

IRAN

SAKINEH MOHAMMADI ASHTIANI

A LIFE IN THE BALANCE

Sakineh Mohammadi Ashtiani, a 43-year-old mother of two from north-west Iran, has spent years expecting her life to be cruelly ended at any moment. Since 2006 she has faced execution by stoning, the sentence imposed unfairly after she was convicted of “adultery while married”. Her fate remains in the hands of an arbitrary and flawed justice system that has failed her from the start. Her desperate situation has led countless people across the world to take action on her behalf, action met by obfuscatory statements by the Iranian authorities regarding her legal situation. The authorities now appear to be planning to secure her execution for a different alleged offence – murder.

A woman of humble origins, Sakineh is from Iran’s Azerbaijani minority, many of whom face discrimination. Her mother tongue is Azeri Turkic. She has limited knowledge of Persian, the language used by the interrogators and courts that questioned, tried and convicted her. She initially “confessed” in the absence of any lawyer, but withdrew her “confession” in court. She did not know that the Arabic loan word *rajm* used when she was sentenced meant stoning. When fellow inmates explained, the shock caused her to faint.

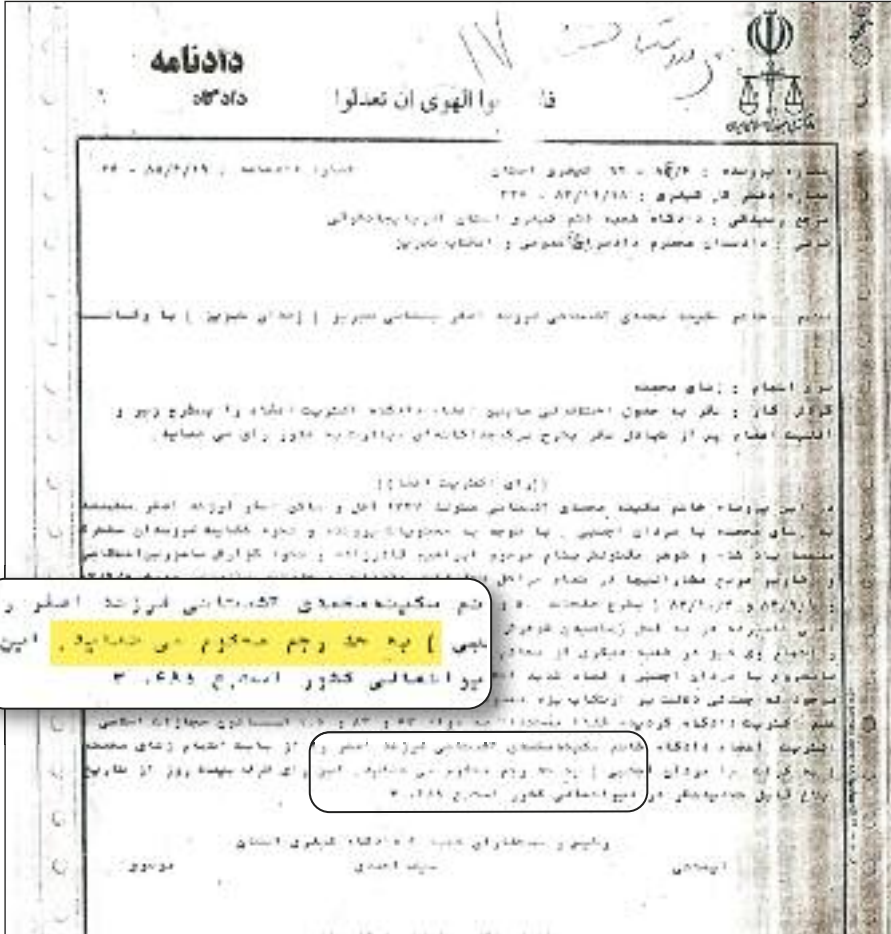
Sakineh was detained in 2005 following the murder of her husband Ebrahim Qaderzadeh. Although initially accused of murder, her children did not press charges against her, as is their right under Article 205 of the Penal Code, which could have led to her being sentenced to death by hanging as the penalty under this Article is *qesas* (retribution). Instead, she was charged and convicted under Article 612 of the Penal Code for her



Sakineh Mohammadi Ashtiani

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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, the death penalty for non-violent acts such as sexual relations between consenting adults should not be imposed. International human rights bodies have also said that stoning should not be used as a method of execution.

alleged participation in the murder, and sentenced to 10 years' imprisonment, the maximum sentence. According to a court document seen by Amnesty International, this sentence was initially upheld by the Supreme Court. However, according to Javid Houtan Kiyani, her current lawyer, in 2009 a judicial review by the Supreme Court led to the conviction of murder being changed to "complicity" in murder. As a result, he says the sentence was reduced to five years – the maximum sentence for this offence. By late September 2010, this five-year term would either have been served or nearly served.

Apparently arising out of the investigations into her husband's murder, in May 2006 Sakineh was convicted of having had "illicit relations" with two men, for which she was flogged 99 times in the presence of her son

Sajjad. Despite this, she was later additionally charged with "adultery while married" and on 10 September 2006 was sentenced to death by stoning, the mandatory punishment under Article 83 of the Penal Code. 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. The other two judges found her not guilty, stating that she appeared to face punishment twice for the same "offence". They also stated that the proof required under Iranian law for "adultery while married" had not been

provided. This comprises either a confession in court repeated on four separate occasions or eyewitness testimony of four "just men" or three "just men" and two "just women". In May 2007 the Supreme Court confirmed the stoning sentence. Later still, the Amnesty and Clemency Commission twice rejected her requests for clemency.

Amnesty International first became aware of Sakineh's situation in 2009 and issued an Urgent Appeal on her behalf. In June 2010, the well-known human rights lawyer Mohammad Mostafaei, who was one of the lawyers representing Sakineh at the time, reminded the world in a blog that she could be stoned at any time. Her case then generated widespread publicity and condemnation, particularly abroad.



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Above: Mohammad Mostafaei

Far left: The original court verdict sentencing Sakineh Mohammadi Ashtiani to stoning for "adultery while married".

Left: Javid Houtan Kiyani

In this climate, in early July 2010 judicial officials in Tabriz wrote to the Head of the Judiciary seeking permission to change the method of execution from stoning to hanging, as had happened in at least three other cases since early 2009. The next day, the Iranian Embassy in the UK, where her case had been particularly in the public eye, announced that Sakineh would "not be executed by stoning". The vague statement did not rule out hanging.

On 10 July the Head of Iran's High Council for Human Rights of the Judiciary (HCHR) said that Sakineh's case would be reviewed, and confirmed that Iranian law permits execution by stoning. The following day, the Head of the Provincial Judiciary in East Azerbaijan said that the death sentence against her, for "adultery while married and murder", remained in force and could be implemented at any time by decision of the Head of the Judiciary.

Also in July 2010, Sakineh's lawyer, Javid Houtan Kiyani, requested a judicial review of the case by the Supreme Court. This review was believed to be continuing.

"Iran is justly criticized for such acts [stoning] but people shouldn't forget that many Iranians abhor this practice and are working to end it. It has nothing to do with our culture, but is all to do with an unfair justice system which discriminates against women at many levels."

Shadi Sadr, Iranian lawyer, anti-stoning campaigner and women's rights activist, speaking to Amnesty International in September 2010

On 11 August and 15 September 2010, Sakineh appeared in "interviews" on television. In the first she "confessed" to having had telephone contact with the man later convicted of her husband's murder. She said that she knew of his plans to murder her husband but had not taken them seriously. In the second, she denied that the first interview had been coerced and discounted rumours that she had been flogged a second time.

Such televised "confessions" of prisoners, made without the presence or agreement of defence lawyers, constitute a breach of the right not to incriminate oneself and anything said cannot be relied upon. They are a favoured tactic of the Iranian authorities and call into question the independence of judges who allow such "confessions" to be broadcast. Others who have made such "confessions" have later stated that they were forced to make them under torture or other ill-treatment, including threats to family members.

On 29 August 2010, a statement by the HCHR confirmed that Sakineh had been initially sentenced to 10 years for murder (though made no reference to any subsequent reduction in this sentence) and to stoning for adultery. The statement said that "despite the finalization of the sentence, it has not been enforced".

