



IRAN EXECUTIONS BY STONING

“We have to work to eradicate stoning wherever it happens in the world: it is a brutal and inhuman act... through which the authorities are attempting to control society [and stop] people enjoying their right to a private life.”

Shadi Sadr, Iranian lawyer, anti-stoning campaigner and women’s rights activist

DEATH BY STONING IS THE MANDATORY SENTENCE FOR “ADULTERY WHILE MARRIED” IN IRAN. EVEN THOUGH A MORATORIUM ON SUCH EXECUTIONS WAS ANNOUNCED IN 2002, STONINGS CONTINUE. AMNESTY INTERNATIONAL IS WORKING ALONGSIDE THE MANY IRANIANS WHO ARE CAMPAIGNING TO END IRAN’S RESORT TO THIS PARTICULARLY ABHORRENT METHOD OF EXECUTION.

Ja’far Kiani was buried up to his waist and stoned to death on 5 July 2007 in Iran’s north-western province of Qazvin. He had been convicted a decade earlier of “adultery while married” with Mokarrameh Ebrahimi, with whom he had two children and who was also sentenced to death by stoning. Her life was later spared.

Stoning is mandatory under the Iranian Penal Code for “adultery while married” for both men and women – conduct that the vast majority of states do not criminalize, let alone punish with death.

Stoning is a particularly repugnant and cruel form of execution. Iranian law specifies that the stones must be large enough to cause injury and eventually death, but not so large as to kill the victim immediately. This form of execution is therefore deliberately designed to prolong the suffering of victims.

The most common method of execution in Iran is hanging, and hundreds of men and women are put to death this way every year.

Since the Islamic Revolution of 1979, Amnesty International has documented at least 77 stonings, but believes the true figure may well be higher, particularly as it was not able to record figures for all the years between 1979 and 1984.

Those sentenced are frequently poor or otherwise marginalized members of society. Most of those sentenced to death by stoning are women for the simple reason that they are disadvantaged in the criminal justice system, and face wide-ranging discrimination in law, particularly in regard to marriage and divorce. However, in recent years more men are known to have been stoned to death than women.

In 2002, the then Head of the Judiciary declared a moratorium on stoning. However, Iranian law gives judges wide discretionary powers when deciding on sentencing, and since 2002 at least five men and one woman have been stoned to death. Additionally, at least two men and one woman sentenced to stoning have been hanged instead. In January 2009, the Spokesperson for the

Judiciary stated that the directive to judges on the moratorium had no legal weight and that judges could ignore it.

In June 2009, the Legal and Judicial Affairs Committee of Iran’s parliament recommended the removal of a clause permitting stoning from a new draft revision of the Penal Code. This remains under discussion in parliament.

A draft submitted for comment to the Council of Guardians, which checks legislation for conformity to the Constitution and Islamic law, is reported to omit any reference to the penalty of stoning. However, either the parliament or the Council of Guardians could reinstate the clause on stoning. In addition, even if the penalty is removed from law, stoning sentences could still be imposed by judges under legal provisions that require them to judge cases by their knowledge of Islamic law where no codified law exists.

Amnesty International opposes the death penalty in all cases as a violation of the right

‘The size of the stone used in stoning shall not be so big as to kill the person by one or two throws, nor so small that it cannot be called a stone.’

Article 104 of Iran’s Islamic Penal Code

to life and the ultimate form of cruel, inhuman and degrading punishment. A cornerstone of its campaigning is that laws and judicial proceedings should conform to internationally recognized human rights standards and that governments must abide by their international human rights obligations.

Iran is a state party to the International Covenant on Civil and Political Rights (ICCPR). The government is therefore legally bound to observe the provisions of this treaty and to ensure that they are fully reflected in the country’s laws and practices. Death by stoning violates Articles 6 (right to life) and 7 (prohibition of torture and cruel, inhuman or degrading treatment or punishment) of the Covenant.

The Special Rapporteur on torture, the Human Rights Committee, the Committee against Torture and the Commission on Human Rights have all said that stoning – a form of corporal punishment – is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment and should not be used as a method of execution.

