

AMNESTY INTERNATIONAL

Public Statement

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Iran: Amnesty International appeals against planned executions by stoning

Amnesty International today made an urgent appeal to the Head of the Judiciary, Ayatollah Shahroudi, to prevent the executions of two people due to be publicly stoned to death tomorrow, 21 June 2007. The two – Mokarrameh Ebrahimi (f) and an unnamed man – are scheduled to be killed in a cemetery in the town of Takestan, Qazvin province.

According to activists involved in the 'Stop Stoning Forever' campaign in Iran, (which can be viewed in Persian at <http://www.meydaan.com/news.aspx?nid=391>) Mokarrameh Ebrahimi and the unnamed man were sentenced to death after conviction of adultery. Under article 83 of Iran's Penal Code, execution by stoning is prescribed for adultery committed by a married man or a married woman. Under Iranian law, adultery can only be proved by the testimony of eyewitnesses (the number required varying for different types of adultery), a confession by the defendant (repeated four times), or the judge's "knowledge" that the adultery has taken place. In this case, the basis for the conviction of adultery was the judge's "knowledge", apparently on the basis that they had a child together.

Mokarrameh Ebrahimi and the unnamed man have been imprisoned for the past 11 years in Choubin prison. Qazvin province. Recently, they reportedly appealed to the Judicial Commission for Amnesty and Clemency to overturn their stoning sentence, but the appeal was rejected. The stoning was then scheduled for 17 June, but is now due to take place on 21 June – in public, and reportedly in the presence of the judge from Branch 1 of the Criminal Court in Takestan. It is reported that he will throw the first stone, following which those present at the public gathering will continue stoning the two until they are pronounced dead. The pits in which Mokarrameh Ebrahimi and the unnamed man will be placed in order to be stoned are reported to have been dug already in Behesht-e Zahra cemetery in preparation for the executions.

Amnesty International is urging the Iranian authorities to intervene immediately to prevent the planned stonings and to commute the death sentences in both cases. The organization opposes the death penalty in all cases as the ultimate cruel, inhuman or degrading punishment. Execution by stoning aggravates the brutality of the death penalty, being specifically designed to increase the victim's suffering since the stones are deliberately chosen to be large enough to cause pain, but not so large as to kill the victim immediately.

Amnesty International is also calling on the Iranian government to abolish altogether executions by stoning and to impose a moratorium pending the repeal or amendment of article 83 of the Penal Code. All existing sentences of execution by stoning should be commuted.

Amnesty International also opposes the criminalization of consensual adult sexual relations conducted in private, and further urges the Iranian authorities to review all relevant legislation with the aim of decriminalizing consensual adult sexual relations conducted in private.

BACKGROUND INFORMATION

Execution by stoning is prescribed under Iranian law for adultery committed by a married man or a married woman. The Iranian Penal Code is very specific about the manner of execution and types of stones which should be used. Article 102 states that men will be buried up to their waists and women up to their breasts for the purpose of execution by stoning. Article 104 states, with reference to the penalty for adultery, that the stones used should "not be large enough to kill the person by one or two strikes; nor should they should they be so small that they could not be defined as stones".

In December 2002 Ayatollah Shahroudi, the Head of the Judiciary, reportedly sent a ruling to judges ordering a moratorium on execution by stoning, pending a decision on a permanent change in the law, which was apparently being considered by the Supreme Leader of Iran, Ayatollah Ali Khamenei. However, in September 2003, a law concerning the implementation of certain kinds of penalties, including stoning, was passed, which appeared to undermine this moratorium. Also despite the moratorium, Amnesty International continued to record sentences of stoning being passed, though none of these were known to have been implemented until May 2006, when a woman and a man were reportedly stoned to death. The two victims- Abbas (m) and Mahboubeh (f) were reportedly stoned to death in a cemetery in Mashhad, after being convicted of murdering Mahboubeh's husband, and of adultery - a charge which carries the penalty of stoning. Part of the cemetery was cordoned off from the public, and more than 100 members of the Revolutionary Guard, and Bassij Forces, who had been invited to attend, reportedly participated in stoning the couple to death.

On 21 November 2006, the late Minister of Justice, Jamal Karimi-Rad, denied that stonings were being carried out in Iran, a claim repeated on 8 December 2006 by the Head of the Prisons Organization in Tehran. The campaigners against stoning have since stated in response that there is irrefutable evidence that the Mashhad stoning did indeed occur.

In mid-2006, a group of Iranian human rights defenders, mostly women, including activists, journalists and lawyers, began a campaign to abolish stoning, having identified nine women and two men under sentence of death by stoning: Hajieh Esmailvand, Ashraf Kalhori, Parisa, Iran, Khayrieh, Shamameh Ghorbani (also known as Malek), Kobra Najjar, Soghra Mola'i, Fatemeh, Abdollah F., and Najaf. The 'Stop Stoning Forever' campaign aims to save the lives of the nine women and two men under sentence of stoning, and to abolish stoning in law and practice. Lawyers in the group undertook to represent them. Since the campaign began, three individuals have been saved from stoning, others have been granted stays of execution, and some of the cases are being reviewed or re-tried. Hajieh Esmailvand was acquitted on 9 December 2006 of the charge of adultery, for which she had been sentenced to stoning, and is now free from prison; Parisa was released on 5 December 2006 after receiving 99 lashes, following a Supreme Court ruling which changed her sentence of execution by stoning to flogging; the stoning sentence of Najaf - Parisa's husband - was also changed to flogging by the Supreme Court.