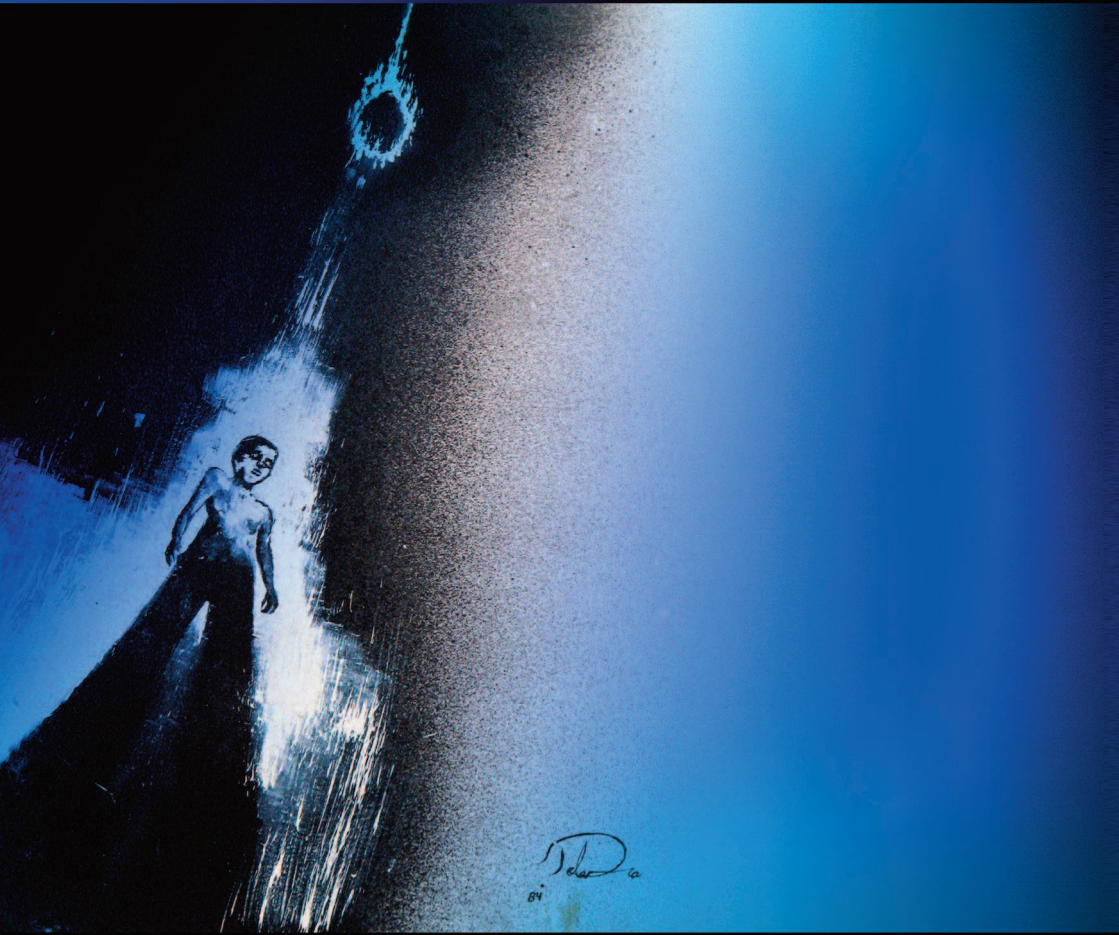


# FROM CRADLE TO COFFIN

A REPORT ON CHILD EXECUTIONS IN IRAN



The Foreign Policy Centre



**From Cradle to Coffin:  
A Report on Child Executions in Iran**

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## Preface

*Christian Salazar Volkmann*

According to many national and international sources the Islamic Republic of Iran is one of the few states in the world that continues to execute children. This is in clear breach of the Convention on the Rights of the Child (CRC), which Iran signed and ratified in 1994. Under the Convention on the Rights of the Child the death penalty is banned. Article 37 states that "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age." Therefore international pressure on the Government of Iran to abolish juvenile executions has been mounting in recent years. The Committee on the Rights of the Child has repeatedly demanded that Iran stop the execution of adolescents: "The Committee urges the State Party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18 . . ." <sup>1</sup> Similar calls were made by Amnesty International and many other human rights organisations as well as by Philip Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions: "The prohibition of the execution of those who were under 18 at the time of committing a crime is of fundamental importance to international human rights law. The Islamic Republic of Iran is the only country in the world to which I continue to receive significant numbers of credible reports of such sentences being imposed, and in some cases, carried out on juveniles." <sup>2</sup> Furthermore two recent resolutions of the UN General Assembly on Human Rights in Iran have called on Iran to end this practice. <sup>3</sup>

When discussing juvenile executions in Iran it is important to remember that the Islamic Republic has not been a passive bystander in the global process of formulating universal rights for children. Since its inception Iran has actively participated

in the drafting process of the CRC. For example, the Iranian delegates at the working group drafting the CRC emphasised in 1984 the need to protect children without primary caregivers as well as disabled children and very much encouraged international cooperation and aid in this field. The Iranian delegation also requested the inclusion of international assistance on infant mortality and child malnutrition in the Convention. In 1985, Iran put emphasis on international cooperation in the field of social security for children and in 1989 Iran concentrated its interventions on the protection of children in armed conflict, for example regarding the bombardment of cities or the use of chemical and biological weapons.

### **Growing consensus in Iran against the death penalty for adolescents**

It is important to note that the death penalty does not figure among legal or religious arguments for the Iranian reservation to the Convention on the Rights of the Child. Indeed, there are few Iranian jurists, theologians or lawmakers who justify the death penalty for persons under the age of 18. Furthermore numerous Iranian human rights activists have repeatedly criticised the state for this practice; also many law professionals and religious leaders have spoken against it. Even the head of the Iranian judiciary, Ayatollah Hashemi Shahroudi, has publicly pronounced that he is against the death penalty for adolescents on several occasions and the Iranian judiciary has established a moratorium on the execution of adolescents and has stopped around 100 executions in recent years according to its own estimates. However this moratorium is based on an administrative circular rather than a law and thus is not binding for judges and its effect to prevent executions has been very limited.



## **Why is it so difficult to abolish juvenile executions?**

Despite the growing consensus among Iranian politicians and professionals to abandon the death penalty for persons under the age of 18 – why is it still so difficult to abolish it? There are two key legal challenges to the abolishment of the death penalty against adolescents: the low age of criminal responsibility and retribution.

In Iran, the start of adulthood and thus the beginning of full criminal responsibility is linked to the end of puberty. The end of puberty is defined in civil law as 14 years seven months (15 lunar years) for boys and 8 years and 9 months (9 lunar years) for girls. As a consequence children and adolescents are not granted a number of special protection rights under the CRC; if a girl older than 9 years or a boy over 15 years of age commit a capital crime, they are judged as adults.

When a person with criminal responsibility causes death or permanent harm to another person the Islamic *Shari'a* determines *qesas* (retribution) as punishment. Currently, *qesas* is almost only applied in murder cases in the form of execution on request of the victim's family. *Shari'a* jurisprudence considers *qesas* a personal right of the family of the victim that cannot even be overruled by the decision of the Judge or any other authority. This means that only if the family of the victim withdraws the request for *qesas*, the convict can be released – unless the judge condemns him/her to prison.

This is why the struggle to prevent juvenile executions under the current Islamic Penal Code concentrates on a compensation payment called "blood money" to the family of the victim. If a boy or a girl commits a capital crime and the victim's family do not accept the compensation, under current penal law, the judge is obliged to sentence the adolescent to death. For this reason it is imperative that national law is changed if juvenile executions are to be brought to an end in Iran.

## **Strategies to change the situation**

In changing national law, both domestic and international support for juvenile justice reform in Iran are paramount. The current environment for legal change is favourable, as Iranian authorities themselves have taken important steps towards harmonisation of national and international legal standards with the Act of Formation of Juvenile Courts. The Iranian Judiciary presented this bill to the Parliament (Majlis) in 2004. It is the basis for ongoing juvenile justice reform in Iran and thus its approval "in general" by the Parliament sent a positive political signal. Out of 211 parliamentarians 142 voted in favour of the bill, 36 voted against it and 10 abstained. The majority vote for the bill expressed the fundamental conviction that the juvenile justice system in Iran has to be modernised. The new bill, considered a milestone, includes principles of restorative justice, provisions for diversion of case from the criminal system and alternative sentences. While the bill neither abolishes the death penalty for adolescents nor formally raises the age of criminal responsibility, it is an important step towards bringing the Iranian legal system in the area in line with international standards. This is because the bill gives judges the possibility to re-assess the mental maturity of the juvenile offenders and refrain from issuing death sentences in the first instance.

While the general approval of the Parliament was a positive step, the long time it usually takes for the Parliament to approve laws is reason for concern. Furthermore Parliamentary debates around the law also revealed resistance from ultraconservative forces. Therefore strong national and international advocacy will be needed to generate the necessary dynamics and political priorities for the final approval of the bill.

## **Education instead of punishment**

The new bill on juvenile justice alone will not be sufficient to reduce the number of death sentences against children.

Given the wide room for interpretation that Iranian judges possess in applying national law, the approval of legal reforms must be accompanied by an intensive effort to change a number of fundamental concepts and practices in Iranian jurisprudence. The Iranian juvenile justice system has a strong focus on punishment. According to a 2005 UNICEF report, "Some judges and prosecutors could not understand the idea of restorative justice even when it was explained by national experts. They constantly referred to the importance of punishment as a regulator of societal behaviour. The term "responsibility" was understood only in the context of "penal responsibility" and never understood in terms of taking responsibility for offences committed. The notion of guilt and punishment was therefore far more important than the notions of taking responsibility and making reparation."<sup>4</sup> Only relatively recently have discussions among professionals and officials of the justice system begun about the importance of non-punitive measures for young people. Such approaches are beginning to gain some support and it is here that international technical cooperation can play an important role in promoting such new practices in the judicial system.

### **Religious partnerships**

In addition, all efforts to reform juvenile justice in Iran and abolish the death penalty for children must be accompanied by an outreach towards religious leaders. Religious partnerships are of strategic importance for the realisation of any rights in Iran because the political and social power of religious leaders is exceptionally strong. The constitution of the Islamic Republic of Iran institutionalises the influence of religious leaders in all principal state institutions. It establishes a cleric as Supreme Leader to whom the president, legislative body, armed forces and the judiciary report. The Constitution also creates an institution called the "Guardian Council" composed of six clerics and six lay jurists that review all laws adopted by the Parliament and can veto them if they are deemed incompatible with Islamic law or the constitution. The Guardian Council also reviews all candidates

for parliamentary and presidential elections and can disqualify them if the Council believes they are un-Islamic, not committed to the leadership or otherwise unsuitable. Religious leaders also exert significant social influence in Iran. Recent opinion polls confirm that a majority of Iranians (62%) define themselves primarily through their religious beliefs.<sup>5</sup> Therefore, the cooperation between children's rights defenders and religious leaders in Iran is indispensable in changing the way Iran adopts (or rejects) international norms and universal standards related to children.

Will such change be possible? I believe that yes, particularly in Iran where *Shi'a* Islam more than other Islamic branches allows for the interpretation of religious dogmas. It is important to underline that *Shi'a* Islam assigns a very high value to religious reasoning *ijtihad*, which enables religious leaders and thinkers to relate the principles and prescriptions of the Qur'an to contemporary social problems. Religious reasoning also allows them to interact with new social situations and different belief systems in a flexible and potentially open-minded way. The distinguished *Shi'a* scholar Ayatollah Bojnourdi wisely said: ". . . Islam has no limits in terms of time and place and lives on to the end of the world, it needs to keep up pace with the development of human societies and to respond to new problems. Therefore, we believe that time and place play a role in religious thought and *ijtihad*, that is, we should always adopt a new religious line and orientation and our view should change in parallel with social developments."<sup>6</sup> Going even further, the Iranian theologian and philosopher Abdolkarim Soroush has pointed out that "disregard of rational criteria and of the necessity for the harmony of religious understanding and rational finding is a breach of religious responsibility . . ."<sup>7</sup>

Indeed, *ijtihad* allows for cooperation between Iranian religious leaders and children's rights defenders. Tolerant and open-minded positions like those described above are not exceptional in Iran. They echo sentiments, which are more widespread among the population than distant observers of

Iran may expect. Contrary to what many non-Iranians may believe, the attitude of the Iranian population towards dialogue and critical discussions on the relationship between Islam and other religions and normative systems in Iran is not negative. This has been confirmed by a recent international opinion poll among 21 nations by the Gallup Institute which lists Iran as among those nations where the population has a comparatively optimistic opinion about the dialogue between Islam and the West: "The majority of Iranians (also) believe that tension between the West and Muslim world is due to political, not underlying cultural or religious factors. This makes them less pessimistic . . . In the Middle East, Iranians are most likely to say that interaction between the West and the Muslim world is important . . ."<sup>8</sup>

If the analysis above is correct, then progress in the abolishment of juvenile executions will require a continuous search for consensus on universal children's rights, religious beliefs and principles of Islam. In my view, there are no principle grounds for assuming that Islam and children's rights are contradictory concepts. And why should they be? Islam is a religion of compassion and solidarity with the poor and vulnerable. It is a religion that promotes the well-being of children. It is a religion that establishes a comprehensive responsibility of adults to do everything they can so that children can grow up healthy, well-educated, happy and well-protected. Common ground with Iran and spaces for dialogue exist even though interaction seems increasingly difficult due to the polarised political environment that surrounds the country. However, children's rights defenders have more possibilities than other human rights activists to foster dialogue and understanding. Therefore children's rights defenders inside and outside Iran must do more to engage with religious leaders about children's rights, the *Shari'a* and the death penalty against children. I am convinced that participating in this dialogue is an important pre-condition to the goal of abolishing capital punishment against children by 2015.

## **Executive Summary**

The Islamic Republic of Iran executes more persons, per capita, than any other nation in the world, placing second only to China in the total number of executions. While the global trend clearly demonstrates a diminishing number of total executions, the reverse is true with respect to executions of individuals convicted of crimes as a juvenile. In contrast to the total number of executions worldwide, the number of child executions is increasing.

Most of these child executions occur in the Islamic Republic of Iran, which for over a decade has had the highest levels of such executions in the world. In the last five years alone there have been 33 child executions in Iran and as of June 2009, at least 160 juveniles wait on death row for a wide range of "offences" including homosexuality, sex outside of marriage, apostasy, and involvement in school or street fights that result in a murder. This memorandum provides a brief overview of the status of juvenile executions utilising statistical data and case studies highlighting injustices under the current Iranian penal system. This publication also documents violations of international treaties and conventions to which Iran is party and considers the challenges of theological perspectives and deficiencies in Iran's juvenile justice system. It concludes with practical recommendations for policy makers and activists that will allow them to take meaningful steps to address this crisis.

Since 47% of Iran's population is below the age of 18, this is an important and justified area of concern for all those who care about Iran and Iranians.

While reports indicate that there is an emerging movement among citizens, human rights defenders, and some legal and theological experts in favour of abolishing the death penalty for juveniles; while Iran is state party to the ICCPR and CRC which ban the execution of offenders who are under 18; while

an increasing number of Islamic leaders and scholars have called for an end to child executions; while the head of the judiciary in Iran has sent circulars calling for judges to refrain from sentencing juveniles to death; while the parliament has passed a draft bill to end child executions; while the civil society including high profile lawyers, activists, sociologists, and doctors have pushed for an end to such brutality through petitions, joint letters, rallies and conferences; while there has been a surge in news reports covering the issue and admonishing the practice; and while the international community including the United Nations, European Union and hundreds of members of parliament worldwide have written letters of condemnation to Iranian authorities, these efforts have fallen on deaf ears in the Islamic Republic of Iran.

Our primary challenge is to foster the implementation and enforcement of existing legislation despite the resistance of a minority of ultraconservative clerics who wield a tremendous amount of executive power. Questions about what has been done so far, what mechanisms need to be put in place to facilitate change and how the international community can help to put an end to juvenile executions are also addressed in this report.

## Introduction

“Mom, they want to execute me. I see the gallows. Mother save me!”

These were the last words Delara Darabi shared with her mother. Delara was executed at 7 am on 1 May 2009, just 12 days into a two-month stay of execution issued by the head of Iran’s judiciary.<sup>9</sup> While she continued her desperate pleas over the phone saying “I want to see you, for God’s sake save me” a prison official took the phone receiver away from Delara and told her father “We are going to kill your child and you cannot do anything about it.”<sup>10</sup>

Indeed, Delara was put to death, but the reason why no one could do anything to stop it was because the Rasht authorities carried out her execution in secrecy, an action in direct violation of Iran’s laws. The outrage following her death has impelled the international community to further demand Iran to account for its mistreatment of juvenile offenders.<sup>11</sup> Delara’s death is the most recent addition to a long record of juvenile executions in Iranian prisons.

As representatives of a government known for its global ranking as the top executioner of juvenile offenders,<sup>12</sup> the Iranian judicial representatives often deny juvenile executions,<sup>13</sup> ignore their international commitments and contradict national laws and practices.<sup>14</sup> As recently as 28 October 2008, in a statement issued to the UN, once again Iran denied executing juveniles.<sup>15</sup> The day after, Iranian authorities executed Gholamreza Haka Gholamreza Saeedi, the seventh juvenile offender executed in 2008.<sup>16</sup>

The fact remains that Iran does execute juvenile offenders. However, in light of lack of transparency and accountability, it is impossible to estimate the actual number of juveniles who have faced the death penalty in Iran since the 1979



revolution. Current reports point to the fact that execution is a fate awaiting at least 160 more juvenile inmates.<sup>17</sup>

It is a known fact that Iran is a signatory to international instruments, which prohibit the application of death penalty in cases of juvenile offenders.<sup>18</sup> Although the apparent contradictions between the articles of these instruments and the Islamic Republic's interpretation of *Shari'a* law remain a point of contention among various Iranian authorities and scholars, an increasing body of religious experts and human rights defenders are joining forces to combat this form of injustice and seek judicial reforms that lead to proper adjudication and rehabilitation of young offenders.<sup>19</sup> Since 47% of Iran's population is below the age of 18, this is an important and justified area of concern for all those who care about Iran and Iranians.<sup>20</sup>

This report aims to briefly highlight the past and present challenges and choices in Iran's human rights record on juvenile offenders. It considers legal and theological perspectives on key issues as well as presenting case studies on selected individuals whose mistreatment raises serious questions about the injustices faced by young people in the Iranian judicial system. The report offers practical recommendations to the international community as it takes a closer look at the Islamic Republic and its human rights record through the 2010 Universal Periodic Review.

