

PUBLIC

AI Index: MDE 13/047/2007

27 April 2007

Further Information on UA 04/06 (MDE 13/084/2006, 01 August 2006) and follow-up (MDE 13/038/2007, 27 March 2007) - Death penalty/legal concern/health concern

IRAN **Delara Darabi (f), aged 20, child offender**

Delara Darabi's death sentence has been confirmed by the Supreme Court, according to a 25 April report in the newspaper *Etemad*. The verdict has apparently been sent to the office of the Head of the Judiciary, Ayatollah Shahroudi, for consideration.

Her father has again requested that she be transferred from Rasht Prison to Evin, in Tehran, on the grounds that conditions in Rasht may have led in part to her January suicide attempt. Her life was saved by her cellmates, who alerted the prison authorities. According to recent reports, Delara Darabi has been beaten in Rasht Prison, leaving her with a broken arm, and she is in poor health. She reportedly also suffers from a pre-existing kidney complaint. It is not known whether she is receiving adequate medical care, but her condition has reportedly worsened in prison.

Delara Darabi, then aged 17, reportedly burgled the house of an elderly female relative on 29 September 2003 together with a 19-year-old man named Amir Hossein Sotoudeh. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder, but subsequently retracted her confession, claiming that Amir Hossein had asked her to admit responsibility for the murder to protect him from execution, believing that as she was under 18, she could not be sentenced to death. Iran is a state party to international treaties, including the International Covenant on Civil and Political Rights, that expressly prohibit the use of the death penalty for crimes committed by those under the age of 18.

Delara Darabi was sentenced to death by Branch 10 of the General Court in Rasht in 2005. The Supreme Court later found "deficiencies" in the case and sent it for retrial. Following further trial sessions in January and June 2006, Delara Darabi was sentenced to death for a second time. Amir Hossein Sotoudeh was sentenced to 10 years' imprisonment for complicity in the murder and both received sentences of three years' imprisonment and 50 lashes for robbery, and 20 lashes for an "illicit relationship". Delara Darabi's death sentence was confirmed by the Supreme Court on 16 January 2007. According to the *Etemad* report, this sentence has now been further confirmed by Branch 7 of the Iran's Supreme Court, sitting as a sentencing "discernment", or review, body (*Sho'be-ye tashkhis*).

BACKGROUND INFORMATION

Despite being a state party to international treaties which prohibit the use of the death penalty against anyone under the age of 18 at the time of offence, many child offenders are under sentence of death in Iran.

At least 177 people were executed in Iran in 2006, including one who was under the age of 18 at the time of execution, and at least three others who were under 18 at the time of the offences of which they were convicted.

On 14 January 2006, judges in a Tehran criminal court cleared 19-year-old Mahabad Fatehi (known as Nazanin Fatehi) of premeditated murder, but ordered her to pay *diyeh* (blood money) to the family of the man she killed in self-defence in March 2005. She had been sentenced to death for murder in January 2006, but following domestic and international protests, her death sentence was quashed by the Supreme Court in May 2006 and her case sent for retrial (see UA 220/05, MDE 13/047/2005, 24 August 2005, and follow-ups).

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

- urging the Head of the Judiciary to overturn the death penalty handed down to Delara Darabi;
- reminding the authorities of their commitment to the International Covenant on Civil and Political Rights, which states that "sentence of death shall not be imposed for crimes committed by persons below 18 years of age"
- calling on the Iranian authorities to implement the recommendations of the United Nations Committee on the Rights of the Child, which called on Iran in January 2005 to "immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18";
- expressing concern at reports that Delara Darabi has been beaten in Rasht Prison, breaking her arm, and calling for her to be allowed immediate and regular access to any medical treatment she may require, or to be transferred to another prison if an improvement in conditions in Rasht is not possible;
- calling on the authorities to commute the sentences of flogging passed on Delara Darabi and Amir Hossein Sotoudeh, as flogging amounts to torture;
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences such as murder, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

APPEALS TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei, Leader of the Islamic Republic

The Office of the Supreme Leader, Shahid Keshvar Doost Street, Tehran. Islamic Republic of Iran

Fax: +98 251 7774 2228 (mark "For the Office of His Excellency, Ayatollah Khamenei")

Email: Via website: <http://www.leader.ir/langs/EN/index.php?p=sendletter>

Salutation: Your Excellency

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

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

Email: info@dadgostary-tehran.ir (subject line: For the attention of Ayatollah Shahroudi)

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

His Excellency Gholamali Haddad Adel

Majles-e Shoura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Fax: +98 21 6 646 1746

Salutation: Your Excellency

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 8 June 2007.