

URGENT ACTION

DEATH SENTENCES OF MOTHERS TO BE REVIEWED

Three women and two men facing execution for drug trafficking offences in Iran after unfair trials are believed to have had their cases sent for review by Iran's Amnesty and Clemency Commission. A decision is expected on 'Id al-Fitr, the last day of Ramadan, which falls at the end of August.

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. Their requests for pardon have been rejected on two previous occasions but now are believed to be under review.

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; the ages of the other are unknown. 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 reportedly drug-addicts, either serving life sentences in prison or homeless, and are unable to support their children. The women reportedly turned to drug trafficking as a result of poverty.

UN human rights experts have repeatedly stated 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:

- Welcome the news that the death sentences of the three women and two men have been referred to the Amnesty and Clemency Commission, and urge the Iranian authorities to ensure that their death sentences be commuted;
- Call for a review of their convictions after unfair trials as they had no access to a lawyer, or to an appeal;
- Point out that, while recognizing that the authorities have a duty to prosecute individuals for offences connected to the production and supply of illegal drugs, drug-trafficking related 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 30 AUGUST 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
commute death sentences of 5 drug
traffickers in Hamedan including 3
impoverished mothers"

Salutation: Your Excellency

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

Please check with your section office if sending appeals after the above date. This is the first update of UA 186/11. Further information:
<http://www.amnesty.org/en/library/info/MDE13/059/2011/en>

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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 individuals convicted of drugs offences were not acknowledged by the authorities, or were carried out secretly. So far in 2011, over 130 of the 208 executions acknowledged by the authorities and recorded by Amnesty International have been of individuals convicted of drugs offences. Well over 115 others are reported by unofficial sources to have been executed for drugs offences across the country, mainly in Mashhad.

In October 2010, the Prosecutor-General stated 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, 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 violates Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to life. Iran is a state party to the ICCPR,

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 held 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 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.

There are 13 offences punishable by death under the Anti-Narcotics Law. Article 32 of this law states that sentences imposed are subject only to confirmation by either the President of the Supreme Court or the Prosecutor-General, which would appear to deny those sentenced to death their right to appeal. 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 guarantees the right for an individual to have his or her conviction and sentence reviewed by a higher tribunal.

Name: Hourieh Sabahi, Leila Hayati, Roghieh Khalaji (f)

Gender: all f

Further information on UA: 186/11 Index: MDE 13/074/2011 Issue Date: 10 August 2011

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