

PUBLIC

AI Index: MDE 13/095/2006

18 August 2006

Further Information on UA 203/06 (MDE 13/083/2006, 27 July 2006) - Imminent execution

IRAN

Ashraf Kalhori (previously spelt as Kolhari) (f) aged 37

The execution by stoning of Ashraf Kalhori, which was scheduled to be carried out by the end of July, has been temporarily stayed by the Head of the Judiciary, Ayatollah Shahroudi. Ashraf Kalhori remains under sentence of death.

Ashraf Kalhori was sentenced to death by stoning for adultery, in accordance with laws relating to married women. She was also sentenced to fifteen years' imprisonment for allegedly taking part in the murder of her husband. Her husband was killed in April 2002 after quarrelling with their neighbour, Mahmoud Mirzaei. According to Ashraf Kalhori, the killing was accidental, but police accused her of having an affair with her neighbour and encouraging the attack. She reportedly confessed to adultery under police interrogation, but later retracted her confession. Under Iranian law, either the eyewitness testimony of a number of individuals - the number varying according to the alleged act of adultery - or the repetition in court on four occasions of a 'confession', constitute 'proof' that adultery has taken place.

By law, Ashraf Kalhori should serve her 15-year prison sentence prior to her execution. However, at around the beginning of July, the order for the implementation of her execution was issued, and it was reportedly scheduled for the end of July.

Ashraf Kalhori's lawyer, women's human rights defender (WHRD) Shadi Sadr, who is leading a campaign against stoning in Iran, submitted a petition to Ayatollah Shahroudi, calling upon him to halt the execution. The petition was signed by more than four thousand people, including more than one hundred Iranian women's rights activists.

On or around 10 August, the Head of the Judiciary announced that he had temporarily stayed Ashraf Kalhori's execution. Her case has been sent to the 'Office of Monitoring and Follow Up' (in Persian, *Daftar-e Nezarat a Paygiri*) for review.

Since her arrest in 2002, Ashraf Kalhori has been detained in Tehran's Evin prison. She has not seen her four children (aged between nine and 19) since her arrest.

Ashraf Kalhori had requested a divorce from her husband, but the request was rejected by a Judge who ruled that she had to continue living with her husband because they had children. Mahmoud Mirzaei was convicted of adultery, but was sentenced to 100 lashes rather than execution by stoning, as he is an unmarried man. However, he was also convicted of the murder of Ashraf Kalhori's husband, for which he was sentenced to death. His death sentence cannot be carried out for another nine years, when the youngest of the victim's heirs reaches the age of 18 and can decide to forgo their right to retribution and accept the payment of *diyeh* (blood money) instead.

BACKGROUND INFORMATION

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. Amnesty International further believes that execution by stoning aggravates the brutality of the death penalty and is a method 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. 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 be so small that they could not be defined as stones". Death by stoning violates Articles 6 (concerning the right to life) and 7 (concerning the prohibition of torture and cruel, inhuman or degrading treatment or punishment) of the International Covenant on Civil and Political Rights (ICCPR). According to Iranian WHRDs, there are several other women who are under sentence of execution by stoning in Iran.

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

- welcoming the announcement that His Excellency Ayatollah Shahroudi has stayed the execution by stoning of Ashraf Kalhori;
- calling for the death sentence on Ashraf Kalhori to be commuted immediately;
- reminding the Iranian authorities that the UN Human Rights Committee (in the case of *Toonen v Australia*) has made clear that treating adultery and fornication as criminal offences does not comply with international human rights standards. Therefore the sentence of execution by stoning imposed on Ashraf Kalhori breaches Iran's commitment under article 6(2) of the ICCPR that if it imposes the death sentence this will be "only for the most serious crimes";
- stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- calling for the abolition of execution by stoning in Iran.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

Email: info@leader.ir
istiftaa@wilayah.org

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: Please send emails via the feedback form on the Persian site of the website:
<http://www.iranjudiciary.org/contactus-feedback-fa.html>
(The text of the feedback form translates as:
1st line: name, 2nd line: email address, 3rd line: subject heading, then enter your email into the text box)

Salutation: Your Excellency

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Fax: + 98 21 6 649 5880
Email: dr-ahmadinejad@president.ir
(Or via website) <http://www.president.ir/email>

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 29 September 2006.