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Further Information on UA 332/04 (MDE 13/048/2004, 10 December 2004) Fear of imminent execution/ fear of flogging

IRAN Leyla Mafi (note amended surname), (f), aged 19

Leyla Mafi, who was sentenced to death for “morality-related” offences arising from her being forced into prostitution as a child, is no longer in imminent danger of execution. The Iranian authorities are reviewing her case, in an attempt to investigate press reports that Leyla Mafi has a mental age of eight.

On 26 December the Foreign Ministry announced at a news conference that the issue of Leyla Mafi's mental capacity had been referred to the relevant bodies for investigation. No further details about the review, or the bodies conducting it, are known. It is likely that the Supreme Court will wait for the outcome of the review before deciding whether the death sentence should be carried out. This review process could take several months.

Leyla Mafi was reportedly sentenced to death by a court in the central Iranian city of Arak on charges of “acts 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 (*tavallod-e bache-e haram*). A Tehran newspaper report on 28 November 2004 claimed that tests carried out by social workers have repeatedly shown her to have a mental age of eight. However, she had been tried and sentenced to death solely on the basis of her explicit confessions, without being examined by court-appointed doctors and without consideration of her background or mental health.

Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman or degrading punishment and a violation of the right to life. Iran has made an explicit and unreserved commitment under article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), that it will impose the death sentence “only for the most serious crimes”. This means that a death sentence should be a most exceptional measure, and in any event is applicable only to intentional crimes with lethal or other extremely grave consequences. The UN Human Rights committee (in the case of *Toonen v Australia*) has made it clear that treating adultery and fornication as criminal offences does not comply with international human rights standards.

Amnesty International will continue to monitor this case closely, and will take any necessary further action on behalf of Leyla Mafi. Many thanks to all who took action on this case. Please send a final round of appeals to arrive as quickly as possible, in Persian, English, French, Arabic or your own language:

- welcoming the Foreign Ministry's announcement made on 26 December 2004 that a review is to be conducted into Leyla Mafi's case, on the basis of her mental capacity;
- seeking clarification of the scope of this review and the nature of the bodies taking part in it;
- stating that Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman or degrading punishment and a violation of the right to life;
- reminding the Head of the Judiciary that passing the death sentence on Leyla Mafi violates Iran's explicit and unreserved commitment under article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), that it will impose the death sentence “only for the most serious crimes”;
- calling for Leyla Mafi's death sentence to be overturned.

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 22 February 2005.