

PUBLIC

AI Index: MDE 13/044/2008

06 March 2008

Further Information on UA 230/07 (MDE 13/109/2007, 31 August 2007) and follow-up (MDE 13/032/2008, 05 February 2008) - Imminent execution/child offender

IRAN Behnam Zare` (m), child offender

On or around 11 February 2008 the Head of the Judiciary ordered a second attempt to negotiate payment of *diyeh* ("blood money") with the family of the man that Behnam Zare` was convicted of killing, according to a report carried by the BBC Persian news service.

The order for the implementation of his sentence had been approved by the Head of the Judiciary, Ayatollah Shahroudi, on 5 February, and Behnam Zare` was awaiting execution. The order to reopen negotiations, therefore, may have been given, at least in part, in response to campaigning by Amnesty International's UA network and others. Negotiations over the payment of *diyeh* are managed by the Council for the Resolution of Differences, a body under the authority of the judiciary which is intended to solve a variety of legal disputes without recourse to the court system. There is no time limit for its decision. Behnam Zare` remains at risk of execution.

Behnam Zare` was convicted of a murder which reportedly took place on 21 April 2005, when he was 15 years old. He was found to have swung a knife during an argument with a man named Mehrdad, wounding him in the neck. Mehrdad later died in hospital. Behnam Zare` was detained on 13 November 2005; Branch 5 of Fars Criminal Court sentenced him to *qesas* (retribution) for premeditated murder. Under Article 206 (b) of Iran's Criminal Code, murder is classed as premeditated "in cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person." The case went to appeal before Branch 33 of the Supreme Court where the sentence was upheld, and it was then passed to the Office for Implementation of Sentences.

Iran is one of only six countries in the world in which child offenders – those convicted of crimes committed when they were under 18 – have been executed in the past four years. This is despite Iran's obligations under international treaties to which it is a state party which prohibit the execution of child offenders. In the last four years Iran has executed more child offenders than in all those other countries combined.

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

- expressing concern that Behnam Zare` is still at risk of execution for a crime committed when he was under 18;
- calling on the authorities to abide by the moratorium on the implementation of the death penalty called for by the UN General Assembly in December 2007, and to commute the death sentence passed on Behnam Zare`;
- reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

APPEALS TO:

Leader of the Islamic Republic

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

Email: info@leader.ir

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

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

Salutation: **Your Excellency**

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Email: dr-ahmadinejad@president.ir

via website: www.president.ir/email

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 17 April 2008.