

PUBLIC

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UA 114/08 Imminent Execution

IRAN Behnoud Shojaee (m), aged 20, child offender

Behnoud Shojaee is facing imminent execution for a murder committed when he was 17 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. The Office for the Implementation of Sentences has scheduled his execution to take place at 5:00 am on 7 May 2008.

On 18 June 2005, Behnoud Shojaee, then aged 17, intervened to stop a fight between his friend Hesam and another boy named Omid in Park-e-Vanak in Tehran. Behnoud Shojaee managed to separate the two boys but Omid swore at him, started a fight and threatened him with a knife. During the fight Behnoud Shojaee picked a shard of glass and stabbed Omid once in the chest, before fleeing the scene.

Behnoud Shojaee was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court in Tehran on 2 October 2006. During his trial, Behnoud Shojaee was not afforded legal representation and was therefore made to write a request for re-examination and re-trial of his case himself. According to his lawyer who recently took up his case, Behnoud Shojaee maintained throughout his trial that he only stabbed Omid once even though the coroner's report stated that the victim died as a result of sustaining several injuries. His claims were never investigated and Behnoud Shojaee's sentence was nevertheless confirmed by Branch 33 of the Supreme Court on 30 June 2007.

Under Article 206 (b) of Iran's Criminal Code, 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."

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 86 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 Behnoud Shojaee, who is at imminent 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 Behnoud Shojaee 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 in proceedings that meet international fair trial standards, 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

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 (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 OR via website: www.president.ir/email

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.