

PUBLIC

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UA 332/04 Fear of imminent execution/fear of flogging

IRAN Leyla M (f), aged 19

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"Leyla M", who has a mental age of eight, is reportedly facing imminent execution for "morality-related" offences arising from her being forced into prostitution as a child. According to a Tehran newspaper report of 28 November, she was sentenced to death by a court in the central Iranian city of Arak while she was 18, and the sentence has now been passed to the Supreme Court for confirmation.

According a 5 May 2004 report in the daily newspaper *Khorasan*, Leyla M was sentenced to death on charges of "acts contrary to chastity" (*a'mal-e khalaf-e ofat*) by controlling a brothel, having intercourse with blood relatives (*eteham-e zena ba maharem*) and giving birth to an illegitimate child (*tavalod-e bache-e haram*). She is to be flogged before she is executed. She had apparently "confessed" to the charges. This report stated that there would be an appeal, and the 28 November report indicates that this process is now at an end.

According to the 28 November report, social workers have repeatedly tested her mental capacities, and each time they have found her to have a mental age of eight. However, she has apparently never been examined by the court-appointed doctors, and was sentenced to death solely on the basis of her explicit confessions, without consideration of her background or mental health.

Leyla M was forced into prostitution by her mother when she was eight years old, according to the 28 November report, and was raped repeatedly thereafter. She gave birth to her first child when she was nine, and was sentenced to 100 lashes for prostitution at around the same time. At the age of 12, her family sold her to an Afghan man to become his "temporary wife". His mother became her new pimp, "selling her body without her consent". At the age of 14 she became pregnant again, and received a further 100 lashes, after which she was moved to a maternity ward to give birth to twins. After this "temporary marriage", her family sold her again, to a 55-year-old man, married with two children, who had Leyla's customers come to his house.

The newspaper report makes no mention of her family or the men to whom she was married. In Iranian law, in a case of "intercourse with a blood relative" both parties are considered culpable, but only Leyla M has been referred to in the reports of which Amnesty International is aware.

#### **BACKGROUND INFORMATION**

Iranian law recognises two types of marriage, "permanent" and "temporary" (for any defined period from 24 hours to 99 years). A man can have up to four "permanent" wives and numerous temporary ones.

As a party to the International Convention on Civil and Political Rights, Iran has undertaken not to execute anyone for an offence committed when they were under 18 years old. The Iranian authorities are now considering legislation (the draft law on the Establishment of Children's Courts) that would prohibit the use of the death penalty for offences committed under the age of 18. Article 41 of this law requires the authorities to have child offenders examined by psychiatrists and social workers.

Iran has executed at least three child offenders in 2004. In addition to this, on 12 November 2004, a 14-year-old boy died after receiving 85 lashes for eating in public during the Muslim holy month of Ramadan. According to unconfirmed reports, the metal cable used to flog him struck the back of his head, causing a brain haemorrhage.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic, French, Persian or your own language:**

- expressing concern at reports that Leyla M has been sentenced to death for offences committed when she was a child, pointing out that she has been found to have a mental age of eight and urging the authorities to carry out an urgent review of her case;
- calling on the Supreme Court to ensure that Article 41 of the draft law on the Establishment of Children's Courts has been implemented, which requires social workers and psychiatrists to examine defendants such as Leyla M;
- reminding the Head of the Judiciary that passing a death sentence on Leyla M would violate the International Convention on Civil and Political Rights, to which Iran is a state party;
- asking for details of the trial proceedings and any appeals related to her case;
- seeking assurances that the authorities will uphold their obligation to ensure that Leyla M is represented by a lawyer who is able to act in her best interests;
- calling for Leyla M to be granted access to any medical treatment that she may need;
- stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- expressing concern and dismay that Amnesty International has recorded 10 executions of child offenders in Iran since 1990, three of them in 2004, and calling on the Iranian authorities to immediately halt further executions of child offenders.

**APPEALS TO:**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)**

**Email: info@wilayah.org**

**(on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)**

**Salutation: Your Excellency**

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

**Email: irjpr@iranjudiciary.org (mark 'Please forward to HE Ayatollah Shahroudi')**

**Salutation: Your Excellency**

**COPIES TO:**

Article 90 Commission

Chairperson, Article 90 Commission (Komisyon-e Asl-e Navad)

Majles-e Shura-ye Eslami, Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

**Fax + 98 21 646 1746 (can be difficult to reach, please be patient)**

**Email: mellat@majlis.ir**

and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 21 January 2005.