

PUBLIC

AI Index: MDE 13/162/2008

03 November 2008

Further Information on UA 59/08 (MDE 13/041/2008, 3 March 2008) Fear of Imminent Execution

IRAN
Shahrbano Nedam (f), aged 50
Tayebbeh Hojjati (f)
Akram (f), aged 35
Soheila Ghadiri (f), aged 28
Zahra (f), aged 30

Soheila Ghadiri's death sentence was quashed in October. She had been sentenced to death for the murder of her five-day-old son, and has been pardoned by the child's father.

She had been sentenced to death by Branch 71 of the Penal Court, a sentence upheld by the Supreme Court. According to the newspaper *E'temad*, during her trial she explained that her son had been born as a result of a relationship outside marriage with a drug addict who had given her shelter a year earlier. As she refused to name the father, the complaint against her was made by the Tehran prosecutor, and she was sentenced to *qesas* (retribution).

According to information available to Amnesty International, the father of the child, known only as M. Gh, was found and he has pardoned Soheila Ghadiri. The judicial officials in the Office for Implementation of Sentences issued an order to stop the execution and sent the case to the deputy prosecutor, which with his agreement will be sent back to the court that sentenced her for retrial. As she has been pardoned by the father of her child, she no longer faces the death sentence. She is to be retried for murder and can be sentenced to a maximum of 10 years' imprisonment.

We have no further information on the other four women named above.

BACKGROUND INFORMATION

The family of the victim of a murder have the right either to insist on execution, or to pardon the person convicted of the murder and receive financial compensation. A person convicted of murder has no right to seek pardon or commutation from the state, in violation of Article 6(4) of the International Covenant of Civil and Political Rights (ICCPR), to which Iran is a state party.

This year the Iranian authorities have executed at least 273 people, including seven juvenile offenders. Governments have a right and responsibility to bring to justice those suspected of criminal offences, but must do so in proceedings which meet international standards for fair trial.

Amnesty International is unconditionally opposed to the use of the death penalty in all cases, since it violates the right to life and by its very nature constitutes cruel, inhuman and degrading punishment. The UN General Assembly passed a resolution on 18 December 2007 calling on states that retained the death penalty "to establish a moratorium on executions with a view to abolishing the death penalty."

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

- welcoming the fact that Soheila Ghadiri's death sentence has been quashed;

- calling for an immediate halt to the executions of Shahrbanu Nedam, Akram, Tayebah Hojjati and Zahra, whose executions may be imminent;
- calling for the death sentences of all four to be commuted;
- asking for details of their trials and any pending appeals;
- urging the Iranian authorities to bring Iranian legislation in line with their international human rights obligations, so that people sentenced to death for murder have the right to seek pardon or commutation of their sentence from the state.

APPEALS TO:

Head of the Judiciary in Tehran

Mr Ali Reza Avaie
Karimkhan Zand Avenue,
Sana'i Avenue, Corner of Ally 17, No 152,
Tehran, Islamic Republic of Iran

Email: avaei@Dadgostary-tehran.ir

Salutation: **Dear Mr Avaie**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
Howzeh Riyasat-e Qoveh 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: info@dadgostary-tehran.ir (In subject line write: **FAO Ayatollah Shahroudi**)

Salutation: **Your Excellency**

COPIES TO:

Director, Human Rights Headquarters of Iran

His Excellency Mohammad Javad Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh (Office of the Head of the Judiciary)
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri, Tehran 1316814737, Islamic Republic of Iran

Fax: **+98 21 3390 4986 (there are problems with this line, please try three times)**

Email: int_aff@judiciary.ir (In the subject line: **FAO Mohammad Javad 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 15 December 2008.