

URGENT ACTION

"REVIEW" OF STONING DEATH SENTENCE

The Supreme Court began a review of Sakineh Mohammadi Ashtiani's death sentence on 4 August: this appears aimed solely at reducing international pressure on the authorities, by deferring a decision on the method of execution. The stoning sentence remains in place.

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. While reports indicate that she has been acquitted of the murder of her husband, she remains in prison awaiting implementation of the sentence. It remains unclear whether she has been convicted of a separate charge of being complicit in the murder of her husband.

Following international condemnation of the sentence of death by stoning, on around 7 July judicial officials in the north-western city of Tabriz wrote to the Head of Iran's Judiciary in Tehran seeking permission to change the method of execution from stoning to hanging. On 11 July, the head of the provincial judiciary in East Azerbaijan, Malek Ezhder Sharifi, confirmed that the stoning sentence remained and could be implemented at any time by decision of the Head of the Judiciary, Ayatollah Sadegh Larijani. On 4 August, Branch 9 of the Supreme Court began a review of the sentence and agreed to consider a judicial review of the case, submitted by her lawyer. The Supreme Court is expected to either accept or reject the judicial review on or around 15 August.

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

- v Urging the authorities not to execute Sakineh Mohammadi Ashtiani by stoning or any other method;
- v Calling on the authorities to initiate a comprehensive review her case;
- v Urging the authorities to ban stoning, enact legislation ending the death penalty and prohibiting the use of flogging; and to decriminalize "adultery".

PLEASE SEND APPEALS BEFORE 20 SEPTEMBER 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: <http://www.dadiran.ir/tabid/75/Default.aspx>

First starred box: your given name;

second starred box: your family name;

third: your email address

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; **2sd**
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 of Iran accredited to your country. Please check with your section office if sending appeals after the above date. This is the third update of UA: 211/09 Index: MDE 13/082/2009, 7 August 2009. Further information: http://www.amnesty.org/en/library/info/mde_13/082/2009/en

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ADDITIONAL INFORMATION

During her trial, Sakineh Mohammadi Ashtiani retracted a "confession" that she had made under interrogation ahead of her trial, saying she had been forced to make it, 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.

At the end of July, the government of Brazil offered to give asylum to Sakineh Mohammadi Ashtiani. Described as a humanitarian gesture, the offer was made public around 1 August and rejected by Iran. Sakineh Mohammadi Ashtiani accepted the offer, but has no means of taking it up.

In Iran, stoning to death is prescribed as the method of execution for those convicted of "adultery while being married." In 2002, the Head of the Judiciary instructed judges to impose a moratorium on stoning. 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 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; and 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.

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

One of her lawyers, Mohammad Mostafaei, was issued with a summons on 21 July requiring him to go to a branch of the Prosecutor's Office in Evin Prison. He went there on 24 July, was questioned for several hours and then released. Later, however, he received a further summons by telephone. The same evening, his wife and her brother were detained at Evin Prison, in an apparent attempt to force Mohammad Mostafaei to turn himself in. On 31 July, his father-in-law was also detained but released by the next day. On 3 August, Farhad Halimi, the lawyer's brother-in-law was released on a verbal guarantee while his wife was released on 7 August. Having heard about attempts to arrest him, following the arrest of his wife, Mohammad Mostafaei went into hiding and fled Iran. He sought asylum in Turkey on 4 August, and was allowed to travel to Norway three days later.

In June 2009, the Legal and Judicial Affairs Committee of Iran's parliament (*Majles*) had 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.

Further information on UA: 211/09 Index: MDE 13/083/2010 Issue Date: 09 August 2010

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