

PUBLIC

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Imminent execution

03 February 2004

IRAN

Mandana Nik-khou Monfared (f), aged 25

Mandana Nik-khou Monfared, convicted of murdering a man she apparently planned to marry, may be executed at any time. Her death sentence has been confirmed by the Supreme Court and passed to the Tehran Criminal Court Unit for Enforcement of Judgements.

After being confirmed by the Supreme Court, death sentences imposed for murder can only be commuted if the victim's heirs forgo their right to 'retribution in kind' (*qisas-e nafs*) and ask instead for the payment of blood money (*diyeh*); or if the Head of the Judiciary invokes his power to revoke a finalized verdict if it is flawed, and refer the case to another court.

Mandana Nik-khou Monfared was sentenced to death in February 2003 for the premeditated murder of Masoud Khazi, a man she had allegedly planned to marry after her divorce had been finalised. His heirs have demanded the death penalty, as 'retribution in kind'.

Mandana Nik-khou Monfared was arrested in September 2002, following an investigation into the murder of Masoud Khazi. According to the newspaper *Hadeseh*, in police custody she confessed, and was subsequently charged with premeditated murder and issued with an official arrest warrant, by Judge Erfan of Tehran's Criminal Court. It is alleged that she did not have a lawyer present at the time of her interrogation and confession.

At her trial, in February 2003, Mandana retracted the confession and insisted that she was innocent, saying that after her arrest she was scared and did not know what she was saying. The only supposed eyewitness also retracted his statement incriminating her.

Mandana reportedly gave a statement that she had seen her husband shoot Masoud Khazi, after he found out that she planned to marry him after their divorce came through. Neither he, nor any other suspect in the case, was investigated.

Mandana's father has reportedly been trying to appeal for a retrial, and has lodged a complaint with the Article 90 Commission, a parliamentary body responsible for investigating individual public complaints about parliament, the executive or the judiciary.

The newspaper *Shargh* published letter written by Mandana's nine-year-old son to the Head of the Judiciary, Ayatollah Shahroudi, on 7 January. It says "*Yazdan, Faranak and I cry out for mother every night. Yazdan constantly asks about our mother. We do not have a father and only have our mother. We ask you to let her come home to us...Our mother is innocent.*"

BACKGROUND INFORMATION

Amnesty International has recorded 12 executions in Iran since the beginning of 2004, although the true figure may be much higher.

Amnesty International unconditionally opposes the death penalty as the ultimate cruel, inhuman and degrading punishment, in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party.

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 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 that the death sentence imposed on Mandana Nik-khou-Monfared be commuted immediately;
- asking for details of the trial proceedings, especially with respect to the right to effective counsel, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party,
- reminding the authorities that under international human rights standards, people charged with crimes punishable by death are entitled to the strictest observance of all fair trial guarantees
- asking the authorities to ensure that the victim's family is made aware of its right, under Islamic law, to pardon the condemned;
- urging the authorities to work towards the abolition of the death penalty, as encouraged by international human rights standards, including Article 6 of the ICCPR.

APPEALS TO:

Head of the Judiciary

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

Telegram: Head of Judiciary, Ministry of Justice, 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

Telegram: Leader of Islamic Republic, 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

Telegram: President, 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:

Islamic Human Rights Commission

Mr Mohammad Hassan Zia'i-Far
Secretary, Islamic Human Rights Commission
PO Box 13165-137, Tehran, Islamic Republic of Iran

Fax: + 98 21 204 0541

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 16 March 2004.