

PUBLIC

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UA 228/08 Death Penalty

IRAN Kamal (m), aged 17, barber's assistant

Seventeen-year-old barber's assistant Kamal was sentenced to death for murder on 12 April 2008. His death sentence was approved by the Supreme Court at the beginning of August 2008, and his case has since been sent to the Head of the Judiciary for final approval. He is in imminent danger of execution.

According to local press, in the evening of 10 April 2007 Kamal was standing in front of the barber's shop where he worked with two friends, including the barber's son, Mehdi. They noticed a man named Shahin verbally harassing a young girl. A fight broke out between Mehdi and Shahin. When Mehdi's father arrived Shahin pushed him, and Mehdi asked Kamal to get a knife from the shop, which he did. Shahin then attacked Kamal and they both fell to the floor: Shahin was stabbed in the back. The blade hit his heart, and he died in hospital.

Under Article 206 (b) of Iran's Criminal Code, any killing is classed as "premeditated murder," and thus attracts a death sentence, "in cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person."

BACKGROUND INFORMATION

Since 1990 Iran has executed at least 35 juvenile offenders, eight of them in 2007 and four in 2008.

The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation. A convicted murderer has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the International Covenant of Civil and Political Rights (ICCPR).

The execution of juvenile offenders is prohibited under international law, as stated in Article 6 (5) of the ICCPR and the Convention on the Rights of the Child (CRC), of which Iran is a state party to and so has undertaken not to execute anyone for crimes committed when they were under 18.

On 8 July 2008, during a press conference in Geneva, Switzerland, Amnesty International published a joint statement with over 20 other international and regional human rights organizations calling on Iranian authorities to stop imposing the death penalty for crimes committed by juvenile offenders, and to uphold their international obligation to enforce the absolute prohibition on the death penalty in such cases. See *Iran: Spare four youths from execution, immediately enforce international prohibition on death penalty for juvenile offenders*, available at: <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 or your own language:

- expressing concern that Kamal is at risk of execution for a crime committed when he was under 18;
- calling on the authorities to commute his death sentence;

- reminding them that Iran is a state party to both 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 those under the age of 18 at the time of offence, and that to execute Kamal would therefore be a violation of international law;
- urging the authorities to pass legislation to abolish the death penalty for offences committed by people under the age of 18, so bringing Iran's domestic law in line with its obligations under international law;

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 Jomhouri, Tehran 1316814737, Islamic Republic of Iran

Email: info@dadgostary-tehran.ir (In subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

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**

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency
Palestine Avenue, Azerbaijan Intersection
Tehran, Islamic Republic of Iran

Fax: **+98 21 6 649 5880**

Email: dr-ahmadinejad@president.ir
(via website) <http://www.president.ir/email/>

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

Fax: **+ 98 21 5 537 8827 (please keep trying)**

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 September 2008.