

PUBLIC

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08 May 2008

Further Information on UA 114/08 (MDE 13/065/2008, 29 April 2008) Imminent Execution

IRAN

Behnoud Shojaee (m), aged 20, juvenile offender

The execution of juvenile offender, Behnoud Shojaee, which was scheduled to take place on 7 May, has been stayed for a month on order of the Head of the Judiciary. This is to allow Behnoud Shojaee to seek a pardon from the family of the boy he was convicted of fatally stabbing on 18 June 2005, and to allow the two families to reach a financial settlement. Should an agreement not be made, Behnoud Shojaee remains at risk of being executed.

Behnoud Shojaee, then aged 17, intervened to stop a fight between a friend and another boy named Omid in a park in Tehran. The boy then started a fight with Behnoud Shojaee and threatened him with a knife. During the fight Behnoud Shojaee picked a shard of glass and stabbed Omid once in the chest, before fleeing the scene.

Behnoud Shojaee was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court in Tehran on 2 October 2006. During his trial, Behnoud Shojaee was not afforded legal representation and was therefore made to write a request for re-examination and re-trial of his case himself. According to his lawyer who recently took up his case, Behnoud Shojaee maintained throughout his trial that he only stabbed Omid once even though the coroner's report stated that the victim died as a result of sustaining several injuries. His claims were never investigated and Behnoud Shojaee's sentence was nevertheless confirmed by Branch 33 of the Supreme Court on 30 June 2007.

BACKGROUND INFORMATION

As a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has undertaken not to execute juvenile offenders, those convicted of crimes committed when they were under 18. However, since 1990 Iran has executed at least 28 juvenile offenders, six of them in 2007. At least 84 juvenile offenders are now on death row in Iran. This number may be even higher as at least a further 15 Afghan juvenile offenders have reportedly been sentenced to death. For more information about executions of juvenile offenders in Iran, please see: *Iran: The last executioner of children* (MDE 13/059/2007, June 2007), <http://web.amnesty.org/library/index/engmde130592007>.

Amnesty International opposes the death penalty in all cases, and supports the global trend away from the use of the death penalty, powerfully expressed in the UN General Assembly's resolution calling for a worldwide moratorium on executions on 18 December 2007.

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

- welcoming the stay of execution of Behnoud Shojaee;
- calling on the authorities to commute the death sentence of Behnoud Shojaee, who remains at risk of execution for a crime committed when he was under 18 and the death sentences of all juvenile offenders sentenced to death in Iran;
- acknowledging that governments have a right and responsibility to bring to justice those suspected of criminal offences in proceedings that meet international standards for fair trial, but pointing out that the death penalty is the ultimate cruel, inhuman and degrading punishment;
- calling on the authorities to pass, as a matter of urgency, legislation abolishing the death penalty for all offences committed by those under 18, in accordance with Iran's obligations as a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

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
Howzeh Riyasat-e Qoveh 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: 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 OR 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 19 June 2008.