

PUBLIC

AI Index: MDE 13/047/2005

24 August 2005

UA 220/05 Fear of imminent execution

IRAN Mostafa (surname unknown) (m), aged 16, student
Sina (surname unknown) (m), aged 17, musician

Mostafa, a 16-year-old student, and Sina, a 17-year-old musician, are at risk of imminent execution for murder. Their sentences have reportedly been upheld by the Supreme Court, and could be carried out at any time.

According to the Iranian daily newspaper *E'temad*, Mostafa was convicted of killing a drunken man in the Pars district of Tehran. The drunken man was reportedly harassing a girl when Mostafa intervened to stop him. The man reportedly started hitting Mostafa, who eventually killed him in the ensuing scuffle.

E'temad also reported that Sina, a musician and music teacher in Tehran, was convicted of murder after a dispute with a man over cannabis in October 2004. Sina reportedly told the Court that he was addicted to drugs and had gone to a park in Tehran on the day of the incident to try and obtain cannabis from a drug dealer. He allegedly stabbed the drug dealer to death during a fight.

BACKGROUND INFORMATION

As a party to the International Convention on Civil and Political Rights, Iran has undertaken not to execute anyone for an offence committed when they were under 18 years old. For about four years, Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed under the age of 18. Article 41 of this law requires the authorities to have child offenders examined by psychiatrists and social workers.

Iran has executed at least six child offenders in 2005 including two minors. Most recently, *Kayhan* newspaper reported that a 17-year-old was among four men under the age of 23, named only as A.P., B.K., H.K. and H.J., who were executed on 23 August in Bandar Abbas, southern Iran. They were reportedly convicted of kidnapping, rape and theft. A.P. and B.K. reportedly received 74 lashes each before they were executed.

Amnesty International opposes the death penalty as the ultimate cruel, inhuman and degrading punishment, in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. Article 6 of the ICCPR states: "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age".

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

- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;
- urging the authorities to commute the death sentence imposed on Mostafa and Sina immediately;
- asking for details of their trials, including their legal representation and the appeals against their conviction;
- 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";
- 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.”

APPEALS TO: (Fax numbers and e-mail addresses for Iran are unreliable so please send letters if you cannot get through)

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

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

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei)

Email: info@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 HE Ayatollah Shahroudi')

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

Gholamali Haddad Adel

Majles-e Shoura-ye Eslami (Parliament)

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 5 October 2005.