

PUBLIC

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Death penalty/stoning

IRAN

Gilan Mohammadi (f), aged about 30
Gholamali Eskandari (m)

The two people detained above are believed to have been detained since 2003, and were sentenced to death by stoning probably in 2005 or 2006. Their sentences are believed to have been confirmed by the Supreme Court sometime in 2008. The Head of the Judiciary declared a moratorium on executions by stoning in 2002, but at least five people are known to have been stoned to death since then, two of them on 26 December 2008.

Gilan Mohammadi and Gholamali Eskandari were sentenced to death by stoning for adultery. They are held in Esfahan Central Prison, in the centre of the country.

Two lawyers travelled to Esfahan on 14 January hoping to meet them, and become their legal representatives, but were prevented from doing so by several prison and judicial officials. The Esfahan judicial authorities eventually said that this would only be possible if the two convicts first asked to meet with lawyers. One of the lawyers, Mohammad Mostafaie, mentioned in his blog that he never came across such requirements in this professional life and that he feared, based on his past experience with judicial officials in Esfahan that the authorities were preparing to carry out the executions.

In an interview printed in the 15 January issue of the newspaper *'Etemad-e Melli*, the other lawyer, Shadi Sadr, said that the action of the judicial officials in Esfahan was against the law, and that these two people had been denied their right to legal representation. She said that she and her colleague intended to complain about this, so that Gilan Mohammadi and Gholamali Eskandari are granted their right to legal representation.

BACKGROUND INFORMATION

Stoning in Iran is prescribed for the offence of "adultery while being married." In 2002, the Head of the Judiciary introduced in a directive a moratorium on executions by stoning. In August 2008, the spokesman for the judiciary, Ali Reza Jamshidi, said that stonings had been halted. However, at least four men and one woman have been stoned to death since 2002. Most recently, two men were stoned to death in Mashhad on or around 26 December 2008; a third man managed to free himself from the pit in which he was to be stoned.

In a 13 January press conference, Ali Reza Jamshidi confirmed that the December 2008 stonings had taken place. He also said that the directive on the moratorium had no legal weight and judges were therefore free to ignore it.

In 2007, a revised Penal Code was submitted to Iran's parliament for approval, and is still under consideration. This new version still provides for the penalty of stoning, but also states that should the implementation of the penalty cause "harm to the system," it can, on the proposal of the prosecutor in the case and with the approval of the Head of the Judiciary, be changed to execution by other methods or to 100 lashes, depending on the type of proof.

Seven other women and one man are known to be under sentence of stoning in Iran, but there may be others whose cases are not known to Amnesty International, as the two men stoned to death in Mashhad in December 2008 were previously unknown to anti-stoning campaigners in Iran.

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

- urging the authorities not to execute Gilan Mohammadi and Gholamali Eskandari;
- calling on them to order an immediate and effective moratorium on executions by stoning, and make clear to all involved that this moratorium must not be breached and that any officials who defy that instruction will themselves be held accountable;
- urging them to speedily enact a law unequivocally banning stoning as a legal punishment and which does not permit the use of other forms of the death penalty or flogging against those convicted of "adultery."

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Howzeh Riyasat-e Goveh Qazaiyeh / Office of the Head of the Judiciary

Pasteur St., Vali Asr Ave., south of Serah-e Jomhuri

Tehran 1316814737, Islamic Republic of Iran

Email: shahroudi@dadgostary-tehran.ir (In the subject line write: **FAO Ayatollah Shahroudi**)

Salutation: Your Excellency

Head of the Esfahan Department of Justice

Gholam Reza Ansari

Email: reiasat@dadgostary-es.ir

ertebat@dadgostary-es.ir

Salutation: Your Excellency

COPIES TO:

Leader of the Islamic Republic

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@leader.ir

via website: <http://www.leader.ir/langs/en/index.php?p=letter> (English)

<http://www.leader.ir/langs/fa/index.php?p=letter> (Persian)

Salutation: Your Excellency

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani

Howzeh Riassat-e Ghoveh Ghazaiyeh (Office of the Head of the Judiciary)

Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Iran

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

Email: fsharafi@bia-judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad Larijani**)

Salutation: Dear Mr Larijani

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 27 February 2009.