

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: MDE 13/174/2008

9 December 2008

Iran: Halted execution highlights inherent cruelty of death penalty

News that a prisoner was cut down from the gallows a few minutes after his execution began and then taken to hospital for resuscitation highlights the inherent cruelty and arbitrary nature of the death penalty, Amnesty International said today.

An article carried by the state-owned Islamic Republic News Agency (IRNA) (<http://www2.irna.ir/fa/news/view/line-9/8709173635162756.htm>) on 2 December 2008 stated that an unnamed man convicted of murder had been pardoned by the family of the murder victim a few minutes after his execution had begun in a prison in Kazeroun, in Iran's southern Fars province. He was taken to hospital, where his life was saved.

Amnesty International welcomes the family's decision to prevent the execution proceeding and the prompt action then taken to save the unnamed man's life, yet this case clearly illustrates the inherent cruelty of the death penalty. Any person subjected to similar treatment – for example, in a “mock-execution” – would be seen to have been subjected to torture, which is expressly and totally prohibited under international human rights law. However, this unnamed man facing execution had no such protection.

The case also highlights the arbitrary nature of the application of the death penalty in Iran, where two people convicted of the same offence of intentional murder, may face completely different outcomes - and live or die - not because of the circumstances of each case, but simply because of the wishes of the families of the murder victims. For example, Reza Alinejad, one juvenile offender, was freed from prison on 3 December 2008 after his family managed to raise the *diyeh* (compensation) required by the family of a youth he is alleged to have killed at age 17, where other juvenile offenders, whose execution is expressly forbidden under international law, have been sent to the gallows. At least seven such juvenile offenders are known to have been executed by the Iranian authorities since the beginning of 2008, of whom five had been convicted of murders committed when they were aged under 18.

Under the Iranian Constitution, all Iranian citizens are equal before the law. However, the current judicial system encourages arbitrary treatment which, literally, can mean the difference between life and death. The answer lies not just in reform of the arbitrary nature of the system, welcome though this would be, but in the total abolition of the death penalty.

Amnesty International calls on the Iranian authorities to order an immediate moratorium on all executions, in line with the United Nations General Assembly resolution of December 2007. Resolution 62/149 calls upon states that still maintain the death penalty to “[e]stablish a moratorium on executions with a view to abolishing the death penalty.” The authorities should also take immediate steps to comply with their international obligations not to execute juvenile offenders.

Background Information

Amnesty International is aware of other cases where executions have been stopped at the last minute before they were to be carried out, although none where an execution was halted after it began. For

example, juvenile offender Mohammad Feda'i, convicted in 2005 of a murder in 2004 when he was only 17, wrote in a letter from prison in June 2008 of his experiences of torture to extract a false confession, and when he was nearly executed in April 2008.

"They asked me to write my will the night I was going to be hanged. I didn't know what a "will" was. When they put the noose around my neck, I closed my eyes and asked my God for help. Just few seconds before hanging, it was halted, because they found out that my lawyers were fake. When I was coming down from the stairs, once again I saw hope and felt I am going back to the school again!"

Mohammad Feda'i remains on death row in prison.

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 has the right either to insist on execution or to pardon the killer, or to forego their right to execution in exchange for financial compensation (*diyeh*). 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.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or email: press@amnesty.org

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org