However, it is by no means a perfect account. In light of the fact that human rights organisations have great difficulty maintaining a presence in Iran, and the various obstacles that stand in the way of presenting and protecting the interests of Iranian minors, it is almost impossible to offer a fully comprehensive account of their struggles at this time.

The hope of the authors in writing this report is to offer a starting point for a new type of dialogue on juvenile executions. This is one that highlights realistic strategies for removing systemic obstacles to juvenile justice; identifies

points of common interest among various defenders of children's rights and promoters of their education and training in order to maintain a seamless network of cooperation aimed at improving the quality of life for this segment of the Iranian population; and finally, effective patterns of cohesion and collaboration among individuals, groups and institutions within or outside Iran, who are involved in rescuing and rehabilitating juvenile offenders.

## Background

Following the establishment of the first Middle Eastern constitutional parliament and during the first few decades of the Twentieth Century, the Iranian criminal justice system experienced a number of changes. The two Pahlavi kings began to establish a monarchy with its own new laws and courts, modelled predominantly after the French system. As part of this process, in 1959, juvenile courts were established.<sup>21</sup> With the emergence of the United Nations system Iran became a signatory of the International Covenant on Civil and Political Rights (ICCPR)<sup>22</sup> at its inception in 1966 and later when it entered into force on 23 March 1976. This was a short while prior to the first series of unrest that culminated in the 1979 Revolution.

Soon after the establishment of the Islamic Republic in Iran, the 1906 Constitution and previous Iranian laws were abolished. This resulted in the closure of the juvenile courts and a fundamental redefinition of the legal system in accordance with the Supreme Leader's interpretation of Islamic *Shari'a*.<sup>23</sup> Furthermore, the number of executions in Iran escalated dramatically. The diverse body of victims included those convicted of crimes committed while below the age of 18.<sup>24</sup> There are no exact figures on how many juveniles have been put to death in Iranian prisons since 1979. However, the young ages of many opponents of the regime that continued to fill Iranian prisons, as well as the executions of some 40,000 prisoners during the first five years of the revolution,<sup>25</sup> point to the strong possibility of Iran having executed a significantly high number of juveniles, some as young as 11 or 12.<sup>26</sup>

In the absence of open access to Iran's execution records, the majority of these cases have not yet been investigated by relevant international agencies and organisations. However, the first case that attracted global attention to this practice was that of 17-year-old Mona Mahmoudnezhad,<sup>27</sup>

whose hanging on 18 June 1983 in the city of Shiraz was ordered and approved by the highest judicial authorities of the land. Mona was executed for her adherence to the Baha'i Faith,<sup>28</sup> and her case helped highlight the plight<sup>29</sup> of young Iranians who continue to face execution, are often tried without proper access to legal representation and are denied other rights while in custody. To this day, eyewitness accounts and reports continue to unveil the inhumane treatment of juveniles in notorious Iranian prisons, such as Rajaie Shahr Prison.<sup>30</sup>

During the 1988 prison massacre<sup>31</sup> Iranian authorities executed thousands of inmates in secret and buried them in mass graves.<sup>32</sup> The majority of the victims were young, and included those under the age of 18. When the families of the victims and the international community sought to bring those responsible to justice<sup>33</sup> Iranian authorities denied their actions and failed to provide any justification for such atrocities. Despite continuing to execute juvenile inmates,<sup>34</sup> on 5 September 1991, Iran chose to become a state party to the Convention on the Rights of the Child (CRC). But when ratifying it on 13 July 1994 Iran reserved the right to ignore any Articles or provisions that are in contradiction to 'Islamic Laws and the internal legislation in effect' and went on to clarify that where 'domestic laws strongly differ' from the Convention Articles, they can be 'revised, provided that they do not contradict the principles of the *Shari'a*.'<sup>35</sup> Such a reservation undermines the very purpose and spirit of the CRC.<sup>36</sup> For instance, Article 37 states that 'State Parties shall ensure that . . . Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age,' while Article 40 points to the state's responsibility in ensuring the best interests of children by promoting their sense of 'dignity and worth' in order to facilitate their 'reintegration and . . . assuming a constructive role in society.'<sup>37</sup>

Iran's vague reservation has resulted in a growing gap

between the country's international commitments and human rights record.<sup>38</sup> Iran has yet to pass legislation calling for the implementation of this Convention in its entirety. Reports indicate that Iran continues to execute more children who were under 18 when they committed the crime than any other country.<sup>39</sup> In fact, since 1990, 43 minors have faced execution in Iran. Among them, 11 were hung before their 18<sup>th</sup> birthday.<sup>40</sup> While these sentences are often approved by the country's highest judicial authorities they are frequently the result of improper adjudication;<sup>41</sup> lack or limited access to legal representation throughout the entire process of investigation;<sup>42</sup> and contradictory sentences by different branches of the judiciary.<sup>43</sup> Iran is also party to The Beijing Rules. Although this is a non-binding obligation, the Rules offer a model for treatment of juvenile offenders. They outline the framework of a fair national juvenile justice system. Adopted by Iran in 1985, the Rules complement the CRC by emphasising the importance of administering the process of juvenile justice in a manner where 'any treatment should take into account the child's age and the desirability of promoting their "reintegration" and their assumption of "a constructive role in society."<sup>44</sup> Rule 2.3 further emphasizes the role of the party states in such a process: "efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders and institutions and bodies entrusted with the functions of the administration of juvenile justice". It is encouraging to note that among other initiatives in recent years, Iran and UNICEF have incorporated The Beijing Rules in their collaborative efforts.<sup>45</sup>

Reports indicate that juvenile offenders, especially women, are not only deprived of their human rights, but are also often abused at the hands of prison officials. Since the early days of the Islamic Republic, some juveniles have been physically or sexually tortured.<sup>46</sup> Reports indicate that some faced such treatments in order to obtain confessions from other prisoners, including family members.<sup>47</sup> Frequently conducted in public, Iran also opts to use particularly inhumane methods

of execution. One is the suspension hanging method, where the victim is hoisted up by a winch turned by two executioners or guards; and another is short drop hanging, where the victim is made to stand on a simple crate, which is then kicked away from under the victim's feet.<sup>48</sup> In addition to its terrorising effects on those who witness the dying minor struggle for air, it causes the victim to suffer a slow and agonising death for up to fifteen minutes before asphyxiation takes total effect.<sup>49</sup>

More and more Iranians are raising their voices against this form of human rights abuse. Since the mid 1990s Iranian human rights activists have begun to coordinate their efforts in order to put a stop to the executions. In addition to efforts aimed at documenting these cases, national and international conferences and reports are highlighting the plight of Iran's juvenile offenders.<sup>50</sup> Figures such as Nasrin Sotoudeh, Shadi Sadr, Abdolsamad Khorramshahi, Emadeddin Baghi and Nobel Laureate, Shirin Ebadi, were among the first to represent these victims, establish various grass-roots organisations,<sup>51</sup> seek legal reforms and spread public information and education about the rights of juvenile offenders.

In early 2006, Nazanin Afshin-Jam, an Iranian-Canadian celebrity and Mina Ahadi, the Head of the International Committee Against Executions, led a high profile international campaign to save the life of 17-year-old Nazanin Mahabad Fatehi, sentenced to death for fatally stabbing one of three men who attempted to rape her and her 15-year-old niece. This effort resulted in saving Nazanin's life and her case became a cause célèbre that gave hope for many future cases. Following the success of this case, Stop Child Executions Campaign (SCE) was initiated to help save the lives of other Iranian juveniles on death row. With the assistance of mainstream organisations, such as Amnesty International, Human Rights Watch and Hands Off Cain,<sup>52</sup> more authorities have come to hear about this injustice.<sup>53</sup>

They also act as channels for the growing masses among civil society that oppose this practice.<sup>54</sup>

In recent months a large number of Iranians from all walks of life have expressed their strong objection to these punishments. In addition to scores of petitions and demonstrations over the past two years, more than 1500 Iranian activists signed a statement to demonstrate their support for the Edambas Koodakan<sup>55</sup> campaign initiated in November 2008 by the Defenders of Human Rights Center. In addition, religious figures, such as Ayatollah Saanei, who questions the application of death penalty to juvenile offenders,<sup>56</sup> or 2009 presidential candidate, Mehdi Karroubi, who seeks "an end to the execution of minors accused of serious crimes"<sup>57</sup> are moving Iran towards ending this practice. In a recent statement, the Iranian Parliament's Special Rapporteur on Legal Rights, Amir Hossein Rahimi, referred to a bill that was passed in 2004 by 142 out of 211 members of the Parliament and may ban execution for minors based on the argument that their physical or mental capacity may be questionable. The bill has since been under consideration by the Assembly of Experts.<sup>58</sup> As a result, the Iranian government has made a number of changes and improvements indicating its willingness to remedy the deficits that affect its human rights record with regard to juvenile cases. For instance, since 2001 the judiciary and Parliament have considered a draft law entitled the Law on the Investigation of Juvenile Crimes that seeks to better protect the rights of juvenile offenders.<sup>59</sup>

As Iranians seek an end to this chapter in their history, important international authorities continue to demand the same. The United Nations General Assembly has twice called for an end to juvenile executions in Iran.<sup>60</sup> Parliamentarians around the world,<sup>61</sup> the European Union,<sup>62</sup> the former United Nations High Commissioner on Human Rights,<sup>63</sup> and the United Nations Human Rights Council's Special Rapporteur on Extrajudicial, Summary or Arbitrary executions<sup>64</sup> continue to emphasise the need to stop juvenile executions.

However, as recently as 1 May 2009, despite the legal requirements enunciated in Iran's international commitments, customary laws, and a two-month stay of execution issued by Iran's own head of judiciary, Rasht prison officials executed Delara Darabi. She was the 3<sup>rd</sup> juvenile offender to face death in 2009.<sup>65</sup> Since her execution five other juveniles have come close to facing the same fate.



## Legal Perspectives

Iran is party to a number of relevant treaties and conventions with regard to the treatment of juvenile offenders. These include the Universal Declaration of Human Rights (UDHR),<sup>66</sup> the International Covenant on the Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the Cairo Declaration on Human Rights in Islam.<sup>67</sup>

It is an established principle of international law that a state is bound by the agreements entered into by previous governments. Therefore, The Islamic Republic of Iran (Iran) is bound by all obligations of pre-revolution Iran despite the change of regime. Iran ratified the ICCPR without reservations and no successive government has altered this position.<sup>68</sup>

Furthermore, a basic principle of international law is *pacta sunt servanda*.<sup>69</sup> This principle is codified in Article 26 of the Vienna Convention, which states "every treaty in force is binding upon the parties to it and must be performed by them in good faith." Iran has been and remains a party to the above-mentioned instruments, and therefore, must respect its international obligations and bring its domestic laws in line with its international obligations.

However, with regards to the Universal Declaration of Human Rights, in his 7 December 1984 statement to the United Nations General Assembly's Third Committee, the Iranian representative, Mr. Rajaie-Khorassani, placed on record his country's position, stating:

"In his delegation's view, the concept of human rights was not limited to the Universal Declaration of Human Rights. Man was of divine origin and human dignity could not be reduced to a series of secular norms [. . .] certain concepts contained in the Universal Declaration of Human Rights needed to be revised. [Iran]

recognised no authority or power but that of Almighty God and no legal tradition apart from Islamic law [. . .] conventions, declarations and resolutions or decisions of international organisations, which were contrary to Islam had no validity in the Islamic Republic of Iran. [. . .] The Universal Declaration of Human Rights, which represented a secular understanding of the Judeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognised by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions, since it had to choose between violating the divine law of the country and violating secular conventions."<sup>70</sup>

This willingness on the part of the Iranian authorities to place their interpretation of the divine laws of Islam above and beyond their international commitments became further evident when ratifying the Convention on the Rights of the Child. Although during the drafting of the Convention the Iranian delegation remained actively involved, it chose to "reserve the right not to apply any provisions or articles of the Convention that are incompatible with Islamic laws and the International legislation in effect."<sup>71</sup> In response to this move the Committee on the Rights of the Child expressed its concern by pointing out that "the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention."<sup>72</sup>

The point raised by the Committee is of particular relevance to two articles of this Convention. Article 37(a), which states "Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below eighteen years of age", and Article 40(3): "State Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law". A Human Rights Watch

report points out that the Committee 'considered the prohibition against executing children to be part of international customary law, and thus not open to reservation.'<sup>73</sup> It further asserts that this prohibition is 'absolute in international and customary law.'<sup>74</sup> However, as Iran's human rights records show, it continues to ignore this *jus cogens*<sup>75</sup> and instead, subjects those citizens who are 'alleged as, accused of, or recognised as having infringed the penal law' under the age of 18, and in some cases even below the *Shari'a* age of maturity, to capital punishment.<sup>76</sup>

Article 6(2) of the ICCPR requires that in countries, which have not yet abolished the death penalty, the sentence of death may only be imposed for the most serious of crime. The Human Rights Committee states "the expression 'most serious of crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure."<sup>77</sup>

The Death Penalty Safeguards require that crimes punishable "should not go beyond intentional crimes with lethal or other extremely grave consequences."<sup>78</sup> The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions "considers that the term [intentional] should be equated to pre-meditation and should be understood as deliberate intention to kill."<sup>79</sup>

Under the Islamic Penal Code of Iran<sup>80</sup> based on an interpretation of *Shari'a* law, the death penalty is available for an extremely wide range of offences. The Code identifies 5 types of crime: *hodoud* (crimes against divine will, for which the penalty is prescribed by Islamic law); *qesas* (private disputes which allow retribution in kind); *diyeh* (compensation), *ta'zir* (crimes that incur discretionary punishments applied by the state that are not derived from Islamic law); and deterrent punishments, which include penalties such as fines and cancellation of relevant licences. The death penalty is provided for certain *hodoud* and *ta'zir* crimes and to *qesas* for murder.<sup>81</sup>

The Human Rights Committee has stated "making apostasy, illicit sex [. . .] a third homosexual act [. . .] punishable by death is incompatible with Article 6 of the ICCPR which restricts the application of the death penalty to the most serious of crimes."<sup>82</sup> Further, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions considers that "the death penalty should be eliminated for crimes such as economic crimes and drug related offences."<sup>83</sup> Therefore the extensive use of the death penalty is contrary to Iran's international obligations.<sup>84</sup>

Iranian officials have justified some executions on the grounds that the child was over 18 at the time of the execution, or that executions in murder cases were not executions, but rather talion where the murder victim's heirs' have the private right to enforce retribution (*qesas*)<sup>85</sup> since this is allowed under *Shari'a* law and is seen as a matter of private, not state, law. However there have been numerous cases where the execution has occurred before the victim reached 18 years of age.<sup>86</sup>

*Juveniles below the age of 18 executed in Iran since 1990*

NAME	AGE OF EXECUTION	DATE OF EXECUTION
Kasem Shirfekan	17	1990
Name unknown	16	September 29, 1992
Name unknown	17	September 29, 1992
Name unknown	17	September 29, 1992
Ebrahim Qorbanzadeh	17	October 24, 1999
Jasem Abrahimi	17	January 14, 2000
Atefeh Rajabi	16	August 15, 2004
Iman Farokhi	17	January 19, 2005
Name unknown	17	August 23, 2005
Majid Segound	17	May 13, 2006
Saeed Kamberzai	17	May 28, 2007
Mohammad Hassanzadeh	16 or 17	June 10, 2008

Legislation in the form of the Juvenile Crimes Investigation Act, prohibiting the use of death penalty for offences

committed by people under the age of 18 was put before Iran's legislature in 2001, with an initial reading given in 2006. This legislation purported to bring the Iranian Penal Code closer to meeting Iran's international obligations, however it has yet to be fully passed into law, some eight years after its first proposal. This delay has been attributed to the Guardian Council, which must issue final authorisation to parliamentary legislation.<sup>87</sup> The Council has objected that its provisions contravene Islamic canon, especially with respect to Article 33(3), which proscribes the death sentence for offenders below the age of 18.<sup>88</sup>

Experts suggest that such a reform contains a number of serious flaws limiting its effectiveness in preventing child executions. Amnesty International classify the flaws as falling into five areas: "confusion over which courts have jurisdiction in juvenile cases; the procedures to stop an execution; the right to appeal; the granting of pardons; and the distinction between *qesas* and the death sentence."<sup>89</sup>

In addition, a judicial ban on juvenile execution was introduced at the 63<sup>rd</sup> annual UN General Assembly in October 2008. However, an interview with Hussein Zebhi, the Deputy for Judicial Affairs to Iran's Prosecutor General, states that the judicial directive only applied to narcotics cases and that judges would not reduce sentences in murder cases, contrary to a previous announcement that it would apply to all offenders below the age of 18, "no matter what."<sup>90</sup> While this can be regarded as a move in the right direction in terms of implementing laws that encourage the judiciary to respect Iran's international obligations in relation to juvenile executions, no clarification was given as to whether the decree would still allow minors who are found guilty of committing the relevant crime when below the age of 18 but over the age of 18 at the time of execution, to be executed for narcotics offences.<sup>91</sup>

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in a statement in March 2007 said, "The

execution of juveniles in Iran is completely unacceptable. The Iranian Government cannot continue to ignore its obligations under international law . . . It is time for Iran to demonstrate that its commitment to international law involves concrete action, not just empty words."<sup>92</sup>

On 5 May 2009 the Iranian News Agency reported that Alireza Jamshidi, the Judiciary spokesman, had told journalists that the Rights and Justice Commission of the Iranian Parliament and the Guardian Council were planning to address offenders under the age of 18 in a new way, categorising them according to age (7–12 years, 12–15 years and 15–18 years), with the goal of eventually abolishing juvenile executions in Iran. However, the source is only semi-official and Zama Coursen-Neff, deputy director of the children's rights division at Human Right Watch, stated, "Iran's frequent executions of juvenile offenders belie its past promises."<sup>93</sup>

## Theological Perspectives

Statistics show that only 5 out of 192 countries in the world continue to carry out child executions. They are: Iran, Saudi Arabia, Sudan, Yemen and Nigeria.<sup>94</sup> The system of governance in each of these countries is based on *Shari'a* law. However, the viewpoints and interpretations underlying the application of these divine laws vary greatly. For the purposes of this report, there are two areas of *Shari'a* law that are of relevance: one, execution as a penal form of punishment, and two, the *Shari'a* definition of the legal age of responsibility, that are of relevance.

