

PUBLIC

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UA 129/06

Death penalty/imminent execution

IRAN

Ne'mat (m), aged 17

A 17-year-old boy, known only as Ne'mat, is facing imminent execution. The Supreme Court has rejected his appeal, so he could be executed at any time. The Head of the Judiciary has the power to order a stay of execution and a review of the case. Iran is a state party to international treaties that expressly prohibit the death penalty for crimes committed by those under the age of 18.

According to the Persian-language daily newspaper *E'temad*, Ne'mat was arrested for the January 2003 murder of his sister Zohra's husband, Haydar Ali. Ne'mat initially denied the accusation, but reportedly confessed after lengthy interrogation. He said that his sister had argued with her husband, and so he had gone to the husband's workplace, together with his brother Habib, to try to resolve the argument. A fight had ensued, during which Ne'mat had stabbed the husband in the chest with a knife.

Ne'mat was tried in Branch 106 of the Criminal Court in Esfahan, and sentenced to *qesas* (retribution in kind). His brother Habib was tried with him, and sentenced to three years' imprisonment. It is not known where they are held.

Ne'mat and Habib are not believed to have had access to adequate legal representation following their arrests and during their trial.

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.

Children are still being sentenced to death in Iran, although none are known to have been executed so far this year. 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 beginning of January the Supreme Court rejected the appeal of 19-year-old Delara Darabi, who had been 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, 6 January 2006). 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:

- expressing concern that a 17-year-old boy known only as Ne'mat is facing execution;
- urging the authorities to commute his death sentence immediately;
- reminding the authorities that they are a state party to the ICCPR, which states that "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age";
- asking for details of Ne'mat's trial and any appeals;
- pointing out that the United Nations Committee on the Rights of the Child 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:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Fax: (Via Ministry of Justice) + 98 21 3 311 6567 (Mark: "Please forward to HE Ayatollah Shahroudi")

Salutation: Your Excellency

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader, Shoahada Street,
Qom, Islamic Republic of Iran

Fax: + 98 251 774 2228 (mark "FAO the Office of His Excellency, Ayatollah al Udhma Khamenei")

**Email: info@leader.ir
istiftaa@wilayah.org**

Salutation: Your Excellency

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: Via Foreign Ministry: +98 21 6 674 790 (mark: "Please forward to H.E. President Ahmadinejad")

**Email: dr-ahmadinejad@president.ir
via website: www.president.ir/email**

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 21 June 2006.