

PUBLIC

AI Index: MDE 13/121/2008

19 August 2008

Further Information on UA 146/08 (MDE 13/074/2008, 30 May 2008) and follow-up (MDE 13/100/2008, 25 July 2008) - Imminent execution / legal concern

IRAN

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

On 14 August, Mohammad Feda'i's execution was stayed for another month. Mohammad Feda'i is now facing execution in mid-September, if his family and relatives of the boy he was convicted of killing do not agree on the payment of *diyeh* (financial compensation).

Mohammad Feda'i was sentenced to death for the murder of a boy named Said during a fight. The crime was committed in 2004, when Mohammad Feda'i was 17 years old. The five judges who sentenced him acknowledged 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 the Supreme Court.

Mohammad Feda'i had been due to be executed on or around 12 August 2008 after the head of the judiciary had granted him a third stay of execution in July 2008. His execution was due to take place on 18 April 2007 but 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 for 11 June 2008. He received a second reprieve the day before his scheduled execution to allow talks between his relatives and Said's family over *diyeh*, in exchange for a pardon. His execution was again stayed for another month in July to allow further negotiation over *diyeh* and he was due to be hanged on or around 12 August 2008.

BACKGROUND INFORMATION

Since 1990 Iran has executed at least 36 juvenile offenders, including eight in 2007 and five in 2008.

The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation. A convicted murderer has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the International Covenant of Civil and Political Rights (ICCPR).

The execution of juvenile offenders is prohibited under international law, as stated in Article 6 (5) of the ICCPR and the Convention on the Rights of the Child (CRC), of which Iran is a state party to and so has undertaken not to execute anyone for crimes committed when they were under 18.

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

- expressing concern that Mohammad Feda'i is at risk of execution for a crime committed when he was under 18;
- calling on the authorities to commute his death sentence;
- reminding them that Iran is a state party to both 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 those under the age of 18 at the time of offence, and that to execute Mohammad Feda'i would therefore be a violation of international law;

- urging the authorities to pass legislation to abolish the death penalty for offences committed by people under the age of 18, with a view to bringing Iran's domestic law in line with its obligations under international law.

APPEALS TO:

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 subject line write: **FAO Ayatollah Shahroudi**)
Salutation: **Your Excellency**

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**

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency
Palestine Avenue, Azerbaijan Intersection
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(via website) <http://www.president.ir/email/>

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh (Office of the Head of the Judiciary)
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Fax: **+98 21 3390 4986 (please keep trying)**
Email: fsharafi@bia-judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)
int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.