*Shari'a* law is the body of Islamic laws that combine the teachings of 'the Qur'an, *sunna* (habitual practice), and *hadith* (oral teachings) as the guiding principles of governance' along with Islamic jurisprudence by the leadership of each branch of the Islamic community or *umma*.<sup>95</sup> In the case of Iran, the system of governance is based on the Twelver Ja'fari School of Shi'ite Islam. According to Ayatollah Khomeini's interpretation of this school, in the absence of the Twelfth Imam, the Supreme Leader of the community is the Vali Faqih.<sup>96</sup> The Vali is a jurist who has reached the station of *ijtihad*<sup>97</sup> and provides political leadership.<sup>98</sup> The Iranian body of laws is then based on Islamic laws following the guidance of the Vali Faqih, whose primary objective is to ensure that the laws of the land and their evolution are in accordance with Islamic criteria. Article 4 of the Iranian Constitution specifically stipulates: "all civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria."<sup>99</sup>

However, not all Islamic scholars in Iran agree on the current Vali Faqih's interpretation and elucidation of Islamic laws. Some continue to voice particular concerns, while others challenge the Islamic Republic in its entirety.<sup>100</sup> Increasingly, Islamic scholars also challenge Iran's current laws and

policies with regard to juvenile executions based on religious grounds.<sup>101</sup>

“The demand to end juvenile executions does not contradict Islamic *Shari’a* law . . . top Iranian clerics some 80 years ago banned juvenile execution in the country.”

Shirin Ebadi, Nobel Laureate

*Shari’a* punishments in Iran have been categorised as follows:

Shari’a Crime	Meaning	Punishment	Example
Qesas	Crimes against individuals	Retribution in kind  Usually Corporal punishments as imposed by the state.  Decision to pursue, pardon or accept <i>diyeh</i> (fines and blood money) remains with victim or next of kin  Death Penalty (Not open to pardon by Supreme Leader and only by victim’s family)	Article 209. If a Muslim man commits first-degree murder against a Muslim woman, the penalty of retribution shall apply. The victim’s next of kin, however, shall pay to the culprit half of his blood money before the act of retribution is carried out.  Article 210. If a non-Muslim commits first-degree murder against another non-Muslim, retribution shall apply even if the culprit and his or her victim profess to two different religions. In the said case, if the victim is a woman her next of kin shall pay the culprit half his blood money before retribution is carried out.



Shari'a Crime	Meaning	Punishment	Example
Hadd (Hodoud)	Crimes against Divine laws	Prescribed by Islamic law  Includes Death Penalty.  No plea-bargaining or reducing the punishment not subject to pardon by the Supreme Leader	These include the following offences which all result in the death penalty on being convicted for each previous offence: adultery for the fourth time, incest, rape, fornication, drinking alcohol for the third time, sodomy or same-sex sexual conduct between men without penetration for the fourth time, lesbianism and fornication each for the fourth time.
Ta'zir	Crimes against society	Fines, cancellation of licenses, closure of business premises, forced residence, travel restrictions and denial of other rights (such as the right to work in a particular profession) Includes death penalty (open to pardon)	Cursing the Prophet of Islam and narcotics offences.

Due to domestic and international pressure in recent years, the government of Iran has reduced the number of child executions under *hodoud* and *ta'zir* laws. However, *qesas* sentences remain on the rise. The Iranian judiciary differentiates between *qesas* and execution by order of the state based on the argument that *qesas* is a private matter between the families of the perpetrator and the victim.<sup>102</sup> Although, the holy Qur'an has prescribed the death penalty or *qesas* as the right to retribution, it also insists on fair judgment, justice, patience, restraint and forgiveness.<sup>103</sup> Such a balance cannot be achieved through Iran's current application of *qesas* because one can be executed for minor crimes and set free for capital offenses. For instance, homosexuals have been automatically executed because

*diyeh* does not apply to their cases. However, juveniles convicted of murder have been set free because in some cases family members of the victim have chosen *diyeh* as their preferred method of retribution.

Because the system of *qesas* results in either the execution of the alleged offender, or alternatively, results in his complete release, the system serves no legitimate function in the effort to eradicate crime. In addition to stressing the importance of ensuring justice, the Qur'an has considered human life as sacred and valued to the extent that it has equated the killing of one human to the killing of all humankind:

"We ordained for the Children of Israel that if any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people."<sup>104</sup>

Prophet Muhammad has placed a great deal of value and importance on human life.<sup>105</sup> Consequently, some Islamic scholars then assert that due to such emphasis on human life and the qualities highlighted by the Qur'an, it is impossible to take human life as a form of *qesas*.<sup>106</sup> In his report on juvenile executions in Iran, Emadeddine Baghi writes:

"None of the various types of death sentence in the Iranian applicable laws are rooted in the Quran. Only one type of death sentence has been accepted in the Qur'an and that is *qesas-e nafs* (retribution in kind), i.e. in a case where a person commits murder of an innocent soul with previous intention, previous decision, ill intention and premeditation . . . Avoiding the execution or *qesas* of the offender does not prohibit the administration of other punishments. If the Qur'an and Islamic canonical arguments of the previous studies concerning lack of contradiction between a moratorium on *qesas* and the *Shari'a* were to be

accepted, it would clearly be possible to prevent the *qesas* of those [below 18 years of age]."<sup>107</sup>

"How is it that in banking principles we look to the law of the land rather than Islamic law, but when it comes to final verdicts, such as execution, we insist on implementing the exact word of Islamic law rather than law of the land?"

Gholamhossein Raeisi, President of the Human Rights Committee of the Bar Association of Fars province

### **Age of Responsibility**

"There are many different interpretations of Islamic law by different leaders, philosophers and Islamic lawmakers, which proves that the laws must be changed to be in accordance to the present time."

Dr. Mohammad Seifzadeh, Attorney and Sociologist

Islamic viewpoints on the issue of age of maturity continue to vary. However, the majority of Muslim scholars agree that after puberty boys and girls are obligated to practice their religious duties such as daily prayers and fasting. In *Shari'a*, various periods in a child's development towards adulthood have been alluded to:

- a) Age of religious maturity, i.e. obligation to pray and fast
- b) Age of puberty
- c) Age of mental maturity

Currently Iran's law stipulates that in accordance with the age of puberty the girl child reaches adulthood at 9 (lunar) years

of age and the boy child at 15 (lunar) years.<sup>108</sup> In addition to the gender-based discrimination the six-year age gap introduces,<sup>109</sup> it is from these ages that they are considered criminally responsible for their actions and subject to death penalty for capital offences.

Some scholars have argued the fallacy of using the age of puberty as the determining factor for age of penal responsibility. They argue that it has not been referenced anywhere in the Qur'an, and that it cannot be used to determine the age at which a person is subjected to the death penalty.<sup>110</sup> They argue that other deciding factors must be also considered, such as the age of mental maturity.<sup>111</sup> Baghi claims that the definition of the age of puberty is ambiguous, and that the age of puberty is different for each individual and can be affected by biological and external factors such as climate and nutrition.<sup>112</sup>

Should the standard age of puberty remain at 9 for girls and 15 for boys, it does not imply mental maturity. With regards to marriage rights, Ayatollah Saanei argues that in case of a girl child "the age of nine does not automatically lead to permission for sexual intercourse and having a husband; there are other restrictions too and the age condition shall not be the sole issue."<sup>113</sup> Furthermore, the Qur'an identifies the age of maturity, and not that of puberty, as the criterion for giving punishment.<sup>114</sup> Ayatollah Montazeri clarifies that "Maturity means the power of understanding financial benefit and loss, and that is the condition for absence of minority for financial possession, it is not a condition for implementation of *hodoud* and *qesas*, however mental maturity, meaning the power to distinguish and to understand bad and good, prohibition and necessity, is the condition for penal responsibility."<sup>115</sup>

### **Punishment is Flexible**

Grand Ayatollah Abdolkarim Moussavi Ardebili states: "Islam suggests children who commit an offence, which is punishable

if committed by an adult, be corrected. As I have mentioned in several of my jurisprudential publications, correction is different from punishment. Unfortunately many people do not draw a distinct line between the two."<sup>116</sup>

In addition to the difference of opinion about the actual age of responsibility, some Islamic authorities such as Ayatollah Nouri<sup>117</sup> believe that Islam allows flexibility in the punishment and he has agreed the reduction of sentencing for juveniles "can be done."<sup>118</sup> Confirming this viewpoint, one of the most influential figures and a drafter of the Iranian constitution, Ayatollah Makarem Shirazi, stipulates that "for the sentencing of the underage adolescents, the maturity level has to be considered, in the case of any suspicion and if such sentencing would deface Islam throughout the world, per the judge's discretion, there can be reductions in the severity of the sentence."<sup>119</sup>

In fact the Qur'an draws a clear distinction between the age of maturity and puberty: "And test the orphans until they attain puberty; then if you find in them maturity of intellect, make over to them their property, and do not consume it extravagantly and hastily, lest they attain to full age; and whoever is rich, let him abstain altogether, and whoever is poor, let him eat reasonably; then when you make over to them their property, call witnesses in their presence; and Allah is enough as a Reckoner."<sup>120</sup>

This may be why in Iran's civil law, Articles 211 and 1214 indicate that individuals below the age of 18 cannot own property without a guardian.<sup>121</sup> According to Shirin Ebadi:

"One of the problems with child rights is that in Iran the definition of a child for each matter is different. For example if Mohammadreza Turk, who was executed because of murder at the age of 16, wanted to obtain a passport to leave the country, he would have had to obtain his father's permission. On one hand Iran's law states that until the age of 18 a person is not mature

enough to leave the country but when it comes to penal laws, unfortunately, it states that the child should be held responsible for his actions and therefore face the death penalty."<sup>122</sup>

<b>LEGAL ACT</b>	<b>AGE OF ELEIGIBILITY</b>
National Military Service	18
Obtaining Passport	18
Driving License	18
Real Estate Transactions	18
Opening Bank Account	18
Opening a Company	18
Personal Property Transfer	18
Voting	18
Employment	18 (above 15 conditional)
Marriage – Boy	15
Marriage – Girl	13
Death Penalty – Boy	14.5 years (15 Lunar years)
Death Penalty – Girl	8 year 8 months (9 Lunar years)

According to the above chart, the legal age set for penal responsibility, particularly in case of girls, is far lower than the age requirement for other criteria. Other Muslim countries also set similar ages, such as in Egypt or Indonesia. However, in the case of Indonesia for example, "Article 26 (2) of the Juvenile Court Act, juveniles who commit a crime punishable by the death penalty or a life sentence have their sentence reduced to a maximum of ten years."<sup>123</sup>

If a person is not mature enough to accept responsibility as a driver until he or she has reached 18 years of age, how can the same person be held responsible to fully comprehend the consequences of their criminal decisions or action to the point of facing execution?

## **Case Studies: Realities of Juvenile Executions in Iran**

Innocent or guilty, juvenile offenders face harsh realities in the Iranian judicial system as they are considered and treated no differently than adult prisoners.

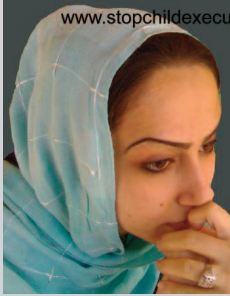
This section aims to briefly highlight some of their experiences at various stages from arrest to execution. Case studies have been provided to illustrate injustices faced at the domestic and international level by those who are currently on death row, or who have been executed in the last few years by the Islamic Republic of Iran.

### **Arrest**

After an offence has taken place, implicated juveniles are normally arrested by the state police forces. Most minors currently on death row in Iran were involved in a group fight. Oftentimes the person actually responsible for the crime is not easily identifiable. However, whoever is arrested is taken to the police station for temporary detainment and questioning. Interrogation can last for hours or days. Arrests in this manner violate Articles 3, 11 and 12 of the Universal Declaration of Human Rights. Mohammad Mostafaei indicates that most crimes by juveniles have been committed without premeditation and are in self-defence:

“When you talk to them, there is no hint of criminality in their face and in their thoughts. They can’t conceive of the fact that they might be hanged. They are pitiful. Most of the people who are killed by these people were bigger than them, and stronger. They killed them because they were scared. They make damaging statements, and sometimes they are tricked into making confessions. They appear in adult courts where judges are not used to dealing with juveniles”.<sup>124</sup>

## MURDERER



Delara Darabi

Date of Birth: 7 Mehr 1365

Date & Place of Execution: 1 May 2009, Rasht Prison, Rasht

Charge: Murder committed on November 2003

Following a summons suggesting the possibility of her implication in murder of a relative named Mahin, Delara Darabi's father who believed otherwise, turned her in on the night of the murder. During the first few days of her interrogations at Rasht Prison she initially confessed to the murder, believing her boyfriend's claims that as a minor she could not be charged,<sup>152</sup> but later retracted her confession.<sup>153</sup>

Delara's lawyer, Abdolsamad Khoramshahi, points out that medical examination of Mahin's body in an autopsy suggested that the crime had been committed by a right-handed person, while Delara was left handed.<sup>154</sup> Furthermore, Delara's small frame pointed to the improbability of her capacity to commit such an act. In addition, the final sentence in her case was issued based on a confession obtained from Delara as a minor.



The conditions Delara faced in the Rasht prison, including deprivation and ill treatment, placed her under a great deal of pressure, deprivation and ill treatment.<sup>155</sup> As well as weight loss, she suffered from anxiety and while on medication, in January 2007, attempted suicide. Her father appealed to Ayatollah Shahroudi to transfer her to a prison in Tehran and arrange for a fair trial based on the available evidence.<sup>156</sup>

A summary trial, void of reference to the evidence pointing to her innocence, was held on 27 February 2005 at Branch 10 of the General Court in Rasht and the sentence of execution was issued. Based on the deficiencies in the case, the Supreme Court referred the case to the Rasht children's court. After two further trials in January and June 2006, Branch 107 of the Rasht General Court upheld the death sentence against her while sentencing her boyfriend to 10 years in prison. In April 2007, following her lawyer's appeals, Branch 7 of the Supreme Court upheld the same sentence. However, the head of the judiciary returned the case to Rasht due to procedural deficiencies in processing this case.<sup>157</sup>

Over a period of four years her lawyer, requested to obtain a new trial to present the new evidence in Delara's favour, however, his many requests went unanswered until finally Ayatollah Shahroudi issued a two-month stay on her sentence of execution on 19 April 2009 in order for the families to negotiate a pardon.<sup>158</sup> While Iranian authorities are required to issue a 48-hour notice prior to the implementation of the verdict, Delara's parents came to know of her execution just seconds before she was hung.

## Interrogation & Trial

Obtaining a lawyer is not permitted until after interrogation is complete and the accused has been formally charged in a first trial.<sup>125</sup> If securing legal counsel is not possible based on financial limitations, which often is the case, state appointed attorneys are provided. However, in most cases they prove to be unqualified or inefficient.



Atefeh Sahaaleh Rajabi was given a state appointed lawyer after being charged with "acts incompatible with chastity". Neither her lawyer, nor the Judge tried to find out Atefeh's real age. Based on her physical appearance, Judge Haji Rezai had documented that Atefeh was 22 years old in the file he sent to the Supreme Court for final approval of execution. On 15 August 2004, Atefeh was hanged in public in order to serve as a lesson to the city of Neka. She was only 16 years old. The man she had relations with received 95 lashes.<sup>126</sup>

In violation of Article 219 of the Law on Investigation Procedure of General and Revolution Courts for Penal Affairs approved on 19th September 1999 and Article 220 of the 1999 Criminal Investigation Procedure, juvenile offenders are not tried by specialised judges or in juvenile courts.<sup>127</sup> Furthermore, while appeals are permitted up to a certain point, it is often impossible to receive permission to present new documents or evidence.<sup>128</sup>



Soghra Najafpour (13)  
topchildexecutions.com

Soghra Najafpour is known among the volunteers at Rasht prison, as the longest serving prisoner. At age 9, despite being mentally challenged, she was hired as a servant in a family's home. After working there for 4 years she was convicted of murdering the 8-year-old son of the family. She maintains her innocence and says that responsibility lies with the man that physically attacked the boy. She alleges it happened when the young boy walked in on the scene of the man assaulting her. Due to her admission of 'indecent acts', Soghra was sentenced to 100 lashes. At age 17, she was reprieved at the gallows when the victim's mother could not bear to witness the execution. At age 30, Soghra was temporarily released on bail but was returned to prison when the family of the victim reinstated its desire for retribution. A new trial was requested by Soghra's new lawyer, Nasrin Sotoudeh, to present findings overlooked in Soghra's initial trials, however, Judge Teimouri stated that since the incident took place some 17 years ago, Soghra could not be awarded an appeal.<sup>129</sup>

Juvenile inmates have often complained about the short duration of the trial and the consequent inability to properly present evidence and testimonies. They have also pointed to judges who have exercised their right to rule on their case based on *elm-e qazi* (judge's knowledge) and not on verifiable evidence. These elements violate Article 14 of the International Covenant on Civil and Political Rights and increase the chances of error. It has been argued that it may not be enough to rely on a single judge to decide on a case of a juvenile offender. Hojjatol-Islam Akbar Feyz recommends: "There should be a sociologist, a social worker,

a child expert and a legal consultant” should also be involved in each case.<sup>130</sup>



Mohammad Fadaee is convicted of fatally stabbing a man at the age 17 while trying to break up a group fight. His initial death sentence was issued after only one hearing and while inadequately being represented. His first lawyer was not licensed and his two subsequent lawyers only submitted one written defense statement to the court during his trial. The officials managed to extract a false confession by having him place his fingerprint signature on a piece of paper, the contents of which were not shared with Mohammad.<sup>131</sup>

## Detention

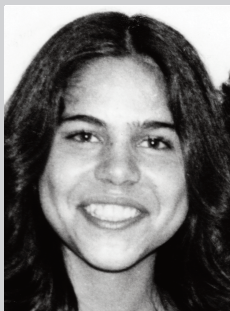
Although the head of the judiciary has called for special judicial branches for children and juveniles,<sup>132</sup> inmates are not necessarily allocated to dedicated facilities. Some are placed in juvenile detention centres or wards of state prisons, while many are confined to cells occupied by adult offenders charged with a wide range of crimes. While prison conditions vary they can often be harsh, especially for the younger inmates. In violation of Article 5 of the Universal Declaration of Human Rights, reports indicate incidents of abuse and rape by cellmates and prison officials, especially in notorious facilities such as Rajaie Shahr Prison.



