

PUBLIC

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Death penalty / flogging / torture

18 November 2003

IRAN

Four men (names unknown)

Amnesty International is gravely concerned at a report on 11 November in Iran's *Qods* newspaper that four men have been sentenced to death by stoning.

The four men are reportedly part of the group associated with the "Plum Garden Case" (*Parvande-e Bagh-e Alou*) which carried out the kidnappings and rapes of a number of women and young girls in the city of Mashhad. They faced charges including adultery (*zena-ye mohaseneh*) and were sentenced by Branch 19 of the Mashhad General Court. The men have also been sentenced to an unspecified number of lashes. According to the report in *Qods*, the case has been sent to the Supreme Court following complaints by the accused.

According to a 13 May 2003 report, issued by *Agence France Presse* (AFP) eight other individuals associated with the gang were hanged following a decision by the Supreme Court to uphold the sentence against them. According to a report on 11 November, nine gang members had already been executed in connection with the case. They were reportedly found guilty on charges which included kidnapping and pimping,

BACKGROUND INFORMATION

Amnesty International believes that the death penalty is the most extreme form of torture: it is a cruel, inhuman and degrading treatment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Methods of execution specifically designed to increase the suffering of execution victims heightens further Amnesty's concern in regard, as the most extreme and cruel form of torture, which is expressly prohibited by the ICCPR, to which Iran is a state party. Indeed it is clear that the punishment of stoning is designed to cause the victim grievous pain before leading to death.

The Iranian Penal Code is very specific about the manner of execution and types of stones which should be used. Article 102 states that men will be buried up to their waists and women up to their breasts for the purpose of execution by stoning. Article 104 states, with reference to the penalty for adultery, that the stones used should "not be too large enough to kill the person by one or two strikes, nor should they be so small that they could not be defined as stones".

According to press reports, judicial authorities stated to European Union officials that the Head of the Judiciary had urged judges to refrain from passing sentences of stoning and to find alternative punishments, though legal provision for it remains.

Up to 25 October, Amnesty International had recorded 98 executions in Iran. In a 4 November report on human rights violations, the Iran-based Emrooz website reported that over the month of October, there has been a considerable increase in death sentences and amputation. Its report cited 13 executions in from late August to mid-October, along with three convictions to amputation.

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

- recognizing the rights and responsibilities of states to bring to justice those suspected of criminal offences;
- stating your unconditional opposition to the death penalty irrespective of the crime for which it is imposed, as the ultimate violation of the right to life;

- pointing out that the death penalty constitutes cruel, inhuman and degrading treatment amounting to torture, especially when carried out by stoning, and as such violates the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party;
- urging the authorities to commute the death sentences against the four men with a view to identifying an alternative punishment in line with the reported wishes of the Head of the Judiciary, Ayatollah Mahmoud Shahroudi;

APPEALS TO:

The Office of the Leader of the Islamic Republic
Dr Ali Akbar Velayati MD, Foreign Policy Advisor
Office of the Leader of the Islamic Republic, The Presidency, Palestine Avenue,
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

Email: webmaster@wilayah.org ; (on the subject line write: For the attention of the Office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Salutation: Dear Sir

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

Fax: + 98 21 879 6671 (please keep trying; please mark "care of Director of International Affairs, Judiciary")

Salutation: Your Excellency

COPIES TO:

Spokesperson of the Government of Iran
Mr Abdollah Ramanzadeh

Email: webmaster@information.spk-gov.ir

Salutation: Dear Sir

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 December 2003.