

PUBLIC

AI Index: MDE 13/004/2005

28 January 2005

Further Information on EXTRA 44/03 (MDE 13/032/2003, 25 September 2003) and follow-ups (MDE13/035/2003, 23 October 2003, and MDE 13/035/2004, 02 August 2004) - Fear of imminent execution

IRAN Afsaneh Norouzi (f), aged 35

On 26 January 2005, Afsaneh Norouzi was reportedly released from detention. She had been sentenced to death after allegedly killing a senior police official, Behzad Mozaffar Moqaddam, in 1997.

On 28 July 2004, Branch 26 of the Supreme Court reportedly overturned the death sentence (*qesas*, or retribution), following consideration of a five-person report which concluded that she had acted in self-defence. The Supreme Court also reportedly found 'flaws in the investigation' into his death (*naqs-e tahqiqat*). Accordingly, the case was returned to Branch 101 of the Kish Criminal Court, on the island of Kish, southern Iran, where it was heard on 20 December 2004. The Kish Criminal Court found that Afsaneh Norouzi acted in self-defence and acquitted her of murder.

Afsaneh Norouzi, a mother of three, was convicted of the murder around three years ago. She reportedly maintained that she acted in self-defence in order to protect herself from being raped. She was initially tried before Branch 1 of the General Court in Kish and sentenced to death. In August 2003, the sentence was reportedly initially upheld by Branch 26 of Iran's Supreme Court, which apparently later amended its decision in light of the five-person report.

The compensation (*diye*) paid to the family of the police official was considerably larger than that normally allocated. According to a 26 January 2005 report compiled by the Prague-based radio station, Radio Farda, the provincial Office for Compensation (*Setad-e Diyat-e Ostan*) in Kish has taken responsibility (*dar nezar gereftan*) for the payment of the compensation, which would normally be paid by the person convicted of the man's murder and their family. As Afsaneh Norouzi was acquitted of the murder of the police official, and in the absence of any law relating to manslaughter, the State will pay the compensation

Afsaneh Norouzi's lawyer, Abdolsamad Khorramshahi, reportedly commented that his client never sought mercy because she believed she had justly defended herself. A judiciary official, Mohammad Javad Yavari, allegedly said the death sentence cannot be brought against Afsaneh Norouzi again for this offence.

No further action is requested from the Urgent Action Network. Many thanks to all those who sent appeals.