"One terrible night, some of my fellow inmates were making noise and fooling around at night. They rounded up ten of them and threw them in one cell. They gave them so many pills that they went crazy and started turning on each other. They ended up ganging up on a girl named Hani. They kicked her so much that her bones were shattered. They strangled her with headscarf and hung her from the showerhead. In the morning when they woke from the daze from all the pills and realized they had killed this girl they knocked to get the attention of the guards. Many of them fainted right then and there."<sup>133</sup>

Inmates often complain about restricted access to daily provisions, family visits, telephone calls and poor hygiene and diet resulting in medical ailments.<sup>134</sup> Medical care is not always available, even during emergencies. Prison facilities that introduce activities and work to inmates fared much better.<sup>135</sup> Schooling and activities within the prison seem to considerably help in the rehabilitation and re-socialisation process.<sup>136</sup> Iran has made an effort to provide proper facilities. However, despite Article 224 of the administrative by law of public and revolutionary courts in criminal affairs there is no system in place to ensure juveniles are assigned to the appropriate facilities.<sup>137</sup>

## RELIGIOUS BELIEF



Mona Mahmoudnezhad

Date of Birth: 10 September 1965

Date & Place of Execution: 18 June 1983, Chogan Square, Shiraz

Charge: Belief in the Baha'i Faith

Following a raid at the Mahmoudnezhad residence on 23 October 1982, five revolutionary guards arrested Mona along with her father. She was initially taken to the Sepah detention centre and then transferred to Adelabad prison, both in Shiraz.

During her imprisonment, she faced a four-stage process of investigation: She was initially interrogated by masked officers, alone or in groups of two or more Baha'is; then questioned by the assistant public prosecutors at the Shiraz revolutionary court; next the religious magistrate conducted the court hearing; and finally she was put through *estetabeh*, where she had four chances to recant her faith or face execution.<sup>159</sup>

While in prison, Mona faced the usual degree of pressure and ill treatment accorded to most prisoners,

however, due to her religious beliefs, she also faced discrimination based on the assertion that she as a Baha'i was *najes* (unclean).

The main charges against Mona involved defence of her faith at school<sup>160</sup> and refusal to recant her faith. It should be noted that she was not afforded the right to legal representation and faced the threat of *ta'zir* (lashing) and other forms of torture she witnessed her fellow Baha'i inmates suffer.

In February 1983, two Articles were published in Khabar-i-Jonoub newspaper. One referred to the imminent execution of twenty-two Baha'i prisoners. The other was an exclusive interview with Shiraz religious magistrate, Hojjatol-Islam Qaza'i, who publicly warned the Baha'is to return to Islam or face death as the punishment for taking part in Baha'i activities.

In addition to all manners of international protest, on 17 May 1983, American President, Ronald Reagan, pleaded for clemency on behalf of those sentenced to death.<sup>161</sup> Within a number of days two masked interrogators told Mona: "Now that the President of the United States has risen to your defence and has thus proven that you are indeed spies, do you still claim that you are not?"<sup>162</sup>

After a brief meeting with her family a day earlier, Mona Mahmoudzhad was hanged on 18 June 1983 in Chogan Square, Shiraz.



In a testimonial after his release from prison on 3 December 2008, former juvenile death row inmate, Reza Alinejad, expressed the fact that when prison officials allowed the prisoners to play sports in the prison courtyard and make handicrafts to occupy time, violence among prisoners diminished considerably. (Samples of his work below.)



## Torture & Intimidation

From the time that a juvenile is arrested by Iranian authorities up until release or execution, they face inhumane conditions, including torture as means of extracting confession.<sup>138</sup> Former inmates report about the authorities forcefully subjecting them to take unknown pills that cause sedation. Those who resist taking them face harsh consequences such as beatings by electrical batons, lashings, and solitary confinement as well as psychological torture.<sup>139</sup> These and similar actions by Iranian prison authorities are in clear violation of Article 7 of the International Convention on Civil and Political Rights.





Reza Hejazi was executed on 19 August 2008 for fatally stabbing a man in a group fight at the age of 15. His brother said in a news interview: "I, my mother and my father are all witnesses of what they have done to my brother in prison. They beat him so much that he could not walk because the bottoms of his feet were so badly bruised. Under the force that was used against him, my brother confessed to the crime that he had not really committed, so that they would stop torturing him. Now, five years later, they want to execute him and there is nothing we can do because we do not have the money."<sup>140</sup>

In addition to the sufferings of the inmates, the authorities harass their families and supporters. They also control the media and prevent efforts to inform the public about such cases. One of the few newspapers that have reported on juvenile executions is Etemad Melli. Even so, Etemad censored and eventually expelled Mitra Khalatbari, who reported on the injustice in the case of Makwan Moloudzadeh among others.<sup>141</sup> The authorities also silence the family members by use of threats. The Darabi family is among those who have been pressured to stop communicating with human rights defenders and organizations, such as Stop Child Executions. The Iranian government has also blocked websites and weblogs dealing with cases of juvenile executions.



Mohammad Moussavi was initially assigned a state appointed lawyer but his mother replaced him with Nasrin Sotoudeh, an Iranian legal expert. Soon after, Mr. Marvi, a local official of Iran's judiciary in Shiraz contacted Mrs. Moussavi and instructed her not to publicise her son's death sentence and fire her new attorney. In return, he promised that Mohammad would not be executed, as he was 16 at the time of the alleged crime. Relying on this promise, the desperate mother asked Mrs. Sotoudeh not to proceed with defending her son. She also avoided talking to media or human right advocates. On 22 April 2007 an official informed her: "Your son was executed this morning, make the necessary arrangements to collect his body."<sup>142</sup>

In addition to family members, the authorities harass, summon and detain human rights defenders and attorneys who choose to represent these inmates. On 14 October 2007, Emadeddin Baghi was detained on charges of endangering national security. He has had his belongings ransacked, his passport confiscated, his reports banned and on and off prison terms for five years while he suffered from seizures and a heart attack.<sup>143</sup> In June 2008, a revolutionary court judge summoned Nasrin Sotoudeh and instructed her to discontinue her interviews with international media, or else face prison. In December 2008, security forces prevented her from travelling to Italy to accept an award.<sup>144</sup> As recently as 5 May 2009, following his efforts to plead with a judiciary official to stay the execution of death row inmates Amir Khaleghi and Safar Angooti, judicial authorities summoned and interrogated Mohammad Mostafaei.<sup>145</sup>

If an individual is convicted of a *qesas* crime, the family

members of the victim are permitted to take justice in their own hands and decide whether to pardon the accused with the receipt of blood money or request the death penalty. Such transfer of power can lead to many injustices and abuses of power.<sup>146</sup> In cases of blood money or *diyeh*, those who are at an economic disadvantage can be executed because they cannot raise the required amount. There are several other forms of inequality as in accordance with *Shari'a* law the value of the life of a woman is half of that of a man, or the blood money required for a Muslim is more than that of a non-Muslim.



Behnood Shojaee was 17-years-old when he was convicted on 2 October 2006 of killing a 19-year-old boy named Omid during a street fight involving over a dozen boys. He claims he tried to stop the fight and used a shard of glass from a broken soda bottle in self-defence. At first the family of the victim wanted over US\$2,000,000 in blood money. After months of negoti-

ation, and the postponement of his execution three times, the *diyeh* was reduced to approximately \$625,000. His grandmother brought up Shojaee after the loss of his mother to diabetes and his father to depression, since the age of ten. Three of Iran's most prominent figures in the Iranian film industry, Ezzatollah Entezami, Parviz Parastooyi and Kiumars Poorahmad, opened a joint account to help raise money for his *diyeh*. In an unprecedented measure, the Iranian judiciary froze the bank account, summoned the artists and threatened with investigation and imprisonment over the accusation of embezzlement. Despite international efforts, Behnood remains on death row.

Drug trafficking is another crime punishable by death in the

## *HOMOSEXUALITY*



Makwan Moludzadeh

Date of Birth: 31 March 1986

Date & Place of Execution: 4 December 2007,  
Kermanshah

Charge: Rape at the age of 13

Following an order issued by the prosecutor of Paveh in Kermanshah, Makwan was arrested on 1 October 2006, without his family being informed of the nature of the charges. Shortly after, he was publicly humiliated when he was made to shave his head and ride around the city on the back of a donkey. While in custody, he continued to face such mistreatment at the hands of the authorities that he went on hunger strike for a period of 10 days.<sup>163</sup> Makwan was charged with raping three boys as a 13 year old.<sup>164</sup>

In addition to several trials in Paveh, Makwan was tried at Branches 1 and 7 of the Kermanshah Criminal Court. During various sessions, the plaintiffs testified to the false nature of their accusations against him while Makwan repeatedly denied the charges. Earlier during his incarceration, Makwan had confessed to the

allegations against him, but later on indicated that he had done so while the authorities handcuffed him and pointed a gun against his head. His lawyer insists on the unfair nature of the proceedings. Both his and other reports indicate that the judge failed to order further investigation, including forensic examination, arguing the alleged crime had taken place seven years earlier.<sup>165</sup> Amnesty International points out that Article 1210 of Iran's Civil Code stipulates that in accordance with Islamic laws boys reach adulthood at the age 15 lunar years. If convicted of anal sex prior to this age, the accused they could be sentenced to a maximum of 74 lashes. Amnesty also points out that the judge had tried Makwan as an adult "in the absence of medical evidence testifying to his state of maturity at the time of the crime." On 7 June 2007, the judge issued his verdict, based on his own knowledge (*elm-e qazi*), insisting the acts were still continuing. While Article 113 of Penal Code states: 'If a minor has anal sex with another minor, each will receive up to Ta'zir of 74 lashes, unless one of them was under duress" Makwan was sentenced to death by hanging in the Shahid Kazemi Park in Paveh. On 19 July of the same year, the Supreme Court approved the sentence. However, following the objections raised by Makwan's lawyer and human rights organizations, in November 2007 Ayatollah Shahroudi issued a stay of execution, based on an edict by the Supreme Leader, Ayatollah Khamenei, clarifying that anal sex must be proven beyond a reasonable doubt. However, on 4 December 2007 Makwan was hanged in Kermanshah prison courtyard without prior notification to his family or lawyer.<sup>166</sup>

Islamic Republic of Iran. According to Afghanistan Independent Human Rights Commission, impoverished children from Ghoorian in the Herat province of Afghanistan, including war orphans, are used as drug mules to smuggle crystal meth and other drugs across the border to Iran. They are often arrested and sentenced to death.<sup>147</sup>

According to The Law of the Campaign against Narcotics, of 25 October 1988, approved by the Expediency Council, first time offenders will not face capital punishment.<sup>148</sup> AIHRC has reported over a dozen Afghan children<sup>149</sup> who are being kept in Iranian prisons and who could be facing the death penalty, after they reach the age of 18. Should they wish to have their child's body sent back to Afghanistan, the Iranian officials require the family of the executed children pay \$330,000 Rials (\$300).

## **Execution**

In violation of Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Convention on Civil and Political Rights and Article 37 of the Convention on the Rights of the Child, Iran continues to execute inmates. Death sentences are carried out inhumanely with short drop and suspension style executions. These particular methods cause pain unlike the long drop method where the neck is broken instantly. On 30 January 2008, the head of the judiciary, Ayatollah Shahroudi, put out a moratorium on public executions.<sup>150</sup> Since that time, hangings generally take place inside prison walls where a chair is kicked out from under the prisoner's feet.

According to guidelines and procedural rules by the head of the judiciary passed in 1991, 48 hours notification must be issued prior to an execution to:

- 1) The local police to maintain security during the execution

- 2) The head of prison to ensure proper execution procedures
- 3) A reliable physician to ascertain the status of the health of the accused
- 4) The religious authority of the religion of the accused (if s/he is a followers of one of the religions recognized by the Iranian constitution)
- 5) The court secretary to recite the verdict
- 6) The attorney of the accused and the parents of the victim
- 7) Judicial enforcement officers to coordinate the preparations for the implementation of the verdict<sup>151</sup>

Additionally, the judge ordering the execution must allow the convict the chance to see his visitors according to his wishes as long as it does not cause delay in execution. However, in the last 3 years, at least 5 juveniles have been executed without prior notification: Behnam Zare, Reza Hejazi, Delara Darabi, Makwan Moloudzadeh and Mohammad Mousavi.

## Conclusion

As this report has shown, despite public statements by Iranian officials claiming the contrary, executions of minors who have committed an offence before the age of 18 do take place. Indeed, since the establishment of the Islamic Republic, Iran has executed hundreds of minors and since 2000 Iran has executed more children than any other country in the world. There are still 160 documented cases of children waiting on death row in Iran. Many of them are charged with "offences," such as homosexuality, apostasy or acts incompatible with chastity, which would not be deemed a crime in most other countries.

Most minors in Iran are not executed until after they reach their 18<sup>th</sup> birthday; however 25% of those executed since 1990 have been under this age. Regardless, Iran is in breach of international instruments it is party to, namely the ICCPR and CRC. These instruments are part of international customary law. However, in line with a particular interpretation of the *Shari'a* law, Iran's penal code sets the age of adulthood and criminal responsibility at 9 lunar years for girls and 15 lunar years for boys.

Juvenile inmates often suffer from harsh treatment in the judicial system. Forced confessions by means of torture, lack of due process and proper representation, detainment in state prisons with adult prisoners and the psychological torture of not knowing their fate are faced by many, if not all juveniles.

Iran has received massive and widespread condemnation internationally and internally from human rights defenders and Islamic scholars alike. As the age of penal responsibility has not been explicitly confirmed by the Qur'an, various Islamic scholars use *ijtihad* to formulate their interpretation to better suit the current time and sociopolitical climate in Iran, which leans towards an end to such brutality. They



argue that the age of puberty is not the same as the age of penal responsibility but that mental maturity also needs to be factored into such an equation as it currently does for civil matters.

This last decade has witnessed efforts by Iranians to take the interpretation of the law in a new direction, one that points to the abolition of juvenile execution. An example is the draft Juvenile Crimes Investigation Act already approved by Parliament. If accepted by the Islamic Council of Guardians, this limited bill will prevent certain *hodoud* and *ta'zir* crimes but will not put an end to *qesas* crimes, which currently account for 90% of juvenile executions in Iran. Another significant effort is an increase in workshops, training and coordination of the nationwide judiciary, so that decisions by the central authorities are implemented throughout the country.

It is, therefore, imperative that the Islamic Republic of Iran not only improve its judicial and punitive system, but it also make every effort to help reduce the causes of crime among juveniles. Such an approach requires an inherently violence-free culture, which is entirely absent from the current judicial system. Inspired by models offered in other Islamic countries, rehabilitation of juveniles while in custody and re-socialisation of offenders must become a priority in Iran's system.

The Islamic Republic has indicated its willingness to end juvenile executions. Rhetoric must now be replaced with action. However, if Iran continues to execute juvenile offenders, which violates its obligations under international human rights law, such abuses should not go with impunity.

## **Policy Recommendations**

Iran is state party to the ICCPR and CRC, which forbid the execution of below 18 offenders. In addition to international condemnation by the United Nations, European Union and non-governmental organisations, in 2003 the head of Iranian judiciary sent a circular calling for judges to refrain from sentencing juveniles to death.

