

URGENT ACTION

THREE MOTHERS SENTENCED TO DEATH IN IRAN

Three women and two men are facing execution for drug trafficking in Iran, possibly as soon as 26 June, after unfair trials. They have not had the opportunity to appeal against their convictions and sentences. Their requests for pardon have been rejected on two occasions. Amnesty International is calling for the immediate commutation of their death sentences.

Hourieh Sabahi, Leila Hayati and Roghieh Khalaji were arrested on 30 January 2009 along with two men whose names are not known to Amnesty International. All five are believed to be low-ranking members of a larger drug-trafficking operation. During their interrogation, they had no access to a lawyer. They were tried before Branch 2 of the Revolutionary Court in Hamedan, Iran, and sentenced to death. The death penalty is a mandatory sentence for those convicted of trafficking more than specified amounts of certain drugs. They had no right to appeal, as their sentences were only confirmed by the Prosecutor-General, as permitted under the Anti-Narcotics Law. There are reports that they may be executed as soon as 26 June.

The women are all mothers of dependent children, currently cared for by relatives. Hourieh Sabahi has four children, one of whom is disabled. Two of them are aged 15 and 13; Amnesty International has no information about the ages of the others. Leila Hayati has a 10-year-old son and Roghieh Khalaji has a 14-year-old son and a 12-year-old daughter. Their husbands are reported to be drug addicts, either serving life sentences in prison or homeless, who are unable to support the children. The women reportedly turned to drug trafficking as a result of their poverty.

UN human rights experts have repeatedly clarified that drugs offences do not meet the criterion of "most serious crimes", to which the use of the death penalty must be restricted under international law.

PLEASE WRITE IMMEDIATELY in Persian, Arabic, English or your own language:

- Call on the Iranian authorities to immediately commute the death sentences of the three women and two men;
- Express concern that they did not receive a fair trial, as they were denied access to a lawyer before their trial and were not granted the right to appeal against their conviction and sentence;
- Recognizing that the authorities have a duty to prosecute individuals for offences connected to the production and supply of illegal drugs, but pointing out that drugs offences do not meet the threshold of "the most serious crimes" to which the death penalty must be restricted under international law and that execution should not be a mandatory sentence.

PLEASE SEND APPEALS BEFORE 29 JULY 2011 TO:

Leader of the Islamic Republic
Ayatollah Sayed 'Ali Khamenei
The Office of the Supreme Leader
Islamic Republic Street – End of
Shahid Keshvar Doust Street, Tehran,
Islamic Republic of Iran
Email: info_leader@leader.ir
Twitter: "Call on #Iran leader
@khamenei_ir to halt impending
execution of 5 drug traffickers in
Hamedan including 3 impoverished
mothers "

Head of the Judiciary
Ayatollah Sadegh Larijani
[care of] Public relations Office
Number 4, 2 Azizi Street
Vali Asr Ave., above Pasteur Street
intersection
Tehran,
Islamic Republic of Iran
Email: bia.judi@yahoo.com (In subject
line: FAO Ayatollah Sadegh Larijani)
Salutation: Your Excellency

And copies to:

Head of Hamedan Judiciary
Sayed Nasratollah Etemad
Dadgostari Koll-e Hamedan,
Bu Ali Ave.,
Hamedan
Islamic Republic of Iran
Email: rayaneh_dad@yahoo.com

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Iran has one of the highest rates of drug addiction in the world; in May 2011 the Head of the Law Enforcement Force Esma'il Ahmadi-Moghaddam said that there were probably more than 2 million users of illegal drugs in the country. It is also second only to China in the number of executions carried out each year. In 2010, 170 of the 253 executions acknowledged by the authorities were of individuals convicted of drugs offences. The executions of over 200 other convicted drugs offenders were not acknowledged by the authorities, or were carried out secretly. So far in 2011, over 120 of the 183 executions acknowledged by the authorities and recorded by Amnesty International have been of convicted drugs offenders. Well over 100 others are reported by unofficial sources to have been executed for drugs offences across the country, mainly in Vakilabad Prison, Mashhad.

In October 2010, the Interior Minister stated that the campaign against drug trafficking was being intensified, and the Prosecutor-General stated in the same month that new measures had been taken to speed up the judicial processing of drug-trafficking cases, including by referring all such cases to his office. In December 2010, amendments to the Anti-Narcotics Law extended the scope of the death penalty to include additional categories of illegal drugs (for example, methamphetamine - "crystal meth"), possession of more than specified amounts of which carry a mandatory death sentence. The UN Human Rights Committee has stated that "the automatic and mandatory imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence".

The Iranian authorities do not provide statistics on the numbers of executions carried out annually, nor information concerning those held on death row, although the number is almost certainly in the thousands. UN bodies have repeatedly called upon member states to make publicly available information on the use of the death penalty. In a 1989 resolution, the UN Economic and Social Council urged member states to publish comprehensive information about the death penalty, including death sentences, executions, and those held on death row, as well as on reversals, commutations and pardons.

Article 6 (2) of the ICCPR, to which Iran is a state party, states that "sentence of death may be imposed only for the most serious crimes". UN human rights mechanisms - including the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions and the UN Human Rights Committee - have concluded that the death penalty for drug offences fails to meet the condition of "most serious crime". The UN High Commissioner for Human Rights and the director of the UN Office on Drugs and Crime have likewise expressed grave concerns about the application of the death penalty for drug offences.

Under Article 5(5) of the Law Establishing General and Revolutionary Courts, all drugs offences are tried by Revolutionary Courts, which are presided over by a single judge, even though Article 20 of the Law Establishing General and Revolutionary Courts states that offences carrying the penalty of death should be tried in a Provincial Criminal Court, which has five judges. The UN Working Group on Arbitrary Detention has recommended that Revolutionary Courts be abolished.

Under the Anti-Narcotics Law, which was passed by the Expediency Council, a body which does not have legislative powers under the Constitution and was created by the former Leader to resolve disputes between Iran's parliament and Council of Guardians which vets legislation for conformity to the Constitution and Islamic law, there are 13 offences which are punishable by death. Under Article 32 of this law, those sentenced to death for drugs offences do not have the right to appeal, as their convictions and sentences are merely confirmed by either the President of the Supreme Court or the Prosecutor-General. In practice, it seems that many such death sentences are referred to the Prosecutor-General. This contravenes Article 19 of the Law on Appeals, which states that all death sentences are open to appeal, as well as Article 14 (5) of the ICCPR which states that "[e]veryone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law".

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