

Urgent Action In Focus

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Denial of truth, denial of justice: The execution of child offenders in Iran



Iranian child offender Abbas Hosseini, whose execution was stayed after he was the subject of a UA. © Private

Iran's president, Dr Mahmoud Ahmadinejad, has in recent months made a number of headline-grabbing statements, for example on the country's nuclear programme, Israel and the Holocaust. However, one statement made by the Iranian authorities which received less publicity was its denial that the country executes child offenders – those who were under 18 at the time their alleged offence was committed. The facts, however, tell a different story.

Continued execution of child offenders – in violation of international law

On 19 January 2005, the Iranian authorities executed Iman Farokhi for allegedly committing a murder when he was 17 years old. The very same day, an Iranian governmental delegation in Geneva told a UN body that Iran does not execute children.

Iran has ratified both the UN Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR). Article 6 of the ICCPR states: "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age". Article 37(a) of the CRC states: "No child

[defined in international law as someone under 18 years of age] shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age."

However, Iran is known to have executed at least 18 people since 1990 for crimes committed when they were children. At the same time as child offender Iman Farokhi was put to death, the UN Committee on the Rights of the Child (a body of independent experts which monitors states parties' compliance with the CRC) was considering a report on Iran. When it learned of this execution, the Committee announced that it deplored Iran's continued execution of child offenders and urged the authorities to suspend the practice immediately.

Empty promises

So when will the authorities in Iran honour the promises they have made under international law? In 2005 alone, at least eight child offenders were executed, including two who were still under 18 at the time of their execution. The last recorded child execution, of Rostam Tajik, was on 10 December 2005 - ironically, the day which the UN has marked annually as Human Rights Day. Rostam Tajik, a 20-year-old Afghan national, was executed in public in the city of Esfahan in central Iran, despite calls for clemency from both the UN and Amnesty International. He was reportedly sentenced to *qisas* (retribution specified by the victim's family) by Branch 9 of the General Court of Esfahan for the May 2001 murder of a woman, committed when he was 16 years old. In the UA issued on his behalf, Amnesty International acknowledged that governments have a right and a responsibility to bring to justice those suspected of criminal offences, but reminded the Iranian authorities that the execution of Rostam Tajik would be

illegal under the terms of the CRC and the ICCPR (see UA 306/05, MDE 13/075/2005, 6 December 2005, and follow-up).

On 9 December, the UN Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, called on the Iranian authorities not to proceed with the execution, saying, "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."

The role of Urgent Actions

Death sentences are required to be upheld by the Supreme Court before executions can take place. Very few details of death sentences imposed within Iran are available, but the cases which have come to the attention of Amnesty International include:

- Nineteen-year-old Delara Darabi is one of the most recent child offenders to come to the attention of Amnesty International. She was sentenced to death by a court in the city of Rasht for a murder committed when she was 17 years old (see UA 04/06, MDE 13/001/2006, 06 January 2006). She denied the killing but the sentence was upheld by the Supreme Court at the beginning of January 2006, though her lawyer is reportedly appealing against the decision. The Persian language news service *Aftab* reported that Delara Darabi and a 19-year-old man, Amir Hossein, broke into a house intending to commit burglary, but killed the woman who lived there. Delara Darabi

initially confessed to the murder, but subsequently retracted her confession and stated that she had admitted responsibility for the murder at the request of Amir Hossein, to help him escape execution, because he believed that she would not be sentenced to death because she was under 18 at the time of the murder. She said that she was under the influence of sedatives during the burglary.

- Mostafa, (m, surname unknown) a 16-year-old student (see UA 220/05, MDE 13/047/2005, 24 August 2005), is at imminent risk of execution for murder. He was convicted of killing a drunken man, who was reportedly harassing a girl when Mostafa intervened to stop him. The man was killed in the ensuing scuffle. His sentence has reportedly been upheld by the Supreme Court and could be carried out at any time.
- Sina (m, surname unknown), a 17-year-old musician and music teacher in Tehran (see UA 220/05, MDE 13/047/2005, 24 August 2005), was convicted of murder after a dispute with a man over cannabis in October 2004. His sentence reportedly has been upheld by the Supreme Court and could be carried out imminently.
- Ruhollah G (see UA 336/04, MDE 13/053/2004, 16 December 2004, and follow-up), was sentenced to death by hanging for having an adulterous relationship with a woman, Hajieh Esmailvand, when he was a 17-year-old boy. One report said that the two were also accused of murdering Hajieh Esmailvand's husband in 2000. In December 2004 it was reported that he was awaiting official orders to be hanged in public. Hajieh Esmailvand was reportedly granted a stay of execution after being sentenced to death by stoning for adultery. Amnesty International has received no further information on this case.
- Sixteen-year-old student Ali (m, surname unknown) was sentenced to death in June 2004 for killing a fellow pupil during an argument, which according to Ali's testimony had been started by the other boy (see UA 14/05, MDE 13/002/2005, 19 January 2005). The sentence has been upheld by the Supreme Court.
- In November 2004, a 16-year-old identified only by his first name, Vahid, was reportedly sentenced to death (see UA 315/04, MDE 13/050/2004, 19 November 2004). He had allegedly killed a friend, who he reportedly claimed had tried to sexually abuse him. He claimed that his act was in self-defence. It is not known whether his sentence has been upheld by the Supreme Court.
- Seventeen-year-old Rasoul Mohammadi and his father Mousa Ali Mohammadi were sentenced to death by a court in the city of Esfahan for abducting 40 young girls, stealing their jewellery and raping at least four of them (see UA 86/05, MDE 13/012/2005, 14 April 2005, and follow-up). Mousa Ali Mohammadi was publicly hanged in Esfahan on 16 April 2005. Rasoul Mohammadi was reportedly granted a stay of execution because of "ambiguities" about his age.
- Nineteen-year-old Afghan national Abbas Hosseini was due to be executed in May 2005 for a murder committed when he was 17, which he said was in a

