenced to *qesas*- retribution- for murder by Section 6 of the Provincial Court in Fasa on 4 October 2003.

When the case went to the Supreme Court for approval in December 2004, this death sentence was rejected by the judge, who accepted that Reza Alinejad had acted in self-defence. In announcing his verdict, the judge acknowledged that the instigators of the dispute were the dead man and his friend, that they had attacked Reza Alinejad and Hadi Abedini with the nunchaku and had injured them, and that the stabbing by Reza Alinejad had not been intentional.

The Supreme Court sent the case back to another lower court for investigation. The case was heard by branch 101 of Fasa Provincial Criminal Court, who on 15 June 2005 sentenced Reza Alinejad to death again, concluding that Reza could have fled the scene and had therefore acted unreasonably. On 9 May 2006, the Supreme Court upheld the death sentence.

Reza Alinejad has been detained in Adelabad prison in Shiraz since his arrest. His death sentence could be carried out at any time.

BACKGROUND INFORMATION

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). Both of the treaties prohibit the use of the death penalty against child offenders- persons who are under the age of 18 at the time of their alleged offence. Nevertheless, Iran

continues to impose the death penalty against child offenders. In 2006, Iran executed four child offenders, including one boy who was still under the age of 18 at the time of his execution.

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

- expressing concern that Reza Alinejad is at risk of execution, despite being under the age of 18 at the time of his alleged crime;
- calling on the Iranian authorities to immediately halt the execution of Reza Alinejad;
- calling for the death sentence against Reza Alinejad to be commuted;
- reminding the Iranian authorities that 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, prohibits the use of the death penalty against those who are under the age of 18 at the time of offence, and that the execution of Reza Alinejad would therefore be a violation of international law;
- urging the Iranian authorities to pass legislation to abolish the death penalty for offences committed by persons under the age of 18, thereby bringing Iran's domestic law in line with its obligations under international law;
- stating that Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

Fax: + 98 21 3390 4986 (please keep trying; send appeals by post or email if you cannot get through)

Email: info@dadgostary-tehran.ir (In the subject line write: For the attention of Ayatollah Shahroudi)

Salutation: His Excellency

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei,

Leader of the Islamic Republic

The Office of the Supreme Leader, Shahid Keshvar Doost Street, Tehran. Islamic Republic of Iran

Fax: +98 251 7774 2228 (mark "For the Office of His Excellency, Ayatollah Khamenei")

Email: Via website, in English: <http://www.leader.ir/langs/EN/index.php?p=sendletter>

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

His Excellency Gholamali Haddad Adel

Majles-e Shoura-ye Eslami, Baharestan Square, Tehran, Islamic Republic of Iran

Fax: + 98 21 3355 6408

Email: hadadadel@majlis.ir

Salutation: Your Excellency

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 23 April 2007.