

PUBLIC

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Death Penalty

06 September 2004

IRAN

Feyz Mohammad (m) aged 16, an Afghan national

Feyz Mohammad, a 16 year old Afghan national, has reportedly been sentenced to death by a juvenile court in Karaz. He was accused of distributing approximately 7 kilos of morphine, and being a member of a drug trafficking gang.

On 31 August, the internet newspaper *Peyk-e Iran* reported that Fezy Mohammad had 7 kilos of morphine in his possession at the time of his arrest. It is not known exactly when he was detained, but while in detention he is said to have confessed to transporting morphine from his place of work in Varamin to Karaz. It is not known under what circumstances this confession was made.

Feyz Mohammad later appeared before a juvenile court in Karaz, and was charged with transporting, supplying, purchasing and selling 7 kilos of morphine. He was then sentenced to death, though it is currently not known whether the sentence has been appealed, or whether it has already been upheld by the Supreme Court. In Iran, all death sentences have to be upheld by the Supreme Court before they are carried out.

According to the *Peyk-e Iran* report, Feyz Mohammad was arrested along with four other members of the drug trafficking gang. The men, named as Moosa, Abbass, Kamal and Gholam Hossein, are reported to have been released on bail.

BACKGROUND INFORMATION

Amnesty International has recorded ten executions of child offenders in Iran since 1990. One execution was reported in 1990, three in 1992, one in 1999, one in 2000, and three in 2004.

On 15 August 2004, Atefeh Rajabi, a girl who was believed to be 16 years old, was reportedly publicly hanged in Neka, in the northern Iranian province of Mazandaran, for "acts incompatible with chastity", following an alleged unmarried sexual relationship. According to reports, Atefeh Rajabi was not mentally competent, and was not represented by a lawyer at any stage of her trial. Her co-defendant, who was unnamed, was reportedly sentenced to 100 lashes. He was released after the sentence was carried out (see MDE 13/036/2004, News Service No: 210, 23 August 2004, 'Iran: Amnesty International outraged at the reported execution of a 16 year old girl'. <http://web.amnesty.org/library/index/engmde130362004>).

As a party to the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention on the Rights of the Child (CRC), Iran is bound not to execute child offenders. Both treaties provide that capital punishment shall not be imposed for offences committed by persons under 18 years of age at the time of committing the offence.

A bill to raise the minimum age for execution to 18 was reportedly under consideration by the Iranian parliament in December 2003. However, the bill is not believed to have been ratified by the Guardian Council, Iran's highest legislative body.

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

- urging the Iranian authorities to immediately commute the death sentence against 16-year-old Feyz Mohammad;
- noting that his execution would violate the UN Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party;

- asking for details of the trial proceedings and any appeals related to his case;
- seeking assurances that Feyz Mohammad has unconditional access to a lawyer of his choice, access to his family, and any medical treatment that he may require;
- stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- expressing concern and dismay that Amnesty International has recorded 10 executions of child offenders in Iran since 1990, including three in 2004, and calling on the Iranian authorities to immediately halt further executions of child offenders;
- urging the Iranian authorities to pass legislation removing the provision for the execution of child offenders, thereby bringing Iran into line with its obligations under international law. This would also be in line with the recommendations of the UN Committee on the Rights of the Child, which strongly urged Iran in 2000 to “take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18”

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Email: info@wilayah.org

(on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi')

COPIES TO:

Article 90 Commission

Chairperson, Article 90 Commission (Komisyon-e Asl-e Navad)

Majles-e Shura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Fax + 98 21 646 1746 (can be difficult to reach, please be patient)

Email: mellat@majlis.ir

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.