

PUBLIC

AI Index: MDE 13/153/2008

20 October 2008

**Further Information on UA 107/08 (MDE 13/056/2008, 23 April 2008) Death Penalty**

**IRAN**

**Hossein Haghi (m), aged 21, Juvenile offender**

---

Hossein Haghi's death sentence has been quashed by the head of Iran's judiciary in September 2008. He is to be retried by Branch 71 of the Tehran Criminal Court.

On 12 August 2003, Hossein Haghi, then aged 16, and his friend, known as Amrollah T, intervened to stop a fight between a friend of theirs and another boy, Mehdi Khalili. According to his testimony, Hossein Haghi was held from behind, and Mehdi Khalili started hitting him. Hossein Haghi was able to free his hands, and retrieved a knife from his pocket to defend himself. Mehdi Khalili was killed by a knife wound to the chest. Upon his arrest, Hossein Haghi admitted to holding a knife and striking Mehdi Khalili to scare him away. However during his trial, Hossein Haghi denied stabbing Mehdi Khalili to death.

On 8 February 2004 Hossein Haghi was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court. Based on his initial confessions he was found guilty of premeditated murder under Article 206 (b) of Iran's Criminal Code which states: "Murder is classed as premeditated in cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person." On 25 June 2004, the Supreme Court upheld his sentence. Hossein Haghi's defence lawyer lodged a petition demanding a review of the case. Though the petition was rejected, the case was re-examined, and was referred to Branch 33 of the Supreme Court by the Head of the Judiciary. The Supreme Court upheld the verdict of *qesas* (retribution) and sent it to Head of Judiciary to be approved. The Head of Judiciary quashed the verdict in September 2008 and sent the case for retrial to Branch 71 of the Tehran Criminal Court on the same charge of murder. He continues to be imprisoned in Tehran pending his retrial.

**Many thanks to all who sent appeals. No further action is required at present. Amnesty International will continue to monitor Hossein Haghi's case, and will take further action to campaign of his behalf as necessary.**