

PUBLIC

AI Index: MDE 13/094/2007

19 July 2007

Further Information on UA 220/05 (MDE 13/047/2005, 24 August 2005) and follow-ups (MDE 13/122/2006, 26 October 2006; MDE 13/008/2007, 26 January 2007) – Fear of imminent execution

IRAN

Sina Paymard (m), aged 18, musician
Mostafa (surname unknown) (m), aged 18 or 19

Sina Paymard was scheduled to be executed at dawn on 18 July. At the last minute, he was granted a 10-day stay of execution, to allow time for his family and the family of the murder victim to reach a financial settlement. Amnesty International has learnt that, following donations, Sina Paymard's family may now have managed to raise the *diyeh* (blood money) demanded by the family in order to pardon him.

Sina Paymard, a musician, was sentenced to *qesas* (retribution) for the 2004 murder of a drug dealer during a fight. His death sentence was upheld by Branch 33 of the Supreme Court, and his execution was scheduled for 20 September 2006, two weeks after his 18th birthday.

That day, he was taken to the gallows to be hanged. His last request was to play the *ney*, a Middle Eastern flute. Relatives of the murder victim, who were there to witness the hanging, were so moved by his playing that they granted him a last-minute reprieve, and agreed to accept payment of *diyeh* instead of retribution by death. His execution was postponed for two months, while it was referred to conciliation in order to allow both families to negotiate over the payment of *diyeh*.

In January, the Head of the Judiciary granted Sina Paymard a stay of execution while negotiations continued between his and the victim's families. The victim's family demanded *diyeh* of more than US\$160,000. Sina Paymard's family managed to raise US\$70,000, which they offered to the victim's family in April, but the victim's family reportedly refused to accept it as insufficient.

On 17 July, Sina Paymard's lawyer, human rights defender Nasrin Sotudeh, reported that he had been transferred from Reja'i Shahr prison in Karaj to Tehran's Evin prison, for his execution to be carried out. It was feared that he could be executed that day. Sina Paymard's family had been unable to raise the full amount of the *diyeh*. Sina Paymard's father reportedly said that he had sold everything in order to raise US\$70,000, under half of the demanded amount.

A 19 July article in the newspaper *Sarmayeh* described the scene outside Evin prison at the time Sina Paymard was scheduled to hang. His family and a group of human rights activists had gathered outside Evin prison, in an attempt to persuade the family of the victim to pardon Sina and stop the execution taking place. At 3.45am, the victim's family arrived, and members of the group of human rights activists sought, unsuccessfully, to persuade them to pardon Sina Paymard. A few minutes before execution was to begin, Sina Paymard's mother fainted. At around 4am, a prison guard came out of the prison and announced that the death sentence would not be carried out for 10 days.

The 10-day stay of execution was ordered by Ayatollah Shahroudi, the Head of the Judiciary, to allow time for Sina Paymard's family to reach a financial settlement with the victim's family. It is understood that if Sina Paymard's family do not manage to raise the full US\$160,000 demanded, the family of the victim will ask for the death sentence to be carried out.

Sarmayeh also reported that, following donations from human rights activists and others inside Iran, notably a substantial donation from a university lecturer, the remaining US\$90,000 had been raised. It said that the necessary administrative work for payment of the *diyeh* would be completed on 21 July.

BACKGROUND INFORMATION

International law strictly prohibits the use of the death penalty against child offenders: people who are under 18 at the time their alleged crimes are committed. As a state party to 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. However, since 1990, Iran has executed at least 24 child offenders. At least 71 child offenders are currently on death row in Iran.

For more information about Amnesty International's concerns regarding 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>

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

- seeking clarification of reports that the family of Sina Paymard, who was sentenced to *qesas* for an offence he committed when he was 16 years old, have paid the *diyeh* requested by the family of the man he killed;
- stating that Amnesty International recognises the right and responsibility of governments to bring to justice those suspected of criminal offences, but is unconditionally opposed to the death penalty;
- reminding the authorities that international law strictly prohibits the use of the death penalty against child offenders, those who are under 18 at the time of their offence;
- urging the authorities to abolish the use of the death penalty for crimes committed before the age of 18;
- calling on the authorities to immediately commute the death sentence of Sina Paymard and any others on death row for crimes committed when they were under 18.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Salutation: Your Excellency

Email: info@dadgostary-tehran.ir (In the subject line: FAO Ayatollah Shahroudi)

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

**Email: info@leader.ir
istiftaa@wilayah.org**

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

Email: hadadadel@majlis.ir

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 30 August 2007.