

Further Information on UA 04/06 (MDE 13/001/2006, 06 January 2006) and follow-up (MDE 13/084/2006, 01 August 2006) - Death penalty/ Legal concern New concern: Health concern

IRAN

Delara Darabi (f), aged 20, child offender

Delara Darabi's death sentence, handed down at a retrial in June 2006, was reportedly upheld by Branch 33 of the Supreme Court on 16 January 2007. Her lawyer reportedly lodged an appeal at the beginning of March. Concerns have been raised about Delara Darabi's physical and mental health in detention. It is not known whether she is receiving any medical treatment.

Delara Darabi was initially sentenced to death by Branch 10 of the General Court in the northern city of Rasht. The Supreme Court later found "deficiencies" in her case and sent it for retrial. However, following two trial sessions in January and June 2006, Delara Darabi was sentenced to death for a second time. When the Supreme Court upheld this sentence, Delara Darabi's lawyer was not immediately informed of their verdict, leading to a delay in his lodging an appeal. Delara Darabi therefore continues to face the death penalty for a murder which took place when she was 17 years old, and which she denies committing.

In January 2007, Delara Darabi reportedly tried to commit suicide in Rasht Prison after her request to be moved to less harsh conditions in another prison failed. Her life was saved by her cellmates, who alerted the prison authorities. Delara Darabi's family was allowed to visit her in mid-March and were reportedly concerned about her health, as she also suffers from a pre-existing kidney complaint, which has apparently worsened in detention.

According to reports, Delara Darabi, then aged 17, and a 19-year-old man named Amir Hossein broke into the house of Delara Darabi's elderly female relative to commit a burglary. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder, but subsequently 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. 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.

BACKGROUND INFORMATION

Despite being a state party to international treaties which prohibit the use of the death penalty against child offenders- persons who are under the age of 18 at the time of offence- many child offenders are under sentence of death in Iran.

At least 177 people were executed in Iran in 2006, including one person who was under the age of 18 at the time of their execution, and at least three others who were under 18 at the time of the offences of which they were convicted.

On 14 January 2007, judges in a Tehran criminal court cleared 19 year old Mahabad Fatehi (known as Nazanin Fatehi) of pre-meditated murder, but ordered her to pay diyeh (blood money) to the family of the man she killed in self-defence in March 2005. She had been sentenced to death for murder in January 2006, but following international protests, her death sentence was quashed by the Supreme Court in May 2006 and her case sent for retrial (see UA 220/05, MDE 13/047/2005, 24 August 2005, and follow-ups).

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

- expressing concern that Delara Darabi continues to face a death sentence for a crime which took place when she was 17 years old, and which she denies committing;
- expressing concern at reports that her lawyer was not immediately notified that the Supreme Court had upheld her death sentence;
- 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";
- expressing concern for Delara Darabi's physical and mental health, and calling for her to be allowed immediate and regular access to any medical treatment she may require;
- 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

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

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

Salutation: Your Excellency

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: 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

via website: www.president.ir/email

Speaker of Parliament

His Excellency Gholamali Haddad Adel

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

Fax: + 98 21 6 646 1746

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 8 May 2007.
