

PUBLIC

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UA 75/09 Fear of torture/Medical concern

IRAN Majid Movahedi (m), aged 27

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Majid Movahedi has been sentenced to be blinded in both eyes with acid. The Supreme Court upheld the sentence at the beginning of February. On 11 March, a judge in the Office for the Implementation of Sentences spoke about the case, raising fears that the punishment could be carried out any time now. The Head of the Judiciary has the power to order a halt to the implementation of the sentence.

On 3 November 2004 Majid Movahedi poured a bucket of acid on Ameneh Bahrami's head as she was leaving work, after she had rejected his marriage proposal several times. Two weeks after the attack Majid Movahedi turned himself in to the police. During a preliminary hearing, he acknowledged attacking Ameneh Bahrami and was detained to await trial. Since then Ameneh Bahrami has undergone 17 operations, some by surgeons in Spain, in an unsuccessful attempt to reconstruct her face. Her injuries led to the loss of one eye and although she recovered 40% of her sight in the remaining eye, an infection in 2007 left her totally blind. On 26 November 2008 a Criminal Court in Tehran sentenced Majid Movahedi to *qesas* (retribution in kind), ordering that five drops of the same chemical be placed in each of his eyes. Ameneh Bahrami has consistently demanded retribution for her injuries, and is insisting that the punishment be carried. She has stated that he will be anaesthetized and will therefore not feel pain, suggesting that medical professionals will be involved in the implementation of this sentence.

### BACKGROUND INFORMATION

In Iran, if someone causes "premeditated injury," under Article 272 of the Penal Code, the sentence is retaliation or "retribution in kind." Articles 283 to 286 concern retaliation for loss of sight. Article 26 of the Regulations governing the Implementation of *qesas* sentences requires the presence of a doctor at the implementation of sentences passed under Article 272 of the Penal Code. Under Article 15 of the Regulations, "Officers carrying out the sentence are obliged to carefully inspect and examine the implementation equipment and tools, and make sure that they are robust and ready for use to carry out the sentence. The equipment should be in a state that does not inflict torture, harm or mutilation in excess of what carrying out the sentence would entail. Also, all the implementation actions should be carried out by expert people in a calm manner and without using violence."

Under Iranian law, cases of *qesas* are treated as a private dispute between two civil parties, and Iranian officials maintain that the state's role is only to facilitate the resolution of the dispute through the judicial process. Therefore in this case Ameneh Bahrami has the right to insist on the implementation of the sentence of *qesas* or to pardon her attacker and accept *diyeh* (compensation). The sentence is therefore not open to pardon or amnesty by the Supreme Leader, but the Head of the Judiciary has the power to order a halt to the implementation of the sentence. However, under international law, Iran remains fully responsible for respecting and protecting the rights of those under its jurisdiction, irrespective of the role that private parties may play in the administration of justice. In a case of *qesas*, Iran must respect the rights of any individual by ensuring that the process it facilitates does not allow for the offender to be subjected to torture or other ill-treatment.

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

- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes punishments which constitute cruel, inhuman and degrading treatment amounting to torture, such as the blinding with acid to which Majid Movahedi has been sentenced;
- expressing concern that carrying out this punishment would be contrary to international law, including the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to international codes of medical ethics such as the UN Principles of Medical Ethics and the World Medical Association's Declarations of Geneva and Tokyo;
- urging the authorities to abolish punishments such as blinding and all other forms of corporal punishment, which constitute cruel, inhuman and degrading treatment amounting to torture, so as to bring Iran's domestic law and practice into line with its obligations under international law such as the International Covenant on Civil and Political Rights.

**APPEALS TO:**

Head of the Judiciary

His Excellency 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  
Email: shahroudi@dadgostary-tehran.ir (In the subject line write: FAO Ayatollah Shahroudi)  
Salutation: Your Excellency

**COPIES TO:**

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei  
The Office of the Supreme Leader  
End of Shahid Keshvar Doust Street  
Islamic Republic Street  
Tehran, Islamic Republic of Iran  
**Email:** info\_leader@leader.ir  
**via website:** <http://www.leader.ir/langs/en/index.php?p=letter> (English)  
<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)  
**Salutation:** Your Excellency

Director, Human Rights Headquarters of Iran

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:** int\_aff@judiciary.ir (In the subject line: FAO Director, Human Rights Headquarters)  
**Salutation:** Dear Sir

Minister of Health and Medical Education

His Excellency Dr Kamran Baqeri Lankarani  
Ministry of Health  
Jomhuri-ye Eslami Avenue  
Hafez Crossing  
Tehran, Islamic Republic of Iran  
**Fax:** +98 21 8836 4100 (unreliable; please try three times and if it fails please send email)  
**Email:** Lankarani@mohme.gov.ir/ minister@mohme.gov.ir/ pro@mohme.gov.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 24 April 2009.