

URGENT ACTION



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Note: Please write on behalf of these persons even though you may not have received the original UA when issued on May 30, 2008. Thanks!

19 August 2008

Further Information on UA 146/08 (30 May 2008) and follow-up (12 June 2008; 25 July 2008) - Imminent execution / legal concern

IRAN

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

On 14 August, Mohammad Feda'i's execution was stayed for another month. Mohammad Feda'i is now facing execution in mid-September, if his family and relatives of the boy he was convicted of killing do not agree on the payment of *dijeh* (financial compensation).

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 defense 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 or around 12 August 2008 after the head of the judiciary had granted him a third stay of execution in July 2008. His execution was due to take place on 18 April 2007 but 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 *dijeh*, in exchange for a pardon. His execution was again stayed for another month in July to allow further negotiation over *dijeh* and he was due to be hanged on or around 12 August 2008.

BACKGROUND INFORMATION

Since 1990 Iran has executed at least 36 juvenile offenders, including eight in 2007 and five in 2008.

The family of a murder victim has 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 International Covenant of Civil and Political Rights (ICCPR).

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

The execution of juvenile offenders is prohibited under international law, as stated in Article 6 (5) of the ICCPR and the Convention on the Rights of the Child (CRC), of which Iran is a state party to and so has undertaken not to execute anyone for crimes committed when they were under 18.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- expressing concern that Mohammad Feda'i is at risk of execution for a crime committed when he was under 18;
- calling on the authorities to commute his death sentence;
- reminding them that Iran is a state party to both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which prohibit the use of the death penalty against those under the age of 18 at the time of offense, and that to execute Mohammad Feda'i would therefore be a violation of international law;
- urging the authorities to pass legislation to abolish the death penalty for offenses committed by people under the age of 18, with a view to bringing Iran's domestic law in line with its obligations under international law.

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 Jomhuri,
Tehran 1316814737,

ISLAMIC REPUBLIC OF IRAN

Email: info@dadgostary-tehran.ir
(In subject line: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei,
The Office of the Supreme Leader
Islamic Republic Street - Shahid Keshvar Doust Street
Tehran, ISLAMIC REPUBLIC OF IRAN

Email: info@leader.ir

Salutation: Your Excellency

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency
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Tehran, ISLAMIC REPUBLIC OF IRAN

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<http://www.president.ir/email/>

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh
(Office of the Head of the Judiciary)
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Iran does not presently have an embassy in the United States. Instead, please send copies to:

Iranian Interests Section

Embassy of Pakistan

2209 Wisconsin Ave NW

Washington DC 20007

Phone: 202 965 4990

Fax: 202 965 1073

Email: requests@daftar.org

PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 14 September 2008.