

PUBLIC

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Further Information on 63/07 (MDE 13/029/2007, 12 March 2007) Death Penalty/ fear of imminent execution

IRAN

Reza Alinejad (m) aged 23

Juvenile offender, Reza Alinejad is at imminent risk of execution for a crime he committed at the age of 17. He has been granted a month to obtain the required *diyeh* (financial compensation) to be paid to the victim's family. If he is unable to raise 1 billion Iranian rials (approximately US \$100, 000) it is likely he will be executed.

Reza Alinejad's family have put their house up for sale but are worried that even if sold it will not fetch the amount required to meet the *diyeh*. Reza Alinejad's father went to court in early November and was told that they were required to raise the funds for the next meeting scheduled for one month later.

On 26 December 2002, Reza Alinejad, then aged 17, was walking along with his friend Hadi Abedini in a street in Fasa, a city near the city of Shiraz in central Iran. The two had purchased some food, when two men- Esmail Daroudi and Mohammad Firouzi- approached them and began insulting and swearing at them. Esmail Daroudi and Mohammad Firouzi then attacked Reza Alinejad and Hadi Abedini with a *nunchaku* (or nunchuks, a martial arts weapon).

To protect himself and his friend from the attack, Reza Alinejad took a knife out of his pocket. Reza claims to have held out the knife in front of him with his right hand and with his left hand he protected his head from being hit by the nunchaku. During the struggle, Reza Alinejad claims he accidentally stabbed and killed Esmail Daroudi.

During the investigation, Mohammad Firouzi reportedly admitted that he and Esmail Daroudi had started the fight and attacked Reza Alinejad and Hadi Abedini, and that the latter two had been forced to defend themselves. Reza Alinejad and Hadi Abedini were injured in the attack and needed hospital treatment. An eyewitness to the attack also said that Reza Alinejad's actions had been in legitimate self-defence to protect himself and his friend. In spite of these testimonies and the claim by Reza Alinejad's that he stabbed the man in self-defence, he was sentenced to *qesas* (retribution) for murder by Section 6 of the Provincial Court in Fasa on 4 October 2003.

When the case went to the Supreme Court in December 2004, the death sentence was quashed by the court, which accepted that Reza Alinejad had acted in self-defence. When announcing it's verdict, the court acknowledged that the instigators of the dispute were the dead man and his friend and that they had attacked Reza Alinejad and Hadi Abedini and that the stabbing by Reza Alinejad had not been intentional.

The Supreme Court sent the case back to a lower court for investigation. The case was heard by branch 101 of Fasa Provincial Criminal Court, which on 15 June 2005 again sentenced Reza Alinejad to death. The court concluded that Reza could have fled the scene and had therefore acted unreasonably. On 9 May 2006, the Supreme Court upheld the death sentence.

Reza Alinejad has been detained in Adelabad prison in Shiraz since his arrest.

BACKGROUND INFORMATION

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both of which expressly prohibit the use of the death penalty against anyone convicted of a crime committed when they were under 18. However, since 1990 Iran has executed at least 40 juvenile offenders, eight of them in 2007 and seven in 2008.

In Iran a convicted murderer has no right to seek pardon or commutation from the state, though this right is protected by Article 6(4) ICCPR. The family of a murder victim have the right either to insist on execution or to pardon the killer and receive financial compensation. The Iranian authorities contend that *qesas* – the sentence for convicted murderers – is not execution, despite the fact that people sentenced to *qesas* are put to death by the state. This contention is not accepted in international law. The vast majority of juvenile offenders on death row in Iran have been sentenced to *qesas* for murder.

For more information about executions of child offenders in Iran, see *Iran: The last executioner of children* (MDE 13/059/2007, June 2007), <http://web.amnesty.org/library/index/engmde130592007>

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

- expressing deep concern that Reza Alinejad is at risk of execution for a crime committed when he was under 18;
- urging the authorities to commute his death sentence;
- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibit the use of the death penalty against people convicted of crimes – including murder - committed when they were under 18.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Goveh 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 subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

COPIES TO:

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani

Howzeh Riassat-e Ghoveh Ghazaiyeh (Office of the Head of the Judiciary)

Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Iran

Fax: **+98 21 3390 4986 (please keep trying)**

Email: fsharafi@bia-judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

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 01 January 2009.