



Amnesty International Aotearoa New Zealand- **Children's Rights Newsletter**

October 2008

Co-ordinators – Joan & Peter Sutton; Jan Marsh

EDITORIAL

The Children's Rights Network is grateful to Christine Richardson who represented us at the official launch of the "ENACT – youth enabling action." website on September 23rd, in the Beehive. It was launched by the Minister for Youth Affairs and the Peace Foundation. The website will carry news about young people's work on conflict resolution, human rights and peace issues. It will also carry a link to our recent newsletters.

NIGERIA – Patrick Okoroafor

(The following is edited from a report received from Carly Witheridge in the IS. See the May, June Extra and August issues of the newsletter.)

"Unfortunately Patrick was not released in time to celebrate his birthday at home. The state authorities, the Governor and the Attorney General have been inundated with letters as have the federal ministries. Our media contacts in Nigeria have been receiving numerous letters from around the world too. The Dutch and German embassies have taken up Patrick's case. They have been lobbying at federal level and are arranging for other embassies to make it a focus for the EU in September. The British High Commission will also take up Patrick's case."

The IS Nigeria team met up with Patrick's mother and father in July. At that time Patrick had received more than 200 birthday cards and received 20 to 30 letters a day. The Open Letter was published as a half-page advertisement in *The Vanguard* on Patrick's birthday (11 July). Copies of the Open Letter were also delivered to Imo State and Federal Government Offices.

The team later met with Imo State Attorney General and some of his staff. They were informed that the State Committee on the Perogative of Mercy had reviewed the case at

the Governor's request. The committee said that they stood by the military tribunal's conviction, that the Supreme Court's ruling of 'null and void' applied to the death penalty only, and that his sentence would be transferred to life imprisonment rather than 'at the Governor's pleasure'. They claimed that because of recent violence in Owerri, the public would not stand for the release of convicted armed robbers.

The IS team are awaiting further news of Patrick's health and considering what further action to take.

SLOVAKIA

Educational Discrimination Against Roma

(Edited from a follow-up report by Fotis Filippou at the IS. See the newsletters of August 2008 & Nov/Dec 2007.)

The Amnesty report "A Tale of Two Schools" got good coverage in the Slovakian media and copies were sent to all relevant departments at national and local level.

The report was followed on September 9 by a meeting between AI Slovakia and the Deputy Prime Minister and representatives of the Plenipotentiary for Roma and Ministry of Education. The discussion was very constructive and the atmosphere very positive. Government representatives acknowledged the role of NGOs and welcomed constructive criticism by AI.

Progress was noted in that the concept of "diagnostic stay" in special schools had been removed from the new legislation, the provision of 'motivational scholarships' had been revised with the provision of benefits to all families in "material need" and the system of school funding being considered for revision.

Fotis thanked all participants for their excellent work and promised further action in the future.

CANADA The case of Omar Khadr

(See June and August 2008 newsletters)

In July Joan and Peter wrote to the Canadian Prime Minister on behalf of the network. We recently received a reply from the Foreign Minister thanking us and sharing our concern. He said that the Canadian Government was monitoring the progress of Omar's trial and had offered the support of a lawyer of his choice. The matter of his repatriation would be considered after the trial in Guantanamo Bay.

IRAN - Juvenile Death Penalty

According to the Amnesty Report of August 2008, Iran has executed at least 227 people this year including 6 juvenile offenders. Since 1990, Iran has executed at least 37 juvenile offenders, 8 of them in 2007. No other country is known to have executed a juvenile offender in 2008.

Behnam Zare' was hanged in Adelabad Prison, Shiraz, on August 26 2008, convicted of a murder committed in April 2005 when he was 15 years old. (See April 2008 and earlier newsletters).

Reza Hejazi was hanged in Esfahan Prison on August 19 2008. He was 15 years old when he and others were involved in a dispute in September 2004 which resulted in man being fatally stabbed.

Naser Qasemi, Mohammad Reza Haddadi and **Iman Hashemi** were also sentenced to death for crimes committed when they were under the age of eighteen years. There is no further news about them or their execution date. Appeals for them were included in the April 2008 and earlier newsletters.

Amir Amroliahi(aged 17 or 18) was sentenced to death for fatally stabbing another boy in a fight, when he was 16 years old. His family could not afford adequate legal representation at his trial. According to his new lawyer the court did not hear that the killing was unintentional or that Amir had been prescribed heavy doses of sedatives while awaiting his trial. His mental state at the time of his trial was not considered. The Supreme Court rejected his appeal and the Head of Judiciary approved the sentence. He could be executed at any time. (Earlier appeals were in the February 2008 and earlier newsletters)

Mohammad Feda'i (aged 21 years) On August 14 2008, Mohammad Feda'i's execution was stayed for a further month and he faced execution in mid-September. He was sentenced

to death for the murder of a boy named Said during a fight in 2004 when Mohammad was 17 years old. The Supreme Court upheld his death sentence in spite of suggestions of inadequate legal representation. His execution had been stayed for further negotiations over *dijeh* in exchange for a pardon. There has been no news of his execution. (There was an appeal in the August 2008 newsletter.)

