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Iran: Fears for prisoners on death row

Amnesty International has made a new call to the Iranian authorities to immediately halt all executions and commute all death sentences as concern grows about two women and other prisoners who may be at imminent risk of execution.

The organization is also urging the authorities to review and repeal death penalty laws, to disclose full details of all death sentences and executions, and to join the growing international trend towards abolition.

Two women are feared to be at imminent risk of execution. Zeynab Jalalian, a political activist and member of the Kurdish minority, was sentenced to death in early 2009 after being convicted of “enmity against God”, while Sakineh Mohammadi Ashtiani, whose conviction of “adultery while being married” was upheld in May 2007, could be executed by stoning at any time.

Prisoners on death row are often not informed when they are due to be executed until the last minute, adding to their suffering and that of their families. Sometimes their lawyers are not informed 48 hours in advance, as is required by Iranian law.

Others prisoners under sentence of death include two members of the predominantly Sunni Muslim Baluch minority in Sistan-Baluchistan province. On 31 May 2010, the Zahedan Prosecutor said they had been sentenced to death for their alleged involvement in clashes between Sunni and Shi’a Muslims which led to the deaths of six individuals. He also said that the death penalty has been sought in the trials of six other individuals. The clashes followed a bomb attack on a Shi’a mosque in May 2009, which killed at least 25 individuals, which was claimed by the People’s Resistance Movement of Iran (PRMI), an armed Baluch group opposed to the Iranian government.

The PRMI’s leader, Abdolmalek Rigi, was hanged by the Iranian authorities on 20 June 2010, in Evin Prison, Tehran. His brother, Abdolhamid Rigi, was hanged in Zahedan in May 2010.

In Kordestan province, home to many members of the Kurdish minority, a government official said on 27 June 2010 that at least 20 prisoners were being held on death row there who had been convicted of drug smuggling. At least 15 other members of the Kurdish minority, all political prisoners, are also on death row in the province and are at risk of execution. Two are said to be facing execution by firing squad. Most executions in Iran are carried out by hanging.

Many prisoners on death row did not receive fair trials, having been sentenced on the basis of vaguely-worded charges and “confessions” which they allege were made under torture or other duress while they were detained incommunicado before trial. Some were denied access to a lawyer.

Despite these grave shortcomings, the Iranian authorities continue to carry out more executions than most other states. This year, Amnesty International recorded no less than 126 executions in the period from 1 January to 6 June. Those hanged included five political prisoners who were executed on 9 May; the authorities may have intended the executions as a warning to potential protesters in advance of the anniversary on 12 June of the hotly disputed presidential election of 2009, which sparked mass protests and a wave of state repression.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the ultimate form of cruel and inhuman punishment. In 2008, the United Nations General Assembly adopted a resolution calling for a worldwide moratorium on executions. Iran was one of the minority of states that voted against the resolution.

Background

Currently held in Evin Prison, Tehran, Zeynab Jalalian, an Iranian Kurd, was arrested in 2007. She was convicted in or around January 2009 of “enmity against God” in connection with her alleged membership of a Kurdish armed opposition group. She has said she was tortured. She is reported not to have been granted access to her lawyer during her trial, which is said to have lasted only a few minutes and during which no evidence was reportedly produced against her. Zeynab Jalalian’s death sentence was upheld on appeal and confirmed by the Supreme Court on 26 November 2009. Her family have received no news of her for a month and have been told by the authorities that her case file has been “lost”. Unconfirmed reports are circulating widely that her execution may take place any day.

On 13 June, Sakineh Mohammadi Ashtiani’s lawyer, Mohammad Mostafaei, published an article entitled *Sakineh on the threshold of stoning* and pointed out that there is no legal obstacle to her execution being carried out at any time. Sakineh Mohammadi Ashtiani, has been held since 2005. In May 2006 she was convicted of having had an “illicit relationship” with two men and received 99 lashes as her sentence. Despite this, she was subsequently convicted of “adultery while being married”, which she has denied, and was sentenced to death by stoning.

She has retracted a “confession” made during interrogation, stating that it was made under duress. However, she was convicted by a majority of three out of five trial judges on the basis of the “knowledge of the judge”, a provision in Iranian law that allows judges to make their own subjective and possibly arbitrary determination regarding guilt even in the absence of clear or conclusive evidence.

Her death sentence was confirmed by the Supreme Court on 27 May 2007. Her case has been sent to the Amnesty and Clemency Commission twice, but her request for clemency was rejected on both occasions. Sakineh Mohammadi has two children

Consensual sexual acts such as those criminalized by Iranian law under the provisions for “adultery” do not amount to the “most serious crimes” under which in international law the death penalty may be imposed only as an “exceptional measure” where “there was an intention to kill which resulted in the loss of life”.

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 also fails to meet the condition of “most serious crime”,ⁱ 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.

The PRMI, formerly known as Jondollah, is a Baluch armed group which says it supports the rights of the Sunni community in Iran. It has carried out human rights abuses including indiscriminate and disproportionate attacks, attacks on civilians, abductions and hostage-taking, and summary killings of captured security personnel.

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i A/HRC/4/20, 29 January 2007, para 53