

PUBLIC

AI Index: MDE13/098/2008

25 July 2008

Further Information on 271/07 (MDE/124/2007, 23 October 2007) Death Penalty/Fear of Imminent Execution

IRAN Soghra Najafpour (f), aged 31

Soghra Najafpour has been sentenced to death, for the second time, for a murder which took place when she was only 13 years old. She is in prison in the northern city of Rasht, where she has spent most of the last 19 years.

Soghra Najafpour was released on bail of 600 million Iranian rials (almost US\$66,000) on 1 October 2007. She returned to prison later that month to comply with a summons which followed a new demand by the family of the murder victim for her execution to be carried out after they heard of her release.

On 23 October 2007, Soghra Najafpour's lawyer petitioned the Office of the Head of the Judiciary to reinvestigate her case on account of serious flaws, following which her sentence of *qesas* (retribution) was overturned by the Supreme Court. The case was sent back for retrial in another branch of the General Court in Rasht. At the second trial, she was again found guilty and sentenced to *qesas* and remains at risk of execution.

At the age of nine, Soghra Najafpour was sent by her family to work as a servant in a doctor's home in the city of Rasht. After Soghra Najafpour had been working for the family for four years, the eight-year-old son of the family went missing. She was accused of the boy's murder when his body was found in a well a few days later. Soghra Najafpour initially denied the murder, but after repeated interrogation, confessed to committing it. Her confession was taken as proof of her guilt and she was sentenced to *qesas*.

In Soghra Najafpour's appeal against her sentence she wrote, "I didn't kill the eight-year-old boy, but I know who killed him and because of his request, I had to be silent. He had promised to get the victim's mother to forgive me and to save me." She added, "When I was nine, I was raped, and with the threats I received, I was forced to be silent, and on the day of the accident, I had a storeroom to clean and the same man who abused me came looking for me, and the boy, who was playing, came into the storeroom all of a sudden and saw me being abused. That man threw the boy against the wall and, in one instant, his head hit the wall and he lost consciousness. I couldn't move the boy's corpse, but that man wanted me to throw the body in the well."

Her appeal was rejected and following a medical examination, Soghra Najafpour also received a sentence of flogging for fornication, despite her claim to have been raped. The man she had claimed was her abuser was acquitted because he did not confess to raping her and there was no other evidence to prove he was the perpetrator.

On two occasions, when Soghra Najafpour was 17 and 21, she was taken to be executed but the family of the victim changed their minds at the last minute. Soghra Najafpour will continue to seek to prove her innocence.

BACKGROUND INFORMATION

International law strictly prohibits the use of the death penalty against people convicted of crimes committed when they were under 18. As a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, Iran has undertaken not to execute child offenders. However, since

1990, Iran has executed at least 33 child offenders, including at least two in 2008. Almost 140 juvenile offenders are believed to be on death row in Iran, the vast majority convicted of murder.

For more information see *Iran: The Last Executioner of children* (Index MDE 13/059/2007) and *Iran: Spare four youths from execution, immediately enforce international prohibition on death penalty for juvenile offenders* (<http://www.amnesty.org/en/for-media/press-releases/iran-spare-four-youths-execution-immediately-enforce-international-prohi>).

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

- urging the authorities to overturn the death sentence imposed on Soghra Najafpour, should it be upheld on appeal;
- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18, and that the execution of Soghra Najafpour would therefore be a violation of international law;
- calling for the authorities to pass legislation to abolish the death penalty for offences committed by anyone under the age of 18, so as to bring Iran's domestic law into 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, but unconditionally opposes the death penalty;
- expressing concern that Soghra Najafpour was flogged for having an illicit relationship after alleging that she was raped repeatedly from the age of nine and urging the authorities to end the practice of flogging, which is a cruel punishment which amounts to torture. Amnesty International is particularly concerned that a child who alleged she was raped was herself prosecuted and punished for committing *zina* (fornication).

APPEALS TO:

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:

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**

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani

C/o Office of the Deputy for International Affairs

Ministry of Justice,

Ministry of Justice Building, Panzdah-Khordad (Ark) Square,

Tehran, Islamic Republic of Iran

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 05 September.