

PUBLIC

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UA 04/06 Death penalty/ legal concern

IRAN Delara Darabi (f), aged 19, child offender

Delara Darabi, aged 19, is at risk of execution for a murder which took place when she was 17 years old. She denies committing the crime. Iran is a state party to international treaties that expressly prohibit the use of the death penalty for crimes committed by those under the age of 18.

According to reports in the Persian language news service *Aftab*, Delara Darabi and a 19-year-old man named Amir Hossein broke into a woman's house to commit a burglary. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder, but has since retracted her confession. She claims that Amir Hossein asked her to admit responsibility for the murder to protect him from execution, believing that as she was under the age of 18, she could not be sentenced to death.

Delara Darabi was sentenced to death by a lower court in the northern city of Rasht. The sentence has reportedly been upheld by the Supreme Court. She maintains her innocence, and has claimed that she was under the influence of sedatives during the burglary. At this stage the Head of the Judiciary has the power to order a stay of execution and a review of the case.

Amir Hossein has reportedly received a prison sentence of 10 years for his involvement in the crime.

BACKGROUND INFORMATION

As a state party to the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18.

Nevertheless, since 1990, Iran has executed at least 18 people for crimes committed when they were children. In 2005 alone, despite being urged in January by the United Nations Committee on the Rights of the Child to suspend the practice immediately, at least eight child offenders were executed, including two who were still under 18 at the time of their execution. The last recorded execution of a child offender, Rostam Tajik, was on 10 December 2005 - ironically, the day which the UN has marked annually as Human Rights Day (see UA 306/05, MDE 13/075/2005, 06 December 2005, and follow-up).

On 9 December, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, called on the Iranian authorities not to proceed with the execution of Rostam Tajik, stating: "At a time when virtually every other country in the world has firmly and clearly renounced the execution of people for crimes they committed as children, the Iranian approach is particularly unacceptable ... It is all the more surprising because the obligation to refrain from such executions is not only clear and incontrovertible, but the Government of Iran has itself stated that it will cease this practice."

For the last four years, Iran has been considering legislation to prohibit this practice, but despite this, over the past two years the number of child offenders executed has increased. Recent comments by a judiciary spokesperson suggest that the new law would in any case only prohibit the death penalty for certain crimes when committed by children.

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

- urging the authorities to commute the death sentence imposed on Delara Darabi immediately;
- reminding the authorities of their commitment to the International Covenant on Civil and Political Rights, which states that "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age";
- asking for details of her trial and any appeals;
- expressing concern at reports that Delara Darabi confessed to the murder in order to protect her co-accused;
- calling on the Iranian authorities to implement the recommendations of the United Nations Committee on the Rights of the Child, which called on Iran in January 2005 to "immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention";
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences such as murder, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

APPEALS TO:

Leader of the Islamic Republic

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

Fax: + 98 251 7 774 2228 (mark "FAO the Office of His Excellency, Ayatollah al Udhma Khamenei")

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

Salutation: Your Excellency

Head of the Judiciary

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

Email: irjpr@iranjudiciary.org (mark "Please forward to His Excellency Ayatollah Shahroudi")
Please note that this email address can be unreliable. If you are unable to email this address, please send your appeal via the judiciary website:
www.iranjudiciary.org/feedback_en.html

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

Gholamali Haddad Adel
Majles-e Shoura-ye Eslami
Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

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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 17 February 2006.