

PUBLIC

**AI Index: MDE 13/157/2008
22 October 2008**

Further Information on UA 33/08 (MDE 13/033/2008, 6 February 2008) Death penalty/stoning

**IRAN Zohreh Kabiri-niat (f) aged 27
Azar Kabiri-niat, known as Akram (f), her sister, aged 28**

Zohreh Kabiri-niat and her sister Azar have had their sentence of death by stoning overturned by the Head of the Judiciary. Their case has been sent back for reinvestigation by a lower court.

According to media interviews given by Jabbar Solati, the lawyer who took up the two women's case after they had been sentenced, the Head of the Judiciary, Ayatollah Hashemi Shahroudi, found the verdict to be contrary to law and overturned it. He sent the case back for reinvestigation to Branch 77 of the General Court in Karaj. Jabbar Solati has said he hopes the court would acquit them.

The two sisters were arrested on 4 February 2007 after Zohreh Kabiri-niat's husband filed a complaint against her and her sisters, Azar and Azzam, as well as against Azar's husband, Mohammadreza Bodaghi, and another man claiming that they had had "illicit relations" and submitting as evidence video footage from a camera he had secretly installed in his house, which reportedly showed the two women with another man. The five were tried in Branch 127 of the Tehran General Court in March 2007. Zohreh Kabiri-niat was sentenced to 99 lashes for "having illicit relations", and to five years' imprisonment for forming "a centre of corruption". The others were also sentenced to flogging.

Zohreh and Azar Kabiri-niat were returned to prison, and the flogging sentence was carried out. However, a fresh charge of "committing adultery while being married" was brought against them. Both were found guilty and were sentenced to death by stoning by Branch 80 of the General Court in Karaj on 6 August 2007. The charge of "adultery" was substantiated solely by the judge's "knowledge" a provision in the Iranian law under which the judge is able to make a subjective determination based on evidence in the case. In this case it was based on the video evidence and statements the sisters had made during their interrogation. Zohreh Kabiri-niat later said, "I do not accept my 'confessions' under interrogations, and I deny whatever it is that they claim I said." However, the sentence was upheld by Branch 27 of the Supreme Court in November 2007. Jabbar Solati told *Der Spiegel*, a German magazine, in April 2008 that he has never been able to view the video footage which was used as evidence.

BACKGROUND INFORMATION

A moratorium on execution by stoning was ordered by the Head of the Judiciary, Ayatollah Shahroudi, in December 2002. Despite this, sentences of death by stoning in Iran have continued to be passed and, on occasion, carried out.

In mid-2006, a group of Iranian human rights defenders began a campaign to abolish stoning, having initially identified 11 people at risk of stoning. Since the Stop Stoning Forever campaign began, at least nine people have been saved from stoning. Amnesty International is currently aware of the cases of at least five women and two men who are believed to remain under death sentence by stoning: Khayrieh, Iran, Ashraf Kalhori, Kobra N (see UA 257/06, MDE 13/111/2006,

28 September 2006, and follow-ups), Gilan Mohammadi and her co-accused Gholamali Eskandari, whose cases have only recently come to light, and Abdollah Farivar.

In July 2008, the Judiciary Spokesperson, Alireza Jamshidi, said that under a draft Penal Code currently under consideration by the *Majles*, the Iranian parliament, stoning sentences would not be permitted. He also said that stoning sentences imposed on several persons had been suspended, with four having had their sentences commuted to flogging or jail terms, though he did not reveal their identities.

Many thanks to all those who send appeals. No further action is required at present. We will take further action should the two sisters be resented to death following their new trial.