

**PUBLIC**

**AI Index: MDE 13/018/2005**

**03 May 2005**

**Further Information on UA 87/05 (MDE 13/011/2005, 15 April 2005) Fear of imminent execution**

**IRAN**

**Abbas Hosseini (m), Afghan national, aged 19**

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The execution of Abbas Hosseini has been stayed until 8 May 2005. He had been scheduled to be executed on 1 May for a murder committed when he was 17. If his execution goes ahead, it will be in breach of treaties that expressly prohibit the use of the death penalty for crimes committed by those under the age of 18.

According to reports on 30 April, the stay was granted in order to give the victim's family another opportunity to accept payment of compensation (*diyeh*) in return for the commutation of the death sentence. The family has so far insisted that the death sentence be carried out.

If the victim's family continue to insist on the death penalty, the Supreme Leader of Iran, Ayatollah Sayed 'Ali Khamenei, may still commute the death sentence or pardon Abbas Hosseini. However, under Article 24 of The Islamic Criminal Code and Article 110 of Iran's Constitution, the Supreme Leader can only act if the Head of the Judiciary recommends a commutation or a pardon.

#### **BACKGROUND INFORMATION**

As a state party to the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18.

Nevertheless, 11 child offenders have been executed in Iran since 1990, and at least 36 children are under sentence of death. On 20 January 2005 Iman Farokhi was executed for a crime committed when he was 17 years old. On the same day an Iranian governmental delegation claimed that Iran does not execute people under the age of 18, in a declaration to the United Nations Committee on the Rights of the Child.

The Committee, which monitors states' implementation of the CRC, urged Iran to immediately stay all executions of people convicted of crimes committed when they were under 18, and abolish the use of the death penalty in such cases. The Committee said that it "deplored" the fact that Iran had continued to carry out such executions even after it ratified the CRC, including the execution that had taken place that day.

For the last three years, the Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed under the age of 18. Rasoul Mohammadi, a 17-year-old boy who was due to be executed on 16 April at Esfahan prison was granted a stay of execution as a result of "ambiguities" about his age (see UA 86/05, MDE 13/012/2005, 14 April 2005 and follow-up, MDE 13/015/2005, 18 April 2005).

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

- welcoming the stay of execution granted to Abbas Hosseini;
- urging the Head of Judiciary to recommend to the Supreme Leader that he pardon or commute the death sentence passed on Abbas Hosseini, and
- calling on the Supreme Leader to pardon or commute the death sentence passed on Abbas Hosseini on recommendation of the Head of the Judiciary;

- 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 eighteen 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, and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention";

**APPEALS TO: (Please note that email addresses in Iran can be unreliable. If you receive notification that your message has not been delivered, please re-send your email. If it fails again, please use fax numbers or postal addresses to send your appeal. Letters to the authorities from abroad should arrive in around four working days.)**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

The Judiciary,

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

**Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi')**

**Salutation: Your Excellency**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)**

**Email: info@wilayah.org**

**Salutation: Your Excellency**

Article 90 Commission

Chair of the Islamic Human Rights Commission,

Mohammad Reza Faker

Enghlab Eslami Street, Vasal-e Shrazi,

Nabsh-e Italia

Research Centre for Majlis-e Shoura-ye Eslami (Parliament)

Tehran, Islamic Republic of Iran

**Fax: + 98 21 896 78 77**

**Email: mellat@majlis.ir (mark 'Please forward to Head of Article 90 Commission)**

**Salutation: Dear Sir**

**COPIES TO:**

Speaker of Parliament

Gholamali Haddad Adel

Majles-e Shoura-ye Eslami (Parliament)

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and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**