

PUBLIC

AI Index: MDE 13/022/2005

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Further Information on 87/05 (MDE 13/011/2005, 15 April 2005) and follow-up (MDE 13/018/2005, 03 May 2005) - Fear of imminent execution

IRAN

Abbas Hosseini (m), Afghan national, aged 19

Abbas Hosseini has not been executed, and his case has been referred to the judiciary in Tehran for review. On 7 May the Head of the Judiciary, Ayatollah Shahroudi, ordered the local judiciary in Mashhad not to proceed with the execution, which was scheduled for 8 May. The department responsible for the implementation of death sentences confirmed that in the "absence of a file and further instructions", they will not proceed with the execution.

The planned execution is suspended while the case file is under review by the central Judiciary in Tehran. No details of the nature of the review are known. It is reported that while the case is under review, the family of Abbas Hosseini will continue to seek to persuade the family of the victim to accept payment of compensation (*diyeh*) in return for the commutation of the death sentence, as a way of concluding matters.

Abbas Hosseini was sentenced to death in June 2004 for a murder committed when he was 17, which he claimed to have committed "in a moment of insanity" after the victim made sexual advances towards him. The sentence was upheld by the Supreme Court, and he was due to be executed on 1 May. He was granted a stay of execution until 8 May, reportedly in order to give the victim's family another opportunity to accept payment of compensation in return for the commutation of the death sentence.

As a state party to the International Convention on Civil and Political Rights and the Convention on the Rights of the Child, Iran has undertaken not to execute anyone for an offence committed when they were under 18. Despite this, 11 child offenders have been executed in Iran since 1990. On 20 January 2005 Imam Farokhi was executed for a crime committed when he was 17 years old. So far this year Amnesty International has recorded a further two new cases of death sentences passed on child offenders. Seventeen-year-old Rasoul Mohammadi was due to be executed on 16 April, convicted of abduction, theft and rape. On 16 April it was reported that he had been granted a stay of execution, but his father, convicted on the same charges, was publicly hanged in Esfahan.

On 8 May, the Tehran-based newspaper *Kayhan*, which has close links to the judiciary, published a statement by the judiciary's official spokesperson which acknowledged appeals sent by the UA network. The statement denied that Abbas Hosseini would be executed, and concluded, "Amnesty International's sources of information are not reliable ... people under 18 are not executed..." This does not correspond with documented sentencing practice in Iran, or the findings of the UN committee dealing with children's rights.

Iran's judicial authorities have given similar public acknowledgement of appeals on other UAs, which we believe indicates the impact that appeals are having.

No further action is requested from the Urgent Action network. We will be monitoring the case and taking further campaigning action as necessary. Many thanks to all those who sent appeals.