

EXTERNAL

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Fear of Execution

5 July 1996

IRANNiyaz 'Ali, a farmer in his late 30s

Amnesty International is dismayed at reports that an Iranian man is facing execution four months after he survived a first hanging.

Niyaz 'Ali, from Mehraban in the west of Iran, was sentenced to death for murder under the Islamic Law of "Qesas" (retaliation). Under this law, relatives of a murder victim can either choose to accept "blood money" or to insist on execution. He was to be executed in February 1996. According to an article in an Iranian newspaper, Niyaz 'Ali was pronounced dead reportedly after hanging for 20 minutes. However, when his brother came to collect the body five hours later, he found that his heart was still beating and called for a second examination, after which Niyaz 'Ali was declared to be alive. The organization fears that he is at imminent risk of a second execution unless his sentence is commuted.

BACKGROUND INFORMATION

Amnesty International is opposed to the death penalty in all cases as the ultimate violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights.

In a newspaper interview from his jail in Hamedan, Niyaz 'Ali described his 20-minute ordeal:

"That first second lasted like a thousand years ... I felt my arms and legs jerking out of control ... Up on the gallows in the dark, I was trying to fill my lungs with air, but they were crumpled up like plastic bags"

Amnesty International believes that an incident such as this further highlights the barbarity of the death sentence, and urges the Iranian Government to exercise clemency in the case of Niyaz 'Ali to spare him from suffering this inhumanity a second time.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Arabic or your own language:

- urging that the death sentence against Niyaz 'Ali be commuted;
- drawing attention to Paragraph 9 of the UN safeguards guaranteeing protection of the rights of those facing the death penalty, which states that "[w]here capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering";
- pointing out that there is no evidence that the death penalty deters serious crimes more effectively than other punishments;
- drawing attention to world trends to abolish or reduce the use of the death penalty, the desirability of which was reaffirmed in Resolution 32/61 of 8 December 1977 of the United Nations General Assembly.

APPEALS TO:

1) Leader of the Islamic Republic
His Excellency Ayatollah Sayed 'Ali Khamenei
The Presidency, Palestine Avenue

Azerbaijan Intersection, Tehran, Islamic Republic of Iran
Telegrams: Ayatollah Khamanei, Tehran, Iran
Salutation: Your Excellency

2) His Excellency
Hojjatoleslam Ali Akbar Hashemi Rafsanjani
The Presidency, Palestine Avenue
Azerbaijan Intersection, Tehran, Islamic Republic of Iran
Telegrams: President Rafsanjani, Tehran, Iran
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: Head of the Judiciary, Tehran, Iran
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 Ministry, Tehran, Iran
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

Chairman of the Islamic Consultative Assembly's Human Rights Committee
Imam Khomeini Avenue, Tehran, Islamic Republic of Iran

Mr Hussain Farahi, Secretary, Islamic Human Rights Commission
PO Box 13165-137, 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 1996.