

PUBLIC

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Further Information on 04/06 (MDE 13/001/2006, 06 January 2006) Death penalty/ legal concern

IRAN Delara Darabi (f), aged 19, child offender

Delara Darabi, has reportedly been sentenced to death for a second time after her case was retried. She is at risk of imminent execution for a murder which took place when she was 17 years old.

Delara Darabi was initially sentenced to death by a lower court in the northern city of Rasht, and according to press reports, the Supreme Court had upheld the death sentence. However, new reports suggested that the sentence was rejected in January 2006 by Branch 33 of the Supreme Court and that her case was sent for retrial. It is unclear whether Delara Darabi was retried by Branch 107 of the Special Court for Children or the General Court in Rasht. However, following two trial sessions in January 2006 and on 15 June, Delara Darabi was reportedly sentenced to death (*qesas* or retribution).

According to reports Delara Darabi and a 19-year-old man named Amir Hossein broke into a woman's house to commit a burglary. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder, but subsequently retracted her confession. She claims that Amir Hossein asked her to admit responsibility for the murder to protect him from execution, believing that as she was under the age of 18, she could not be sentenced to death. Iran is a state party to international treaties that expressly prohibit the use of the death penalty for crimes committed by those under the age of 18.

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 at least 18 people for crimes committed when they were children.

In January 2005 the United Nations Committee on the Rights of the Child urged Iran to suspend the practice immediately. Nevertheless at least eight child offenders were executed that year, including two who were still under 18 at the time of their execution. On 13 May, Iran carried out the first known execution of a child offender in 2006. An unnamed 17-year-old male was executed by hanging, along with an unnamed 20-year old male, in Khorramabad, the capital of Lorestan province. According to reports, they had been sentenced to death for the rape and murder of a 12-year-old boy.

Children are still being sentenced to death in Iran. On 3 January, 18-year-old Nazanin was sentenced to death for murder by a criminal court, after she reportedly admitted stabbing to death one of three men who attempted to rape her and her 16-year-old niece in a park in Karaj in March 2005. She was 17 at the time. (See *Iran: Amnesty International calls for end to death penalty for child offenders*, MDE 13/005/2006, 16 January 2006). At the end of May the Supreme Court rejected the death sentence against Nazanin, reportedly on the instructions of the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi. The case will reportedly be retried in August and sent to a lower court for further investigation.

In March 18-year-old Mehdi was reportedly sentenced to death for killing a man in Robat Karim, Tehran Province about two years previously, when he was aged either 16 or 17. His brother was imprisoned for his involvement in the killing.

A man known only as Mohammad was sentenced to death by Branch 71 of Tehran's Criminal Court, for a murder reportedly committed when he was 16. He had originally been sentenced by a Children's Court to five years' imprisonment and the payment of blood money. However, two years later, when he reached the age of 18, the Supreme Court announced that he had reached the age of majority and could now be tried in a criminal court, which sentenced him to death. When the sentence came before it for approval in April 2006, the Supreme Court rejected it on the basis that the crime was committed when he was under the age of 18.

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

- urging the authorities to commute the death sentence imposed on Delara Darabi 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 her trial and any appeals;
- expressing concern at reports that Delara Darabi confessed to the murder in order to protect her co-accused;
- calling on the Iranian 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

Email: Please send emails via the feedback form on the Persian site of the website:
<http://www.iranjudiciary.org/contactus-feedback-fa.html>

(The text of the feedback form translates as:

1st line: name, 2nd line: email address, 3rd line: subject heading, then enter your email into the text box)

Salutation: Your Excellency

COPIES 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 12 September.