### **To the Islamic Republic of Iran**

- 1) Commute all juvenile executions until the Juvenile Crimes Investigation act which was approved in 2003 by parliament is also approved by the Council of Guardians for implementation into law once it has been amended to be inclusive of all juveniles facing the death penalty without exception, including *qesas* crimes which account for 90% of current child execution cases. Furthermore, the bill should clearly distinguish the age of majority for criminal responsibility.
- 2) Train and educate judges and lawyers throughout Iran to comply with directives and rulings issued by the central authorities
- 3) Allow unannounced visits by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Iran's prisons holding juvenile offenders
- 4) As a preventative measure, facilitate educational campaigns for youth about the dangers and consequences of using weapons, including knives, and offer alternative options to self-defence by means of non-lethal instruments of protection e.g. pepper spray
- 5) Consider rehabilitation and socialisation mechanisms as in other Islamic countries such as Egypt, which also has a low age of criminal responsibility but allows juveniles to remain under

the protection of juvenile court systems at least until 18 years of age

- 6) Consider criminal procedure models offered by other Islamic countries, such as Indonesia, where protection and guidance are the watchwords of the juvenile justice system
- 7) Implement the recommendations in the detailed report published by the Iranian Embassy in Greece on the latest judicial developments concerning juvenile rights and amendments to the relevant laws (See Appendix C)

### **To the International Community**

- 1) For the European governments and the United Nations to continue to express real concern for human rights offences by Iran and call for an immediate suspension of all juvenile executions, pending abolition through legal reform
- 2) Encourage Iran to ratify the Optional Protocol to the Convention against Torture, which provides for a system of independent preventive visits to places of detention, including those requested by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions
- 3) Encourage Iran to uphold its international obligations under the ICCPR and CRC by ensuring that the death penalty is only imposed for the most serious of crimes and is not imposed for offences committed by those under the age of 18
- 4) For Parliaments engaging with Iran to provide the Iranian judiciary with support and supervision in developing strong mechanisms to protect children at all stages of arrest, investigation, trial, and sentencing, and in developing sentencing options that promote the rehabilitation and social reintegration of children in conflict with the law
- 5) For countries with particularly strong juvenile rehabilitation programs, such as Germany, to host

and receive Iranian judicial authorities in a cross cultural exchange program to meet their counterparts in charge of juvenile justice in their respective countries

- 6) Consider targeted sanctions against those Iranian officials responsible for child executions by issuing travel bans and private asset freezes

### **To the Activists**

- 1) Create a coalition of attorneys and human rights activists to assist juvenile offenders
- 2) Create and maintain a dedicated database of all children in Iran known to face execution and follow each case through research, witness statements and other means of systematic documentation
- 3) Highlight human rights concerns, including juvenile executions, when involved in economic and cultural interaction with Iranian authorities
- 4) Produce documentaries, articles and artwork regarding the subject of child executions and its effects on individuals, families and communities
- 5) Form support groups among parents of juveniles on death row in order to better present their challenges and bring attention to this important cause
- 6) Request from your country representatives to the UN to encourage Iran to fully cooperate with all UN mechanisms and procedure, in particular in relation to the upcoming 2010 Universal Periodic Review

## Notes

- <sup>1</sup> UN Committee on the Rights of the Child (2005) *Concluding observations: the Islamic Republic of Iran*. UN-Doc. CRC/C/15/Add.254. p.6, para.30, 28 January 2005.
- <sup>2</sup> Alston, P., Human Rights Council (2007) *Civil and political rights, including questions of disappearances and summary executions*. Report of the Special Rapporteur on extrajudicial, summary and arbitrary executions. Doc. A/HCR/20. para.63, 29 January 2007.
- <sup>3</sup> UN General Assembly Resolutions, UN-Doc. A/RES/62/168, 20 March 2008, and UN-Doc. A/RES/61/176, 1 March 2007. Annex 1: related parts of the UN resolutions.
- <sup>4</sup> Winter, R., Branken, N. (2005) *Report on juvenile justice*. Seminar and workshop, UNICEF Iran, November 2005.
- <sup>5</sup> World Public Opinion Report (2007) *Iranians and Americans believe Islam and West can find common ground*. p.29. University of Maryland.
- <sup>6</sup> Mousavi Bojnourdi, M. (2006) Interview text on Islam. Manuscript. Tehran.
- <sup>7</sup> Soroush, A. (2000) *The idea of democratic religious government*. In: *Reason, freedom, and democracy in Islam*. p.127. New York: Oxford University Press.
- <sup>8</sup> World Economic Forum (2008) *Islam and the West: annual report on the state of dialogue*. See the results of the study, p.21, January 2008. Davos.
- <sup>9</sup> Amnesty International (2009) *Iran: further information on fear of imminent execution: Delara Darabi*. April 2009. Available from: <<http://www.amnesty.org/en/library/asset/MDE13/034/2009/en/5ea7872b-d726-45b1-b901-05a67e2c167d/mde130342009en.html>> [Accessed 10 June 2009].
- <sup>10</sup> Soares, C. (2009) Delara Darabi: 'Oh mother, I can see the noose', The secret hanging of Delara Darabi has sparked outrage around the world. 4 May 2009. *The Independent*. Available from: <<http://www.independent.co.uk/news/world/middle-east/delara-darabi-oh-mother-i-can-see-the-noose-1678543.html>> [Accessed 10 June 2009].
- <sup>11</sup> ČTK (2009) Czech EU presidency condemns execution of Iranian

woman. *České Noviny*. Available from: <<http://www.ceskenoviny.cz/zpravy/czech-eu-presidency-condemns-execution-of-iranian-woman/374705>> [Accessed 10 June 2009].

Tait, R. (2009) Outcry as Iran executes artist over juvenile conviction. *The Guardian*. 2 May 2009. Available from: <<http://www.guardian.co.uk/world/2009/may/02/iran-artist-darabi-execution-juvenile>> [Accessed 10 June 2009].

<sup>12</sup> Goldberg, M. L. (2008) UN Urges Iran to Cease Execution of Minors. *UN Dispatch*. 3 September 2008. Available from: <[http://www.undispatch.com/archives/2008/09/un\\_urges\\_iran\\_t.php](http://www.undispatch.com/archives/2008/09/un_urges_iran_t.php)> [Accessed 10 June 2009].

<sup>13</sup> NYTimes (2009) An Interview With President Mahmoud Ahmadinejad. *The New York Times*, 26 September 2008. Available from: <<http://www.nytimes.com/2008/09/26/world/middleeast/26iran-transcript.html?pagewanted=2&ref=middleeast>> [Accessed 10 June 2009].

<sup>14</sup> In addition to ignoring Iran's commitments to ICCPR and CRC, in numerous cases authorities have acted against orders issued by Iran's own central judicial authorities or disregarded codes pertaining to victim's rights, including in Delara Darabi's case.

<sup>15</sup> Human Rights Watch (2008) *Iran: move to end juvenile executions*, 20 October 2008. Available from: <<http://www.hrw.org/en/news/2008/10/20/iran-move-end-juvenile-executions>> [Accessed 10 June 2009].

<sup>16</sup> Human Rights Watch (2008) *Iran hangs seventh juvenile offender this Year*, 4 November 2008. Available from: <<http://www.hrw.org/en/news/2008/11/04/iran-hangs-seventh-juvenile-offender-year>> [Accessed 10 June 2009].

<sup>17</sup> Please see Appendix A for a full list.

<sup>18</sup> In addition to the UDHR, Iran is a signatory to both the ICCPR and the CRC.

<sup>19</sup> Baghi, E. (2007) *The Issue of Executions of under-18 in Iran*. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009]; and Defenders of Human Rights Centre (2009) *Statement of a group of Islamic jurists, lawyers and social and political activists in opposition to the execution of juveniles*. Available from: <[http://www.humanrights-ir.org/php/view\\_en.php?objnr=242](http://www.humanrights-ir.org/php/view_en.php?objnr=242)> [Accessed 10 June 2009].

<sup>20</sup> Iranian Central Statistic Bureau (2006) See chart on p.32 of the 2006 census. Available from: <[http://www.sci.org.ir/content/userfiles/\\_sci/sci/SEL/baravord/75-89n.xls](http://www.sci.org.ir/content/userfiles/_sci/sci/SEL/baravord/75-89n.xls)> [Accessed 10 June 2009].

<sup>21</sup> Kusha, H. (2000) *Iran (Developing Nation-State)*. In: Barak, G., *Crime and Crime Control: A Global View*, p.96. Includes more information on the mentioned reforms.

<sup>22</sup> United Nations (1966) *Yearbook of the United Nations 1966*, Martinus Nijhoff Publishers Dordrecht/London/Boston, p.418. ICCPR was adopted by all 106 Member states of the UN at the time, including Iran.

<sup>23</sup> With regards to juveniles, the age of penal responsibility was redefined according to Vali Faqih's interpretation and was set for boy at approximately 15 and for girls at 9 years of age.

<sup>24</sup> Omid (s.d.) *Omid, a memorial in defense of human rights*. Available from: <<http://www.iranrights.org/english/memorial-search.php?pagenum=0>> [Accessed 10 June 2009].

<sup>25</sup> Ganji, M. (2002) *Defying the Iranian Revolution: from a minister to the Shah to a leader of resistance*, p.104.

<sup>26</sup> Afshari, R. (2001) *Human rights in Iran: the abuse of cultural relativism*, p.38.

<sup>27</sup> Mona Mahmudnezhad was hanged on 18 June 1983 in Shiraz, Iran. Her crime was that of adherence to the Baha'i Faith and conducting moral education classes for children. See Study Cases section for a brief on Mona.

<sup>28</sup> For a closer look at the case of the Baha'i minority in Iran please see: FPC report by Cameron, G. and Danesh, T. (2008) *A revolution without rights? Women, Kurds and Baha'is searching for equality in Iran* available from: <<http://fpc.org.uk/fsblob/1013.pdf>> [Accessed 17 June 2009].

<sup>29</sup> Although many more Baha'is and other minorities have been executed, the case of Mona received widespread international coverage, as she was 17 at the time of her execution and her crime centered around her role as a teacher of children's moral education classes. Numerous newspaper articles, projects and foundations were done in her memory. A music video based on her execution was nominated for a Juno in Canada and a film inspired by her story is under production.

<sup>30</sup> Rajaie Shahr prison, located in Rajaie Shahr (formerly known as Gohardasht) just an hour's drive north of the city of Tehran, was completed and used as a prison a few months after the 1979 revolution. Known for its advanced torture chambers and horrendous facilities, it is an overcrowded prison full of inmates with various types of crimes. Juvenile offenders are placed among adult prisoners with records ranging from weblogging to murder. Numerous inmates have died due to poor prison conditions and neglect on the part of the prison authorities. One of the most recent case was that of Amir Saraan. Please see: Defenders of Human Rights Centre (2009) *Report on the Situation of Human Rights in Iran for the Winter Months of 2008-2009*. Available from: <[http://www.humanrights-ir.org/php/view\\_en.php?objnr=282](http://www.humanrights-ir.org/php/view_en.php?objnr=282)> [Accessed 17 June 2009].

<sup>31</sup> For a brief history of this massacre, please see: Shahrooz, K. (2008) *Twenty years of silence: the 1988 massacre and the quest for accountability*. Only in Farsi. Published on *Gozaar, a forum on human rights and democracy in Iran*. Available from: <<http://gozaar.net/template1.php?id=1078&language=persian>> [Accessed 17 June 2009].

<sup>32</sup> Majority of these graves are in Khavaran Cemetery, which has been attacked and bulldozed by the authorities over the past few months, perhaps in order to erase the evidence of their mass executions in 1988. For a brief look at this crime by the Islamic Republic please see: Abrahamian, E. (1988) *Mass executions of 1988*. In: *Tortured Confessions*, p.209.

<sup>33</sup> For a brief review, please see: Afshari, R. (2001) *Human rights*. In: *Iran: the abuse of cultural relativism*, ch.8, p.116.

<sup>34</sup> The list used by many sources includes at least one juvenile executed in Iran in 1990, please see: Amnesty International (s.d.) *Executions of juveniles since 1990*. Available from: <<http://www.amnesty.org/en/death-penalty/executions-of-child-offenders-since-1990>> [Accessed 17 June 2009].

<sup>35</sup> Committee on the Rights of the Child (1999) *Reservations, declarations, and objections relating to the Convention on the Rights of the Child*. 7 December 1999. UN-Doc. CRC/C/2/Rev. 8. Part II, section A and 23 July 1988.

<sup>36</sup> The CRC states that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion,



national or social origin, property, birth or other status” and the very first Article of the CRC states: “A child means a person below the age of 18 unless, under existing law, majority may be attained earlier.”

<sup>37</sup> Article 40 states “States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.”

<sup>38</sup> Committee on the Rights of the Child (2000) Concluding Observations, Iran (Islamic Republic of). UN Doc. CRC/C/15/Add.123. 28 June 2000, para7.

<sup>39</sup> Human Rights Watch (2008) *The last holdouts ending the juvenile death penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*. September 2008, p.1. Available from: <<http://www.hrw.org/reports/2008/crd0908/crd0908web.pdf>> [Accessed 23 June 2009].

Amnesty International (2007) *The Last Executioner of Children*. p.4. <<http://www.amnesty.org/en/library/asset/MDE13/059/2007/en/b758ea94-d38d-11dd-a329-2f46302a8cc6/mde130592007en.pdf>> [Accessed 23 June 2009].

<sup>40</sup> The names of the 11 can be found in this report under section ‘Legal Perspectives’, *list of child executions in Iran since 1990*.

<sup>41</sup> In many cases, including Delara Darabi’s, executions take place despite stay of execution issued by the head of the judiciary.

<sup>42</sup> See case study on Mohammad Fadaee in this report under section ‘Interrogation & Trial’. “His initial death sentence was issued after only one hearing and while inadequately being represented. His first lawyer was not licensed and his two subsequent lawyers only submitted one written defense statement to the court during his trial.”

Amnesty International (2008) *Imminent execution/legal concern, Iran Mohammad Feda’i (m) aged 21, juvenile offender*. 30 May 2008. Available from: <<http://www.amnesty.org/en/library/asset/MDE13/074/2008/en/84c5023f-2e5e-11dd-a024-1d23853b0ef1/mde130742008eng.pdf>> [Accessed 23 June 2009].

Although the five sentencing judges in his case found Mohammad Feda'i guilty, they also acknowledged in their written verdict that the stabbing was an act of self-defence and that he had not been adequately represented at his trial. Nevertheless, the death sentence against Mohammad Feda'i was upheld by Branch 27 of the Supreme Court, and has been approved by the Head of the Judiciary. Mohammad Feda'i had been due to be executed on 18 April 2007. However, the execution was stayed on the basis of the inadequate legal representation during his trial. His lawyers did not have proper accreditation. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set. Please see: Iranian Embassy Greece (s.d.) *Detailed report on the latest judicial developments concerning women, children, juveniles' rights and amendments to the relevant laws*. Available from: <<http://www.iranembassy.gr/eng/files/TheLatestJudicialDevelopments.pdf>> [Accessed 23 June 2009].

See also case study on Amir Karim Bahram. He was convicted of murder at age 17 during a group fight in 2004. He maintains his innocence and holds another person responsible for the crime. According to a report by Human Rights Reporters Committee in Iran, he did not have lawyer during his trial, and upon the request of the victim's family he was sentenced to *qesas*. After 4 years in Mahabad prison in northwest Iran his death sentence was confirmed. Please see: <<http://news.gooya.com/politics/archives/2008/08/075497.php>> in Farsi; English translation available from: <<http://scenews.blog.com/3552186/>> [Accessed 23 June 2009].

<sup>43</sup> During Nazanin Mahabad Fatehi's initial trial in 2005 without a lawyer's presence, she was convicted of murder and sentenced to death. Her death sentence was confirmed in a trial on 3 January 2006. Due to international and internal pressure, Fatehi was granted a new trial on 10 January 2007 where the five presiding judges unanimously exonerated her of murder charges, recognizing that she had indeed defended herself against three would-be rapists. Please see: <<http://save.nazanin.googlepages.com/>> Original report on first trial was published on: <<http://www.etemaad.com/>>; English translation is available from: <<http://save.nazanin.googlepages.com/original>> [Accessed 23 June 2009].

<sup>44</sup> CRC, Article 40.

<sup>45</sup> At a police seminar for behavioural reform, UNICEF has helped familiarize the Iranian police force with the Beijing Rules, please see:

UNICEF (s.d.) *Police seminar on behavioral reform*. Available from: <[http://www.unicef.org/iran/children\\_youth\\_3728.html](http://www.unicef.org/iran/children_youth_3728.html)> [Accessed 23 June 2009].

<sup>46</sup> Many former inmates or accounts of juveniles point to extreme torture at the hands of prison authorities, please see the case studies section on torture and intimidations.

<sup>47</sup> In an interview, former German prisoner in Iran, Helmut Szimkus, explains what he witnessed as prison officials raped a nine year old girl to obtain a confession from her father, published in *Focus* on 11 July 1994.

<sup>48</sup> Secondary source (s.d.) *The Tehran case*. Original internet source by Dr Hamiz and Saleha Darani doesn't exist anymore. Available from: <<http://www.petertatchell.net/international/iranstatemurder.htm>> [Accessed 23 June 2009].

<sup>49</sup> This is one of the most painful methods of execution as it does not cause a sudden fracture to the neck, but pushes the tongue against the air passage while the victim feels the gradual decline in his organs trying to function in the absence of oxygen. Iran is among a few countries that still use this inhumane method.

<sup>50</sup> Amnesty International, Human Rights Watch and various UN agencies continue to highlight this injustice. Please also see: UN General Assembly (2008) Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran. 63rd session, 1 October 2008. Available from: <<http://www.unhcr.org/refworld/docid/490032342.html>> [Accessed 23 June 2009].

<sup>51</sup> The most recent effort is the Edambas Koodakan campaign initiated by the Centre for Defenders of Human Rights. Please see: Defenders of Human Rights Center (2009) *Stop Child Executions*. 26 April 2009. Available from: <[http://www.humanrights-ir.org/php/view\\_en.php?objnr=244](http://www.humanrights-ir.org/php/view_en.php?objnr=244)> [Accessed 23 June 2009].

<sup>52</sup> Hands Off Cain is an anti-death penalty organization based in Rome, Italy. To learn more, please see: <<http://english.nessunotocchicaino.it/>> [Accessed 23 June 2009].

<sup>53</sup> This issue became a hot topic during the recent presidential campaign in Iran and one of the candidates, Mr. Karoubi, called for a ban on this practice.

<sup>54</sup> Iranian civil society is growing increasingly stronger, especially among women and youth, many of whom are active in cyberspace

as well as through community organisations supporting a wide range of causes. Please see: Coronato C. (2009) *Iranian Civil Society, U.S. Engagement, and Opportunities for Reform*.

<sup>55</sup> The statement signed by the social activists calls for: "We claim and state that people under 18 must not be executed and they should be given new opportunities to be rehabilitated, their growth must be nurtured and their employment supported in their movement toward a better life style."

<sup>56</sup> Ayatollah Saanei is among the religious figures whom do not consider the age of puberty as the sole factor in deciding maturity, please see: <<http://www.saanei.org/page.php?pg=showistifta&id=560&lang=fa>> [Accessed 23 June 2009].

<sup>57</sup> Washington TV (2009) *Karoubi and hardline editor clash over execution of minors*. 30 April 2009. Available from: <[http://televisionwashington.com/floater\\_article1.aspx?lang=en&t=1&id=10100](http://televisionwashington.com/floater_article1.aspx?lang=en&t=1&id=10100)> [Accessed 23 June 2009].

<sup>58</sup> Please see the original source on the *Deutsche Welle* Persian. Available from: <<http://www.dw-world.de/dw/article/0,,4207804,00.html>>; English translation available from: <<http://scenews.blog.com/4871381/>> [Accessed 23 June 2009].

