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Under Iran's 'divinely ordained justice', girls as young as nine are charged with 'moral crimes'. The best that they can hope for is to die by hanging (Filed: 19/12/2004)

As one young woman awaits sentence and another faces death this week, Alasdair Palmer reveals the Iranian legal system's shocking barbarity towards children

"My mother doesn't visit me in prison. If you see her, tell her she promised to bring me cheese curls and chocolate. And she shouldn't forget to bring my red dress."

Those pathetic words may be among the last utterances of a 19-year-old girl, identified only as Leila M, who has been condemned to death in Iran for "acts incompatible with chastity".

According to Amnesty International, Leila has a mental age of eight. What evidence there is of her life so far records an existence of unrelieved misery and brutality.

She was sold into prostitution at the age of eight by her parents. She recalls the experience of when her mother "first took me to a man's house" as "a horrible night. I cried a lot ... but then my mum came the next day and took me home. She brought me chocolate and cheese curls."

Forced by beatings and threats to continue "visiting men" from that night onwards, she became pregnant and had twins when she was 14. She was punished with 100 lashes by the Iranian courts for giving birth to illegitimate children.

Leila was bullied back into her degrading and demeaning work. Earlier this year, she confessed to the authorities that she had been working as a prostitute since she was a child – perhaps because she thought that they might help her escape her miserable existence.

The courts did respond by pulling Leila out of prostitution, but they also imprisoned her and used her confession to convict her of "moral crimes", for which the judges have decided the appropriate penalty is death.

They dismissed evidence from doctors and social workers that she has a severe mental handicap. This week, Iran's Supreme Court, which by law must confirm every death sentence imposed by the lower courts, will rule on whether to uphold her execution.

There is every indication that the Supreme Court will decide that Leila must die. Earlier this year, they upheld a sentence of death on 16-year-old Atefeh Rajabi. Atefeh had also been convicted of "acts incompatible with chastity".

In her defence, she said she had been sexually assaulted by an older man. The judges did not care. So, on August 16, at 6am, Atefeh was taken from her cell and hanged from a crane in the main square of the town of Neka.



A protest against the regime in Iran

Witnesses report that she begged for her life as she was dragged kicking and screaming to the makeshift gallows. She shouted "repentance" over and over again – a gesture which, according to Islamic law, is supposed to grant the accused the right to an immediate stay of execution while an appeal is heard.

Atefeh's cries were in vain. Haji Rezaie, the judge who presided over her trial, put the noose around her neck himself. He said he was pleased to do it. "Society has to be kept safe from acts against public morality," he insisted.

He ordered that her body be left hanging from the crane for several hours so people could see what happened to teenagers who "committed acts incompatible with chastity".

In the case of Hajieh Esmailvand, a young woman found guilty of adultery with an unnamed 17-year-old boy, the Supreme Court has not only confirmed the death sentence imposed by the lower court, but changed the means of death from hanging to execution by stoning.

Hajieh's original sentence had been for five years' imprisonment followed by death by hanging. A month ago, the Supreme Court annulled her jail sentence – but only so that Hajieh could be stoned before December 21, and with the recommendation that she should be.

In the next two days, it seems likely that Hajieh will die from wounds caused by stones thrown by "executioners". The Iranian Penal Code states that women should be buried up to their breasts before being stoned. Article 104 is specific about the type of stones that should be used when a woman is to be punished for adultery. They "should not be large enough to kill the woman by one or two strikes, nor should they be so small that they could not be defined as stones". Hajieh will die slowly, in agony, buried in sand, as officials lob correctly sized stones at her head.

It is a fate that also awaits Zhila Izadyar, a 13-year-old girl from the northern province of Mazandaran. She has been sentenced to be stoned to death after her parents reported that she had had an incestuous relationship with her 15-year-old brother and had become pregnant by him.

Zhila has already received a "preliminary punishment" of 53 lashes. A representative from Iran's Society for the Protection of Children's Rights has managed to visit Zhila in prison. She found the 13-year-old in a desperate state, in solitary confinement and unable to keep down food. She has not been allowed to see her child.

"I am scared. I want to go home," said Zhila. "I want to go back to school like the other children." But if Iran's judges have their way, Zhila will see neither her school nor her home again. She will be buried up to her neck and the last thing she will see will be stones hurtling towards her head.

The barbarity towards children of the Iranian legal system is all the more surprising in that it contradicts the international legal obligations on the treatment of children, which the Iranian government has adopted. Iran is a signatory both to the International Convention on Human Rights and the Convention on the Rights of the Child, both of which explicitly forbid the execution of minors - let alone their killing by stoning.

Even Iran's chief justice has seemed to recognise that, although stoning is prescribed by Sharia law as the punishment for women who have sexual relations with men to whom they are not married, pelting a woman to death with rocks counts as excessively cruel.

Two years ago, he ruled that, while stonings should still be the nominal punishment for adultery and pre-marital sex, that sentence should be routinely commuted to execution by hanging.

It appears from the fate in store for Zhila Izadyar, however, that his commitment to the de facto abolition of stoning was about as sincere as the Iranian government's commitment to the Convention on the Rights of the Child. There are no plans to change any of the provisions of the Penal Code that relate to children, and which state that girls as young as nine can be executed (boys have to reach the age of 14 before they can be killed).

Many Iranians are revolted by the brutality and injustice of their judges' attitude to children. Shadi Sadr, an extremely brave lawyer who represents Atefeh Rajabi's family, has filed a suit against the judiciary for wrongful execution, and is preparing a murder charge against the judge who hanged her.

While fundamentalist mullahs still hold on to power in Iran, her suit is unlikely to succeed. Indeed, those who are disgusted by judicial decisions cannot even safely express their condemnation of a system that not only hangs children, but beats them to death in public: Kaveh Habibi-Nejad, a 14-year-old boy, suffered this fate on November 12 for eating on the streets during Ramadan. A witnesses said that they thought he died because "the metal cable being used to flog him hit his head".

Mahbobeh Abbasgholizadeh, an Iranian academic, was arrested on November 1 after having queried some aspects of Iranian justice in a speech she made at a conference. She was held for a month before being released and charged with "acting against the security of the country". If she is convicted, it could mean an indefinite prison sentence.

The European Union has said that it is ready to "intensify" political and economic ties with Iran if the Iranian government takes steps to allay international concerns over its involvement in terrorism and the abuse of human rights. But the Islamic administration seems to care more about protecting what many of the religious hierarchy regard as "divinely ordained justice" than achieving fresh political and economic concessions from the EU.

Britain, France and Germany, acting on behalf of the EU, have already agreed to further trade links with Iran, after Tehran agreed to suspend its uranium-enrichment process, which could yield material suitable for nuclear bombs.

For Hajieh Esmailvand and Zhila Izadyar, the prospects are bleak. The best they can hope for is to die by hanging rather than being stoned. As for the mentally retarded Leila M - she seems likely to hang in public before Christmas.

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