

PUBLIC

AI Index: MDE 13/152/2007

21 December 2007

**Further Information on UA 263/07 (MDE 13/116/2007, 16 October 2007) and follow-up (MDE 13/146/2007, 11 December 2007) - Death penalty/ Fear of imminent execution/ Unfair trial concern**

**IRAN** **Ali Mahin Torabi (m) aged 21**

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Ali Mahin Torabi's execution has been temporarily suspended by the Head of the Judiciary and his case sent for further review due to inconsistencies in the file. At the beginning of December it was feared that his case had been sent to the Office for the Implementation of Sentences and that his execution was imminent.

Ali Mahin Torabi was convicted of a murder committed when he was 16 years old. He was detained on 3 February 2003 in connection with a playground fight which resulted in the fatal stabbing of a schoolmate named Mazdak Khodadian. At the time, Ali Mahin Torabi repeatedly stated that he had not intended to stab Mazdak Khodadian, and only realized that the latter was injured when he heard shouting from children who had gathered around them.

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." Ali Mahin Torabi was sentenced to *qesas* (retribution) on 8 February 2003 by Branch 33 of the Public Court for the Investigation of Juvenile Crimes Offences in Karaj. Later, the Head of the Judiciary reportedly ordered that the case be resolved through arbitration. However, although the mother of the deceased is believed to have accepted in principal the payment of *diyeh* (blood money) in return for pardoning Ali Mahin Torabi, Mazdak Khodadian's father reportedly rejected efforts by a judicial mediation body to resolve the case, and has called for the execution to proceed.

### **BACKGROUND INFORMATION**

International law strictly prohibits the use of the death penalty against people convicted of crimes committed when they were under 18. 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 child offenders. However, since 1990, Iran has executed at least 28 child offenders, including six so far this year. At least 76 child offenders are currently on death row in Iran. This number may be even higher as according to reports, at least a further 15 Afghan child offenders may be under sentence of death.

The legal proceedings in Ali Mahin Torabi's case, like those of other child offenders facing the death penalty, may have been flawed. As well as noting that Iran is flouting international law by sentencing child offenders to death, Amnesty International is concerned about the use of evidence in these cases, including that of expert witnesses, where relevant, in trials, and relevant circumstantial evidence.

Most recently, child offender Makwan Moloudzadeh was executed on 4 December 2007. He had been sentenced to death in July 2007 for *lavat-e iqabi* (anal sex) in connection with the alleged rape of three boys in about 1999, when he was aged 13, please see: *Execution of child offender Makwan Moloudzadeh is a mockery of justice* (MDE 13/141/2007), 6 December 2007:

<http://web.amnesty.org/library/Index/ENGMDE131412007>

For more information about Amnesty International's concerns regarding executions of child offenders in Iran, please see: *Iran: The last executioner of children* (MDE 13/059/2007), June 2007:

<http://web.amnesty.org/library/index/engmde130592007>

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

- welcoming the news of the temporary suspension of Ali Mahin Torabi's execution and the order to review his case;
- calling on the Iranian authorities to commute the death sentence against Ali Mahin Torabi;
- expressing concern that Ali Mahin Torabi was sentenced to death for a crime committed when he was under 18;
- 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, and that the execution of Ali Mahin Torabi would therefore be a violation of international law;
- urging the authorities to pass legislation to abolish the death penalty for offences committed by anyone under the age of 18, so as to bring Iran's domestic law into line with its obligations under international law;
- stating that Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty.

**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,  
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**Email:** [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In the 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  
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**Salutation:** **Your Excellency**

**COPIES TO:**

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Director, Human Rights Headquarters of Iran

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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 2008.