

PUBLIC

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Death penalty/ Fear of imminent execution

16 October 2007

IRAN

Ali Mahin Torabi (m) aged 21

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Ali Mahin Torabi has been convicted of a murder committed when he was 16 years old and is now at risk of imminent execution, though Iran is a state party to international treaties including the Convention on the Rights of the Child (CRC), which expressly prohibit the execution of child offenders. Ali Mahin Torabi is held in Reja'i Shahr prison in Karaj, near Tehran. His death sentence could be carried out at any time.

On 3 February 2003, Ali Mahin Torabi was detained in connection with a playground fight at the Bani Hashemi High School. He reportedly fatally stabbed a schoolmate named Mazdak Khodadian, who died from loss of blood. The then 16 years-old Ali Mahin Torabi has repeatedly stated that he only realized that his schoolmate had been stabbed after he heard shouting from the crowds that had gathered during the schoolyard disturbance and that his blow was not intentional.

The lawyer for Ali Mahin Torabi has repeatedly drawn attention to the lack of clarity and doubts surrounding the events leading to the death of Mazdak Khodadian, noting for example that the coroner reported that the blow did not enter the victim in a direct manner; that it was not consistent with an intentional blow.

Branch 33 of the Public Court for the Investigation of Juvenile Crimes Offences in Karaj sentenced Ali Mahin Torabi to *qesas* (retribution) on 8 February 2003. On 8 June 2004 there were reports that Branch 27 of the Supreme Court had upheld the death sentence. However, new information later stated that the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi had ordered that the case be resolved through arbitration. Furthermore, under Article 206 (b) of Iran's Criminal Code, 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."

According to reports, Mazdak Khodadian's mother demanded payment of *diyeh* (blood money) in order to pardon Ali Mahin Torabi. However her husband is refusing this and is demanding that the execution be carried out. Failing to reach an agreement between all the blood relatives of the victim, in this case the parents, Ali Mahin Torabi remains at risk of execution.

#### **BACKGROUND INFORMATION**

International law strictly prohibits the use of the death penalty against people convicted of crimes committed when they were under 18. As a state party to the International Covenant on Civil and Political Rights (ICCPR) and the CRC, Iran has undertaken not to execute child offenders. However, since 1990, Iran has executed at least 24 child offenders. At least 75 child offenders are currently on death row in Iran. This number may be even higher as according to yet unconfirmed reports at least a further 15 Afghan child offenders may be under death sentence.

For more information about Amnesty International's concerns regarding executions of child offenders in Iran, please see: *Iran: The last executioner of children* (MDE 13/059/2007, June 2007)  
<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:**

- expressing concern that Ali Mahin Torabi is at risk of execution for a crime committed when he was under 18;
- calling on the Iranian authorities to immediately halt the execution of Ali Mahin Torabi;
- calling for the death sentence against Ali Mahin Torabi to be commuted;

- reminding the authorities that Iran is a state party to 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 people convicted of crimes committed when they were under 18, and that the execution of Ali Mahin Torabi would therefore be a violation of international law;
- urging the authorities to pass legislation to abolish the death penalty for offences committed by anyone under the age of 18, so as to bring Iran's domestic law into line with its obligations under international law;
- stating that Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences, but unconditionally opposes the death penalty.

**APPEALS TO:**

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](mailto:info@leader.ir)

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

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi  
Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square,  
Tehran, 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:**

Speaker of Parliament

His Excellency Gholamali Haddad Adel  
Majles-e Shoura-ye Eslami  
Baharestan Square  
Tehran, Islamic Republic of Iran

**Email:** [hadadadel@majlis.ir](mailto:hadadadel@majlis.ir)

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

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY**