

PUBLIC

AI Index: MDE 13/035/2004

02 August 2004

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

IRAN

Afsaneh Norouzi (f), aged 34

Iran's Supreme Court has quashed the death sentence of Afsaneh Norouzi, a woman convicted of the murder of a senior police official, who she alleged had tried to rape her. According to her lawyer, quoting from the verdict, the Supreme Court "found deficiencies in her case".

International pressure helped to secure this decision. Since this Urgent Action began, the case has received wide media coverage and national attention, and was taken up by Iranian NGOs and members of the "women's caucus" in Iran's parliament, who sought the assistance of the Speaker of Parliament to halt the execution and campaigned for the judiciary to order a review of the case.

The case will now be sent to a local court in Kish, in southern Iran, for further consideration. The court will have the power to concur with the original verdict and therefore re-sentence Afsaneh Norouzi to death (although the sentence would have to be upheld by the Supreme Court), impose a reduced sentence, or release her. Further pressure now is vital to ensure that the Supreme Court's ruling is respected.

Afsaneh Norouzi was arrested in 1997 for the murder of the Head of Police Intelligence in Kish. She asserted that she had killed him in self-defence to protect herself from being raped. The death sentence was reportedly upheld by the Supreme Court in August 2003. Following national and international pressure, the head of the Judiciary Ayatollah Shahroudi ordered a stay of execution, and in November sent the case back to the Supreme Court for review, stating that he had "doubts" about the original ruling. This review led to the death sentence being overturned.

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

- welcoming the Supreme Court's decision to quash the death sentence of Afsaneh Norouzi, who had been sentenced to death for killing a man she alleged had tried to rape her;
- recognizing the right and responsibility of governments to bring to justice those suspected of criminal offences, but urging that the death penalty should not be re-imposed when the case is examined by a lower court in Kish;
- reminding the authorities of Article 61 of the Islamic Criminal Law. It states that: "If whilst defending one's life, honour, chastity, property or freedom against any immediate or imminent aggression, one makes an action which is an offence, provided that all of the following conditions are met, one will not be prosecuted and punished: a – The defence is proportionate to danger or aggression; b – the action is not excessive; c – calling the governmental forces is not possible immediately, or calling them is not effective in repelling the aggression or danger."

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei
The Presidency, Palestine Avenue, Azerbaijan Intersection,
Tehran, Islamic Republic of Iran

Fax: + 98 21 649 5880 (please mark 'For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)
Email: webmaster@wilayah.org (on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice
Park-e Shahr
Tehran, Islamic Republic of Iran

Email: irjpr@iranjudiciary.org (please ask for your message to be forwarded to HE Ayatollah Shahroudi)

COPIES TO:

Centre for Women's Participation

Dr Zahra Shojaei

Head of the Centre of Women's Participation and Advisor to the President

128 Shaheed Labbafi Nejad Street

Tehran 13156, Islamic Republic of Iran

Fax: + 98 21 640 3038

Email: cwp@women.org.ir (please mark for the attention of Dr Zahra Shojaei)

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 13 September 2004.