In addition, international human rights standards require that death sentences must only be imposed after trials which fully meet international fair trial standards. These include the right to adequate legal assistance at all stages of the proceedings, the right not to be forced to testify against

DISCRIMINATION AGAINST WOMEN

‘Stoning is a method of capital punishment primarily used for crimes of adultery and other related offences, of which women are disproportionately found guilty, which is inconsistent with the prohibition of discrimination on the basis of sex enshrined in all major human rights instruments.’

Manfred Nowak, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 15 January 2008

The punishment of death by stoning in Iran has a disproportionate impact on women. One reason is that women are not treated equally before the law and courts, in clear violation of Articles 2, 3, 14 and 26 of the ICCPR. In court, in relation to some offences including adultery, a man’s testimony is worth that of two women, and testimony by women alone is not accepted.

In a country where the literacy rate of women is lower than that of men, women are more susceptible to unfair trials as they are more likely to sign false “confessions” that they have not understood. They are generally poorer than men as their job opportunities are restricted, which means they are less able to obtain good legal advice. Women from ethnic minorities are less likely than men in their communities to speak Persian, the language of courts, so they often do not understand what is happening to them in the legal process or even that they face death by stoning.

Discrimination against women in other aspects of their lives also leaves them more susceptible to conviction for adultery. Men are allowed four permanent wives and an unlimited number of temporary wives, but women are only permitted one husband at a time. They also have a limited right to divorce, unlike men who have the right to divorce at will. Many women have no choice over the man they marry and many are married at a young age.

Women face strict and discriminatory controls on their behaviour, such as an officially enforced dress code that requires them to be veiled, and limitations on their freedom of movement, which are imposed and/or policed by the state. Despite such controls and some gender segregation, when women come into conflict with the law they are usually arrested, interrogated and judged by men who are unlikely to be sensitive to gendered aspects of the case or who may be prejudiced against women.

Finally, even the stoning procedure specified in law discriminates against women – men must be buried in a pit up to near the waist; women up to near the chest. This has added significance as the law also states that if a condemned person escapes from the pit, they cannot be stoned again if their conviction was based on a confession.

oneself or to confess guilt, and the right to appeal to a higher judicial body, as laid out in Articles 6(2) and 14 of the ICCPR. Amnesty International has long expressed concern over the fairness of trials in Iran, including the routine use of torture or other ill-treatment to extract “confessions” and denial of access to lawyers during pre-trial

interrogation, as well as provisions that allow the judge in some instances to use his subjective “knowledge” of the case as the sole basis of conviction.

CONDEMNED TO STONING

At least 10 women and four men are believed to be at risk of death by stoning, although several cases are still under review and alternative sentences may be imposed. At least one other woman, **Maryam Ghorbanzadeh**, originally sentenced to stoning (see picture below), is facing execution by hanging for “adultery while married”.

The case of **Sakineh Mohammadi Ashtiani** has generated widespread international attention. She was convicted in 2006 after an unfair trial for “adultery while married”. She was also separately convicted of murder, later reduced to complicity in murder for which she was sentenced to five years’ imprisonment.

A 43-year-old mother of two from Iran’s Azerbaijani minority, she speaks Azerbaijani Turkic and has limited knowledge of Persian, the language used by the courts. She did not know that the Arabic loan word *rajm* used when she was sentenced meant stoning, and fainted with shock when fellow inmates explained.

She was found guilty by three of the five judges who heard her case. Although she told the court that her “confession” had been forced out of her and was not true, the three judges convicted her on the basis of “the knowledge of the judge”, a provision in Iranian law that allows judges to decide on subjective grounds whether or not a defendant is guilty even if there is no clear or conclusive evidence. In May 2007 the Supreme Court confirmed the stoning sentence. Later still, the Amnesty and Clemency Commission twice rejected her requests for clemency.

Since her case became the focus of widespread international campaigning, the Iranian authorities have made several



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Sakineh Mohammadi Ashtiani, who has lived with the fear that she may be stoned to death for more than four years.

