

URGENT ACTION

STAY OF EXECUTION FOR IRANIAN WOMAN

A 35-year old Iranian woman who had been due to be put to death on 11 October has received a stay of execution. She was convicted of murdering her 74-year-old husband in 2003.

According to her lawyer, Akram Mahdavi received a stay of execution when one of her stepchildren agreed to pardon her in exchange for compensation. Under Article 264 of the Iranian Penal Code, if any of a murder victim's blood relatives agree to accept compensation, the other blood relatives must pay their share of compensation before the execution can go ahead.

Akram Mahdavi was married at the age of 13 to a drug addict who was abusive towards her. She divorced him five years later, but when she was 20 her family forced her to marry a 65-year-old man. His adult children were abusive towards her and she met another man who is said to have persuaded her to kill her husband. She has been in prison since 2003.

Akram Mahdavi was scheduled for execution at least twice in 2008, but it was postponed both times in order to give her family and supporters more time to collect *diyeh*, or blood money, to pay as compensation to the family of her husband. However, the sum demanded was too large and her family were unable to collect all the money.

Amnesty International has no new information concerning three other women mentioned in the original Urgent Action: Shahrbanu Nedam, Tayebeh Hojjati and a woman known only as Zahra.

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

- welcoming the stay of execution of Akram Mahdavi, but expressing concern she is still facing execution;
- pointing out she has no right to seek pardon or commutation of her sentence from the state, in violation of international law;
- stating that you recognize that governments have a right and a duty to bring to justice in fair proceedings those suspected of criminal offences, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

PLEASE SEND APPEALS BEFORE 24 NOVEMBER 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

Head of Tehran Judiciary

Ali Reza Avaei
Karimkhan Zand Avenue
Sana'i Avenue,
Corner of Ally 17, No 152,
Tehran, Islamic Republic of Iran

Email: avaei@Dadgostary-tehran.ir

Salutation: Dear Mr Avaei

And copies to:

Director, Human Rights Headquarters of Iran

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 (please keep trying) Email: fsharafi@bia-judiciary.ir or int_aff@judiciary.ir (In the 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: 59/08 (MDE 13/041/2008). Further information:

<http://www.amnesty.org/en/library/info/MDE13/041/2008/en>

<http://www.amnesty.org/en/library/info/MDE13/162/2008/en>

<http://www.amnesty.org/en/library/info/MDE13/104/2009/en>

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ADDITIONAL INFORMATION

In the Iranian Penal Code murder is punishable by *qesas-e nafs*, or death. Murder by someone with diminished responsibility may be punishable by the payment of *diyeh*, a form of compensation. In cases of premeditated murder, the family of the victim has the right to ask for their relative's killer to be put to death. The family can also choose to forgive the culprit and accept payment of *diyeh* instead.

Also in the Iranian legal system, there is a distinction between cases where the penalty is "execution" (*hokm-e 'edam*) and *qesas*, although people sentenced to *qesas* are often reported in the media to have been sentenced to death. There is no such distinction in international law.

In Iranian law, murder is treated as a private dispute between two civil parties – the state's role is to facilitate the resolution of the dispute through the judicial process. In this sense, the death penalty is regarded as being imposed by the state, whereas *qesas* is imposed by the family of the victim. As a result, sentences of *qesas* are not open to pardon or amnesty by the Supreme Leader, whereas most other death sentences can be rescinded by the Supreme Leader. This is in contravention of Article 6 (4) of the International Covenant on Civil and Political Rights, to which Iran is a state party, and under Iran's international obligations, the Iranian authorities remains fully responsible for respecting and protecting the rights of those under its jurisdiction, irrespective of the role that private parties may play in the administration of justice.

Amnesty International is also campaigning for an end to legislation which discriminates against women in Iran, including in areas such as marriage, including early marriage, divorce and child custody, which Iranian campaigners believe contributes in some circumstances to women committing violent crimes.

Further information on UA: 59/08 Index: MDE 13/106/2009 Issue Date: 13 October 2009.

