

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Iran: Juveniles still to face the noose: authorities' word games exposed

Amnesty International deplores the re-affirmation by a senior Iranian judicial official that Iran will continue to judicially execute juvenile offenders, clarifying a misleading statement he made on 16 October.

The organization is concerned that the 16 October statement, which stated that Iran would no longer execute anyone below the age of 18, irrespective of the crime allegedly committed, played with words and was intended to mislead Iranian and international public opinion.

In a fresh statement on 18 October, Hossein Zabhi, Assistant Attorney General for Judicial Affairs, said that *qesas*, or retribution – the term used by the Iranian authorities to mean judicial execution for the crime of murder, a judicial process viewed by Iran's government as a matter between two private parties - "is not up to the government, rather it is up to the private plaintiff". In doing so, he exposed a glaring exception to his previous statement.

The new statement has quashed the hopes of at least 130 families whose loved ones face execution for crimes committed under the age of 18 and indicated to the scores of human rights defenders campaigning on this issue that their voices were, and will continue to be, ignored.

Amnesty International calls on the Supreme Leader to intervene as a matter of urgency. He has the power to rule on this issue and to stop juvenile offenders being put to death by the state once and for all, including those sentenced to *qesas* for murder.

Background

On 16 October, Hossein Zabhi, Assistant Attorney General for Judicial Affairs, stated that under the terms of a directive issued by the judiciary to all jurisdictions in Iran, the state would no longer execute juveniles for any crime committed under the age of 18. Welcomed both in Iran and internationally, it appeared to mark a break with past practice, although such directives do not have the force of law. A directive by the Head of the Judiciary to end stonings, issued in 2002, has never been fully implemented; stoning sentences have continued to be passed and a man was stoned to death in July 2007.

In the Iranian legal system, there is a distinction between cases where the penalty is "execution" (*hokm-e 'edam*) and *qesas*, although people sentenced to *qesas* are often reported in the media to have been sentenced to death. In Iranian law, murder is treated as a private dispute between two civil parties – the state's role is to facilitate the resolution of the dispute through the judicial process. In this sense, the death penalty, as in *hokm-e 'edam*, is regarded as being imposed by the state, whereas *qesas* is imposed by the family of the victim. As a result, sentences of *qesas* are not open to pardon or amnesty by the Supreme Leader.

Under international law, Iran remains fully responsible for respecting and protecting the rights of those under its jurisdiction, irrespective of the role that private parties may play in the administration of justice. In a case of *qesas*, Iran must respect the rights of any child offender by ensuring that the process it facilitates does not allow for the offender's execution and protects the child offender from any acts by private parties that would lead to an execution.

Iran has carried out the death penalty on juveniles under the age of 18 as well as on juvenile offenders who are over the age of 18 at the time of execution. According to information available to Amnesty International, Iran has at least 130 juvenile offenders on death row. The organization fears the true number could be higher. Since 1990 Iran has executed at least 37 juvenile offenders, eight of them in 2007 and at least six to date in 2008. No other country is known to have executed a juvenile offender in 2008.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or visit our website at <http://www.amnesty.org>