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Press Release

UN expert on extrajudicial killings condemns execution of juvenile offender in Iran

GENEVA (13 October 2009) -- The UN Special Rapporteur on extrajudicial, arbitrary or summary executions, Mr. Philip Alston, today denounced the hanging of Behnoud Shojaie, a young man sentenced to death for killing another boy in a street fight in 2005 when he was aged 17.

"The prohibition against executing juvenile offenders – those who were under the age of 18 at the time of committing the relevant crime – is one of the clearest and most important of international human rights standards. It is unequivocal and admits no exception" said Mr. Alston. He added that "the juvenile death penalty is a negation of the essential principles of juvenile justice accepted by all States, including Iran".

The UN expert recalled that in the last two years he had written three times to the Government of the Islamic Republic of Iran regarding the case of Behnoud Shojaie, and more than twenty times regarding other juvenile offenders sentenced to death.

The Government assured me as recently as 15 July 2009 that the judicial authorities were doing their utmost to obtain agreement from the victim's family for the payment of *diyeh* in place of execution," he said referring to the system in Iran whereby the victim's family can waive the execution of a convicted murderer in exchange for the payment of so-called "blood money".

"While such efforts to mediate between the family of the child found guilty of a killing and the victim's family are welcome, they are utterly insufficient to satisfy Iran's obligations under international law", said Mr. Alston, who in the 1980s was principal legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child. He further explained that, in addition to the absolute prohibition of the death penalty for crimes committed by persons aged less than 18, international law also provides that in capital cases it must be possible to appeal to a government authority for pardon or commutation of sentence.

"The stance taken by the Government in its correspondence with me, that they have no possibility to halt an execution if the murder victim's family insists on it, is untenable as a matter of international law," the Special Rapporteur argued.

Background:

Since 1975, Iran has been a party to the International Covenant on Civil and Political Rights, which in its article 6, paragraph 5 prohibits the imposition of the death sentence against anyone who had not reached 18 years of age at the time of the offence. In 1994 the Islamic Republic of Iran also accepted to be bound by the Convention on the Rights of the Child, which in article 37 (a) enshrines the same norm. Unlike other provisions of the Convention, this prohibition is not flexible when account is taken of the individual development and maturity of the offender. In spite of these treaty obligations, reliable reports indicate that over 130 juvenile offenders are on death row in Iran.

In his annual report submitted this year to the United Nations Human Rights Council, the Special Rapporteur noted that the "prohibition on executing juvenile offenders … is being openly and systematically flouted" in Iran. He called on the Council to designate a member of its Bureau (the body composed of the Council President and four Vice-Presidents) to seek to visit Iran to identify, in consultation with the Government and other stakeholders, measures that can be taken to bring an immediate halt to the sentencing and execution of juvenile offenders.

Mr. Philip Alston, an Australian national, was appointed Special Rapporteur by the Human Rights Council in 2004. He is a Professor of Law at New York University and has extensive experience in the human rights field, including eight years as Chairperson of the UN Committee on Economic, Social and Cultural Rights, principal legal adviser to UNICEF in the drafting of the Convention on the Rights of the Child, and Special Adviser to the UN High Commissioner for Human Rights.

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