

UA 179/07      Death penalty/ stoning

IRAN      Mokarrameh Ebrahimi (f), aged 43

Mokarrameh Ebrahimi is at risk of execution by stoning for adultery. Ja'far Kiani, who was convicted of adultery in the same case and with whom she has two children, was reportedly stoned to death on 5 July.

Mokarrameh Ebrahimi and Ja'far Kiani were sentenced to death by stoning after being convicted of adultery by Branch 1 of Takestan's Criminal Court. Under article 83 of Iran's Penal Code, execution by stoning is prescribed for adultery committed by a married man or a married woman. Under Iranian law, adultery can only be proved by the testimony of eyewitnesses (the number required varying for different types of adultery), a confession by the defendant (repeated four times), or the judge's "knowledge" that the adultery has taken place. In this case, the basis for the conviction of adultery was the judge's "knowledge" that adultery had taken place.

The executions by stoning of Mokarrameh Ebrahimi and Ja'far Kiani were initially scheduled for 17 June 2007 after an appeal to the Judicial Commission for Amnesty and Clemency to overturn their sentence was rejected, but was later changed to 21 June. The stonings were to be carried out publicly in the Behesht-e Zahra cemetery, in the town of Takestan in Qazvin province, northwestern Iran, in the presence of a judge from Branch 1 of the Criminal Court which sentenced them to death.

After activists involved in Iran's 'Stop Stoning Forever' campaign publicized this planned execution, the Iranian government was subject to widespread domestic and international demands, including from Amnesty International, to prevent the stonings. Following this outcry, it was reported on 20 June that the Head of the Judiciary, Ayatollah Shahroudi, had issued a written order requiring the judiciary in Takestan to stay the execution temporarily, though Mokarrameh Ebrahimi and Ja'far Kiani remained under sentence of death by stoning.

On 7 July, the 'Stop Stoning Forever' campaign reported that Ja'far Kiani had been stoned to death in Aghche-kand, a village outside Takestan, two days earlier. According to reports, the stoning was conducted mostly by local governmental and judiciary officials, and only a few members of the public participated.

On 8 July, the newspaper *E'temad-e Melli* reported that local people and a source connected to one of the local parliamentary representatives had confirmed the execution, although as yet there has been no statement from the judiciary.

Mokarrameh Ebrahimi has been imprisoned for the past 11 years in Choubin prison in Qazvin province. Her two children, one of whom is aged 11, are believed to live in prison with her.

## BACKGROUND INFORMATION

In December 2002 Ayatollah Shahroudi, the Head of the Judiciary, reportedly sent a ruling to judges ordering a moratorium on execution by stoning, pending a decision on a permanent change in the law, which was apparently being considered by the Supreme Leader of Iran, Ayatollah Ali Khamenei.

However, in September 2003, a law concerning the implementation of certain kinds of penalties, including stoning, was passed, which appeared to undermine this moratorium. Also despite the moratorium, Amnesty International continued to record sentences of stoning being passed, though none of these were known to have been implemented until May 2006, when a woman and a man were reportedly stoned to death. The two victims - Abbas (m) and Mahboubeh (f) - were reportedly stoned to death in a cemetery in Mashhad, after being convicted of murdering Mahboubeh's husband, and of adultery. Part of the cemetery was cordoned off from the public, and more than 100 members of the Revolutionary Guard, and members of the Basij Forces (volunteer paramilitary units attached to the Revolutionary Guards Corps) were among those who stoned the couple to death.

On 21 November 2006, the then Minister of Justice, Jamal Karimi-Rad, denied that stonings were being carried out in Iran, a claim repeated on 8 December 2006 by Tehran's Head of the Prisons Organization. The campaigners against stoning responded by claiming that there is irrefutable evidence that the Mashhad execution did indeed occur.

In mid-2006, a group of Iranian human rights defenders began a campaign to abolish stoning, having initially identified 11 individuals at risk of stoning. Since the campaign began, three individuals have been saved from stoning: Hajieh Esmailvand (see UA 336/04, MDE 13/053/2004, 16 December 2004, and follow-ups), Parisa (see UA 257/06, MDE 13/113/2006, 28 September 2006, and follow-up), and Parisa's husband, Najaf. Others have been granted stays of execution, and some of the cases are being reviewed or re-tried. Seven women and one man are known to be under sentence of execution by stoning.

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

- calling for the authorities to halt the execution by stoning of Mokarrameh Ebrahimi immediately;
- calling for the death sentence against Mokarrameh Ebrahimi to be commuted;
- calling on the authorities to immediately clarify whether Ja'far Kiani was stoned to death on 5 July and, if so, whether this was in breach of the stay of execution that had been imposed by the Head of the Judiciary;
- stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life;
- calling for the abolition in law of execution by stoning in Iran;
- noting that execution by stoning is prescribed for the adultery of a married man or a married woman, and stating that Amnesty International is opposed to the criminalization of consensual adult sexual relations in private.

**APPEALS TO:**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

**Fax:** +98 21 3390 4986 (please keep trying)

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

**Salutation:** Your Excellency

Director, Qazvin State Government Office

Please mark: for the attention of the Director of Qazvin State Government Office

**Fax:** + 98 281 3682941 or + 98 281 3682895

**Salutation:** Dear Sir

**COPIES TO:**

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader

Shoahada Street, Qom, Islamic Republic of Iran

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

[istiftaa@wilayah.org](mailto:istiftaa@wilayah.org)

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 20 August 2007.\*\*\*\*\*