On 8 September, a government spokesperson announced that the sentence of stoning to death for Sakineh had been "stopped", but added that "her trial for murder is in process". This contradicts the Supreme Court document seen by Amnesty International and information given by her lawyer, which

make clear that Sakineh has already been convicted in relation to the death of her husband, and has served or almost served the sentence passed. Any attempt to impose a new sentence for the same offence would be a breach of the prohibition in international law of double jeopardy.

On 19 September, in an interview for a US television channel, President Mahmoud Ahmadinejad denied that Sakineh had ever been sentenced to stoning, despite the documentary evidence to the contrary.

On 27 September, the state prosecutor Gholam-Hossein Mohseni-Ejei stated that if Sakineh were sentenced to death for murder, this would "take precedence" over her sentence for adultery. However, under Iranian law, implementation of a death sentence for murder is at the discretion of the relatives of the victim and according to court documents, the relatives have already waived their right to demand retribution. The other alleged murderer in this case was pardoned by the relatives.

Since her first television appearance in August 2010, Sakineh has been denied visits by her children and lawyer. She remains on death row in Tabriz's Central Prison at the mercy of the authorities.

CAMPAINING FOR JUSTICE

Many people inside and outside Iran have taken up Sakineh's case, distressed at her plight and repulsed by the Iranian state's continued resort to death by stoning despite an official moratorium on stoning declared



An Amnesty International protest on behalf of Sakineh Mohammadi Ashtiani in Brussels, Belgium, September 2010.

in 2002. Stonings resumed in May 2006 when a woman and a man were stoned in secret. At least four other men have been stoned to death since then. In addition to Sakineh, at least nine other women – known as **Azar Bagheri, Kobra Baba'ie, Iran E., Khayrieh V., Ashraf Kalhori, "M. Kh", a woman known only as "Hashemi-Nasab", Rahimeh Pordel and Sarieh Ebadi** – and four men – **Mohammad Ali Navid Khamami, Naghi Ahmadi, Abbas Hassani and Vali/Bu Ali Janfeshan** – are believed to have been sentenced to stoning, although several cases are still under review and alternative sentences may be imposed.

The Iranian authorities have intimidated people who speak out against stoning as well as lawyers who defend people accused of offences punishable by stoning. Virtually all those closely linked to Sakineh's case have been harassed in some way. Sakineh's son Sajjad was questioned by Ministry of Intelligence officials on 14 July 2010 and

threatened against giving further interviews about his mother's case. Two lawyers involved in her case have been targeted. Mohammad Mostafaei fled 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. Javid Houtan Kiyan's house in Tabriz was raided on 21 August 2010 by security officials, who took away property and case files as well as his laptop that held information about Sakineh and other stoning cases. Ten days later Javid Houtan Kiyan was stopped at Tabriz Airport and forcibly taken to his office, where more files were removed.

The Iranian authorities are facing intense international criticism about their resort to stoning from around the world. Amnesty International fears that the Iranian authorities are attempting to deflect this criticism by portraying Sakineh as a dangerous criminal who deserves to be executed. Her life is in the balance.

Amnesty International calls for an end to all executions in Iran and supports efforts by Iranians and by human rights defenders around the world to end the practice of stoning in Iran and elsewhere.

ACT NOW

Please write politely in Persian, Arabic, English, French or your own language, calling on the Iranian authorities to:

- not execute Sakineh Mohammadi Ashtiani by any means;
- clarify in writing her current legal status, including to her family and her lawyers, and conduct a thorough and transparent review of her case;
- release Sakineh Mohammadi Ashtiani if she continues to be held solely on the grounds of consensual sexual relations, in which case Amnesty International would consider her a prisoner of conscience;
- ensure that no new charges are brought against her relating to the murder of her husband, for which she has already been tried and convicted;
- enact legislation that bans stoning as a legal punishment and does not permit the use of any form of the death penalty or flogging for those convicted of "adultery" or other crimes;
- decriminalize consensual sexual relations between adults.

Write 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
Salutation: Your Excellency**

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Index: MDE 13/089/2010
September 2010