<sup>59</sup> "Despite, or perhaps in response to, the Iranian authorities' record, a growing movement has emerged over recent years in Iran that is pushing for abolition of the death penalty for child offenders. This movement includes members of the government and judiciary. For instance, in around 2001, the judiciary introduced a draft law, initially entitled the Law on the Establishment of Children's and Juveniles' Court, that would prohibit the death sentence for minors.<sup>10</sup> An amended version of this law, entitled the Law on the Investigation of Juvenile Crimes, was reportedly debated by the Islamic Consultative Assembly or *Majles* (Iran's parliament) in mid-2006 and passed to a committee for further consideration. The committee reportedly passed the law back to the *Majles* in May 2007. Even though the law is far from perfect – for example, it excludes certain types of crime from the prohibition of the death penalty for child offenders – it reflects an ongoing internal debate and opens up the possibility of reform." Please see: Amnesty International (2007) *Iran: the last executioner of children*. p.3, section 'Towards Abolition'. Available from: <<http://www.amnesty.org/en/library/asset/MDE13/059/2007/en/b758ea94-d38d-11dd-a329-2f46302a8cc6/mde130592007en.pdf>> [Accessed 23 June 2009].

<sup>60</sup> UN News Centre (2008) *UN urges Iran not to impose death penalty on juveniles*. 2 September 2008. Available from: <<http://www.un.org/apps/news/story.asp?NewsID=27894&Cr=iran&Cr1=>>; and also see UN News Centre (2008) *UN human rights chief asks Iran to stay execution of four juvenile offenders*. 10 June 2008. Available from: <<http://www.un.org/apps/news/story.asp?NewsID=26955&Cr=&Cr1=>> [Accessed 23 June 2009].

Nebehay, S. (2008) *UN rights office concern at rising Iran executions*. 2 September 2008. Available from: <<http://www.alertnet.org/thenews/newsdesk/L2713600.htm>> [Accessed 23 June 2009].

<sup>61</sup> Ministry for Foreign Affairs Finland (2008) *Ambassador of Iran summoned to the Ministry for Foreign Affairs*. Press release, 24 June 2008. Available from: <<http://formin.finland.fi/Public/Print.aspx?contentid=132848&nodeid=15630&culture=en-US&contentlan=2>> [Accessed 23 June 2009].

Washington TV (2009) *Finland summons Iran ambassador over juvenile executions*. 8 May 2009. Available from: <[http://televisionwashington.com/floater\\_article1.aspx?lang=en&t=floater\\_blog&id=10306](http://televisionwashington.com/floater_article1.aspx?lang=en&t=floater_blog&id=10306)> [Accessed 23 June 2009].

Stop Child Executions (2007) *2 more Swedish Parliament members sign the SCE petition*. 30 October 2007. Available from: <<http://scenews.blog.com/2242014/>> [Accessed 23 June 2009].

Stop Child Executions (2007) *Stop Child Executions campaign petition signatures surpass 10,000*. 20 September 2007. Available from: <<http://scenews.blog.com/2104281/>> [Accessed 23 June 2009].

<sup>62</sup> France Diplomatie (2008) *Application of the death penalty in Iran*. 18 July 2008. Available from: <[http://www.diplomatie.gouv.fr/en/country-files\\_156/iran\\_301/human-rights-and-iran\\_6490/death-penalty\\_6491/application-of-the-death-penalty-in-iran-18.07.08\\_11666.html](http://www.diplomatie.gouv.fr/en/country-files_156/iran_301/human-rights-and-iran_6490/death-penalty_6491/application-of-the-death-penalty-in-iran-18.07.08_11666.html)> [Accessed 23 June 2009].

<sup>63</sup> UN News Centre (2008) *UN human rights chief asks Iran to stay execution of four juvenile offenders*. 10 June 2008. Available from: <<http://www.un.org/apps/news/story.asp?NewsID=26955&Cr=&Cr1=>> [Accessed 23 June 2009].

<sup>64</sup> UNHCR (2007) *UN expert on extrajudicial killings urges Iran to stop executing juvenile offenders*. 28 March 2007.

<<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/B287E05252135AE0C12572AC006FD2C9?opendocument>> [Accessed 23 June 2009].

<sup>65</sup> The first two juveniles who were executed in 2009 were: Mola Gol Hassan, executed on 21 January 2009. <http://www.mohegh.blogfa.com/> English translation available from: <<http://scenews.blog.com/4507024/>>; and Ain H. Available from: <<http://www.roozonline.com/persian/news/newsitem/article/2009/may/26//88-7.html>>, English translation available from: <<http://scenews.blog.com/5088962/>> [Accessed 23 June 2009].

<sup>66</sup> Iran ratified the UDHR in 1948.

<sup>67</sup> The Cairo Declaration of Human Rights in Islam (CDHRI) is a declaration of the member states of the Organisation of the Islamic Conference, which provides an overview on the Islamic perspective on human rights, and affirms Islamic *Shari'a* as its sole source.

<sup>68</sup> On 8 May 2006, in a letter to the United Nations, the government of the Islamic Republic again confirmed its commitment to both CRC and ICCRP conventions. Available from: <<http://www.un.org/ga/60/elect/hrc/iran.pdf>> [Accessed 10 June 2009].

<sup>69</sup> Literally meaning agreement to be kept. This is one of the most ancient religious and moral principles of law and refers to the sanctity of a contract and the obligation of the parties to uphold their responsibilities.

<sup>70</sup> UN General Assembly (1984) UN-Doc. A/C.3/39/SR.65, paras.91-95.

<sup>71</sup> Mostafaei, M. (2008) *The role of the Convention on the Rights of the Child in current laws of Iran*. Committee of Human Rights Reporters. Available from: <<http://schrr.net/spip.php?article2531>> [Accessed 10 June 2009]. On 24 January 1994, the Guardian Council determined that the Convention on the Rights of the Child is compatible with Islamic laws apart from the following exceptions: item 1 - article 12, items 1, 3 - article 13, items 1, 3 - article 14, item 2 - article 15, item 1 - article 16, item 1- article 29. It should be noted that item 37 of CRC, which prohibits child execution was not excluded.

<sup>72</sup> Concluding observations of the Committee on the Rights of the Child: Iran (Islamic Republic of). UN-Doc. CRC/C/15/Add.123, para.7, 28 June 2000.

<sup>73</sup> Human Rights Committee General Comment 24, UN-Doc. CCPR/C/21/Rev.1/Add.6, para.8.

<sup>74</sup> Human Rights Watch (2009) *The Last Holdouts*. The report cites the 1950 Geneva Convention and the fact that this prohibition 'applies even in times of war'. Available from: <<http://www.hrw.org/en/node/75159/section/2>> [Accessed 10 June 2009].

<sup>75</sup> Summary of Customary International Law and Jus Cogens as Pertains to Juvenile Offenders (2003/2004). Available from: <<http://www.internationaljusticeproject.org/juvJusCogens.cfm>> [Accessed 10 June 2009].

<sup>76</sup> Reza Hajizadeh and Makwan Moloudzadeh were both 13 years old, which is below the current penal age of maturity, 15.

<sup>77</sup> Human Rights Committee, general comment 6, article 6 (Sixteenth session, 1982), Compilation of general comments and general recommendations adopted by Human Rights Treaty Bodies, UN-Doc. HRI\GEN\1\Rev.1, 1994, para. 7. Iran has categorized most the following as crimes punishable by death: (a) Deliberate murder (b) Drug smuggling (c) Armed robbery (d) Adultery (e) Highway robbery; see: p.24, '*Human rights in the Islamic Republic of Iran*', section 2.1.16. 'Capital Punishment in Iran' Available from: <<http://www.iranembassy.gr/eng/files/HumanRightsinIran.pdf>> [Accessed 10 June 2009].

<sup>78</sup> Death Penalty Safeguards, para.1, as adopted by the Economic and Social Council resolution 1984/50, May 1984, Office of the High Commissioner of Human Rights.

<sup>79</sup> Report on Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to the USA, UN-Doc. E/CN.4/1998/68/Add.3, 22 January 1998, p.7.

<sup>80</sup> The penal code based on *Shari'a* law, based on the conviction that such a combination would prevent crime, was passed by the Iranian Parliament. Please see: Mohammadi, M. (s.d.) *Judicial Reform and Reorganization in 20<sup>th</sup> Century Iran: State-building, modernization and islamicization*. p.136.

<sup>81</sup> See Amnesty International's report '*Iran: The last executioner of children*', 27 June 2007, p.6-8; and also see *Introduction to the Iranian legal system and the protection of human rights in Iran*, by Adineh Abghari, British Institute of International and Comparative Law, 2008, p.107.

<sup>82</sup> Concluding observations of the HRC Sudan, UN-Doc. CCPR/C/79/Add.85, 19 November 1997, para.13.

<sup>83</sup> Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, UN-Doc. E/CN.4/1996/4, para.556.

<sup>84</sup> It is also concerning to note that the Iranian legislature is currently considering an extension of the death penalty to new offences such as certain internet crimes/audio visual crimes said to "promote corruption and apostasy". See Amnesty International's report '*Iran: human rights in the spotlight on the 30<sup>th</sup> anniversary of the Islamic Revolution*', 5 February 2009, p.6.

<sup>85</sup> Human Rights Watch (2008) *Iran: move to end juvenile executions*, 20 October 2008. Available from: <<http://www.hrw.org/en/news/2008/10/20/iran-move-end-juvenile-executions>> [Accessed 10 June 2009].

<sup>86</sup> See Amnesty International's report '*Iran: The last executioner of children*', 27 June 2007, p.14. Case study on Atefeh Rajabi Sahaaleh who was executed at 16 years old having falsely been reported as being 22 years old.

<sup>87</sup> IPS Crime and Justice Newsletter, edition 7, p.3.

<sup>88</sup> Baghi, E. (2007) *The Issue of Executions of under-18 in Iran*. p.2. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>89</sup> An analysis of the Juvenile Crimes Investigation Act, please see: Amnesty International (2007) *Iran: The last executioner of children*. 27 June 2007, p.9.

<sup>90</sup> Announcement on 15 October 2008, please see: Human Rights Watch (2008) *Iran: move to end juvenile executions*, 20 October 2008. Available from: <<http://www.hrw.org/en/news/2008/10/20/iran-move-end-juvenile-executions>> [Accessed 10 June 2009].

<sup>91</sup> Human Rights Watch (2008) *Iran: move to end juvenile executions*, 20 October 2008. Available from: <<http://www.hrw.org/en/news/2008/10/20/iran-move-end-juvenile-executions>> [Accessed 10 June 2009].

<sup>92</sup> United Nations High Commissioner for Human Rights (2007) Press release: Special Rapporteur Philip Alston, *UN expert on extrajudicial killings urges Iran to stop executing juvenile offenders*, 28 March 2007.



<sup>93</sup> Stop Child Executions (2009) *New death penalty policy for children on death row in Iran?*, 11 May 2009, Available from: <<http://scenews.blog.com>> [Accessed 10 June 2009].

<sup>94</sup> Human Rights Watch (2008) *The last holdouts ending the juvenile death penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*. September 2008, p.1. Available from: <<http://www.hrw.org/reports/2008/crd0908/crd0908web.pdf>> [Accessed 23 June 2009].

Amnesty International (2007) *The Last Executioner of Children*. p.4. <<http://www.amnesty.org/en/library/asset/MDE13/059/2007/en/b758ea94-d38d-11dd-a329-2f46302a8cc6/mde130592007en.pdf>> [Accessed 23 June 2009].

<sup>95</sup> Price, D. E. (1999) *Islamic political culture, democracy, and human rights*. p.145. Greenwood Publishing Group.

<sup>96</sup> Meaning Guardianship of the Jurist.

<sup>97</sup> Hariri, A. (1977) *Shi'ism and Constitutionalism in Iran: a study of the role played by the Persian residents of Iraq in Iranian politics*. p.62. Hariri defines Ijtihad as 'the ability to make an independent decision based upon the Qur'an and Hadith on the matters not in conflict with Islamic principles.'

<sup>98</sup> *Islamic Government* by Khomeini was first published in 1970. It was based on this book that the post 1979 revolution Islamic government was founded and Khomeini became the first Vali Faqih. Following his death, Ayatollah Khamenei continues to occupy this position.

<sup>99</sup> Iranian Constitutions available from: <<http://www.iranonline.com/iran/iran-info/Government/constitution-1.html>> [Accessed 17 June 2009].

<sup>100</sup> For instance, Ayatollah Montazerni, the next in line to Khomeini, fell out of favor after he challenged the regime's human rights records, including the 1988 prison massacre and treatment of minorities; Ayatollah Shari'atmadari was placed under house arrest and stripped of his position; and Ayatollah Boroujerdi, the current advocate of separation of government and religion, remains under harsh conditions in Yazd prison.

<sup>101</sup> Emadeddin Baghi, Ayatollah Saanei and Mehdi Karroubi are among the many who continue to present these arguments.

<sup>102</sup> According to Judiciary spokesperson Alireza Jamshidi: "In

[Iranian] law we don't have execution ('edam) for persons under 18 years of age; what we have in the laws for persons between 15 to 18 is the issue of retribution (*qesas*).” Please see: Human Rights Watch (2008) *Iran: spare four youths from execution*. July 2008. Available from: <<http://www.hrw.org/fr/news/2008/07/06/iran-spare-four-youths-execution>> [Accessed 17 June 2009].

<sup>103</sup> Holy Qur'an, Suras and verses 1:178; 2: 45, 178, 179, 194; 5: 45; 17:33 and 42:40.

<sup>104</sup> Holy Qur'an, Sura and verse 5:32.

<sup>105</sup> Ben Hussein Beyhaghu, A., *Alsonan Kobra*. p.22. "I swear to Allah that the world and what is in it is less valuable than killing of a believer." or "In front of Allah, killing a believer is more important than the destruction of the world."

<sup>106</sup> Compassion and forgiveness are virtues greatly emphasised in Islamic *Shari'a*. It is in light of this that certain scholars make the argument that it is impossible to take human life as a form of *qesas*.

<sup>107</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.4. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>108</sup> That translates into 8 years and 9 months for girls and 14 years and 7 months for boys. The age of Bulugh (puberty) has been determined by some Islamic jurists as the age when a boy grows pubic hair, has his first wet dream/excretion of semen and/or when it is determined he becomes sexually aware and should be prevented from seeing his mother/parents undress.

<sup>109</sup> This is in addition to the fact that the *diyeh* for a female is half of that of a male, among other forms of gender-based discrimination. For a study of women and their struggle for equal rights, please see: FPC report by Cameron, G. and Danesh, T. (2008) *A Revolution without rights? Women, Kurds and Baha'is searching for equality in Iran* available from: <<http://fpc.org.uk/fsblob/1013.pdf>> [Accessed 17 June 2009].

<sup>110</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.7. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

It seems that one of the problems is to assume the age of puberty to be the same as the age of responsibility as well as the age of punishment, whereas what the *Shari'a* has stated regarding the

condition of the age of puberty and sexual maturity is the condition for responsibility of people in respect of prayer rulings, e.g. when prayers and fasting would become obligatory for a Moslem person, and it is not possible to extend them to the sphere of penal affairs. The principle is natural maturity and the age has been determined so that the persons who do not reach puberty at the determined age, could say prayers and fast and not miss their virtues. Therefore the criterion for punishment is maturity not puberty. A person's sins are recorded after their childhood period is over. Imam Reza has been quoted as saying: A pen shall not apply to a child [their sins shall not be recorded] until they reach puberty. The issue of recording the sins (for the afterlife punishment) is other than worldly punishment and implementation of *hodoud* and *qesas*. There is a difference between sin and crime.

Baghi, E. (2007) *The issue of executions of under-18 in Iran*. pp.5, 6, 7. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

Page 5: "The opinion that is currently official and in force holds that the criterion for a person to reach the age of responsibility is puberty and that means sexual maturity. What is the reason to prove the claim that a girl reaches the ages of puberty at 9 and a boy at 15? It is for sure that the Quran, the principal source of the legal system for the Moslems, has not made any mention of the age of puberty."

Page 6: "Some of the Islamic canonists, e.g. Sheikh Toosi, have not mentioned a single criterion for puberty and have stated different ages, based on the narrations for prayers, fasting and jihad."

Page 7: "Puberty (instinctive and natural readiness for marriage) is not inherent of penal responsibility, because one who reaches puberty is not necessarily wise and mature. The question is how long the period of childhood is. Why should sexual maturity be the criterion and not rational maturity? Basically the age of responsibility is not merely subordinate to sexual maturity and the *Shari'a* rulings and regulations have stated puberty and reason together, because an insane person would reach the age of puberty, but is not responsible, because they lack reason and distinction."

<sup>111</sup> Some of the Islamic canonists, e.g. Sheikh Toosi, have not mentioned a single criterion for puberty and have stated different ages, based on the narrations for prayers, fasting and jihad.

<sup>112</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.6.

Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>113</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.5, 3<sup>rd</sup> line from bottom. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>114</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.12. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

Ayatollah Montazeri said in an answer: "Maturity means the power of understanding financial benefit and loss, and that is the condition for absence of minority for financial possession, [but] it is not a condition for implementation of *hodoud* and *qesas*, however mental maturity meaning the power to distinguish and to understand bad and good, prohibition and necessity, is the condition for penal responsibility. Thus, if an individual is not mature in that sense, *hodoud* shall not be implemented on them. Maturity in this sense is normally inherent with and ascertainable by examining the indications of puberty, unless otherwise proved. It is clear that the condition for other *hodoud* and punishments is knowledge of an action being prohibited in cases that are likely by the wise, as is normally the case with the newly pubescent people, it would not be possible to implement the *hodoud* and that would be a case of stopping the punishment at the slightest hesitation or doubt, based on a fundamental *hadith* from Prophet Muhammad that is invoked in Islamic penal laws.

<sup>115</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.11. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>116</sup> UNICEF (2008) *Disciplining children with kindness: a Shiite Shari'a perspective*. p.21. Spring 2008. Available from: <<http://www.unicef.org/iran/CP-Eng.pdf>> [Accessed 23 June 2009].

<sup>117</sup> Some of the Islamic Authorities have considered a reduced sentence for the children under the age of 18. Ayatollah Nouri of Hamedan has answered the question of reducing the sentence, as follows: "with regards to accuracy and interest of policy, it can be done". Please see: Mostafaei, M. (2007) Letter of attorney Mostafaei to Iran's head of judiciary. Available from: <[75](http://www.iran-</a></p></div><div data-bbox=)

emrooz.net/index.php?/hright/more/14018/> English translation: <<http://scenews.blog.com/2056375/>> [Accessed 23 June 2009].

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Holy Qu'ran, AN-NISA 4, verse 6.

