

URGENT ACTION

JUVENILE OFFENDER FACES EXECUTION

Hossein Haghi is facing imminent execution for a murder committed when he was a 16-year-old boy. His case has been sent to the Office for the Implementation of Sentences in Tehran, which will set a date for his execution.

Hossein Haghi's death sentence was approved by Branch 27 of the Supreme Court and during the last week of August 2009, was passed to the Office for the Implementation of Sentences, the body responsible for overseeing executions. Only the Head of the Judiciary can now intervene to stop his execution unless the victim's entire family accept payment of *diyeh*, or blood money.

On 12 August 2003, Hossein Haghi, then aged 16, and his friend intervened to stop a fight between a friend of theirs and another boy, Mehdi Khalili. According to his testimony, Hossein Haghi was held from behind, and Mehdi Khalili started hitting him. Hossein Haghi said he was then able to free his hands, and retrieved a knife from his pocket to defend himself. Mehdi Khalili was killed by a knife wound to the chest. Upon his arrest, Hossein Haghi admitted to holding a knife and striking Mehdi Khalili to scare him away. However during his trial, he denied stabbing Mehdi Khalili to death. On 8 February 2004 he was sentenced to *qesas* (retribution) by Branch 74 of the Criminal Court. Based on his initial confessions he was found guilty of premeditated murder. On 25 June 2004, the Supreme Court upheld his sentence. Hossein Haghi's defence lawyer lodged a petition demanding a review of the case. Though the petition was rejected, the case was re-examined, and was referred to Branch 33 of the Supreme Court by the Head of the Judiciary. The Supreme Court upheld the verdict of *qesas* and sent it to the Head of the Judiciary to be approved. The Head of the Judiciary quashed the verdict in September 2008 and sent the case for retrial to Branch 71 of the Tehran Criminal Court on the same charge of murder. He was again sentenced to death.

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

- Expressing concern that Hossein Haghi is at risk of execution for a crime committed when he was under 18;
- calling on the Iranian authorities to commute 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 15 OCTOBER TO:

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of
Shahid Keshvar Doust Street, Tehran,
Islamic Republic of Iran
Email: via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)
<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)
Salutation: Your Excellency

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

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**)
Salutation: Dear Mr Larijani

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Hossein Haghi was previously the subject of two Urgent Actions: UA 107/08, MDE 13/056/2008, 23 April 2008 (<http://www.amnesty.org/en/library/info/MDE13/056/2008/en>) and update MDE 13/153/2008, 20 October 2008 (<http://www.amnesty.org/en/library/info/MDE13/153/2008/en>).

Article 206(b) of Iran's Criminal Code states: "Murder is classed as premeditated in cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person."

Iran has executed at least 44 alleged juvenile offenders since 1990, eight of them in 2008 and at least three in 2009.

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 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*).

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>).

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