



October 14, 2005

The Right Hon. Paul Martin, P.C., M.P.
Prime Minister
Office of the Prime Minister
80 Wellington Street
Ottawa ON K1A 0A2

The Hon. Pierre Pettigrew,
P.C., M.P. Minister of Foreign Affairs
House of Commons
Ottawa ON K1A 0A6

Dear Prime Minister Martin and Minister Pettigrew:

RE: Execution of Juvenile Offenders in Iran

I am writing to you because of the concern of the Canadian Bar Association (CBA) over reports that two gay youths, both under 18 at the time of their alleged crimes, were publicly executed in Mashad, Iran. While the exact nature of the alleged crimes committed by the youths is unclear, some reports have indicated that they were executed because of their sexual orientation.

We know that the Government of Canada is also concerned about these events, given Minister Pettigrew's news release of August 5, 2005, condemning the executions and calling upon Iran to respect the *United Nations Convention on the Rights of the Child*. As a signatory to that convention, and the *International Convention on Civil & Political Rights*, Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18 years, regardless of the nature of the alleged offence. We urge you to go further and address this matter directly with the Islamic Republic of Iran. Further, we call on the Government of Canada to take all necessary steps to have the facts surrounding the reported executions investigated and clarified, including whether the charges and convictions were based on the sexual orientation of the youth.

The CBA is a national association representing over 36,000 jurists, including lawyers, notaries, law teachers and students across Canada. Its primary objectives include improvement in the administration of justice and promotion of equality in the justice system. In furtherance of these objectives, the CBA joined the voices of others in the international community disapproving the use of capital punishment by the Islamic Republic of Iran against juvenile offenders, by passing a resolution to this effect. It is attached for your review.

We are sure you agree that Canadian values of tolerance, diversity, compassion and mercy are inconsistent with the practice and rationale for capital punishment, and in particular the execution of juvenile offenders and execution based on the sexual orientation of an offender. We ask you to take appropriate action on this matter without delay.

Yours very truly,

(Original signed by Brian A. Tabor)

Brian A. Tabor, Q.C.

Cc: Allan Rock, Canadian Ambassador, United Nations

Encl.

Disapproval of Execution of Juvenile Offenders in Iran

WHEREAS the mission of the Canadian Bar Association is, in part, to improve the administration of justice and to represent the legal profession nationally and internationally;

WHEREAS Canadian values of tolerance of diversity, compassion and mercy are inconsistent with the practice and rationale for capital punishment, and in particular the execution of juvenile offenders or execution based on the sexual orientation of an offender;

WHEREAS it has been reported in the media that on July 19, 2005, two gay youths were publicly executed in Mashad, Iran, when at the time of the commission of their alleged crimes both were under 18 years of age;

WHEREAS there have been conflicting media reports as to the exact nature of the alleged crimes committed by the youths who were executed, including reports that they were executed because of their sexual orientation;

WHEREAS, as a State Party to the *International Convention on Civil & Political*

Réprobation de l'exécution de jeunes contrevenants en Iran

ATTENDU QUE la mission de l'Association du Barreau canadien consiste, entre autres, à améliorer l'administration de la justice et à représenter la profession juridique à l'échelle nationale et internationale;

ATTENDU QUE les valeurs canadiennes de tolérance envers la diversité, la compassion et la pardon, sont incompatibles avec la pratique et la justification de la peine capitale et, en particulier, l'exécution de jeunes contrevenants ou l'exécution fondée sur l'orientation sexuelle du contrevenant;

ATTENDU QU'il a été rapporté par les médias que deux jeunes gais avaient été publiquement exécutés à Mashad, en Iran, le 19 juillet 2005, alors qu'au moment de la commission des actes criminels qui leur étaient reprochés, ils avaient moins de 18 ans;

ATTENDU QUE les reportages diffusés dans les médias divergeaient quant à la nature exacte des crimes allégués aux jeunes contrevenants exécutés, et comprenaient des reportages affirmant qu'ils avaient été exécutés en raison de leur orientation sexuelle;

ATTENDU QU'à titre d'État membre de la *Convention internationale relative aux droits*

Rights and the United Nations Convention on the Rights of the Child, Iran has undertaken not to execute anyone for an offence committed when they were under the age of 18 years, regardless of the nature of the alleged offence;

WHEREAS the international community, human rights groups and others have expressed concern and disapproval of these executions and have called on Iran to clarify immediately the nature of the alleged crimes and comply with its international obligations to stop sentencing juvenile offenders to death;

BE IT RESOLVED THAT the Canadian Bar Association:

1. join the international community in disapproving the use of capital punishment by the Islamic Republic of Iran against juvenile offenders;
2. call on the Government of Canada:
 - (a) to take all necessary steps to investigate and clarify the facts surrounding the reported executions, including whether the charges and convictions were based on the sexual orientation of the youth;

civils et politiques et de la Convention des Nations Unies sur les droits de l'enfant, l'Iran a résolu d'interdire l'exécution de quiconque serait âgé de moins de 18 ans au moment de l'infraction, quelle que soit la nature de l'infraction reprochée;

ATTENDU QUE la communauté internationale, les groupes de défense des droits de la personne et autres organisations concernées ont exprimé leur inquiétude et leur réprobation à l'annonce de ces exécutions et ont demandé à l'Iran une clarification immédiate de la nature des actes criminels allégués et le respect de ses obligations internationales en cessant la pratique de condamnation à mort de jeunes contrevenants;

QU'IL SOIT RÉSOLU QUE l'Association du Barreau canadien :

1. se joigne à la communauté internationale dans la réprobation du recours à la peine capitale de jeunes contrevenants dans la République islamique d'Iran;
2. demande au gouvernement du Canada
 - (a) de prendre toutes les mesures nécessaires pour mener enquête et clarifier les faits entourant les exécutions rapportées, et en particulier déterminer si les accusations et les condamnations étaient fondées sur l'orientation sexuelle des jeunes accusés;

- (b) to express Canada's disapproval of the execution of juvenile offenders; and
- (c) to urge the Islamic Republic of Iran to comply with its international obligations not to execute anyone for an offence committed when they were under the age of 18 years.

- (b) d'exprimer publiquement la réprobation du Canada à l'encontre de l'exécution des jeunes contrevenants; et
- (c) d'exhorter la République islamique d'Iran à respecter ses obligations internationales comprenant l'interdiction d'exécuter toute personne âgée de moins de 18 ans au moment de l'infraction.

Certified true copy of a resolution carried by the Council of the Canadian Bar Association at the Annual Meeting held in Vancouver, BC, August 13-14, 2005.

Copie certifiée d'une résolution adoptée par le Conseil de l'Association du Barreau canadien, lors de son Assemblée annuelle, à Vancouver, (C.-B.), les 13 et 14 août 2005

**John D.V. Hoyles
Executive Director/Directeur exécutif**