Amnesty International opposes the criminalization of consensual sexual relations between adults and considers those imprisoned for such acts to be prisoners of conscience who should be released immediately and unconditionally. Under international human rights law, non-violent acts such as sexual relations between consenting adults should not be punishable by death.

unclear and sometimes contradictory statements relating to her legal status and likely fate. The authorities appear to be attempting to deflect criticism by portraying her as a dangerous criminal who deserves to be executed. She remains on death row in Tabriz’ Central Prison and has been denied visits by her children and lawyer since August 2010.

Another woman from Iran’s Azerbaijani minority, 19-year-old **Azar Bagheri**, was sentenced to stoning. Married at 14, she was no more than 15 when arrested. An appeal court subsequently changed the sentence to flogging, but her lawyer remains concerned that stoning may be re-instated by the Supreme Court, which is currently reviewing the case.

Iran Eskandari, a woman from the Bakhtiari tribe in the south-western province of Khuzestan, was sentenced to stoning for adultery and five years in prison for being an accomplice in the murder of her husband, verdicts upheld by the Supreme Court in April 2006. According to reports, she was talking to the son of a neighbour in her courtyard when her husband attacked her with a knife. She was left bleeding and unconscious on the floor. While she was unconscious, the young man allegedly killed her husband. When police interrogated her, she reportedly admitted to adultery with her neighbour’s son, a “confession” she later retracted. In June 2007 the Discernment Branch of the Supreme Court overturned the stoning sentence and sent her case back for retrial before a criminal court in Khuzestan. That court reimposed the stoning sentence. Her case has been with the Amnesty and Clemency Commission since February 2009. Iran Eskandari remains in Sepidar Prison in Ahvaz city.

Also in Khuzestan, **Khayrieh Valania** was sentenced to death for being an accomplice to murder and to execution by stoning for adultery. According to reports, her husband was violent towards her and she was having an affair with a relative of her husband, who then murdered her husband. Khayrieh Valania confessed to adultery but denied any involvement in the murder. Reports indicate that the verdict has been upheld and the case sent to the Head of the Judiciary for permission to carry out the execution.

“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.”

Shamameh (Malek) Ghorbani, who was sentenced to death by stoning for adultery, in a letter to the court



Ashraf Kalhori (or Kalhor), aged about 40 and a mother of four, was sentenced to death by stoning for adultery and to 15 years’ imprisonment for taking part in the murder of her husband in April 2002. Her previous request to divorce him had been rejected by a judge. She says that the killing was accidental, but police accused her of having an affair with a neighbour and encouraging the attack. She was reported to have “confessed” to adultery under police interrogation, but later retracted her statement. She was scheduled to be stoned before the end of July 2006, but her execution was stayed temporarily. On 23 February 2009, it was reported that the Amnesty and Clemency Commission had rejected her plea and that her sentence could now be implemented at any time, although on 2 June 2009, the Spokesperson for the Judiciary said that the Amnesty and Clemency Commission had not yet reached a decision in her case.

Kobra Babaei and her husband **Rahim Mohammadi**, who have a 12-year-old daughter, were sentenced to stoning for



Sajjad Qaderzadeh (top), the son of Sakineh Mohammadi Ashtiani, and (below) Javid Houtan Kiyani, a lawyer in several cases involving sentences of death by stoning, have both been harassed by the authorities.

“adultery while married” in April 2008 by a court in Eastern Azerbaijan Province. The court also convicted Rahim Mohammadi of “sodomy” for which the penalty is execution, “the method to be specified by the judge”. In April 2009, the Supreme Court confirmed all the sentences. According to their lawyer, the couple had turned to prostitution after a prolonged period of unemployment. In July 2009, the Spokesperson for the Judiciary denied that the couple’s sentences were final, but Rahim Mohammadi was nevertheless hanged on 5 October 2009. His lawyer, who had not been informed of the execution beforehand, as is required by law, said afterwards that there was no evidence of “sodomy” and that he believed this charge was brought to allow the authorities to hang Rahim Mohammadi, rather than stone him to death.

