

PUBLIC

AI Index: MDE 13/100/2008

25 July 2008

**Further Information on UA 146/08 (MDE 13/074/2008, 30 May 2008) and follow-up (MDE 13/082/2008, 12 June 2008) Imminent execution/legal concern**

**IRAN**                      **Mohammad Feda'i (m), aged 21, juvenile offender**

---

The head of Iran's judiciary, Ayatollah Mahmoud Hashemi Shahroudi, has granted juvenile offender Mohammad Feda'i a further one-month stay of execution, to allow further negotiations to take place between his family and relatives of the boy he was convicted of killing. The families are negotiating over the payment of *diyeh*, or financial compensation, in exchange for a pardon. Mohammad Feda'i is now facing execution on or around 12 August.

Iran is a state party to international treaties including the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR), which expressly prohibit the execution of those below the age of 18 at the time of the commission of the offence.

Mohammad Feda'i was sentenced to death for the murder of a boy named Said during a fight. The crime was committed in 2004, when Mohammad Feda'i was 17 years old. The five judges who sentenced him acknowledged that he had not been adequately represented at his trial, as his first legal representative was not an accredited lawyer, and two lawyers hired later had only submitted one written defence statement to the court during his trial. Nevertheless, the death sentence against Mohammad Feda'i was upheld by the Supreme Court.

Mohammad Feda'i had been due to be executed on 18 April 2007. However, the execution was stayed on the basis of the inadequate legal representation during his trial. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set for 11 June 2008. He received a second reprieve the day before his scheduled execution to allow talks between his relatives and Said's family over *diyeh*.

#### **BACKGROUND INFORMATION**

Since 1990 Iran has executed at least 30 juvenile offenders, seven of them in 2007 and two in 2008. At least 85 other juvenile offenders, possibly many more, are now on death row in Iran.

The family of a murder victim have the right either to insist on execution, or to pardon the killer and receive financial compensation. A convicted murderer has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the ICCPR.

The execution of juvenile offenders is prohibited under international law. Amnesty International opposes the death penalty in all cases, and supports the global trend away from the use of the death penalty, powerfully expressed in the UN General Assembly's resolution calling for a worldwide moratorium on executions on 18 December 2007.

On 8 July 2008, during a press conference in Geneva, Switzerland, Amnesty International issued a joint statement with over 20 other international and regional human rights organizations calling on Iranian authorities to stop imposing the death penalty for crimes committed by juvenile offenders, and to uphold their international obligation to enforce the absolute prohibition on the death penalty in such cases. See *Iran: Spare four youths from execution, immediately enforce international prohibition on death penalty for juvenile*

offenders, available at: <http://www.amnesty.org/en/for-media/press-releases/iran-spare-four-youths-execution-immediately-enforce-international-prohi>

For more information about executions of juvenile offenders in Iran, please see: *Iran: The last executioner of children* (Index: MDE 13/059/2007, June 2007), available at: <http://web.amnesty.org/library/index/engmde130592007>

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

- calling for Mohammad Fedai's execution to be commuted;
- calling on the authorities to stop executing those sentenced to death for crimes committed when they were under 18, as this violates international law;
- acknowledging that governments have a right and responsibility to bring to justice those suspected of criminal offences in proceedings that meet international standards for fair trial, but pointing out that no one should be executed for crimes committed when under 18 and that the death penalty is the ultimate cruel, inhuman and degrading punishment;
- calling on the authorities to pass, as a matter of urgency, legislation abolishing the death penalty for all offences committed by those under 18, in accordance with Iran's obligations as a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

**APPEALS TO:**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhouri, Tehran 1316814737, Islamic Republic of Iran

**Email:** [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In the subject line write: **FAO Ayatollah Shahroudi**)

**Salutation:** **Your Excellency**

**COPIES TO:**

President

His Excellency Mahmoud Ahmadinejad

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

**Email:** [dr-ahmadinejad@president.ir](mailto:dr-ahmadinejad@president.ir)

**via website:** [www.president.ir/email](http://www.president.ir/email)

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**