

PUBLIC

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Death penalty/stoning

IRAN

Zohreh Kabiri-niat (f) aged 27
Azar Kabiri-niat, known as Akram (f), her sister, aged 28

Zohreh Kabiri-niat and her sister Azar (who is usually known as Akram) are facing execution by stoning, for "adultery."

They were arrested on 4 February 2007 after Zohreh Kabiri-niat's husband filed a complaint against her and her sisters, Azar and Azzam, and also Azar's husband, Mohammadreza Bodaghi, and another man, claiming that they had had "illicit relations" and submitting as evidence video footage from a camera he had secretly installed in his house, which reportedly showed the two women with another man. The five were tried in Branch 127 of the Tehran General Court in March 2007. Zohreh Kabiri-niat was sentenced to 99 lashes for "having illicit relations", and to five years' imprisonment for forming "a centre of corruption". The others were also sentenced to flogging.

Zohreh and Azar Kabiri-niat were returned to prison, and the flogging sentence was reportedly carried out. However, a fresh charge of "committing adultery while being married" was brought against them. This was heard in Branch 80 of the General Court in Karaj on 6 August 2007. Both were found guilty and were sentenced to death by stoning. Under the Iranian penal code, the panel of five judges were able to base their decision on the *Tahrir ol-Vasileh*, an Islamic legal text written by the founder of the Islamic Republic of Iran, Ayatollah Khomeini. The charge of "adultery" was substantiated solely by the judge's "knowledge", based on the video evidence and statements the sisters had made during their interrogation. Zohreh Kabiri-niat later said, "I do not accept my 'confessions' under interrogations, and I deny whatever it is that they claim I said."

Zohreh and Azar Kabiri-niat lodged an appeal, which was heard by Branch 27 of the Supreme Court on 10 November 2007. The Supreme Court judges rejected their lawyer's defence that the women denied the offence, that the video evidence did not actually show the women having sex, and that they had not confessed four times before the judge as is required by Islamic law. The court confirmed the initial verdict of stoning to death, and ruled that it be sent to the appropriate authorities for implementation.

A new lawyer representing the women told journalist Marjan Lagha'i that, "the case has fundamental problems, since a person can not be tried twice for the same crime. Yet these two sisters have been tried twice in the same case, and two sentences have been issued for them... the circumstances that are required to prove adultery - confession by the accused on four different occasions that can be corroborated by the testimony of four eyewitnesses to the alleged crime - are entirely absent, and there is absolutely no legal document in this case that a judge can use to issue a stoning sentence... Given that I view this sentence to be against the principles of Sharia, as well as the criminal laws [of Iran], I have filed an official objection, and I have asked that the Head of Judiciary review the case once again."

BACKGROUND INFORMATION

A moratorium on execution by stoning was ordered by the Head of the Judiciary, Ayatollah Shahroudi, in December 2002. Despite this, sentences of death by stoning in Iran are still being passed and, on occasion, carried out.

Anti-stoning campaigners have reported that the first stonings since the moratorium was imposed took place in May 2006, when a woman, Mahboubeh, and a man, Abbas, were stoned to death in a cemetery in the city of Mashhad for murdering Mahboubeh's husband, and for "adultery". Part of the cemetery was cordoned off from the public, and more than 100 members of the Revolutionary Guard, and members of the Basij Forces (volunteer paramilitary units attached to the Revolutionary Guards Corps) were among those who stoned the couple to death. In July 2007, a man, Ja'far Kiani, was stoned to death in Aghcheh-kand; the authorities later said this was a "mistake". Mokarremeh Ebrahimi, with whom he had two children and who was sentenced with him, is still under sentence of death by stoning.

In mid-2006, a group of Iranian human rights defenders began a campaign to abolish stoning, having initially identified 11 people at risk of stoning. Since the Stop Stoning Forever campaign began, five people have been saved from stoning: Hajieh Esmailvand (see UA 336/04, MDE 13/053/2004, 16 December 2004, and follow-ups), Soghra Mola'i, Parisa (see UA 257/06, MDE 13/111/2006, 28 September 2006, and follow-up), Parisa's husband, Najaf, and Zahra Reza'i. Others have been granted stays of execution, and some of the cases are being reviewed or re-tried. Eleven women (including Zohreh and Azar Kabiri-niat) and two men are known to be under sentence of death by stoning. Activists in the campaign have faced repression.

A new version of the Iranian Penal Code is currently under consideration by the Majles, which, if passed, would appear to allow for stoning sentences to be changed to execution by other means or flogging.

For more information, see *Iran: End Executions by Stoning* (AI Index MDE 13/001/2008).

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

- calling on the authorities to commute the sentences of death by stoning passed on Zohreh and Azar Kabiri-niat immediately;
- welcoming moves towards reforming the law on stoning in Iran, but urging that any new legislation permits neither stoning nor any other form of execution for "adultery while being married".

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: info@dadgostary-tehran.ir (In the subject line: **FAO Ayatollah Shahroudi**)

Salutation: Your Excellency

COPIES TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
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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 19 March 2008.