

URGENT ACTION

ONE JUVENILE EXECUTED; ANOTHER AT RISK

Iranian male juvenile Behnoud Shojaee, aged 21, was executed in Evin prison, Tehran, at dawn on 11 October. He had been convicted of murder, and the family of his victim refused to pardon him. Another male juvenile, 20-year-old Safar Angooti, also convicted of murder, is due to be executed some time between 19 and 21 October.

Behnoud Shojaee was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court in Tehran on 2 October 2006, after he was found guilty of killing a boy thought to be called Ehsan the previous year, when he was 17. Behnoud Shojaee had no legal representation at his initial trial. His execution had previously been postponed some six times. According to his lawyer, about 200 people gathered outside Evin prison before the execution in an attempt to plead with the victim's family to spare Behnoud Shojaee's life. They included the mother of Sohrab Arabi, a 19-year-old man killed during the unrest in Iran which followed the disputed presidential election. However, the family refused to pardon Behnoud Shojaee, and his lawyer stated that the victim's mother and father pushed the stool from under Behnoud Shojaee's feet after the noose had been placed around his neck.

Safar Angooti was convicted of murder when he was 17. According to Iranian newspaper E'temad, in April 2008 he stabbed a rival suitor who was talking to a girl he liked and was sentenced to death. Safar Angooti claimed that he had killed the man but not intentionally. He was previously due to be executed on 4 May 2009 but this was halted at the last minute. The authorities have told Safar Angooti's lawyer that he will be executed on 21 October. However, E'temad reports that Safar Angooti may be executed on 19 October. Executions of those under 18 at the time of their offence is strictly prohibited under international law.

PLEASE WRITE IMMEDIATELY in Persian, Arabic, English, French or your own language:

- √ Condemning the execution of Behnoud Shojaee, which is a gross violation of international law as he was under 18 at the time of the crime he has been sentenced for;
- √ Urging the Iranian authorities to immediately halt the execution of Safar Angooti and for his case to be reviewed urgently with a view to overturning his death sentence;
- √ Reminding the authorities that Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), both of which prohibit the use of the death penalty against people convicted of crimes committed when they were under 18.

PLEASE SEND APPEALS BEFORE 19 OCTOBER 2009 TO:

Head of the Judiciary

Ayatollah Sadeq Larijani
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: Via website:
<http://www.dadiran.ir/tabid/81/Default.aspx>
First starred box: your given name;
second starred box: your family name;
third: your email address
Salutation: Your Excellency

Head of Tehran Judiciary

Ali Reza Avaei
Karimkhan Zand Avenue
Sana'i Avenue,
Corner of Ally 17, No 152,
Tehran, Islamic Republic of Iran
Email: avaei@Dadgostary-tehran.ir

Salutation: Dear Mr Avaei

And copies to:

Director, Human Rights Headquarters of Iran
Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh
Pasteur St, Vali Asr Ave., south of
Serah-e Jomhuri, Tehran 1316814737,
Islamic Republic of Iran
Fax: +98 21 3390 4986 (please keep trying)
Email: fsharafi@bia-judiciary.ir or int_aff@judiciary.ir (In the subject line: FAO Mohammad Javad Larijani)

Also send copies to diplomatic representatives of Iran accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 275/09 (MDE 13/103/2009). Further information: www.amnesty.org/en/library/info/MDE13/103/2009/en

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ADDITIONAL INFORMATION

Behnoud Shojaee was previously been the subject of UA 114/08 (MDE 13/065/2008) and follow-ups.

Amnesty International has also campaigned previously for Safar Angooti, who was referred to in two press releases: <http://www.amnesty.org/en/for-media/press-releases/iran-stop-wednesday%E2%80%99s-execution-two-juvenile-offenders-20090505> and <http://www.amnesty.org/en/news-and-updates/news/delara-darabi-commemorated-actions-against-death-penalty-iran-20090508>.

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

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

In a letter to the Head of the Judiciary calling for a stay of execution for both Behnoud Shojaee and Safar Angooti, their lawyer Mohammad Mostafaei pointed out that when Iran ratified the Convention of the Rights of the Child, the Council of Guardian clarified that it regarded certain articles to be in contravention of Shari'a law and would not therefore be binding under the general reservation to the Convention entered by Iran. However, the Council of Guardians did not include Article 37 in its list, which states "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age." In practice, this article has been ignored by Iranian judges.

Iran has executed at least 45 alleged juvenile offenders since 1990, eight of them in 2008 and at least four in 2009, including Behnoud Shojaee.

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 (<http://web.amnesty.org/library/index/engmde130592007>).

Further information on UA: 275/09 Index: MDE 13/105/2009 Issue Date: 12 October 2009

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