

PUBLIC

AI Index: MDE 13/011/2005

15 April 2005

UA 87/05 Fear of imminent execution

IRAN Abbas Hosseini, Afghan national, aged 19

Afghan refugee Abbas Hosseini is reportedly scheduled for execution on 1 May for a murder committed when he was 17. Iran is a state party to international treaties that expressly prohibit the use of the death penalty for crimes committed below the age of 18.

In July 2003 Abbas Hosseini was reportedly helping a man, a member of the Revolutionary Guard, to move furniture in his house. He says the man made sexual advances to him. Abbas Hosseini then managed to leave the house by promising that he would return with his girlfriend. In a fit of rage he returned to the house in order to "teach the man a lesson". He lured the man outside, supposedly to meet the girlfriend, and stabbed him once with a knife. The man died shortly afterwards as a result of his injuries.

Abbas Hosseini was arrested by the police and held in a juvenile detention centre in the city of Mashhad. He reportedly confessed to the murder, claiming that he had done it in a moment of insanity. A medical examination, conducted ten months after his arrest, rejected his claim of insanity at the time of the crime. Six months after his arrest he was transferred to the central prison in Mashhad, and charged with murder.

On 3 June 2004 he was sentenced to death by Branch 43 of Mashhad Special Court. The sentence was upheld by the Supreme Court on 28 October. The family of the victim has refused to accept payment of compensation (*diyeh*) and has insisted the death sentence be carried out. Under Iran's penal code, death sentences imposed for murder can be commuted if the victim's heirs forgo their right to retribution (*qesas*) and ask instead for the payment of 'blood money' (*diyeh*).

Abbas Hosseini was born in September 1985 to Afghan refugee parents in Mashhad, Iran. His family had fled to Iran to escape the civil war in Afghanistan, and he is considered a refugee by the UNHCR. He was 17 years old and attending high school when the crime took place.

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.

Nevertheless, 11 child offenders have been executed in Iran since 1990. On 20 January 2005 Iman Farokhi was executed for a crime committed when he was 17 years old. On the same day an Iranian governmental delegation claimed that Iran does not execute people under the age of 18, in a declaration to the United Nations Committee on the Rights of the Child.

The Committee, which monitors states' implementation of the CRC, urged Iran to immediately stay all executions of people convicted of crimes committed when they were under 18, and abolish the use of the death penalty in such cases. The Committee said that it "deplored" the fact that Iran had continued to carry out such executions even after it ratified the CRC, including the execution that had taken place that day.

There are at least 37 children under sentence of death in Iran, including Rasoul Mohammadi, a 17-year-old boy who is due to be executed on 16 April at Esfahan prison. (See UA 86/05, MDE 13/012/2005, 14 April 2005)

For the last three years, the Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed under the age of 18.

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

- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;
- urging the authorities to commute the death sentence imposed on Abbas Hosseini immediately;
- asking for details of his trial, including his legal representation and the appeals against his conviction;
- 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";
- 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."

APPEALS TO: Please note that email addresses in Iran can be unreliable. Please keep trying.

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

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

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

Gholamali Haddad Adel

Majles-e Shoura-ye Eslami (Parliament)

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Salutation: Dear Sir

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 May 2005.