

PUBLIC

AI Index: MDE 13/117/2008

15 August 2008

Further Information on UA 114/08 (MDE 13/065/2008, 29 April 2008) and follow-ups (MDE 13/066/2008, 8 May 2008; MDE 13/081/2008, 12 June 2008; MDE 13/101/2008, 25 July 2008) – Imminent execution

IRAN **Behnoud Shojaee (m), aged 20, juvenile offender**

Behnoud Shojaee is again in imminent danger of execution: his family was unable to afford the *diyeh*, or financial compensation, required to obtain a pardon. His execution, which was due to take place on or around 12 August has been postponed until the end of August 2008.

Behnoud Shojaee was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court in Tehran on 2 October 2006, after he was found guilty of killing a boy named Omid the previous year, when he was 17. Behnoud Shojaee had no legal representation at his trial.

He was twice granted a stay of execution by the head of the judiciary, Ayatollah Mahmoud Hashemi Shahroudi, to allow time for further negotiations over *diyeh* between his and Omid's families. However, although the Omid's family agreed to reduce the *diyeh* they demanded, from US\$2,085,000 to US\$625,000, this is still more than Behnoud Shojaee's family can afford.

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 Behnoud Shojaee 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 Behnoud Shojaee 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 Jomhuri, 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.