

UA 337/06

Death penalty/Imminent execution

21 December 2006

IRAN

Hossein Gharabaghloo (m), aged 18

Hossein Gharabaghloo is believed to be at imminent risk of execution for a murder committed when he was 16. The Supreme Court confirmed his death sentence on 13 December, and he could now be executed at any time.

Hossein Gharabaghloo reportedly stabbed his friend Mahmoud to death during a fight on 1 December 2004 in Rabat-e Karim, near Tehran. He was arrested and taken to a juvenile detention centre, the Tehran Centre of Correction and Rehabilitation (*Kanoun-e eslah va tarbiyat*) but escaped before his trial, which had been due to take place on 19 April 2005. He was captured and on 1 November 2006 was tried by Branch 71 of Tehran Criminal Court, and sentenced to death. This sentence is reported to have been confirmed by Branch 31 of the Supreme Court on 13 December.

BACKGROUND INFORMATION

As a state party to the International Convention on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18. Despite this, since 1990 Iran has executed 20 or more people for crimes committed when they were children. In 2005 alone, despite the United Nations Committee on the Rights of the Child urging them in January to suspend the practice immediately, at least eight child offenders were executed, including two who were still under 18 at the time of their execution. Iran was the first country to execute a child offender during 2006, when 17-year-old Majid Segound was executed in May.

On 9 December 2005, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, called on the Iranian authorities not to proceed with the execution of Rostam Tajik, stating: "At a time when virtually every other country in the world has firmly and clearly renounced the execution of people for crimes they committed as children, the Iranian approach is particularly unacceptable . . . It is all the more surprising because the obligation to refrain from such executions is not only clear and incontrovertible, but the Government of Iran has itself stated that it will cease this practice." Rostam Tajik was executed the following day.

In November 2006, a UN independent expert appointed to lead a global study on violence against children, Paulo Sérgio Pinheiro, said in his World Report on Violence against Children that "Governments should ensure that all forms of violent sentencing are prohibited for offences committed before the age of 18, including the death penalty."

On 22 November 2006, Nasrin Sotoudeh, an Iranian female lawyer active in defending children's rights said in an interview with the website Rooz, "The Iranian government is a signatory to both the UN Covenant for Political and Civil Rights and the Convention on the Rights of the Child. According to these international treaties it is illegal to impose the death penalty on anyone who is under the age of 18 at the time of the crime. I expect the Iranian government to conform its domestic laws with its international rights and obligations." She added, "The Islamic Penal Code clearly prohibits the assignment of criminal responsibility to children under the legal age. More than two and a half years ago a bill was presented to the Majles [parliament] for the establishment of special courts for children and adolescents. The bill was passed by the Majles this summer, but it takes a long time for the Guardian Council to approve it. Thus my request is to suspend the death verdicts of children under the age of 18 until that time."

At least 21 other child offenders who have been sentenced to death are believed to be in prison in Iran. Children's rights activists in Iran believe they are being held in prison until after their 18th birthdays, after which the authorities are likely to proceed with their execution.

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

- urging the authorities to commute the death sentence imposed on Hossein Gharabaghloo immediately;
- reminding the authorities of their commitment to the International Covenant on Civil and Political Rights, which states that "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age";
- asking for details of his trial and any appeals;
- calling on the authorities to implement the recommendations of the United Nations Committee on the Rights of the Child, which called on Iran in January 2005 to "immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention";
- acknowledging that governments have a responsibility to bring to justice those suspected of criminal offences such as murder, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

Email: **info@leader.ir**
 istiftaa@wilayah.org

Salutation: **Your Excellency**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Salutation: **Your Excellency**

Minister of Justice

His Excellency Jamal Karimi-Rad, Ministry of Justice
Central Office of the Ministry of Justice, Ark Square, Tehran, Islamic Republic of Iran

Fax: + 98 21 3 311 6567

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

Speaker of Parliament

His Excellency Gholamali Haddad Adel
Majles-e Shoura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Email: **hadadadel@majlis.ir**

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 1 February 2007.*****