

AMNESTY INTERNATIONAL

Public Statement

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Iran: Amnesty International outraged at reported stoning to death and fears for victim's co-accused

Amnesty International today expressed outrage at the reported execution by stoning of Ja'far Kiani on 5 July 2007 in the village of Aghche-kand, near Takestan in Iran's Qazvin province. The organization urged the Head of the Judiciary, Ayatollah Hashemi Shahroudi, to immediately intervene to prevent the execution by stoning of Mokarrameh Ebrahimi, a woman convicted in the same case.

Ja'far Kiani and Mokarrameh Ebrahimi were sentenced to death by stoning after conviction of adultery. Under article 83 of Iran's Penal Code, execution by stoning is prescribed for adultery committed by a married man or a married woman. Under Iranian law, adultery can only be proved by the testimony of eyewitnesses (the number required varying for different types of adultery), a confession by the defendant (repeated four times), or the judge's "knowledge" that the adultery has taken place. In this case, the basis for the conviction of adultery was the judge's "knowledge" that adultery had taken place. The couple had been imprisoned for the past 11 years in Choubin prison. Their two children are believed to live in prison with their mother. The executions by stoning were initially scheduled for 17 June 2007 after an appeal to the Judicial Commission for Amnesty and Clemency was rejected, but later changed to 21 June. The stonings were to be carried out publicly in the Behesht-e Zahra cemetery, in the presence of the judge from Branch 1 of the Criminal Court who sentenced them to death.

However, the planned executions were again delayed after activists involved in the 'Stop Stoning Forever' campaign in Iran broke news of the couple's plight and the Iranian government was exposed to widespread domestic and international demands, including by Amnesty International, to prevent the stonings. Following this, it was reported on the afternoon of 20 June that the Head of the Judiciary, Ayatollah Shahroudi, had issued a written order requiring the judiciary in Takestan to stay the execution temporarily. The couple remained under sentence of death by stoning, but they were thought not to be at imminent risk of execution.

It caused shock, therefore, when the 'Stop Stoning Forever' campaign reported on 7 July that Ja'far Kiani had been stoned to death in Aghche-kand two days earlier. According to reports, the stoning was conducted mostly by local governmental and judiciary officials, and only a few members of the public participated.

On 8 July, the newspaper *E'temad-e Melli* reported that local people and a source connected to one of the local parliamentary representatives had confirmed the execution, although as yet there has been no statement from the judiciary.

Amnesty International is calling on the Head of the Judiciary immediately to clarify whether Ja'far Kiani was stoned to death on 5 July and, if so, whether this was in breach of the stay of execution that he had imposed.

The organization is calling on the Head of the Judiciary and other Iranian authorities to take immediate steps to prevent the execution of Ja'far Kiani's co-accused, Mokarrameh Ebrahimi, and to commute her sentence without delay.

Amnesty International opposes the death penalty in all cases as the ultimate cruel, inhuman or degrading punishment. Execution by stoning is particularly cruel, being 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.

Amnesty International is also calling on the Iranian government to abolish altogether executions by stoning and to impose a moratorium pending the repeal or amendment of article 83 of the Penal Code. Amnesty International is aware of other individuals under sentence of execution by stoning in Iran: Ashraf Kalhori (f), Iran (f), Khayrieh (f), Shamameh Ghorbani (also known as Malek) (f), Kobra N. (f), Soghra Mola'i (f), Fatemeh (f), and Abdollah F. (m). Amnesty International calls for these, and any other existing sentences of stoning to death in Iran, to be commuted.

Amnesty International also opposes the criminalization of consensual adult sexual relations conducted in private, and

further urges the Iranian authorities to review all relevant legislation with the aim of decriminalizing such acts.

Background

In December 2002 Ayatollah Shahroudi, the Head of the Judiciary, reportedly sent a ruling to judges ordering a moratorium on execution by stoning, pending a decision on a permanent change in the law, which was apparently being considered by the Supreme Leader of Iran, Ayatollah Ali Khamenei.

However, in September 2003, a law concerning the implementation of certain kinds of penalties, including stoning, was passed, which appeared to undermine this moratorium. Also despite the supposed moratorium, Amnesty International continued to record sentences of stoning being passed, though none of these were known to have been implemented until May 2006, when a woman and a man were reportedly stoned to death. The two victims- Abbas (m) and Mahboubeh (f) were reportedly stoned to death in a cemetery in Mashhad, after being convicted of murdering Mahboubeh's husband, and of adultery - a charge which carries the penalty of stoning. Part of the cemetery was cordoned off from the public, and more than 100 members of the Revolutionary Guard, and Bassij Forces, who had been invited to attend, reportedly participated in stoning the couple to death.

On 21 November 2006, the late Minister of Justice, Jamal Karimi-Rad, denied that stonings were being carried out in Iran, a claim repeated on 8 December 2006 by the Head of the Prisons Organization in Tehran. The campaigners against stoning have since stated in response that there is irrefutable evidence that the Mashhad stoning did indeed occur.

In mid-2006, a group of Iranian human rights defenders began a campaign to abolish stoning, having initially identified 11 individuals at risk of stoning. Since the campaign began, three individuals have been saved from stoning: Hajieh Esmailvand (f), Parisa (f) and Najaf (m). Others have been granted stays of execution, and some of the cases are being reviewed or re-tried.