

PUBLIC

AI Index: MDE 13/113/2008

12 August 2008

UA 224/08 Fear of flogging

IRAN Shamemeh Ghorbani (f), aged 34

Shamemeh Ghorbani has been sentenced to 100 lashes, after being found guilty of adultery at a retrial. Her sentence could be carried out at any time.

Shamemeh Ghorbani was sentenced to execution by stoning for adultery at her first trial in June 2006 (see UA 257/06, MDE 13/113/2006, 28 September 2006, and follow-ups). Her brothers and husband murdered a man they found in her house, and she too was nearly killed when they stabbed her. The men were convicted of deserved or 'legitimate' murder and received a sentence of six years' imprisonment.

In a letter to the court submitted by her lawyer during her first trial, Shamameh Ghorbani is quoted as saying, "Since I am a rural, illiterate woman and I didn't know the law, I thought that if I confessed to a relationship with the dead man, I could clear my brothers and husband of intentional murder. I said these untrue words in court and then understood I had done myself an injury."

In November 2006, the Supreme Court ruled that the trial verdict was based on insufficient or incomplete evidence, and overturned the sentence of execution by stoning. The case was returned to a lower court for a retrial.

In late July or August 2008, the court ruled that Shamemeh Ghorbani should not be stoned to death, but instead she received a sentence of 100 lashes. She was released from prison in Oroumiye, western Iran, where she had been held since 2005, but her sentence may still be implemented.

Amnesty International believes that the use of corporal judicial punishment always constitutes torture or other cruel, inhuman and degrading punishment, in contravention of Article 5 of the Universal Declaration of Human Rights, which states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

BACKGROUND INFORMATION

Iran's existing Penal Code prescribes execution by stoning as the penalty for adultery by married people and a revised draft currently under consideration by parliament also provides for stoning in certain cases of adultery. The Penal Code also states that the stones must be large enough to cause pain, but not so large as to kill the victim immediately.

On 5 August 2008, Iran's judiciary announced that it was suspending the use of stoning as a means of execution and that 10 unnamed women facing death in this way would not be stoned. The announcement came two weeks after the Iran-based Stop Stoning Forever Campaign renewed their call for all stoning cases to be reviewed and for all stoning sentences to be rescinded.

Women do not receive equal treatment with men under Iranian law and in the courts, and they are also more likely to receive unfair trials because their higher illiteracy rate may make them more likely to sign confessions to crimes they did not commit.

Please see the press release issued by Amnesty International on 6 August for further information: Iran: Announcement of suspension of stoning a welcome step if carried out at;
<http://www.amnesty.org/en/for-media/press-releases/iran-announcement-suspension-stoning-welcome-step-if-carried-out-2008080>

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

- calling for the sentence of flogging handed down to Shamemeh Ghorbani to be commuted;
- stating that you consider the use of flogging as punishment to be torture or other cruel, inhuman and degrading treatment, contrary to Article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";
- welcoming the suspension of executions by stoning in Iran as a positive step towards implementing international law and standards for the protection of human rights.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran,
Islamic Republic of Iran

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

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

Salutation: Your Excellency

Governor of West Azerbaijan

His Excellency Dr. Rahim Ghorbani

PO Box: 775

Oroumiye 57135

Islamic Republic of Iran

Salutation: Your Excellency

COPIES TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

Email: info@leader.ir
istiftaa@wilayah.org

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 24 September 2008.