

PUBLIC

AI Index: MDE 13/056/2008

23 April 2008

UA 107/08 Death penalty

IRAN Hossein Haghi (m), aged 21, child offender

---

Hossein Haghi is facing execution for a murder committed when he was 16 years old, even though Iran is a state party to international treaties including the Convention on the Rights of the Child (CRC), which expressly prohibit the execution of child offenders.

On 12 August 2003, Hossein Haghi, then aged 16, and his friend, known as Amrollah T, intervened to stop a fight between a friend of theirs and another boy, Mehdi Khalili. A number of others were also involved in the fight. According to his testimony, Hossein Haghi was held from behind, and Mehdi Khalili started hitting him. Hossein Haghi was able to free his hands, and retrieved a knife from his pocket to defend himself. Mehdi Khalili was killed by a knife wound to the chest. Upon his arrest, Hossein Haghi admitted to holding a knife and striking Mehdi Khalili to scare him away. However during his trial, Hossein Haghi denied stabbing Mehdi Khalili to death.

On 8 February 2004 Hossein Haghi was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court. Based on his initial confessions he was found guilty of premeditated murder under Article 206 (b) of Iran's Criminal Code which states: "Murder is classed as premeditated in cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person." On 25 June 2004, the Supreme Court upheld his sentence. Hossein Haghi's defence lawyer lodged a petition demanding a review of the case. Though the petition was rejected, the case was re-examined, and has now been referred to Branch 33 of the Supreme Court by the Head of the Judiciary.

#### **BACKGROUND INFORMATION**

As a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has undertaken not to execute child offenders, those convicted of crimes committed when they were under 18. However, since 1990 Iran has executed at least 28 child offenders, six of them in 2007. At least 80 child offenders are now on death row in Iran. This number may be even higher as at least a further 15 Afghan child offenders have reportedly been sentenced to death. 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>.

Amnesty International opposes the death penalty in all cases, and supports the global trend away from the use of the death penalty, powerfully expressed in the UN General Assembly's resolution calling for a worldwide moratorium on executions on 18 December 2007.

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

- calling on the authorities to commute the death sentence of Hossein Haghi, who is at risk of execution for a crime committed when he was under 18;
- reminding them that Iran is a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibits the use of the death penalty against those under the age of 18 at the time of offence, and that the execution of Hossein Haghi would therefore be a violation of international law;

- urging the authorities to pass legislation to abolish the death penalty for offences committed by people under the age of 18, so 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:**

Leader of the Islamic Republic

His Excellency 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.ir](mailto:info@leader.ir)

**Salutation:** Your Excellency

Head of the Judiciary

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:** [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In the subject line write: **FAO Ayatollah Shahroudi**)

**Salutation:** Your Excellency

**COPIES TO:**

President

His Excellency Mahmoud Ahmadinejad

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Email:** [dr-ahmadinejad@president.ir](mailto:dr-ahmadinejad@president.ir) OR via website: [www.president.ir/email](http://www.president.ir/email)

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 4 June 2008.