

PUBLIC

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21 December 2006

Further Information on UA 257/06 (MDE 13/113/2006, 28 September 2006) Death penalty/stoning

IRAN **Parisa (f)**
 Iran (f)
 Khayrieh (f)
 Shamameh Ghorbani (also known as Malek) (f)
 Kobra Najjar (f), aged 44
 Soghra Mola'i (f)
 Fatemeh
New name: Abdollah F. (m)

Parisa was released on 5 December, after receiving 99 lashes. The Supreme Court had changed her sentence of execution by stoning to flogging after reviewing the case. In November, the Supreme Court rejected the sentence of stoning against Shamameh Ghorbani (known as Malek). Her case will be sent back to a lower court in the city of Oromieh, West Azerbaijan province, for a retrial. A man, Abdollah F, is now known to be in prison under sentence of execution by stoning. There is no further information about the other women named above.

Parisa had been arrested in April 2004 after police in Shiraz raided a brothel where she was working and arrested those present, including her husband. He had allegedly forced Parisa into prostitution, as the family was poor and he was unemployed. During initial interrogations, Parisa and her husband both confessed to a charge of adultery, but said that their family's poverty had forced them to do what they had done.

During her trial at Branch 5 of Fars Province Criminal Court, Parisa retracted her confession of adultery. Under Iranian law, adultery can only be proved by the testimony of eyewitnesses (the number required varying for different types of adultery), a confession by the defendant (repeated four times), or the Judge's "knowledge". Parisa and her husband were convicted of adultery and sentenced to death by stoning on 21 June 2004. The sentence was upheld by Branch 32 of the Supreme Court on 15 November 2005.

Parisa's lawyer, an activist from the "Stop Stoning Forever" campaign who is also representing her husband, lodged an objection against the stoning sentences with the Discernment Branch of the Supreme Court. On 8 November 2006, Branch 15 of the Supreme Court reviewed the cases, to determine whether the sentence of stoning had been appropriate and consistent with Islamic law. During the entire court session, Parisa was holding the hands of her three-year-old son. On 27 November, the Supreme Court changed the sentence to flogging for both Parisa and her husband. Her husband has reportedly been sentenced to a period of being exiled to a different city.

Shamameh Ghorbani (also known as Malek) was sentenced to execution by stoning for adultery by a court in Oromieh in June 2006. Her brothers and husband reportedly murdered a man that they found in her house, and she too was nearly killed when they stabbed her. In November, it was reported that the Supreme Court had rejected her stoning sentence and ordered a retrial, citing incomplete investigations in the case. It is believed that Shamameh Ghorbani confessed to adultery in court, believing that this would protect her brothers and husband from prosecution for murder. Under Iranian law, a murder may not be punished if committed defending one's honor or that of relatives. In a letter to Branch 12 of the Criminal Court, Shamameh Ghorbani is reported to have said, "Since I am a rural, illiterate woman and I didn't know the law, I thought that if I confessed to a relationship with the dead man, I could clear my brothers and husband of intentional murder. I said these untrue words in court and then understood I had done myself an injury."

BACKGROUND INFORMATION

In mid-2006, a group of Iranian human rights defenders, mostly women, among them activists, journalists and lawyers, began a campaign to abolish stoning, following reports that a man and a woman had been stoned to death in Mashhad on 7 May 2006, despite an official moratorium on such executions. They identified at least nine women and two men under sentence of death by stoning, and lawyers in the group undertook to represent them. All nine of the women are subjects of UAs. Besides the women in this UA, they are Ashraf Kalhori (see UA 203/06, MDE 13/083/2006, 27 July 2006 and follow-ups) and Hajieh Esmailvand (see UA 336/04, MDE 13/053/2004, 16 December 2004 and follow-ups). On 9 December 2006, Hajieh Esmailvand was acquitted of the charge of adultery after a re-trial, and is now free.

On 21 November 2006, the Minister of Justice, Jamal Karimi-Rad, denied that stonings were being carried out in Iran, a claim repeated on 8 December by the Head of the Prisons Organization in Tehran. The campaigners against stoning have since stated in response that there is irrefutable evidence that the Mashhad stoning did indeed occur.

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

- welcoming the news that sentences of stoning against Parisa and her husband Najaf were overturned by the Supreme Court and that Parisa has since been released;
- stating that Amnesty International considers the punishment of flogging to constitute cruel, inhuman and degrading treatment amounting to torture, and expressing grave concern that Parisa was flogged 99 times;
- calling on the authorities to overturn the sentences of death by stoning that have been passed on the other seven people (naming them) immediately;
- calling on the authorities to abolish the punishment of death by stoning.

APPEALS TO:

Leader of the Islamic Republic

His Excellency Ayatollah Sayed 'Ali Khamenei, The Office of the Supreme Leader
Shoahada Street, Qom, Islamic Republic of Iran

Email: info@leader.ir
istiftaa@wilayah.org

Salutation: Your Excellency

Head of the Judiciary

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

Salutation: Your Excellency

COPIES 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 1 February 2007.