Bahman Salimian (now aged 27 years). An Amnesty Report dated September 2008, states that he is at imminent risk of being executed. He was sentenced to *qesas* by the Supreme Court for the murder of his grandmother in 1996 when he was 15 years old. The execution was halted in August for further reconciliation attempts to negotiate a pardon from relatives who insist that the execution should go ahead.

Bahman Salimian claims that he killed his grandmother (aged 70) who had talked of suicide because of her suffering. On August 26th, Bahman's execution was suspended because five of his uncles had pardoned him. Because his remaining uncle refuses to pardon him, his execution still stands. There is no further news of his execution.

Behnoud Shojaee (aged 20 Years) is in imminent danger of execution because his family was unable to afford the *diyeh* required to obtain a pardon. His execution was postponed from the 12th August until the end of August 2008. Behnoud was found guilty of killing a boy when he was 17 years old. He had no legal representation at his trial. There have been two stays of execution while his family sought to negotiate *diyed* with the victim's family. However they were unable to raise the amount demanded. There has been no further news about his fate. There was an earlier appeal for him in the June 2008 newsletter.

Kamal (aged 17). This barber's assistant was sentenced to death on 12 April 2008. He and two friends were standing outside the barber's shop in April 2007 when they saw a man verbally harassing a young girl. A fight broke out between the barber's son, Mehdi, and the man. Mehdi asked Kamal to get a knife from the shop and, when he reappeared with one, the other man attacked him. They fell to the ground and the man was stabbed in the heart. The death sentence was approved by the Supreme Court and Kamal is at imminent risk of execution.

(Appeal letter and addresses on page 3)

Please write as quickly as possible to the Iranian authorities making these points:-

- Condemn the executions of **Behnam Zare'** and **Reza Hejazi** for crimes committed when they below the age of 18 years as contrary to international law;
- Urge the authorities to immediately commute the death sentences on **Naser Qasemi, Mohammad Reza Haddadi, Iman Hashemi, Amir Amroliahi, Mohammad Feda'I, Bahman Salimian, Behnoud Shojaee** and **Kamal** who are all at imminent risk of execution for crimes committed when they were below the age of 18 years;
- Remind the authorities that Iran has ratified the International Convention on Civil and Political Rights and Convention on the Rights of the Child which both prohibit death sentences and executions of such juvenile offenders.
- Urge them to pass legislation to ban such death sentences and executions in line with Iran's international commitments.

ADDRESSES

Head of Judiciary

H.E. Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh
Pasteur St., Vali Asr Ave.,
south of Serah-e Jomhuri,
Tehran 1316814737, Islamic Republic of Iran
Email: info@dadgostary-tehran.ir
(In subject line write: FAO Ayatollah Shahroudi)
(Your Excellency)

Director, Human Rights Headquarters of Iran
His Excellency Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh
Pasteur St, Vali Asr Ave.,
south of Serah-e Jomhuri,
Tehran 1316814737, Islamic Republic of Iran
Email: fsharafi@bia-judiciary.ir
(In the subject line: FAO Mohammad Javad Larijani)
(Your Excellency)

COPIES TO

H.E. Mr Kambiz Sheikh Hassani
Ambassador of the Islamic Republic of Iran
PO Box 10 249, Wellington.
Email embassy.of.iran@xtra.co.nz
(Your Excellency)

SAUDI ARABIA

Death Penalty & Flogging UA86/08
Sultan Bin Khalid Mahmud al-Maskati (23y)

Yusef Bin Hassan Bin Salman al-Muwallad (23y)

Qassin Bin 'Ali Bin Ibrahim Al-Nakhil (22y)
Sultan Bin Sulayman Bin Muslim al-Muwallad (20y)

'Issa bin Muhammad 'Umar Muhammad (20y) Chad national.

Bilal Bin Muslih Bin Jabir al-Muwallad (19y)

Ahmad Hamid Muhammad Sabir (17y) Chad national.

