

EXTERNAL (for general distribution)

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Death Penalty

14 July 1995

IRAN

Saba 'Abd 'Ali (f), aged 30  
Zaynab Haydari (f), aged 38

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According to reports, the two women named above are at risk of execution by stoning. They were apparently sentenced to death for adultery in June 1995 by a court in Ilam Gharb, a small town in Western Iran. The sentence has yet to be confirmed by Iran's Supreme Court.

#### BACKGROUND INFORMATION

The Law of *Hodoud* and *Qesas* prescribes the death penalty for a wide variety of offences. Article 100(b) prescribes that adultery by a married woman with an adult male shall be punished by stoning to death.

Amnesty International opposes the use of the death penalty in all cases as a violation of the right to life and the right to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights. The continuing high number of executions in Iran is of serious concern to the organization.

Amnesty International recognizes the legitimacy of penal codes formulated according to a country's social, cultural, religious, and other traditions, but it is constrained to point out breaches of international human rights instruments, particularly those to which that country is a state party.

While taking a universal stand against the death penalty, Amnesty International is concerned that several of the death penalty provisions in the Law of *Hodoud* and *Qesas* do not conform with particular international human rights standards.

For example, Article 6(2) of the International Covenant on Civil and Political Rights, which Iran ratified in 1975, states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime..." Many of the offences for which the Law of *Hodoud* and *Qesas* prescribes the death penalty do not involve murder or serious bodily harm constituting the "most serious crimes", hence imposing the death penalty for these less serious crimes is incompatible with the ICCPR.

Amnesty International also considers that stoning to death constitutes a particularly cruel and inhuman form of punishment. Article 119 of the Law of *Hodoud* and *Qesas* states that: "In the punishment of stoning to death, the stones should not be too large so that the person dies on being hit by one or two of them; they should not be so small either that they could not be defined as stones." This makes clear that the purpose of stoning is the infliction of grievous pain leading to death. As such, as a punishment, it is incompatible with the Universal Declaration of Human Rights, the ICCPR and several other international human rights instruments which unconditionally forbid torture or other cruel, inhuman or degrading treatment or punishment.

#### RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters in English, French or your own language:

- expressing concern at the reports that Saba 'Abd 'Ali and Zaynab Haydari have been sentenced to death by stoning, and urging that the sentences be commuted, if they are not overturned on appeal.

**APPEALS TO**

1) Leader of the Islamic Republic  
His Excellency Ayatollah Sayed 'Ali Khamanei  
The Presidency  
Palestine Avenue  
Azerbaijan Intersection  
Tehran, Islamic Republic of Iran

**Telegrams: Ayatollah Khamanei, Tehran, Iran**

**Telexes: 214231 MITI IR (marked for the attention of Ayatollah Khamanei)**

**Salutation: Your Excellency**

2) His Excellency Hojjatoleslam  
Ali Akbar Hashemi Rafsanjani  
The Presidency  
Palestine Avenue  
Azerbaijan Intersection  
Tehran

The Islamic Republic of Iran

**Telegrams: President Rafsanjani, Tehran, Iran**

**Telexes: 214231 MITI IR (marked for the attention of President Rafsanjani)**

**Salutation: Your Excellency**

3) Head of the Judiciary  
His Excellency Ayatollah Mohammad Yazdi  
Ministry of Justice  
Park-e Shahr  
Tehran

Islamic Republic of Iran

**Telegrams: Justice Minister, Tehran, Iran**

**Telexes: 214231 MITI IR; 213113 PRIM IR (marked for the attention of the Justice Ministry)**

**Salutation: Your Excellency**

4) Minister of the Interior  
His Excellency Mohammad Ali Besharati Jahromi  
Ministry of the Interior  
Dr Fatemi Avenue  
Tehran

Islamic Republic of Iran

**Telegrams: Interior Minister, Tehran Iran**

**Telexes: 214231 MITI IR, 213113 PRIM IR (marked for the attention of the Interior Minister)**

**Salutation: Your Excellency**

**COPIES TO:**

Minister of Foreign Affairs  
His Excellency  
Dr Ali Akbar Velayati  
Ministry of Foreign Affairs  
Sheikh Abdolmajid Keshk-e Mesri Avenue  
Tehran  
Islamic Republic of Iran

Sa'id Raja'i Khoarasaki  
Chairman of the Islamic Consultative Assembly's Human Rights Committee  
Imam Khomeini Avenue  
Tehran, Islamic Republic of Iran

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 30 August 1995.