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Iran: New executions demonstrate need for unequivocal legal ban of stoning

Amnesty International deplores the execution by stoning of two men – Houshang Khodadadeh and another unidentified man - in Mashhad, north-east Iran, probably on 26 December 2008 and urges the authorities to declare an immediate and effective moratorium on executions by stoning, including in the cases of the ten people currently known to be at risk of stoning to death. The stonings were confirmed on 13 January 2009 by Judiciary Spokesman Ali Reza Jamshidi.

These new cases of stoning yet again demonstrate that statements – such as one made by Ali Reza Jamshidi in August 2008 in which he declared that stonings in Iran had been halted - or even directives by the Head of Iran's Judiciary are not enough to halt this horrific practice. The speedy enactment of legislation that unequivocally brings an end to this grotesque punishment is necessary and long overdue.

A third man, an Afghan national identified only as “Mahmoud Gh.” managed to free himself from the pit he was to be stoned in, and is currently believed to be in custody. None of the three men were previously known to be at risk of stoning by anti-stoning campaigners in Iran. Amnesty International and campaigners in Iran are aware of ten other people at risk of stoning to death, but fear there may be others.

According to the “Stop Stoning Forever” Campaign, which is working for an end to this punishment, at least eight women and two men are at risk of stoning to death in Iran. The women are Kobra N., held in Reja'i Shahr prison, Karaj; Iran A, held in Sepidar Prison, Ahvaz; Khayrieh V., also held in Sepidar Prison, Ahvaz; Ashraf Kalhori, held in Evin Prison, Tehran; Gilan Mohammadi, held in the Central Prison in Esfahan; Afsaneh R, held in Adel Abad Prison in Shiraz; M.J, held Vakil Abad Prison in Mashhad; and H, also held in Vakil Abad Prison in Mashhad. The men are Abdollah Farivar, held in Sari Prison in Mazandaran province and Gholamali Eskandari, held in the Central Prison, Esfahan.

Two other women – sisters Zohreh and Azar Kabiri-niat – are currently being retried before Branch 77 of Tehran's General Court. Their previous conviction and sentence to stoning was overturned in 2008 by the Head of the Judiciary. If convicted again after the retrial, they risk being sentenced once again to death by stoning.

In Iran, stoning to death is a penalty prescribed specifically for “adultery while being married”. The offence should be proved either by confession four times in front of the judge, the testimony of four male eyewitnesses or of three men and two women; or by the “knowledge” of the judge, which can include video footage or forensic evidence.

Amnesty International urges the Iranian authorities to enact a law unequivocally banning stoning as a legal punishment. Pending the adoption of such a law, an immediate and effective moratorium on executions by stoning should be implemented. As some judges, especially outside Tehran continue to sentence individuals to stoning, it should be made clear to officials of the law enforcement, custodial and other relevant ministries and agencies, that this moratorium must not be breached and that any officials who defy that instruction will themselves be held accountable.

The Iranian authorities should also ensure that any legislation enacted, including the new Penal Code, conforms to their international obligations under human rights law, and that consensual sexual relations are unambiguously decriminalized.

Background:

In 2002, the Head of the Judiciary issued a directive ordering a moratorium on stonings. This has not been adhered to, as at least five people have been stoned to death since then, including the two in December. However, Ali Reza Jamshidi's recent statement clarified that, as a directive which has not been passed into law, the call for a moratorium has no legal weight and judges are free to ignore it.

In 2007, a revised Penal Code was submitted to the Iran's parliament) for approval and is still under consideration. The draft continues to provide for the penalty of stoning to death, but also states that should the implementation of the penalty cause "harm to the system", it can, on the proposal of the prosecutor in the case and with the approval of the Head of the Judiciary, be changed to execution by other methods or to 100 lashes, depending on the type of proof.

Amnesty International opposes the death penalty in all circumstances but considers execution by stoning to be a particularly grotesque and horrific practice. It is specifically designed to increase the suffering of victims as stones are chosen that are large enough to cause pain, but not so large as to kill the victim immediately. It is a punishment meted out specifically for adultery by married men and women, an act that is not even a crime in most countries of the world. The UN Commission on Human Rights (in Resolution 2005/29) has clarified that the death penalty, permitted only for "the most serious crimes" should not be imposed for non-violent acts such as sexual relations between consenting adults, nor should it be a mandatory sentence.

For further information, see Amnesty International: Iran: End Executions by stoning, January 2008, AI Index MDE 13/001/2008.

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