<sup>121</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. p.10. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

The Civil Code regards the under-18 people as immature, because under Articles 211 and 1214, transactions and taking possession of property by immature persons are not effective and the validity of their transactions shall depend on their legal representatives.

<sup>122</sup> Afshin-Jam, N. (2008) *Wall of Shame*. <<http://www.iranian.com/main/singlepage/2008/nazanin-afshin-jam?page=1>> [Accessed 23 June 2009].

<sup>123</sup> Mardite, H. (s.d.) *The juvenile justice system in Indonesia*. p.193. <[http://www.unafei.or.jp/english/pdf/PDF\\_rms/no68/12\\_Indonesia\\_p188-195.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no68/12_Indonesia_p188-195.pdf)> [Accessed 23 June 2009].

<sup>124</sup> Leyne, J. (2008) Plight of Iran's death-row youngsters. *BBC News*. 28 October 2008. Available from: <[http://news.bbc.co.uk/2/hi/middle\\_east/7695065.stm](http://news.bbc.co.uk/2/hi/middle_east/7695065.stm)> [Accessed 23 June 2009].

<sup>125</sup> Amnesty International (2007) The last executioner of children. p.12. <<http://www.amnesty.org/en/library/asset/MDE13/059/2007/en/b758ea94-d38d-11d1-d329-2f46302a8cc6/mde130592007en.pdf>> [Accessed 23 June 2009].

<sup>126</sup> BBC News (2006) *Execution of a teenage girl*. 27 July 2006. Available from: <<http://news.bbc.co.uk/2/hi/5217424.stm>> [Accessed 23 June 2009].

<sup>127</sup> Baghi, E. (2007) *The issue of executions of under-18 in Iran*. pp.3-4. Available from: <<http://www.emadbaghi.com/en/archives/000924.php>> [Accessed 10 June 2009].

<sup>128</sup> Once a juvenile has exhausted the appeal process, it is very difficult to get permission to present new evidence or new information once appeals have already been exhausted. For example, despite the fact that juvenile offender Delara Darabi's lawyer had new evidence from autopsy results that could have

exonerated her from the crime of murder and had asked the courts for over four years to have a new trial, he was not granted it. Also in the case of Soghra Najafpour who had spent 18 years in prison and had obtained a new lawyer to present new findings, the courts said that they had passed the statute of limits.

<sup>129</sup> Stop Child Executions (2007) *Urgent call: Soghra facing imminent execution again!* 22 October 2007. Available from: <<http://scenews.blog.com/2212916/>> [Accessed 23 June 2009].

<sup>130</sup> Feyz is the head of Azerbaijan's Justice Department. See: *Top legal experts hold juvenile justice seminar*. Available from: <[http://www.unicef.org/iran/media\\_2644.html](http://www.unicef.org/iran/media_2644.html)> [Accessed 10 June 2009].

<sup>131</sup> In an open letter on 7 June 2008, he said, "The time I had spent in detention, in interrogation, were the worse days of my life. I had nightmares every night. I was beaten and flogged repeatedly. They hanged me from the ceiling and left me with no hope of living."

<sup>132</sup> The text of the relevant circular reads as follows: "In the wake of circular No. 1174/3431 dated October 24, 1995 and with the propose to implement the provisions of Article 219 of the administrative bylaw of public and revolutionary courts in criminal affairs adopted on September 18, 1999 and in case of the need to the juvenile court, the required arrangement shall be made, based on Article 231 of the said law, for selection of a branch or a number of branches of the public courts as responsible to investigate solely juvenile related delinquencies." Please see: Iranian Embassy Greece (s.d.) *Detailed report on the latest judicial developments concerning women, children, juveniles' rights and amendmets to the relevant laws*. Available from: <<http://www.iranembassy.gr/eng/files/TheLatestJudicialDevelopments.pdf>> [Accessed 23 June 2009].

<sup>133</sup> Witness testimony on file at Stop Child Executions.

<sup>134</sup> Many inmates suffer from kidney and vision ailments due to lack of vitamins and insufficient exposure to sunlight and many develop aches and sores due to poor sleeping conditions.

<sup>135</sup> Former juvenile death row inmate Reza Alinejad in a testimonial after his release from prison expressed the fact that when prison officials allowed the prisoners to play soccer/football in the courtyard and make handicrafts to occupy their time, violence between prisoners became virtually non-existent. Witness testimony on file at Stop Child Executions.

<sup>136</sup> Based on juvenile testimonials on file with Stop Child Executions re: juvenile on death row: Ali Mahin Torabi, Mohammad Latif and Reza Alinejad.

Within jail: See case study for Reza Alinejad: Juvenile Ali Mahin Torabi who has a 'job' working in the prison as technical help, has expressed how it has helped keep his mind occupied and out of the way of other prisoner quarrels and keep a friendly bond with prison officials. Source: Ali Mahin Torabi family member testimonial to Stop Child Executions.

Upon release from jail: According to the Norwegian daily newspaper *Aftenposten*, 10 January 2007, released juvenile who was facing execution now lives in a private learning center called Omid-e Mehr in Tehran, where she is protected. She has learned to read and write, cook and mend clothes, and she has gotten the will to live back again.

<sup>137</sup> Note 2 of the Article reads: "Since the relevant correctional and rehabilitation center for keeping, correcting, educating and edifying juvenile delinquents of less than 18 years old have already been established, therefore all relevant judges shall necessarily introduce the said children and juveniles to these centers or the similar centers which will be established in the future." Please see: Iranian Embassy Greece (s.d.) *Detailed report on the latest judicial developments concerning women, children, juveniles' rights and amendments to the relevant laws*. Available from: <<http://www.iranembassy.gr/eng/files/TheLatestJudicialDevelopments.pdf>> [Accessed 23 June 2009].

<sup>138</sup> In an open letter on 7 June 2008, he said, "The time I had spent in detention, in interrogation, were the worse days of my life. I had nightmares every night. I was beaten and flogged repeatedly. They hanged me from the ceiling and left me with no hope of living." He said that the officials managed to extract a false confession by way of his signature by fingerprint on a piece of paper that he had no knowledge its content.

According to Mehdi Pouran on a few occasions the local police tried to obtain their confession by beating and torturing him and his friends. Available in Persian from: <<http://mostafaei.blogfa.com/post-37.aspx>> Translation in English available from: <<http://scenews.blog.com/3492412/>> [Accessed 23 June 2009].

<sup>139</sup> Nazanin Mahabad Fatehi reports on her own experience: "I wasn't eating the pills they gave us in prison so I would fall asleep much

later than everyone else. If they would catch us still awake they would call security. He would hit me everywhere with an electric baton. It was terrifying. It felt like my body was frying. Eventually I was forced to take the pill. They would watch me swallow the pill with water.”

<sup>140</sup> Hejazi, H. (2008) Interview with Rahai-Zan.tv. August 2008. Available from: <[http://video.google.com/videoplay?docid=6924745492100376133&ei=aNslSpfHF4GyqAOuhu3\\_CA&q=reza+hajazi++rahai+zan](http://video.google.com/videoplay?docid=6924745492100376133&ei=aNslSpfHF4GyqAOuhu3_CA&q=reza+hajazi++rahai+zan)> [Accessed 10 June 2009]. Translation available from: <<http://scenews.blog.com/3774093/>> [Accessed 10 June 2009].

<sup>141</sup> Report on file at Stop Child Executions.

<sup>142</sup> Phone conversation with Mohammad Mousavi’s mother on file with Stop Child Executions and reported on their news site. Please see: Stop Child Executions (2007) *Are you Mohammad’s mother?*, 19 May 2007. Available from: <<http://scenews.blog.com/1778562/>> [Accessed 10 June 2009].

<sup>143</sup> Baghi’s wife and daughter were also detained. In one instance he charged with publishing secret government documents about prisoners obtained with their help. Furthermore, new charges have been brought against him stemming from his criticism of the prison authorities’ treatment of another prisoner. Please see: Amnesty International USA (s.d.) *Prominent Iranian human rights defender Emadeddin Baghi detained*. Available from: <<http://www.amnestyusa.org/all-countries/iran/prominent-iranian-human-rights-defender-emadeddin-baghi-imprisoned/page.do?id=1221004>> [Accessed 10 June 2009]; please also see: <<http://www.emadbaghi.com/en/archives/000092.php#more>> [Accessed 10 June 2009].]

<sup>144</sup> Daragahi, B. (2007) In Iran, a cadre of lawyers takes the case of justice. *Los Angeles Times*. 27 November 2007. Available from: <<http://www.latimes.com/news/nationworld/world/la-fg-iranlawyers27nov27,0,1467502.story>> [Accessed 10 June 2009].

<sup>145</sup> Testimony on file with Stop Child Executions and the above HRW publication, please see: Human Rights Watch (2009) *Iran: Stop imminent juvenile offender executions*. Available from: <http://www.hrw.org/en/news/2009/05/04/iran-stop-imminent-juvenile-offender-executions> [Accessed 10 June 2009].

<sup>146</sup> This can result in unrealistic financial demands in the name of *diyeh* (please see Behnood Shojaee’s brief) or an increase in the



level of violence associated with *qesas* hangings, where family members of victims personally place the noose around the neck of the accused and witness the painful death. Mahin's two daughters placed the noose around Delara Darabi's neck and kicked the stool from under her feet while she begged to see her family and be saved. Report is of file at Stop Child Executions.

<sup>147</sup> Based on a report (in Dari) sent to Stop Child Executions Campaign by the Afghanistan Independent Human Rights Commission. Available from: <<http://www.aihrc.org.af/>> and reported in SCE news available from: <<http://scenews.blog.com/2197874/>> and <<http://scenews.blog.com/2209154/>> [Accessed 23 June 2009].

<sup>148</sup> Iranian Embassy in Greece (s.d.) *Human rights in the Islamic Republic of Iran*, please see: <[HTTP://WWW.IRANEMBASSY.GR/ENG/FILES/HUMANRIGHTSINIRAN.PDF](http://www.IRANEMBASSY.GR/ENG/FILES/HUMANRIGHTSINIRAN.PDF)> [Accessed 10 June 2009].

<sup>149</sup> The names of Afghan children and their ages at time of arrest are: Mohammad Ehsan 16, Salimah Shah 15, Abolhadi 16, Farhad 17, Mohammad Yunes 13, Nematollah 17, Mohammad Ghos 17 (sentenced to death), Mohammad 16, Heydar Rahmani 16, Nasir Ahmad Ghafoori 16, Gholam Mahboob Mohammadi 17, Abolrasul 16, Nasir 16, Younis 16. This list only includes those from the village of Ghoorian.

<sup>150</sup> Tait, R. (2008) Iran bans public executions amid death sentence boom. *The Guardian*. 31 January 2008. Available from: <<http://www.guardian.co.uk/world/2008/jan/31/iran.international>> [Accessed 10 June 2009].

<sup>151</sup> Guidelines on implementation of sentences of execution, stoning, crucifixion, amputation and cross amputation, approved by the judiciary on 25 May 1991 (15 Ordibehesht 1370).

<sup>152</sup> Amnesty International (2009) *Juvenile offender faces imminent execution in Iran*. 17 April 2009. Available from: <<http://www.amnesty.org/en/news-and-updates/news/juvenile-offender-faces-imminent-execution-iran-20090417>> [Accessed 10 June 2009]. In September 2003, Delara Darabi, 17, and her boyfriend, Amir Hossein Sotoudeh, 19, broke into the home of her father's 58-year-old cousin, a woman named Mahin, in order to commit a burglary. Amir Hossein is allegedly killed the woman during the burglary and told Delara that as a 17 year old she could not be executed.

<sup>153</sup> Amnesty International (2009) *Delara Darabi executed in Iran*. 1 May 2009. Available from: <<http://www.amnesty.org/en/news-and-updates/news/delara-darabi-executed-iran-20090501>> [Accessed 10 June 2009].

<sup>154</sup> Delara Darabi's lawyer, Abdolsamad Khoramshahi, told SCE President Nazanin Afshin-Jam about the news as well as in various Persian media. Available from: <<http://scenews.blog.com/4786489/>> [Accessed 10 June 2009].

<sup>155</sup> Amnesty International (2007) *Delara Darabi*. 25 June 2007. Available from: <<http://www.amnesty.org/en/news-and-updates/news/Delara-Darabi-20070625>> [Accessed 10 June 2009].

<sup>156</sup> Letter from Delara Darabi's father to Hashemi Shahrudi (s.d.) Available from: <<http://savedelara.com/Letter1Eng.html>> [Accessed 10 June 2009].

<sup>157</sup> Amnesty International (2009) *Juvenile offender faces imminent execution in Iran*. 17 April 2009. Available from: <<http://www.amnesty.org/en/news-and-updates/news/juvenile-offender-faces-imminent-execution-iran-20090417>> [Accessed 10 June 2009].

<sup>158</sup> Amnesty UK (2009) Stop Child Executions: Delara Darabi, Available from: <[http://www.amnesty.org.uk/actions\\_details.asp?ActionID=9](http://www.amnesty.org.uk/actions_details.asp?ActionID=9)> [Accessed 10 June 2009].

<sup>159</sup> Although Baha'is are charged as spies against the Islamic Republic, the authorities pressure them to recant their religious beliefs and present return to Islam as the means to freedom.

<sup>160</sup> To see a sample of her writing please see: *The story of Mona*, p.7. Available from: <<http://www.addressformona.org/monastory/storyofmona1.htm>> [Accessed 10 June 2009].

<sup>161</sup> Federal Register Division, National Archives and Records Service, Public Papers of Ronald Reagan (1983). Washington, D.C.: Government Printing Office, 1956-. pp.1755-1757.

<sup>162</sup> Iran Human Rights Documentation Centre (2007) *Community under siege: the ordeal of the Bahá'ís of Shiraz*. p.36. September 2007. Available from: <[http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Community-Under-Siege\\_Sep07.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Community-Under-Siege_Sep07.pdf)> [Accessed 10 June 2009].

<sup>163</sup> Amnesty International (2007) *Death penalty/imminent execution*. 26 October 2007. Public AI Index: MDE 13/125/2007.

<sup>164</sup> Human Rights Watch (2007) *Iran: revoke death sentence in juvenile case*. 2 November 2007. Available from: <<http://hrw.org/english/docs/2007/11/03/iran17242.htm>> [Accessed 10 June 2009].

<sup>164</sup> According to Makwan's legal representative, the judge failed to identify the exact date that the alleged crime had taken place. Report on file at Stop Child Executions.

<sup>166</sup> *E'temad-e Melli* newspaper, 28 September 2007, 16 November 2007 and 4 January 2008.

## Appendices

### Appendix A

#### *List of juveniles sentenced to execution in Iran*

As of June 2009, there are at least 160 juveniles on death row in Iran. For more detailed information on each individual case, please visit [www.stopchildexecutions.com](http://www.stopchildexecutions.com):

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT
<b>GIRLS (4)</b>					
1.	Akram Alimohammad (Alias: Setayesh)	17			
2.	Nazbibí Ateshbejan	16	Khoramabad	Branch 107, Khoramabad Criminal Court: 1 May 2006	Supreme Court: 12 February 2006
3.	Soghra Najafpour	13	Gilan		
4.	Sara		Islamshahr	Tehran Criminal Court	September, 2003
<b>BOYS (154)</b>					
5.	Aadel	15	Isfahan	Branch 17, Isfahan	
6.	Abbas		Karaj	Branch 77, Tehran children's court	Supreme Court: 30 May 2006
7.	Abbass Hosseini	17			
8.	Abdolkhaleq Rakhshani		Golestan Province	Branch 2, Golestan Appeals Court: 16 March 2006	
9.	Abumoslem Sohrabi		Fars	Branch 3, Firoozabad Court	Branch 33, Supreme Court
10.	Ahmad	17	Tehran	Branch 71, Tehran General Court	
11.	Ahmad	16	Tehran	Branch 74, Tehran Court	Branch 11, Supreme Court: March 2008

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
12.	Ahmad Jabari	15	Khuzestan		Branch 29, Supreme Court: Case #39/711
13.	Ahmad Mortazavian	15	Isfahan	Isfahan General Court: January 2008	
14.	Ahmad Nourzehi	12	Sistan Baluchistan	Revolutionary Court: 2005	
15.	Akoo (or Abu) Hosseini		Kurdistan	Case #1326, 3 November 2003	Branch 27, Supreme Court
16.	Ali	16 or 17	Tehran	Case #2101, Tehran Children's Court: April 2002	Branch 27, July 2002
17.	Ali Alijan	17	Tehran	Branch 71, Tehran General Court	
18.	Ali Amiri (Afghan Citizen)	15	Shriar	Branch 74, Tehran Criminal Court: 22 July 2007	
19.	Ali Hatemi	17	Tehran	28 August 2008	January 2009
20.	Ali Mahin Torabi	16	Karaj	Karaj, 30 October 2003	Branch 27, Supreme Court: 8 June 2004
21.	Ali Nourmohammadi	16	Kermanshah	Branch 24, Kermanshah	Branch 6, Kermanshah Appeal Court
22.	Ali (or Alinezar) Shabehzadeh	17			
23.	Alireza	17	Tehran	Case #2102, Children's Court: April 2002	
24.	Alireza Movassali Roudi	16	Qom	Case #4786-85 T, Qom Criminal Court	
25.	Amir		Tehran	Branch 1156, Tehran Besat Judicial Complex	
26.	Amir Amrollahi	16	Shiraz	Branch 5, Shiraz Penal Court	Branch 27, Supreme Court: 10 Nov 2007
27.	Amir Chalehchaleh	17			

