

PUBLIC

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18 January 2008

UA 17/08 Fear of imminent execution/ flogging

IRAN Tayyeb Karimi (m)
 Yazdan (m) (surname not known)
 Four other men, unnamed

Tayyeb Karimi and Yazdan are at imminent risk of execution by being 'thrown from a height', or 'cliff' (*partab az bolandi*). They were convicted of abduction, rape and theft and sentenced to death by a judge in Shiraz, Fars province, southern Iran, in May 2007. The judge ordered that they be executed in the way described. Four other men have been sentenced to 100 lashes each for their involvement in the same crimes.

On 2 January 2008, *Qods*, a national daily newspaper in Iran, reported that the sentences of the two men had been confirmed by the Supreme Court, and sent for implementation, and that four other men had been convicted by Branch 2 of the Fars Criminal Court to 100 lashes each, in connection with the same case. The six men were accused of having abducted two young men in the city of Arsanjan, to the east of Shiraz, whom they harassed and whose property they stole before allegedly raping them.

At a press conference on 15 January, Ali Reza Jamshidi, the Spokesman for the Judiciary in Iran, confirmed that the sentences had been upheld by the Supreme Court, but that they had not yet been carried out. His statement appeared to contradict the *Qods* article, as it suggested that the Head of the Judiciary may not yet have given final approval for the executions. All death sentences in Iran must be approved by the Head of the Judiciary before they can be carried out. He has the power to suspend the execution.

Iran's Penal Code states in Article 109 that both men involved in same-sex penetrative (anal) or non-penetrative sex will be punished. Article 110 states that those convicted of engaging in anal sex will be executed and that the manner of execution is at the discretion of the judge. Article 111 states that both will be executed "provided both the active and passive parties are mature, sane and consenting". There is no separate legislation dealing with rape. Article 14 of the Directive on Implementation Regulations for Sentences of Retribution in kind, Stoning, Murder, Crucifixion, Death Penalty and Flogging states that death may be carried out by hanging, firing squad, electrocution or another method determined by the judge issuing the verdict. If no other method is specified, the method will be hanging. The sentence passed in this case is exceptional in its apparent intent to inflict suffering.

The sentence was condemned by the Centre for Human Rights Defenders, a Tehran-based human rights NGO whose members include Nobel laureate Shirin Ebadi.

BACKGROUND INFORMATION

In 2007, at least 312 people, including child offenders, were executed in Iran, although the true figure may be considerably higher.

On 18 December 2007, the UN General Assembly, sitting in plenary, endorsed the text of a resolution that had been adopted on 15 November by its Third Committee. The resolution was adopted by 104 countries voting in favour, 54 against and 29 abstentions. Although the resolution is not legally binding, the size of the majority vote means that the resolution carries considerable moral and political weight. This landmark decision by the UN's highest political body is a clear recognition by states of the growing international trend towards abolition of the death penalty.

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

- stating that Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of criminal offences but is unconditionally opposed to the use of the death penalty and opposes the use of flogging and other judicial corporal punishments which constitute torture or other cruel, inhuman or degrading punishment;
- calling on the authorities to abide by the moratorium on the implementation of the death penalty called for by the United Nations General Assembly in December 2007 and to commute immediately the death sentences passed on Tayyeb Karimi and Yazdan,
- calling on the authorities to commute the flogging sentences imposed on the other four men.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square,
Tehran, Islamic Republic of Iran

Email: info@dadgostary-tehran.ir (In the subject line write: **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
Islamic Republic Street - Shahid Keshvar Doust Street, Tehran, Islamic Republic of Iran

Email: info@leader.ir

Salutation: Your Excellency

Governor of Fars province

Seyyed Mohammad Reza Rezazade
Governorate of Fars (Ostandari-ye Ostan-e Fars)
Emam Khomeini Square
Shiraz, 71348-58888, Islamic Republic of Iran
Email: m-h-ostandar@farsp.ir, m-siasi@farsp.ir, info@farsp.ir

Salutation: Dear Governor

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 February 2008.