

PUBLIC

AI Index: MDE 13/074/2008

30 May 2008

UA 146/08 Imminent execution/ legal concern

IRAN Mohammad Feda'i (m) aged 21, juvenile offender

Mohammad Feda'i is facing imminent execution for a murder committed when he was 17 years old. He was convicted after an unfair trial. Iran is a state party to international treaties including the Convention on the Rights of the Child (CRC), which expressly prohibit the execution of those below the age of 18 at the time of the commission of the offence. According to news reports, he is scheduled to be executed on or around 11 June.

On 21 April 2004, Mohammad Feda'i attended a snooker club with his friends in Robat Karim, a town near the city of Karaj, in Tehran province, when one of his friends was involved in a fight with a group of about 17 young men. According to his testimony, Mohammad Feda'i tried to break up the fight, but a boy named Said started to hit him with a piece of wood. Mohammad Feda'i, who was holding a knife handed to him by one of his friends, then, according to his account, fell over. As Said was about to hit him again, he fatally stabbed Said once in self defence. Said was transferred to hospital, where died three hours later.

The case went before Branch 71 of the Tehran Criminal Court and Mohammad Feda'i was sentenced to *qesas* (retribution) for the murder of Said on 12 March 2005. Although the five sentencing judges in his case found Mohammad Feda'i guilty, they also acknowledged in their written verdict that the stabbing was an act of self-defence and that he had not been adequately represented at his trial, as his first legal representative was not an accredited lawyer, and two lawyers hired later had only submitted one written defence statement to the court during his trial. Nevertheless, the death sentence against Mohammad Feda'i was upheld by Branch 27 of the Supreme Court, and has been approved by the Head of the Judiciary.

Mohammad Feda'i had been due to be executed on 18 April 2007. However, the execution was stayed on the basis of the inadequate legal representation during his trial. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set.

BACKGROUND INFORMATION

As a state party to both the CRC and the International Covenant on Civil and Political Rights (ICCPR), Iran has undertaken not to execute juvenile offenders: those convicted of crimes committed when they were under the age of 18. However, since 1990 Iran has executed at least 28 juvenile offenders, six of them in 2007. At least 85 juvenile offenders are now on death row in Iran. This number may be even higher as at least a further 15 people are believed to have 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, English or your own language:

- calling on the authorities to commute the death sentence passed on Mohammad Feda'i, who is at imminent risk of execution for a crime committed when he was under the age of 18;
- noting that he had inadequate legal representation at his trial, meaning that proceedings did not meet international fair trial standards;
- urging the Iranian authorities to review Mohammad Feda'i's case;
- reminding them that Iran is a state party to both the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), which prohibits the use of the death penalty against those under the age of 18 at the time of offence, and that the execution of Mohammad Feda'i would therefore be a violation of international law.

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 Jomhouri, 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.