

PUBLIC

AI Index: MDE 13/031/2009

09 April 2009

UA 98/09 Fear of imminent execution

IRAN Delara Darabi (f) aged 22, juvenile offender

Delara Darabi's lawyer, Abdolsamad Khorramshahi, fears that his client is at imminent risk of being executed. This follows a telephone call he received from Delara Darabi on 21 March in which she said that she had heard rumours in Rasht Prison that she would be executed. Delara Darabi has been detained at Rasht Prison, in northern Iran since her arrest in 2003 and sentenced to death for murder for a crime she committed when she was 17.

Normal legal avenues in her case have been exhausted, though domestic and international concerns about her situation appear to have resulted in repeated and slow-moving legal reviews. To ensure that she will not be executed however, all the members of the victim's family must agree to accept *diyeh*, or payment, sometimes called 'blood money' in exchange for her pardon. One relative is said to be undecided as to his wishes.

In September 2003, a then 17-year old Delara Darabi and her 19-year-old boyfriend Amir Hossein Sotoudeh broke into her father's 58-year-old female cousin Mahin's house to commit a burglary. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder in order to protect her boyfriend from execution, claiming that he had told her that as she was 17 she could not be executed. She subsequently retracted her confession.

Delara Darabi was initially sentenced to death by Branch 10 of the General Court in Rasht on 27 February 2005. In January 2006, the Supreme Court found "deficiencies" in the case and sent it to a children's court in Rasht for retrial. Following two trial sessions in January and June 2006, Delara Darabi was sentenced to death for a second time by Branch 107 of the General Court in Rasht. Amir Hossein Sotoudeh was sentenced to 10 years' imprisonment for complicity in the murder. 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 upheld by the Supreme Court on 16 January 2007.

In March 2007, her lawyer filed an appeal against her death sentence. In April 2007 her death sentence was confirmed following a further review by Branch 7 of the Supreme Court, after which the verdict was sent to the Head of the Judiciary for consideration. In December 2007, as a result of procedural flaws having been identified, the Head of Judiciary reportedly returned the case to Rasht for a further review. In February 2008, human rights lawyer Mohammad Mostafaie was reported to have visited Delara Darabi in prison. She was said to be very depressed and told Mohammad Mostafaie that she was tired of the waiting and of her unbearable life in prison. For further information please see: UA 04/06, MDE 13/001/2006, 6 January 2006 and follow-ups.

BACKGROUND INFORMATION

Iran has executed at least 42 juvenile offenders since 1990, eight of them in 2008 and one on 21 January 2009.

The execution of juvenile offenders is prohibited under international law, as stated in Article 6(5) of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child

(CRC), to which Iran is a state party, and so has undertaken not to execute anyone for crimes committed when they were under 18.

In Iran a person convicted of murder has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the ICCPR. The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation (*diyeh*).

For more information about executions of child offenders in Iran, please see *Iran: The last executioner of children* (Index: MDE 13/059/2007), June 2007, (<http://web.amnesty.org/library/index/engmde130592007>).

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

- expressing great concern at reports that Delara Darabi may be at imminent risk of execution for a crime committed when she was under 18;
- calling for re-trial of the case in proceedings meeting international standards for fair trial and in line with the Convention of the Rights of the Child, to which Iran is a state party;
- urging the Iranian authorities to commute her death sentence;
- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Goveh Qazaiyeh (Office of the Head of the Judiciary)
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Islamic Republic of Iran

Email: shahroudi@dadgostary-tehran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Islamic Republic Street – End of Shahid Keshvar Doust Street, Tehran, Islamic Republic of Iran

Email: info_leader@leader.ir

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter>(Persian)

Salutation: **Your Excellency**

COPIES TO:

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani
Howzeh Riyasat-e Goveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Iran

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

Email: info@dadgostary-tehran.ir (In the subject line write: **FAO Javad Larijani**)

Salutation: **Dear Mr Larijani**

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 21 May 2009.