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
28.	Amir Khaleghi	16			
29.	Amir J.		Tehran	Branch 1601, Tehran Criminal Court: 22 October 2000	
30.	Amir Karim Bahram	17	Mahabad		
31.	Asghar Heidari	16 or 17			
32.	Ashkan	16		Branch 122, Special Court for Children, 26 October 2003	
33.	Bahador Khaleqi	16	Kurdistan	Branch 1, Saqez Public Court: 21 June 2005	Branch 27, Supreme Court: 13 March 2005
34.	Bahman Salimian	15	Isfahan		
35.	Behnoud Shojae	17	Tehran	Branch 74, Tehran General Court: 2 October 2006	Branch 33, Supreme Court: 30 June 2007
36.	Benyamin Rasouli	16	Karaj	Branch 74, Tehran Penal Court	Supreme Court: October 2005
37.	Ebrahim Goodarzvand Chegini	17			Supreme Court: June 2009
38.	Fada		Tehran	Branch 71, Tehran Children's Court: 5 March 2006	
39.	Faramarz	16	Faramarz	Branch 71, Tehran Penal Court: 2006	Branch 28, Supreme Court: September 2007
40.	Farhad		Tehran	Branch 1157, Tehran Criminal Court	
41.	Farshad Sa'eedi	17			
42.	Farzad	15			
43.	Fazlorahman Jahraz	16			
44.	Feyz Mohammad (Afghan Citizen)	16	Karaj	Branch 122, Karaj Children's Court: September 2004	

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
45.	Feyzollah Soltani		Yazd	Yazd revolutionary Court	
46.	Gholamnabi Barahouti	16	Yazd	Branch 10, Yazd Pubic Court: Case #2067, 6 February 2003	Branch 27, Supreme Court: Case #89
47.	Habib Afsar	15	Qom	Case # 1126-83 T, Qom Criminal Court	
48.	Hajer	16	Karaj	Branch 122, Karaj Children's Court: January 2006	
49.	Halat				
50.	Hamed	15			
51.	Hamed Pour-Heydari				
52.	Hamid	17	Isfahan	Branch 17, Isfahan Penal Court	
53.	Hamid	17	Shahriar	Branch 71, Tehran Penal Court: October 2005	
54.	Hamid Reza	14	Gorgan		
55.	Hamzeh Setani	17			
56.	Hani Momeni Yasaghi		Golestan Province	Public Court of Gorgan, 20 November 2004	Branch 26, 9 March 2005
57.	Hassan		Tehran	Branch 1156, Tehran Besat Judicial Complex	
58.	Hedayat Niroumand	14 or 15		December 06	
59.	Hojjat Haydari	15	Shiraz	Branch 109, General Court Shiraz	
60.	Hossein	17	Tehran		Branch 31, Tehran Supreme Court: September 2008
61.	Hossein		Tehran	Branch 37, Tehran Public Court: 11 April 1998	

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
62.	Hossein Azad				
63.	Hossein Haghi	17	Tehran	Branch 74, Tehran General Court: 5 February 2004	Branch 33, Supreme Court: 25 June 2004
64.	Iman Nabavi		Semnan		Branch 4, Case #15-471/85
65.	Iman Shirvani				
66.	Javad J.		Tehran	Branch 1602, Tehran Criminal Court	
67.	Javid	17			
68.	Kamal	17	Tehran	Branch 71, Tehran General Court: 12/April/2008	Branch 33, Supreme Court: August 6, 2008
69.	Khodamorad Shahemzadeh	17	Sistan Baluchistan		
70.	Khosrow	16	Tehran	Branch 74, Tehran General Court: November 2007	
71.	Mahmoud	17			
72.	Majid Afshari		Tehran	Branch 1603, Tehran Criminal Court	Supreme Court: May 1999
73.	Masoud Kafshir	17			
74.	Mehdi	16	Tehran	Branch 71, Tehran Children's Court: 5 March 200	Supreme Court: 30 May 2006
75.	Mehdi Azimi				
76.	Mehdi Bakhtiari		Tehran	Branch 74, Tehran Children's Court	Branch 27, Supreme Court: November 2004
77.	Mehdi Ghandali		Semnan	Samnan Penal Court	Branch 4, 16 June 2006
78.	Mehdi Pouran	17	Tabriz	20 July 2008, 2nd branch of Penal court of Tabriz	
79.	Mehdi Mazroui				
80.	Mehdi Riyahi				
81.	Mehran	17	Karaj	Branch 77, Tehran Children's Court	Supreme Court: 30 May 2006



	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
82.	Mehyar	17	Tehran	Branch 2106 Tehran Children's Court	
83.	Mehyar Anvari	17	Golestan	Branch 3 or 6, Khoramabad Public Court: 13 June 2004	Case #690 Branch 27, Supreme Court
84.	Mehyar Haghgoo	17	Rasht	Branch 102, Rasht Penal Court	Supreme Court: 22 September 2008
85.	Mehyar Zamani	16	Gilan	Branch 102, Rasht Children's Court	
86.	Milad Bakhtiari	16 or 17	Tehran	Case #2106, Tehran Children's Court: August 2002	
87.	Mohammad (Alias: Seyfollah)		Tehran Tehran	Branch 71, Tehran's Children's Court: 23 Jan 2006	
88.	Mohammad Ahmadi	16	Ghazvin		
89.	Mohammad Fadaee	17	Karaj	Branch 71, Tehran Criminal Court: March 12 2005	
90.	Mohammad Ghos	17	Khorasan	Court in Mashhad	
91.	Mohammad Jahedi	16	Fasa	Branch 4, Fasa Public Court: 25 December 2003	Branch 27, Supreme Court
92.	Mohammad Jamali Paghale	15			
93.	Mohammad M.		Shiraz	Shiraz Criminal Court: 2004	Supreme Court
94.	Mohammad Mavari	16	Golestan Province	Branch 2, Kerdkooi Public Court: 18 August 2000	Branch 40, Case #40/28
95.	Mohammad Rasouli				
96.	Mohammadreza		Tehran	Case #1602, Tehran Criminal Court	Branch 33, 30 September 2002
97.	Mohammadreza Haddadi	16	Shiraz		Branch 42, Supreme Court

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
98.	Mohammedshah Ghaderi		Tehran	Branch 1608, Tehran Criminal Court: June 1999	
99.	Mojtaba	17	Tehran	Case #1188, Tehran Children's Court: August 2003	
100.	Morteza	17	Tehran	Branch 74, Tehran Penal Court	
101.	Morteza Feizi	16 or 17			
102.	Mosleh Zamani	17		2006	Branch 27, Supreme Court: July 2007
103.	Mostafa	16	Tehran	Branch 74, Tehran Criminal Court: 2005	Branch 33, Supreme Court: August 2005
104.	Mostafa Naqdi	15			
105.	Mostafa Sa'idi		Central Province	Saveh General and Revolutionary Court	Branch 42, Supreme Court
106.	Mostafa Naghdi				
107.	Mostafa Naqdi				
108.	Nabavat Baba'i	17			2006
109.	Naeem Kolbali	15	Sistan Baluchistan	Branch 102, Zahedan Criminal Court	
110.	Naser Qasemi	15	Kermanshah	Branch 33, Kermanshah General Court	Branch 37, Supreme Court
111.	Nemat	16 or 17	Isfahan	Branch 106, Isfahan Criminal Court	Supreme Court: 1 May 2006
112.	Nemat Safavi	16	Ardebil	Ardebil Court	
113.	Nosrat	15			
114.	Omarraddin Alkuzehi	17	Yazd	Branch 101, Taft Public Court: 12 January 2003	Branch 26, Supreme Court
115.	Omid Sarani	17	Sistan Baluchistan	Branch 102, Zahedan Criminal Court	

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
116.	Rahim Ahmadi	16	Fars	Branch 5, Fars Penal Court: 20 January 2007	Branch 37, Supreme Court
117.	Ramdar	17	Shiraz	Case #12, Shiraz, June 2004	
118.	Ramin Golshani		Tehran	Tehran Criminal Court: November 1997	Supreme Court: June 1998
119.	Rasoul Eyvatvandi	17			Supreme Court
120.	Rasoul Mohammadi	17	Isfahan		Supreme Court
121.	Rasoul Nouriyani		Hamedan	Hamedan Penal Court	
122.	Rasoul Safari	17	Gilangharb	Branch 1, Gilangharb General Court	Branch 33, Supreme court found verdict deficient. Not clear what happened subsequently
123.	Reza	16	Tehran	Case #1157, Tehran Criminal Court: June 2003	
124.	Reza		Islamshahr		October, 2003
125.	Reza	15	Shiraz	Branch 2, Fars Province General Court: September 2007	
126.	Reza Hajizadeh	13	Karaj		
127.	Reza Padashi	16	Tehran	Branch 71, Tehran Penal Court: 20 February 2005	Branch 37, Supreme Court: 3 September 2006
128.	Saber Sharbati				
129.	Sadegh Ahmadpour		Chahar Mahal/ Bakhtiari	Branch 104, Shahrkurd Public Court	Branch 27, Supreme Court: 23 July 2006
130.	Saeed Arab		Golestan Province	Public and Revolutionary Court of Gorgan	Branch 3, Gorgan Criminal Court 18 July 2006
131.	Safar Angooti	17	Tehran	Branch 71, Tehran General Court	

	<b>NAME</b>	<b>AGE*</b>	<b>CITY OR PROVINCE</b>	<b>LOWER COURT</b>	<b>APPEAL COURT</b>
<b>BOYS (cont.)</b>					
132.	Safarali		Tehran	Branch 1156, Tehran Besat Judicial Complex	
133.	Sajjad	17			
134.	Salah Taseb	15	Sanandaj		
135.	Salman Akbari	17	Ardebil	Public Court of Arshagh, 14 July 2003	Case #2-8728/7
136.	Siyavash Shirnejad		Lorestan	Branch 107, Khoramabad Criminal Court: 9 May 2006	
137.	Vahid	16	Tehran	Branch 71, Tehran Children's Court: 6 Nov 2004	
138.	Vahid Latifi				
139.	(Seyed) Vahid Mousavi	17			
140.	Zahir	15	Tehran	Case #77, Tehran Children's Court: 2004	
141.	Zolf'ali Hamzeh		Central Province	Branch 2, Saveh General Court	
142.	Unknown	17		3 June 2004	Supreme Court: 20 June 2006
143.	Unknown		Kerman	Branch 101, Kerman Court	Supreme Court
144 to 160	At least 16 more Afghan Nationals		Khorasan		

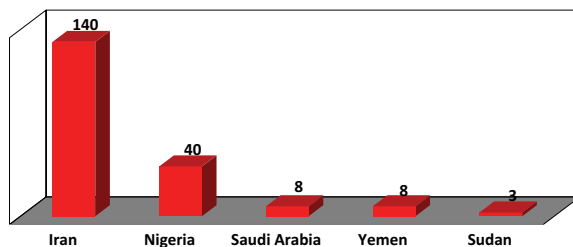
\* At the time of alleged crime

*This list was prepared by Stop Child Executions in cooperation with Amnesty International using data obtained from:*

*Family members of juvenile offenders, Emadeddin Baghi, Iranian Media, Mohammad Mostafaei and other lawyers, Iran Human Rights, Human Rights Watch and other human rights activists and sources.*

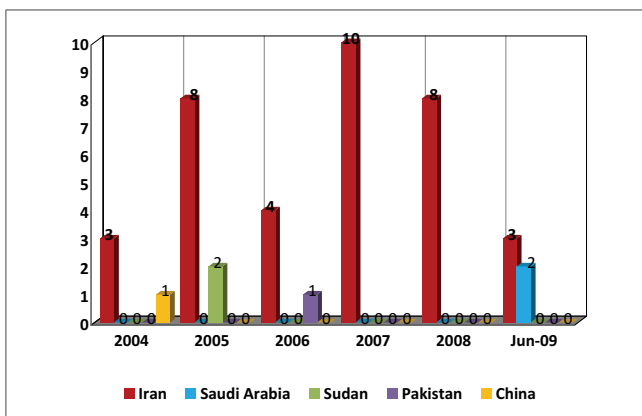
## Appendix B

### Children On Death Row (June 2009)



### Children executed since 2004:

Country/Year	2004	2005	2006	2007	2008	Jun-09	Total
Iran	3	8	4	10	8	3	36
Saudi Arabia						2	2
Sudan		2					2
Pakistan			1				1
China	1						1
<b>Total</b>	<b>4</b>	<b>10</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>5</b>	<b>42</b>



[www.stopchildexecutions.com](http://www.stopchildexecutions.com)

## **Appendix C**

Further readings and complementary documents:

Detailed report on the latest judicial developments concerning women, children and juveniles' rights and amendments to the relevant laws:

<http://www.iranembassy.gr/eng/files/TheLatestJudicialDevelopments.pdf>

Permanent Mission of the Islamic Republic of Iran to the United Nations, Iran's voluntary pledges and commitments on pages 1 and 2:

<http://www.un.org/ga/60/elect/hrc/iran.pdf>

United Nations General Assembly 63rd session: Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, Section IV D:

<http://www.unhcr.org/refworld/docid/490032342.html>

Declaration by the Presidency on behalf of the European Union:

[http://www.diplomatie.gouv.fr/en/article\\_imprim.php3?id\\_article=11666](http://www.diplomatie.gouv.fr/en/article_imprim.php3?id_article=11666)

Statement of a Group of Islamic Jurists, Lawyers and Social and Political Activists in Opposition to the Execution of Juveniles:

[http://www.humanrights-ir.org/php/view\\_en.php?objnr=242](http://www.humanrights-ir.org/php/view_en.php?objnr=242)

Centre for Defenders of Human Rights issues a national call to action:

[http://www.humanrights-ir.org/php/view\\_en.php?objnr=244](http://www.humanrights-ir.org/php/view_en.php?objnr=244)

UN urges Iran not to impose death penalty on juveniles:

<http://www.un.org/apps/news/story.asp?NewsID=27894&Cr=iran&CrI>

UN urges Iran to ban executions of juvenile offenders: Groups from 82 countries seek urgent reforms:  
<http://www.hrw.org/es/news/2008/10/14/un-urged-ban-executions-juvenile-offenders>

Twenty-four international and regional human rights organizations called on Iranian authorities to stop imposing the death penalty for crimes committed by juvenile offenders:  
<http://www.unhcr.org/refworld/publisher,HRW,,IRN,487de26bc,0.html>

Amnesty International report "Iran: Last Executioner of Children":  
<http://www.amnesty.org/en/library/info/MDE13/059/2007>

Human Rights Watch report "Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen":  
<http://www.hrw.org/en/reports/2008/09/10/last-holdouts-0>

FIDH report "IRAN/Death Penalty: A State Terror Policy":  
[http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf)

The Issue of Executions of minors in Iran by Emadeddin Baghi:  
<http://www.emadbaghi.com/en/archives/000924.php?>

Additional reading on medical reasons against child executions:  
<http://physiciansforhumanrights.org/juvenilejustice/factsheets/braindev.pdf>  
<http://www.amnesty.org/en/library/info/POL30/034/2004>

Links to other sites that report on child executions available at:  
<http://www.stopchildexecutions.com/othersites.aspx>

## **The Foreign Policy Centre**

The Foreign Policy Centre ([www.fpc.org.uk](http://www.fpc.org.uk)) is the UK's most prominent progressive think tank on foreign affairs. Established in 1998 by the then UK Foreign Secretary, the late Rt Hon Robin Cook MP, with Rt Hon Tony Blair as its patron, the FPC aims to inject fresh thinking into foreign policy debate and analysis through the development of innovative and practical policy ideas which promote practical solutions to global challenges. Although founded with roots on the centre-left, the FPC works with representatives from all major UK political parties and the wider policy, civil society, academic and business communities. The Centre has three Co-Presidents: Baroness Margaret Jay, Michael Gove MP and Rt Hon Charles Kennedy MP representing each major party.

The Centre produces pamphlets, reports, briefings, articles and blogs about a range of important international issues. It holds regular Westminster seminars and other events including expert roundtables and conferences. The Foreign Policy Centre covers a wide range of key policy areas including work looking at human rights and good governance in the Middle East, Caucasus and Central Asia; our Democracy and Development programme that focuses on sub-Saharan Africa; our European Union programme that looks at issues including the UK relationship to the EU, enlargement, ENP and the single market. In addition the FPC addresses a number of global systemic challenges including international security, climate change, energy security and trade.

Foreign Secretary David Miliband MP, speaking in 2008, said that "The Foreign Policy Centre has a distinctive approach in bringing diverse people together, reinforcing the notion that the UK is a global hub for debate and ideas on how to govern our shared planet in a socially-responsible way."



## **About Stop Child Executions organization**

In 2006, Nazanin Afshin-Jam, an Iranian-Canadian celebrity, received a letter about Nazanin Mahabad Fatehi, a juvenile Kurdish Iranian who was facing execution for defending herself and her niece against three would-be rapists. Afshin-Jam initiated a petition which gathered 350,000 signatures, and led an international campaign to save Fatehi's life. Upon ensuing international pressure, Fatehi was awarded a new trial. In January 2007 she was exonerated of murder charges and released from prison. Soon thereafter, Nazanin Afshin-Jam and David Etebari co-founded Stop Child Executions to meet the demand of other juveniles facing the death penalty.

Stop Child Executions is a leading source of information on minors on death row in Iran. SCE is a nonprofit 501c3 tax-exempt organization run entirely by volunteers. It is an independent, non-political human rights group whose aim is to put a permanent end to child executions.

SCE documented 8 juvenile executions in 2008 and over 160 other children on death row in Iran despite the country's commitments under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which Iran is a state party.

SCE lobbies governments and encourages politicians and private citizens to put pressure on offending countries to commute and ban executions of juveniles. SCE acts as a liaison between families and human rights lawyers, and also channels information from Iran to the United Nations and international human rights groups, including Amnesty International.

SCE has initiated major petitions, organized rallies, produced documentaries, participated in major human rights conferences, conducted speeches in various parliaments and is cited in major newspapers, magazines, television and radio news programs worldwide.

For more information visit: [www.stopchildexecutions.com](http://www.stopchildexecutions.com)

Work on this project has been led by Nazanin Afshin-Jam, president and co-founder of Stop Child Executions and Tahirih Danesh, Senior Research Associate of Foreign Policy Centre. The report aims to provide a comprehensive documentation and analysis of the Islamic Republic of Iran's execution of minors since its inception in 1979. It highlights inconsistencies in the Iranian legal system and contradictions between Iran's record of executing minors and its international human rights commitments. The report puts forward clear recommendations for action by the Iranian Government, the international community, lawyers and human rights campaigners.

For more information about the report or to download the Persian language translation please visit [www.stopchildexecutions.com](http://www.stopchildexecutions.com) or [www.fpc.org.uk](http://www.fpc.org.uk)

Front Cover: Painting by executed juvenile, Delara Darabi



The Foreign Policy Centre



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