

URGENT ACTION

WOMAN MAY FACE IMMINENT EXECUTION BY STONING

Kobra Babaei, an Iranian woman, is feared to be at imminent risk of stoning to death after her husband Rahim Mohammadi was hanged for “sodomy” on 5 October. The Iranian authorities did not inform Rahim Mohammadi’s lawyer that he was about to be executed, as is required by law.

According to an interview given by Mohamad Mostafaei, Kobra Babaei and Rahim Mohammadi’s lawyer, earlier this year, the couple had turned to prostitution to support themselves financially after a prolonged period of unemployment. They were both convicted of “adultery while being married”, a “crime” which carries a mandatory sentence of execution by stoning. Rahim Mohammadi was also convicted of “sodomy” for which the penalty is execution, the method to be specified by the judge. Mohammad Mostafaei has said he believes the execution was unlawful and has made public a letter he wrote to the Head of the Judiciary (available in English at http://www.hra-iran.org/index.php?option=com_content&view=article&id=1835:34534&catid=66:304&Itemid=293) in which he said that there was no evidence of “sodomy” and that he believed this charge was brought against Rahim Mohammadi because it would allow the authorities to hang him, rather than stone him to death. According to the lawyer, Kobra Babaei is at imminent risk of stoning now that her husband has been executed.

Five other women mentioned in the original Urgent Action – Iran (full name known to Amnesty International), Khayrieh (full name known to Amnesty International), two women known only as "Hashemi-Nasab" (name previously given as "H") and M.Kh, as well as Ashraf Kalhori – all remain at risk of execution by stoning after being found guilty of “adultery while being married”. The Spokesperson for the Judiciary said in June that the Amnesty and Clemency Commission had in fact not rejected Ashraf Kalhori’s plea for clemency, but was still considering her case.

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

- Expressing regret at the hanging of Rahim Mohammadi on 5 October and calling for an immediate halt to the execution by stoning of Kobra Babaei, his wife;
- Calling for all stoning sentences to be commuted and for those convicted not to be executed by any other means;
- Urging the authorities to speedily enact a law that unequivocally bans stoning as a legal punishment and does not permit the use of other forms of the death penalty or flogging against those convicted of “adultery”.

PLEASE SEND APPEALS BEFORE 2 DECEMBER 2009 TO:

Head of the Judiciary

Ayatollah Sadeq 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; 2nd starred box: your family name; 3rd: your email address
Salutation: Your Excellency

Speaker of Parliament

His Excellency Ali Larijani
Majles-e Shoura-ye Eslami
Baharestan Square
Tehran
Islamic Republic of Iran
Fax: +98 21 3355 6408
Salutation: Your Excellency

And copies to:

Director, Human Rights Headquarters of Iran Mohammad Javad Larijani
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 (please keep trying)
Email: bia.judi@yahoo.com (In the subject line: FAO Mohammad Javad Larijani)
Salutation: Dear Mr Larijani

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 50/09 (MDE 13/015/2009, 24 February 2009). Further information:

<http://www.amnesty.org/en/library/info/MDE13/015/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/050/2009/en>

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ADDITIONAL INFORMATION

In Iran stoning to death is prescribed as the mode of execution for those convicted of committing the offence of “adultery while being married”. In 2002, the Head of the Judiciary instructed judges to impose a moratorium on stonings. 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.

Rahim Mohammadi and Kobra Babaei, who have a 12-year-old daughter, were both unable to find work for prolonged periods and were very poor. Reports state that “they realized that certain officials were willing to help them in exchange for sexual relations with Rahim’s young wife” and had therefore turned to prostitution in order to support themselves. They were sentenced to stoning by Branch 2 of the General Court in Eastern Azerbaijan Province, which also sentenced Rahim Mohammadi to execution for “sodomy” . All the sentences were later confirmed by Branch 27 of the Supreme Court.

A man and a woman who were the subject of UA 10/09 were released from prison on 4 October 2009 after their convictions for “adultery while being married” were quashed by the Head of the Judiciary. Amnesty International is aware of a total of seven women and two men in Iran who are still under sentence of stoning. Sakineh Mohammadi, who is the subject of UA 211/09, is held under sentence of stoning in Tabriz, north-western Iran. The two men are Vali Azad (the subject of UA 117/09) and Naghi Ahmadi, whose case recently came to light. He was sentenced to stoning in June 2008, but is not believed to be at imminent risk of execution.

In June 2009, the Legal and Judicial Affairs Committee of Iran’s parliament (Majles) recommended the removal of a clause permitting stoning from a new version of the Penal Code currently under discussion in the parliament. The law has yet to be passed by the whole Majles, after which it will be passed to the Council of Guardians for approval. The clause allowing the use of stoning could be reinstated at either stage.

For further information about the practice of stoning in Iran, see Amnesty International’s report *Iran: End Executions by stoning*, published in January 2008 (<http://www.amnesty.org/en/library/info/MDE13/001/2008/en>).

Further information on UA: 50/09 Index: MDE 13/110/2009 Issue Date: 21 October 2009.

