

URGENT ACTION

WOMAN SENTENCED TO STONING STILL AT RISK

Sakineh Mohammadi Ashtiani, a 43-year-old mother of two, is held on death row in Tabriz Prison, north-west Iran, and could still face execution. Around 7 July, following international protests, officials in Tabriz asked the head of Iran's judiciary to agree that her sentence of stoning to death be converted to execution by hanging.

Sakineh Mohammadi Ashtiani was convicted in May 2006 of having an "illicit relationship" with two men and received 99 lashes as her sentence. Despite this, she was then also convicted of "adultery while being married", which she has denied, and sentenced to death by stoning.

Following an international outcry in recent weeks against her sentence of death by stoning, the Iranian Embassy in London stated on 8 July that "Sakineh Mohammadi Ashtiani would not be executed by stoning" but made no mention of other possible means of execution. On 10 July, the head of Iran's High Council for Human Rights said that her case would be reviewed, although he affirmed that Iranian law permits execution by stoning. However, on 11 July, the head of the provincial judiciary in East Azerbaijan, Malek Ezhder Sharifi, said that the stoning sentence was still in place and could be implemented at any time by decision of the Head of the Judiciary, Ayatollah Sadegh Larijani. Malek Ezhder Sharifi also said that Sakineh Mohammadi Ashtiani had been sentenced to death in connection with the murder of her husband but this has been disputed by one of her lawyers, who says that she was pardoned by the dead man's family but was sentenced to 10 years' imprisonment as an 'accessory' to the crime.

On 14 July Sajjad Qaderzadeh, Sakineh Mohammadi Ashtiani's son, was summoned to Tabriz's Central Prison, and is believed to have been questioned by Ministry of Intelligence officials who possibly threatened him not to give further interviews about his mother's case.

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

- Urging the Iranian authorities not to execute Sakineh Mohammadi Ashtiani by stoning or any other means;
- Calling on the Iranian authorities to clarify her current legal status, including to her son and her lawyers;
- Demand that the authorities enact legislation that bans stoning as a legal punishment and does not permit the use of other forms of the death penalty or flogging or imprisonment for those convicted of "adultery" or other crimes;
- Calling on the authorities to ensure that Sajjad Qaderzadeh will not be harassed in connection with expressions of concern he has made regarding the life of his mother.

PLEASE SEND APPEALS BEFORE 26 AUGUST 2010 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;
via website:
www.leader.ir/langs/en/index.php?p=letter
(English);
www.leader.ir/langs/fa/index.php?p=letter (Persian)
Salutation: Your Excellency

Head of the Judiciary
Ayatollah Sadegh Larijani
Office of the Head of the Judiciary
Pasteur St.Vali Asr Ave. south of Serah-
e Jomhuri, Tehran 1316814737
Islamic Republic of Iran
Email: Via website:
<http://www.dadiran.ir/tabid/81/Default.aspx>
(1st starred box: your given name; 2nd starred
box: your family name; 3rd: your email
address)
Salutation: Your Excellency

And copies to:
Secretary General, High Council for
Human Rights
Mohammad Javad Larijani
Howzeh Riassat-e Ghoveh Ghazaiyeh
Pasteur St, Vali Asr Ave., south of
Serah-e Jomhuri
Tehran 1316814737
Islamic Republic of Iran
Fax: +98 21 3390 4986
Email: bia.judi@yahoo.com (In subject
line: **FAO Mohammad Javad Larijani**)

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the Second update of UA: 211/09 Index: MDE 13/082/2009, 7 August 2009. Further information: www.amnesty.org/en/library/info/MDE13/082/2009/en

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ADDITIONAL INFORMATION

During her trial, Sakineh Mohammadi Ashtiani retracted a “confession” that she had made during her pre-trial interrogation, alleging that she had been forced to make it under duress, and denied the charge of adultery. Two of the five judges found her not guilty, noting that she had already been flogged and adding that they did not find the necessary proof of adultery in the case against her. However, the three other judges, including the presiding judge, found her guilty 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 whether an accused person is guilty even in the absence of clear or conclusive evidence. Having been convicted by a majority of the five judges, Sakineh Mohammadi Ashtiani was sentenced to death by stoning.

In Iran, stoning to death is prescribed as the mode of execution for those convicted of committing the offence of “adultery while being married”. In 2002, the Head of the Judiciary instructed judges to impose a moratorium on stonings. Despite this, at least five men and one woman have been stoned to death since 2002. In January 2009, the Spokesperson for the Judiciary, Ali Reza Jamshidi, confirmed that two executions by stoning had been carried out in December 2008 and said that the directive on the moratorium had no legal weight and that judges could therefore ignore it.

At least seven other women and three men are currently believed to be at risk of stoning to death in Iran (see UA 10/09, MDE 13/005/2009, 16 January 2009, UA 50/09, MDE 13/015/2009, 24 February 2009 and follow ups MDE 13/050/2009, 13 May 2009 and MDE 13/110/2009, 21 October 2009, UA 117/09, MDE 13/041/2009, 05 May 2009. Buali Janfashani and Sarimeh Sajjadi were also reported to have had their sentences of stoning upheld on appeal in January 2010.

Amnesty International is investigating reports that another woman, Maryam Ghorbanzadeh, has been sentenced to stoning, that her conviction has been confirmed on appeal, and that on or about 3 or 4 July 2010, the Deputy for the Prosecutor General in East Azerbaijan province requested the Head of the Judiciary in Iran to convert her sentence to hanging. A further woman, Azar Bagheri, is reported to have had her stoning to death sentence reduced to flogging, although the full details are not yet known.

In June 2009, the Legal and Judicial affairs committee of Iran’s parliament (Majles) recommended the removal of a clause permitting stoning from a new draft revision of the Penal Code which has been under discussion by the parliament. A draft submitted for approval by the Council of Guardians, which checks legislation for conformity to the Constitution and to Islamic Law, is reported to omit any reference to the penalty of stoning. However, the Council of Guardians could reinstate the clause on stoning.

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