

PUBLIC

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14 September 2006

Further Information on UA 21/05 (MDE 13/003/2005, 25 January 2005) Death penalty/Unfair trial New concerns: Fear of imminent execution/ medical concern

IRAN

Khaled Hardani (m)

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Khaled Hardani is reported to be at risk of imminent execution. He was sentenced to death for his part in the January 2001 attempted hijacking of a 30-seater passenger aircraft.

On 6 September 2006, Khaled Hardani's father-in-law and wife met the Head of the Judiciary, Ayatollah Shahroudi, and the judge who presided at Khaled Hardani's trial. On hearing that Khaled Hardani had not yet been executed, the judge is reported to have said, "Has it not been carried out? We confirmed it and sent it for implementation". Ayatollah Shahroudi told them that he was unable to grant an amnesty in this case as his crime of hijacking was too serious. His family members were given a letter, which was read out to them, confirming his death sentence, although no date was set for his execution. They were told to take it to the Office for Implementation of Sentences, which they did on 9 September. Press reports have suggested that Khaled Hardani may be executed in the Iranian month of *Aban*, which begins on 23 October.

Khaled Hardani was originally scheduled to hang on 19 January 2005, but the Head of the Judiciary ordered a stay of execution the previous day, apparently to allow lawyers to appeal. In May 2006 Khaled Hardani, who is currently held in Evin Prison in Tehran, told Amnesty International from prison that following the stay of execution, his case and that of his brothers-in-law had been referred to the Board of Monitoring and Follow-up (*Heyat-e Nezarat va Peigiri*), which had failed to issue any decision. He said he had been left not knowing his fate: "The death sentence is there. It has not been removed and at any time they decide, they can call me and say that your sentence must be carried out today or tomorrow or in the next hour... The only thing that is in my file is the order from [Head of the Judiciary] Shahroudi to stop the execution. But for how long it is going to be effective, is not clear. It is possible that they could call me in the next hour and say that your sentence has been confirmed and you must be executed tomorrow morning." He added that neither he nor his lawyer had ever received any documents concerning the confirmation of his death sentence by the Supreme Court. He said, "For six years the Islamic Republic has kept me, together with my two brothers-in-law, under the sentence of death and have also sentenced a brother of mine to 22 years' imprisonment. In addition, my wife, my small child and a number of my other relatives have been kept in jail for some time... Have you ever experienced receiving a death sentence? Have your partner, parents, brother, sister and relatives been told that tonight a close relative of yours is going to be executed? Can you understand the horror and shock of hearing such news? Have you even imagined that? But me, two of my close relatives and our families have been going through this – not for a night or two or few nights, but for a period of over two thousand nights." Khaled Hardani also complained that he was not getting adequate medical treatment for injuries to his face sustained when he was shot during the attempted hijacking, and that he had been denied visits from his family for three months.

Khaled Hardani announced that he was going on hunger strike on 20 May 2006 to protest at his ongoing detention and the uncertainty surrounding his fate. He is believed to have stopped his hunger strike shortly afterwards. Khaled Hardani's two sons, aged 7 and 5, are both reportedly suffering distress at their father's situation. His elder son, who is refusing to go to school, is apparently receiving medical treatment as a result of this distress.

Khaled Hardani was one of 11 members of an extended family who attempted to commandeer a scheduled flight between the southern Iranian cities of Ahvaz and Bandar Abbas, and force it to fly to Dubai, in the

United Arab Emirates. Security guards already on board ended the hijack attempt while the plane was still on the runway at Ahvaz, reportedly shooting Khaled Hardani in the process. The family were reportedly trying to escape the poverty and hopelessness they were experiencing as members of Iran's Arab minority. Khaled Hardani was sentenced to death, together with his brothers-in-law, Shahram and Farhang Pourmansouri, on charges of "acts against national security" (*eqdam 'aleyhe amniyat*) and *Moharebeh*, or "enmity with God", rather than charges relating specifically to hijacking an aircraft. At the time of the hijacking, the brothers were reportedly aged 17 and 18 respectively. As a state party to the International Covenant on Civil and political Rights (ICCPR), Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18. The Head of the Judiciary reportedly ordered the executions of all three men to be stayed because of the ages of the two brothers. It is not clear if the confirmation of Khaled Hardani's death sentence also applies to the Pourmansouri brothers.

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

- urging the authorities to commute immediately the death sentences against Khaled Hardani and his brothers-in-law, Shahram and Farhang Pourmansouri;
- 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;
- expressing concern that Shahram, aged 17 at the time of his offence, is facing execution;
- reminding the authorities that they are a state party to the ICCPR, which states that the "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age";
- pointing out that the United Nations Committee on the Rights of the Child 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 [on the Rights of the Child]";
- asking for details of the trial of Khaled Hardani and his brothers-in-law, Shahram and Farhang Pourmansouri, and any appeals they may have made;
- urging the authorities to ensure that Khaled Hardani and his brothers-in-law receive any necessary medical treatment.

**APPEALS TO:**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed Ali Khameni

The Office of the Supreme Leader, Shoahada Street, Qom, Islamic Republic of Iran

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

**Email: [Info@leader.ir](mailto:Info@leader.ir) OR [istiftaa@wilayah.org](mailto: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: Please send emails via the feedback form on the Persian site of the website**

**<http://www.iranjudiciary.org/contactus-feedback-fa.html>**

**The text of the feedback form translates as: 1st line: name, 2nd line: email address, 3rd line: subject heading; then enter your email into the text box**

**Salutation: Your Excellency**

**COPIES TO:**

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**

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 26 October 2006.