

# URGENT ACTION



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*Note: Please write on behalf of these persons even though you may not have received the original UA when issued on March 3, 2008. Thanks!*

13 October 2009

Further information on UA 59/08 (3 March 2008) and follow-ups (3 November 2008 and 9 October 2009) - Imminent execution

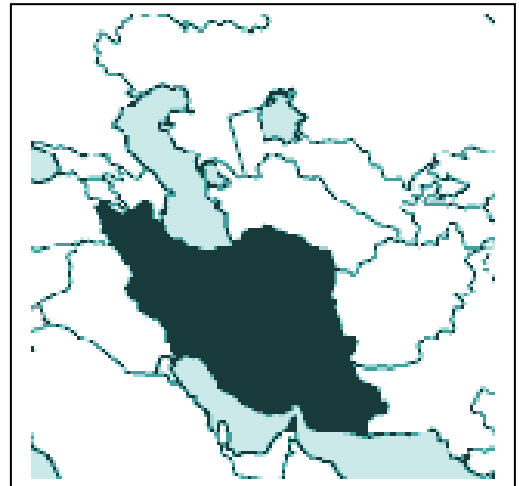
IRAN  
Shahrbano Nedam (f), aged 50  
Tayebeh Hojjati (f)  
Akram Mahdavi (f), aged 35  
Soheila Ghadiri (f), aged 28  
Zahra (f), aged 30

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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 *dijeh*, 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: Shahrbano Nedam, Tayebeh Hojjati and a woman known only as Zahra.

## BACKGROUND 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 *dijeh*, a form of compensation. In cases of premeditated murder,

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**Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.**

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 'adam*) 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 reversed 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.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:**

- 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 offenses, but stating your unconditional opposition to the death penalty, as the ultimate cruel, inhuman and degrading punishment and violation of the right to life.

**APPEALS TO:**

**Head of the Judiciary**

Ayatollah Sadeqh 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>**

*1<sup>st</sup> starred box: your given name; 2<sup>nd</sup> starred box: your family name; 3<sup>rd</sup>: 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**

**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:**               **011 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)*

Iran does not presently have an embassy in the United States. Instead, please send copies to:

Iranian Interests Section  
2209 Wisconsin Ave NW  
Washington DC 20007

**Phone:**           **202 965 4990**

**Fax:**               **202 965 1073**

**Email:**           **requests@daftar.org**

**PLEASE SEND APPEALS IMMEDIATELY.**

**Check with the AIUSA Urgent Action office if sending appeals after 24 November 2009.**