The seven men listed above were arrested in 2004 and charged with theft, robbery and assault and held *incommunicado* at police stations in Madina where they were allegedly beaten to force confessions. In February 2008, the General Court in Madina sentenced **Bilal Bin Muslih Bin Jabir al-Muwallad** and **Ahmad Hamid Muhammad Sabir** who were 15 and 13 years old at the time of the offence to "severe flogging" and imprisonment. The other five were sentenced to death. **Sultan Bin Sulayman Bin Muslim al-Muwallad** and **'Issa bin Muhammad 'Umar Muhammad** were both 17 years old at the time of the crimes.

Their sentences have been upheld by the Court of Cassation in Makkah and passed to the Supreme Judicial Council for approval and could be carried out immediately with no prior notice to their relatives.

The King as head of the Supreme Judicial Council could intervene and stop the executions and floggings.

Please write to the Saudi authorities making these points –

- Express concern at the death sentences on (list the five names) and the flogging sentences on (list the two names);
- Urge the King to commute the death sentences noting that **Sultan Bin Sulayman Bin Muslim al-Muwallad** and **'Issa bin Muhammad 'Umar Muhammad** are juvenile offenders whose execution is prohibited under international law under the Convention on the Rights of the Child to which Saudi Arabia is a state party;
- Calling for the sentences of flogging against **Bilal Bin Muslih Bin Jabir al-Muwallad** and **Ahmad Hamid Muhammad Sabir** to be commuted to a more humane punishment as Saudi Arabia is a state party to the Convention Against

Torture and Other Cruel, Inhuman or Degrading Treatment or punishment.

ADDRESS

His Majesty Abdullah Bin ‘Abdul ‘Aziz
Al-Saud

Custodian of the Two Holy Mosques
Royal Court, Riyadh,
Kingdom of Saudi Arabia
Fax +966 1 403 1185 (Please keep trying)
(Your Majesty)

COPIES TO

Mr Turki bin Khaled Al-Sudairy
President Human Rights Commission
PO Box 58889, Riyadh 11515
Kingdom of Saudi Arabia.
Fax +966 1 481 2061

His Excellency Mr Hassan T Nazer,
Ambassador of Saudi Arabia
PO Box 9162, Deakin, Canberra,
ACT 2600, Australia
Email: auemb@mofa.gov.sa
(Your Excellency)

SAUDI ARABIA

Fear of Imminent Execution. UA 116/07

Mehanna Sa’d (22y) Jordanian national

Mohamed Kohail (23y) *

Sultan Kohail (17y) *

*** Both Canadian nationals**

(See August 2007 newsletter)

These three foreign nationals were arrested in January 2007 following the death of a Syrian boy in a school yard brawl. The cases of the two older men, who had been sentenced to death, are being reviewed.

The case of Sultan Kohail who was sentenced to 200 lashes and a year’s imprisonment by the Jeddah Summary Court in April 2008, is being retried by the General Court which has the power to pass the death sentence. He is 17 years old. Sentencing him to death would violate Saudi Arabia’s obligations under the Convention on the Rights of the Child (CRC)

Please write to the Saudi authorities making these points:-

- Urge the King to commute the death sentences on **Mehanna Sa’d** and **Mohamed Kohail**;
- Remind the authorities that they are bound by international standards for fair trials in capital cases under the UN Safeguards;

- Express concern that 17 year-old Sultan Kohail may still be at risk of sentence of death and ask for a guarantee that that will not happen. Such executions would violate the CRC.

Please write to the three addresses in the previous case. If fax communications fail email the letters to the ambassador with a request to forward them.

WORLD NEWS

Selected from *UN Wire* and reproduced for interest only.

NEPAL. A top UN envoy urged Nepal’s Maoist-led government and its former rebel army to release thousands of former soldiers still languishing in Maoist camps. It estimated last year that there were nearly 3,000 child soldiers in the Maoist army.

DRC. UNICEF has appealed for the release of 90 children who it says are being held by Ugandan rebels in north-east Democratic Republic of Congo. The children were seized from two schools in attacks on two villages by the Lord’s Resistance Army. UNICEF demanded the unconditional release of the children who it fears would be forced to fight for the LRA.

DRC. Up to half of the child soldiers reunited with their families in the DRC’s volatile North Kivu province may have been recruited again by warring factions over the past year. Describing the situation there as ‘appalling’ Amnesty International also highlighted the rape of several hundred women and girls every month by government forces and armed groups.

AFRICA. Children should not be seen as victims of sexual exploitation, but rather thr front-line fighters against it said a spokesperson for Save the Children Sweden in a preparatory meeting in Dakar before the World Congress against sexual exploitation of children. The Congress will be held in Rio, Brazil, in November 2008.

Up to 22 children from 15 African countries joined human rights groups, child-specialists and non-profit organisations to debate how children can take on a bigger role in the fight against exploitation.

Newsletter prepared by Joan & Peter Sutton
for Amnesty International

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