

08 March 2007

UA 59/07 **Death penalty/imminent execution**

IRAN **Mohebbat Mahmoudi (f), aged 45**

A Kurdish woman, Mohebbat Mahmoudi, was convicted of murder and sentenced to death in 2004. The Supreme Court has reportedly upheld her death sentence, which was reportedly announced to her some time between 12 and 17 February, and she is now at imminent risk of execution.

Mohebbat Mahmoudi, from Oroumiye, West Azarbaijan province, was arrested in April or May 2001 in connection with the murder of a man whose name was reported only as "Hatam M". On 1 April 2004, the Oroumiye General Court found her guilty of murder and sentenced her to death (as *qesas* or "retribution in kind"). The appeal court of West Azarbaijan province upheld this verdict, as did the Supreme Court.

Mohebbat Mahmoudi's lawyer reportedly did not represent her adequately at the trial.

Under Iranian law, the family of a murder victim may accept compensation (*diyeh*, or "blood money") in lieu of execution. The family in this case have reportedly rejected this option. However, the judiciary's Council for the Resolution of Differences (in Persian, the *Shoura-ye Hal-e Ekhtelaf*) is empowered to mediate between the families of the victim and of the prisoner, with a view to having the victim's family come to an agreement to forgo their right to retribution and accept the payment of blood money. This body appears to have not been called, though they are known to have intervened in a number of other high-profile cases..

Similarly, the judiciary's Amnesty and Clemency Commission (*Komisyon-e 'Afv va Bakhshoudegi*) is empowered to examine cases in order to recommend a pardon or the reduction of a given sentence. This body appears not to have been consulted in this case.

Mohebbat Mahmoudi is married and has several children.

BACKGROUND INFORMATION

In 2006, at least 177 people were executed in Iran, at least four of whom were women. At least four of them were under 18 at the time of the alleged offence, including one who was under 18 at the time of execution. Two people were reportedly stoned to death. Sentences of flogging, amputation and eye-gouging were passed, though these have always attracted international condemnation. The true numbers of those executed or subjected to corporal punishment were probably considerably higher than those reported.

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

- stating that Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but opposes the death penalty as the ultimate cruel, inhuman and degrading punishment;
- urging parliamentarians from Oroumiye and the head of Office for *Diyeh* and Assistance to Needy Prisoners to refer the case of Mohebbat Mahmoudi to both the Council for the Resolution of Differences and the Amnesty and Clemency Commission, to examine whether effective defence was provided to Mohebbat Mahmoudi at the first trial, with a view to commuting the death sentence.

APPEALS TO:

Office for *Diyeh* and Assistance to Needy Prisoners
Setad-e *Diyeh* va Komak be Zendaniyan-e Niyazmand
Executive Director, Yahya Soltani
Artesh Street, opposite Jihad-e Khane Sazi, Central Building
Oroumiye, Islamic Republic of Iran

Parliamentary representatives for Oroumiye
Javad Jahangirzadeh, Mohammad Abbaspour and Abed Fatahi
Majles-e Shoura-ye Eslami
Baharestan Square
Tehran, Islamic Republic of Iran

Fax: +98 21 3355 6408

e-mail: hadadadel@majlis.ir (in the subject line, please write: "For the attention of Oroumiye representatives")

Salutation: Dear Sirs

COPIES TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Fax: +98 21 3 311 6567 (Mark: "Please forward to HE Ayatollah Shahroudi")

Salutation: Your Excellency

Acting Director, Oroumiye Prison

Morad Fatahi, Acting Director,

Oroumiye Central Prison

Darya Street, Oroumiye, Islamic Republic of Iran

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 19 April 2007.
