

PUBLIC

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24 February 2009

UA 50/09

Death penalty/ stoning

IRAN

Ashraf Kalhori (f), aged about 40

Iran (f) (full name known to Amnesty International)

Khayrieh (f) (full name known to Amnesty International)

Afsaneh R (f)

A woman known only as "H"

M.Kh (f)

Unnamed man

Unnamed woman

Executed:

Abdollah Farivar Moghaddam (m), aged about 50

Abdollah Farivar Moghaddam was executed by hanging on 19 February in Sari Prison in northern Iran. Along with the others named above, he had been sentenced to be stoned to death for the "crime" of "adultery while being married", but his family was informed on 18 February that he was to be hanged the following day. According to Iranian law, "adultery while being married" carries a mandatory sentence of execution by stoning. Anti-stoning campaigners have expressed fears that the lives of other people sentenced to death by stoning – including those named above - could also be at imminent risk.

Ashraf Kalhori (see UA 203/06, MDE 13/083/2006, 27 July 2006, and follow-up) was scheduled to be stoned for adultery with her neighbour in July 2006 but her execution was stayed. She was also sentenced to 15 years' imprisonment for taking part in her husband's murder. According to Ashraf Kalhori, the killing was accidental, but police accused her of encouraging the attack. She later retracted her initial confession to adultery. On 23 February 2009, two Iranian newspapers reported that the Amnesty and Clemency Commission had rejected her plea and that her sentence could now be implemented at any time.

Iran's husband attacked her as she talked to the son of a neighbour. While she was unconscious following the attack, the neighbour's son killed her husband. Iran initially confessed to adultery during police interrogation, but later retracted her confession. A court in Khuzestan province sentenced her to five years' imprisonment for complicity in her husband's murder, and to death by stoning for adultery. The stoning sentence was overturned in June 2007, and she was retried, but was again sentenced to stoning. Her case has been before the Amnesty and Clemency Commission for over a year. She is held in Sepidar prison, in Ahvaz city.

According to anti-stoning campaigners, Khayrieh was subjected to domestic violence by her husband. A relative of her husband, with whom she had an affair, murdered him. She was sentenced to death by Branch 3 of Behbahan Court in Khuzestan, for complicity in the murder of her husband, and death by stoning for adultery. Khayrieh has denied any involvement in her husband's murder, but has acknowledged adultery. She is believed to be held in Sepidar Prison.

A woman known as Afsaneh R, from Shiraz in southern Iran, was sentenced to stoning for adultery as well as to *qesas* (retribution) for the murder of her husband, by Branch 5 of the General Court in Fars, southern Iran, on 9 April 2008. This was confirmed by Branch 27 of Supreme Court on 4 August 2008, the same day on which Judiciary spokesman Ali Reza Jamshidi restated that executions by stoning in Iran were suspended. Four other cases have also recently been discovered by anti-stoning campaigners in Iran. A woman known only

as "H", and another identified only as "M.Kh" are both said to be held in Vakilabad Prison, Mashhad, north-eastern Iran, under sentence of stoning. An unnamed man and woman are also believed to be held under sentence of stoning in Tabriz Prison. Amnesty International does not have full details of their cases, but fears that they could be executed at any time. Another woman and a man, Gilan Mohammadi and Gholamali Eskandari (see UA 10/09, MDE 13/005/2009, 16 January 2009) are also at risk of stoning, although Ali Reza Jamshidi said on 27 January that their cases were being reviewed.

Abdollah Farivar Moghaddam was arrested in November 2004 following a complaint filed by a man who accused him of having an illegal affair with his daughter. Abdollah Farivar Moghaddam claimed he initially confessed to the relationship because he was scared of the police investigators, and that he had engaged his young pupil in a *sigheh* (temporary marriage), and that therefore his affair with her was legal and not adulterous. The cases of Iran, Khayrieh and Abdollah Farivar Moghaddam were referred to in UA 257/06 (MDE 13//113/2006, 28 September 2006), and follow-up.

BACKGROUND INFORMATION

Stoning in Iran is prescribed for the offence of "adultery while being married." In 2002, the Head of the Judiciary instructed judges to impose a moratorium on stonings. However, at least four men and one woman have been stoned to death since 2002. In January 2009, Ali Reza Jamshidi, while confirming two executions by stoning in December 2008, said that the directive on the moratorium had no legal weight and judges could therefore ignore it.

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

- expressing deep regret at the two stonings in Mashhad in December 2008 and the execution of Abdollah Farivar Moghaddam in Sari on 19 February;
- calling on the authorities to immediately commute all sentences of death by stoning;
- calling on them not to allow the execution of those convicted by any other means;
- urging the authorities to ensure that the moratorium on stonings is implemented immediately and effectively, making it clear to officials of law enforcement, custodial and other relevant ministries and agencies that this moratorium must not be breached and that any officials who defy that instruction will be held accountable;
- calling on the authorities to urgently reform the law on stoning in Iran, and urging that any new legislation permits neither stoning nor any other form of execution for "adultery while being married".

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

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

Email: shahroudi@dadgostary-tehran.ir (In the subject line: **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 or istiftaa@wilayah.org

Salutation: Your Excellency

COPIES TO:

Speaker of Parliament

His Excellency Ali Larijani, Majles-e Shoura-ye Eslami, Baharestan Square, Tehran, Islamic Republic of Iran

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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 7 April 2009.