

PUBLIC

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UA 59/08      Fear of Imminent Execution

IRAN      Shahrbanoo Nedam (f), aged 50  
Tayebeh Hojjati (f)  
Akram (f), aged 35      ]  
Soheila (f), aged 28      ] full names not known to Amnesty International  
Zahra (f), aged 30      ]

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According to the newspaper E'temad, at least two women are scheduled to be executed in Evin Prison in Tehran on 5 March. Three others are at risk of imminent execution. All except one of the women were convicted of murdering their husbands. The Head of the Judiciary has the power to order a suspension of their executions at this stage

Shahrbanoo Nedam was convicted of killing her husband 11 years ago. She denies killing him, but said she initially confessed to the murder, for fear that her son would be accused instead. Shahrbanoo Nedam claims her husband committed suicide. A forensic examination reportedly concluded that this was a possibility.

Akram was accused of killing her 65-year-old husband five years ago. She stated that she was forced into the marriage by her family after her first marriage, to a drug addict, failed, and that she had not wanted to marry him.

E'temad claims that another woman, Soheila, may also be at risk of execution on 5 March, although her name has not been confirmed by the judicial authorities. Soheila killed her five-day-old son. During her trial, E'temad states that she explained that her son was born as a result of a relationship outside marriage with a drug addict who had given her a refuge a year previously. As she refused to name the father, the complaint against her was made by the Tehran prosecutor, and she was sentenced to *qesas*.

Two other women are also said to be at imminent risk of execution, as their death sentences have been passed to the Office for the Implementation of Verdicts, although no date is known to have been set. Tayebeh Hojjati has been held in Evin for the past eight years after conviction for the murder of her husband. Zahra, aged 30, was convicted of killing her 70-year-old husband after he returned home drunk in January 2006.

Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of serious crimes, but opposes the death penalty in all circumstances

#### BACKGROUND INFORMATION

In the Iranian Penal Code murder is punishable by *qesas-e nafs*, or death. Murder by someone with diminished responsibility may be punishable by the payment of *diyeh*, a form of compensation. In cases of premeditated murder, the family of the victim has the right to ask for their relative's killer to be put to death. The family can also choose to forgive the culprit and accept payment of *diyeh* instead.

Also in the Iranian legal system, there is a distinction between cases where the penalty is "execution" (*hokm-e 'edam*) and *qesas*, although people sentenced to *qesas* are often reported in the media to have been sentenced to death. In Iranian law, murder is treated as a private dispute between two civil parties – the state's role is to facilitate the resolution of the dispute through the judicial process. In this sense, the death penalty is regarded as being imposed by the state, whereas *qesas* is imposed by the family of the victim. As a result, sentences of *qesas* are not open to pardon or amnesty by the Supreme Leader, whereas most other

death sentences can be reversed by the Supreme Leader. This is in contravention of Article 6 (4) of the International Covenant on Civil and Political Rights, to which Iran is a state party, which says that in the eyes of international law, Iran remains fully responsible for respecting and protecting the rights of those under its jurisdiction, irrespective of the role that private parties may play in the administration of justice.

Amnesty International is also campaigning for an end to legislation which discriminates against women in Iran, including in areas such as marriage, divorce and child custody, which Iranian campaigners believe contributes in some circumstances to women committing violent crimes.

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

- calling for an immediate halt to the executions of Shahrbanou Nedam, Akram, and Soheila, who may all be scheduled for execution on 5 March, as well as the executions of Tayebbeh Hojjati and Zahra, whose executions may also be imminent;
- calling for the death sentences of all five to be commuted;
- stating that you recognize that governments have a right and a duty to bring to justice those suspected of criminal offences, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- asking for details of their trials and any appeals;
- urging the Iranian authorities to bring Iranian legislation into line with their international human rights obligations, so that people sentenced to death for murder have the right to seek pardon or commutation of their sentence from the state.

**APPEALS TO:**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran

**Email:** [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In the subject line write: **FAO Ayatollah Shahroudi**)

**Salutation:** **Your Excellency**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei

The Office of the Supreme Leader, Islamic Republic Street - Shahid Keshvar Doust Street

Tehran, Islamic Republic of Iran

**Email:** [info@leader.ir](mailto:info@leader.ir)

**Salutation:** **Your Excellency**

**COPIES TO:**

President

His Excellency Mahmoud Ahmadinejad

The Presidency, Palestine Avenue, Azerbaijan Intersection, Tehran, Islamic Republic of Iran

**Email:** [dr-ahmadinejad@president.ir](mailto:dr-ahmadinejad@president.ir)

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Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani

Howzeh Riassat-e Ghoveh Ghazaiyeh

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and to diplomatic representatives of Iran accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**