"moment of insanity" (see UA 87/05, MDE 13/011/005 15 April 2005, and follow-ups). Abbas Hosseini maintains that he acted in a fit of rage after the man made sexual advances towards him. The day before his execution date, the Head of the Judiciary ordered the local judiciary in Mashhad not to proceed with the execution, and referred his case to the judiciary in Tehran for review. No further details about the progress of the review are known.

The Iran team at Amnesty International believes that UAs play an important role in pressuring Iran to act on individual cases. Of all the child offenders named above whose cases were highlighted in UAs, only Rostam Tajik has been executed. In many other cases, international pressure generated by UAs and other action leads to a stay of execution, or even to death sentences being overturned.

One such "success story" was that of child offender Leyla Mafi, who was reportedly sentenced to death on charges of "acts contrary to chastity" by controlling a brothel, having intercourse with blood relatives and giving birth to an illegitimate child. A newspaper report on 28 November 2004 claimed that tests carried out by social workers have repeatedly shown her to have a mental age of eight. Leyla Mafi was reportedly forced into prostitution by her mother when she was eight years old, and was allegedly raped repeatedly thereafter. She had twice been sentenced to be flogged on charges of prostitution.

In response to urgent appeals from within Iran, from the UA network and from foreign governments, the Iranian authorities took the exceptional step of publicly commenting on the case, contesting AI's information about Leyla Mafi's age and mental capacity. However, just over two weeks after the UA was

issued, Leyla Mafi's execution was stayed, and the authorities ordered an investigation into the issue of her mental capacity. In March 2005, her death sentence was overturned by the Supreme Court. At a retrial in October 2005, she was sentenced to receive 99 lashes and spend three and a half years in prison. AI's Iran team believes that this sequence of events owes much to work done on the case by the UA network.

The UAs on Rasoul Mohammadi and Abbas Hosseini also attracted domestic and international media coverage, generated domestic and international pressure, and stays of execution were issued. On 8 May, the Tehran-based newspaper *Kayhan*, which has close links to the judiciary, published a statement by the judiciary's official spokesperson acknowledging appeals sent by the UA network on the case of Abbas Hosseini, and announcing the stay of execution. The statement denied that Abbas Hosseini would be executed, and concluded, "Amnesty International's sources of information are not reliable ... people under 18 are not executed..." This does not correspond with documented sentencing practice in Iran, nor the findings of the UN Committee on the Rights of the Child. However, sources in Iran point to appeals from the UA network, and expressions of concern from the UN and the EU as the reason the stay of execution was issued.

Human rights defenders in Iran have continued to stress that international publicity and pressure are one of the most effective means of effecting change in the country. Some believe that such pressure is helping to shift public opinion towards supporting the abolition of the death penalty for child offenders.

Human rights defender and 2003 Nobel Prize winner Shirin Ebadi has said her organization, the Center for the Protection of Human Rights, will intensify its fight against Iran's executions of minors. "My calls for a law clearly

banning execution of under-18s have fallen on deaf ears so far, but I will not give up the fight."

Amnesty International's Iran campaigner agrees with Shirin Ebadi: "AI too should support Iranian human rights organizations, and keep up the fight for the abolition of the death penalty for child offenders. UAs have a clear role to play - by taking action on cases when they arise and generating international pressure and publicity. In many cases, we have seen positive results."

Hope through new legislation?

Amnesty International hopes that UAs and other action taken by its members, as well as condemnation by the UN and domestic and international pressure, will eventually force the Iranian authorities to confront the issue of the illegal execution of child offenders, and bring their legal system into line with their obligations under the CRC and the ICCPR.

Legislation that would prohibit the use of the death penalty for offences committed by those under the age of 18 was put before parliament four years ago, but has been trapped in discussions.

On 11 October 2005, Minister of Justice Jamal Karimirad, acting in his capacity as spokesman for the Iranian Judiciary, was reported by the Iranian Students' News Agency to have said that if this legislation

was passed by the *Majles* (parliament), then those under the age of 18 would no longer be executed. However, he made a distinction between murder (for which the punishment is *qisas*) and other crimes carrying the death penalty, stating that *qisas* was a private, not a state matter, although he did say that attempts were also being made to address the issue of *qisas*.

It is clear from his statement that the draft law currently under consideration falls far short of the measures which are urgently needed in Iran if it is to meet its international human rights obligations not to execute child offenders. The majority of executions of child offenders in Iran are cases of *qisas* where the individual has been found guilty of murder, and Amnesty International continues to remind the Iranian authorities that it is unacceptable to separate cases of murder from other crimes carrying the death penalty. Legislation is urgently required to ensure that no one in Iran is sentenced to death for any crime, including murder, committed when they were under the age of 18.

Amnesty International's Iran team is sure that UA action on behalf of child offenders is vital in order to keep the international spotlight on Iran until the country lives up to its international commitments and ends the death penalty for child offenders.