Other women reported to have been sentenced to stoning in Mashhad but about whom little else is known are “**M. Kh**” (convicted in 2008 and whose case is believed to be connected to Houshang Khodadadeh who was stoned to death in Mashhad in December 2008), and a woman known only by her family name of “**Hashemi-Nasab**”. Their fate remains unclear.

A 21-year-old woman and a man, **Abbas Hassani**, 34 and a father of two, were both sentenced to stoning in Mashhad by Branch 5 of the Khorassan-e Razavi General Court in late 2009. Their sentences were upheld on appeal, and confirmed by the Supreme Court on 14 June 2010. They were accused of “adultery while married” after the woman’s husband made a complaint after he found mobile phone pictures in his wife’s possession. Abbas Hassani is reported to be at imminent risk of execution as his sentence has been sent to the Office for the Implementation of Sentences.

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Above: Maryam Ghorbanzadeh, aged 25, was tried in East Azerbaijan province in September 2009 for “adultery while married”. In August 2010, at the height of the international protests about the stoning sentence against Sakineh Mohammadi Ashtiani, Branch 12 of the provincial General Court sentenced her to stoning but in the same verdict changed the sentence to death by hanging based on “the general policy of the Judiciary and directives to change [stoning] rulings... to execution by other methods”. Her lawyer, Javid Houtan Kiyani, submitted a request for a judicial review, but meanwhile it is feared that Maryam Ghorbanzadeh could be executed at any moment.

Left: An Amnesty International protest in Brussels, Belgium, September 2010, on behalf of Sakineh Mohammadi Ashtiani, who faces death by stoning in Iran.

Another woman and man – **Sarieh Ebadi** and **Vali** or **Bu-Ali Janfeshan** – had stoning sentences against them upheld in August 2010, according to reports. It appears that at no stage of the legal process were they allowed lawyers of their choice. They are said to have been held in Oroumieh Central Prison, West Azerbaijan province, since 2008.

Among the men sentenced to stoning is **Mohammad Ali Navid Khomami**. According to a 7 April 2009 report in the Iranian newspaper *Ham Mihan*, he was convicted of “adultery while married” in the city of Rasht, Gilan province in northern Iran. No further details are available. Fears for his life increased after the Spokesperson for the Judiciary confirmed on 5 May 2009 that another man had recently been stoned to death in Rasht. This was believed to be 30-year-old Vali Azad from Parsabad, executed in secret in Lakan Prison on 5 March 2009.

According to an August 2009 report in the Iranian newspaper *Sarmayeh*, **Naghi Ahmadi** was sentenced to stoning in Sari, Mazandaran, also northern Iran, in June 2008. His lawyer said that he and a woman were sentenced after they confessed to “adultery while married” after Naghi Ahmadi had gone to the woman’s house one night when her husband was away. The woman was apparently not sentenced to stoning. The reason for this may relate to Article 86 of the Penal Code, which states that if “adultery” occurs when a spouse is away due to “travel, imprisonment or other extraneous circumstances” the person will not be stoned to death.

Requests by Amnesty International to the Iranian authorities for further details about these and other cases have not received responses.

CAMPAIGN AGAINST STONING

The campaign against stoning has been spearheaded from inside Iran by extremely brave activists. The campaign began on 1 October 2006, when a group of Iranian human rights defenders, lawyers and journalists, led by lawyer Shadi Sadr and journalists Mahboubeh Abbasgholizadeh and Asieh Amini, along with other activists outside Iran, such as Soheila Vahdati, all horrified at the resumption of stoning in May that year, launched the Stop Stoning Forever campaign to abolish stoning in law and practice. Their courageous efforts have been supported by international human rights organizations, including Amnesty International, and many individuals around the world.

Since then, at least 13 women and two men have been saved from stoning. They include Hajieh Esmailvand, Soghra Mola’i, Fatemeh A., Shamameh (Malek) Ghorbani, Mokarrameh Ebrahimi, sisters Zohreh and Azar Kabiri-niat, a woman known only as “Hajar”, Kobra Najjar, Leyla Ghomi, Zahra Rezaei, Gilan Mohammadi and Gholamali Eskandari who were sentenced in the same case, and a couple, Parisa A. and her husband Najaf. Others have been granted stays of execution, and some cases are being reviewed or retried.

