

PUBLIC

AI Index: MDE 13/003/2004

UA 11/04

Death penalty/flogging/torture

12 January 2004

IRAN

A woman and her husband, names not known

A woman and her husband have reportedly been sentenced to death in connection with running a brothel. One of them is to be stoned to death, which amounts to torture, and both are to be flogged.

According to *Iran* newspaper of 8 January 2004, they had established a brothel (*khane-e fesad*, or 'house of corruption') in the Mohammadiyah area of Qazvin, central Iran. The police Office for the Fight Against Corruption (*Edare-ye Mobarzeh ba Mofased*) became aware of this around March 2003, and raided the brothel after keeping it under surveillance for two weeks. They detained the couple running the brothel, along with several others, and seized alcohol, drugs, obscene photographs and pornographic video footage, including some in which girl and women were abused (*azar va aziyat*). The couple had allegedly used the footage to extort money from those involved.

The report gives no details of the trial, at a criminal court in Qazvin, but says that one defendant was sentenced to 13 years' imprisonment, six years of which is to be served in another location, 155 lashes and a fine, followed by death by hanging; the other to 10 years' imprisonment, five of which are to be served in another location, and 80 lashes, followed by death by stoning.

According to the Iranian penal code, death sentences must be confirmed by the Supreme Court before they are carried out.

BACKGROUND INFORMATION

Amnesty International believes that the death penalty is the most extreme form of torture: it is a cruel, inhuman and degrading treatment, and a violation of the right to life as proclaimed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

It is clear that the punishment of stoning is designed to cause the victim grievous pain before leading to death. Such methods of execution specifically designed to increase the suffering of victims are of particular concern to Amnesty International, as the most extreme and cruel form of torture, which is expressly prohibited by the ICCPR.

The Iranian Penal Code is very specific about the manner of execution and types of stones which should be used. Article 102 states that men will be buried up to their waists and women up to their breasts for the purpose of execution by stoning Article 104 states, with reference to the penalty for adultery, that the stones used should "not be large enough to kill the person by one or two strikes, nor should they should they be so small that they could not be defined as stones".

The Iranian judicial authorities reportedly told European Union officials that the Head of the Judiciary had urged judges to refrain from passing sentences of stoning and to find alternative punishments, though legal provision for it remains.

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

- stating that Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but strongly opposes the cruel and inhuman judicial punishments and the death penalty, as the ultimate cruel, inhuman and degrading punishment;
- urging that the death sentences imposed on the two owners of the brothel in Qazvin be commuted on examination by the Supreme Court;
- reminding the authorities that the death penalty is in violation of the ICCPR, to which Iran is a state party.

APPEALS TO:

Head of the Judiciary

His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice, Park-e Shahr, Tehran, Islamic Republic of Iran

Fax: + 98 21 879 6671 (please keep trying; please mark "care of Director of International Affairs, Judiciary")

Salutation: Your Excellency

Leader of the Islamic Republic

His Excellency Ayatollah Sayed Ali Khamenei,
The Presidency, Palestine Avenue,
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

E-mail: webmaster@wilayah.org (on the subject line write: For the attention of the office of His Excellency, Ayatollah al Udhma Khamenei, Qom)

Salutation: Your Excellency

President

His Excellency Hojjatoleslam val Moslemin Sayed Mohammad Khatami
The Presidency, Palestine Avenue
Azerbaijan Intersection, Tehran, Islamic Republic of Iran

E-mail: khatami@president.ir (please resend your message if it does not get through the first time)

Salutation: Your Excellency

COPIES TO:

Minister of Foreign Affairs.

His Excellency Kamal Kharrazi
Ministry of Foreign Affairs, Sheikh Abdolmajid Keshk-e Mesri Av
Tehran, Islamic Republic of Iran

Fax: + 98 21 390 1999 (please keep trying; please mark "care of Human Rights Department, Foreign Ministry)

Spokesperson of the Government of Iran

Mr Abdollah Ramanzadeh

Email: webmaster@information.spk-gov.ir

Salutation: Dear Sir

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 23 February 2004.