In the case of Shamameh (Malek) Ghorbani, an Iranian Kurd condemned to stoning for adultery in June 2006, her sentence was overturned after retrial and she was instead

Top to bottom: Shadi Sadr, a lawyer and journalist; Mahboubeh Abbasgholizadeh, a filmmaker; and Asieh Amini, a journalist. All three have played a prominent role in the End Stoning Campaign and as a result of their human rights activities have been forced to flee Iran because of threats or persecution and now live in exile.



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sentenced to 100 lashes. Her brothers and husband had allegedly murdered a man they found in her house, and nearly killed her by stabbing. The Supreme Court rejected the stoning sentence in November 2006 and ordered a retrial, citing incomplete investigations. Shamameh Ghorbani had apparently confessed to adultery, believing that this would protect her brothers and husband from prosecution for murder.

Success in preventing stonings has come for a variety of reasons, including local and international campaigning and the actions of lawyers. For example, lawyers have told Amnesty International that using Islamic arguments to challenge the legitimacy of convictions resulting from the “knowledge of the judge” have been effective in some cases, as well as obtaining fatwas (religious rulings) from senior Muslim clerics that stoning sentences should not be passed.

However, the campaign has faced repression in Iran and its supporters have been intimidated and harassed. Some, including Asieh Amini, Mahboubeh Abbasgholizadeh and Shadi Sadr, have been forced to leave the country for their own safety and now live in exile.

Many lawyers who have represented people in stoning cases have reported being threatened and harassed to discourage them from publicizing the cases. Mohammad Mostafaei, one of the lawyers linked to the case of Sakineh Mohammadi Ashtiani, had to flee Iran for his safety in July 2010 after his wife and another relative were detained to put pressure on him to present himself to the authorities for questioning. Another lawyer in the case, Javid Houtan Kiyan, was stopped by security officials at Tabriz airport in late August and forcibly taken to his office, where

“The vast majority of the Iranian people are vehemently opposed to stoning. There is no history of stoning ever taking place in Iran before the 1979 Islamic Revolution and most Iranians find the practice revolting. While many Iranians believe that adultery is morally wrong... they do not believe that it should be considered a ‘crime against the state’... In Iran, adultery carries a harsher punishment than murder, and this offends the sensibilities of [many] Iranians.”

The Global Campaign to Stop Killing and Stoning Women, July 2010

they removed files. Ten days earlier, security forces had raided his house in Tabriz and taken away property, including his laptop that held information about several stoning cases. In October 2010, he was arrested along with Sakineh Mohammadi Ashtiani’s son, Sajjad Qaderzadeh (pictured), as they were giving an interview to two German journalists. The journalists, who had not

entered the country on journalists’ visas, were also arrested. Amnesty International fears that these arrests may be intended to limit the flow of information to the outside world about Sakineh Mohammadi Ashtiani’s case. In particular, the arrest of her lawyer leaves her defenceless and at the mercy of an arbitrary justice system.

Amnesty International is calling on the Iranian authorities to:

- Reaffirm and fully respect the moratorium on executions by stoning, including by ensuring that all individuals sentenced to stoning will not face execution for “adultery while married” by other means.
- Enact legislation that bans stoning as a legal punishment and ensure the draft Penal Code does not permit the use of any form of the death penalty or flogging for those convicted of “adultery” or other crimes.
- Release anyone held solely on the grounds of consensual sexual relations;

Amnesty International considers such people to be prisoners of conscience.

- Decriminalize consensual sexual relations between adults.
- Allow lawyers defending stoning cases to carry out their work without fear of persecution.
- Review all legislation in Iran under which a convicted person may be killed by the state, with the immediate aim of progressively restricting the scope of the death penalty, and with a view to the eventual abolition of the death penalty.

**AMNESTY
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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