

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE RESOLUTION

No. 105 Session of 2011

INTRODUCED BY JOSEPHS, B. BOYLE, BRADFORD, V. BROWN,  
CALTAGIRONE, CLYMER, D. COSTA, FABRIZIO, FREEMAN, GOODMAN,  
KORTZ, MCGEEHAN, MURPHY, PAYTON, SANTARSIERO, SCHRODER AND  
VULAKOVICH, MARCH 2, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 2, 2011

## A RESOLUTION

1 Condemning the actions of the Islamic Republic of Iran in  
2 convicting and sentencing Sakineh Mohammadi Ashtiani when its  
3 case against her was flawed, and urging the Islamic Republic  
4 of Iran to release her from its custody.

5 WHEREAS, In the United States, only the private action of  
6 divorce may be initiated for lack of fidelity in marriage, and  
7 no criminal right of action exists between heterosexual adults  
8 for their consensual sexual behavior, such being considered  
9 private matters between those directly involved; and

10 WHEREAS, In the United States, religious groups may set and  
11 promote standards of behavior by requiring its followers to  
12 honor those standards or face removal from the group, but such  
13 religious groups may not assume the functions of the state or  
14 interfere with the life, associations, freedom or property of an  
15 individual; and

16 WHEREAS, The Islamic Republic of Iran is a system based on  
17 belief in one god and his exclusive sovereignty and believes in  
18 the necessity of submission to god's commands; and

1 WHEREAS, This system bases its government on divine  
2 revelation and its fundamental role in setting laws; and

3 WHEREAS, The Islamic Republic of Iran has the highest number  
4 of juvenile executions in the world, and the age of criminal  
5 responsibility in Iran is nine years of age for females and 15  
6 years of age for males; and

7 WHEREAS, The age disparity regarding the onset of criminal  
8 responsibility between females and males means that a ten-year-  
9 old girl may be sentenced in the same way as a 40-year-old man;  
10 and

11 WHEREAS, The Islamic Republic of Iran denies that the  
12 punishment of stoning to death for immorality occurs except in  
13 remote and backward areas of the country, but in actuality the  
14 country's penal code imposes the punishment if a married person  
15 engages in adultery; and

16 WHEREAS, The punishment of stoning forces an adulterer to be  
17 buried by stones to his waistline while an adulteress is forced  
18 to be buried in stones to her neck; and

19 WHEREAS, The size of the stones to be used for stoning is  
20 prescribed to be not so large that a person dies after being hit  
21 with a few stones, and not so small as to be defined as a  
22 "pebble"; and

23 WHEREAS, If either the adulterer or adulteress can escape  
24 from the pile of stones, he or she goes free; and

25 WHEREAS, Sakineh Mohammadi Ashtiani, an Iranian widow, has  
26 been imprisoned since 2006 and sentenced to death by stoning for  
27 allegedly committing adultery after her husband's death; and

28 WHEREAS, Ms. Ashtiani was accused but never found guilty of  
29 complicity in her husband's death, and she was also accused of  
30 committing adultery before her husband's death; and

1 WHEREAS, At no time has she been permitted to mount a defense  
2 to the charges against her; and

3 WHEREAS, Ms. Ashtiani confessed to the charges against her  
4 but then retracted her confession, claiming that her confession  
5 was coerced; and

6 WHEREAS, She has changed her position and has appeared at a  
7 news conference during which she condemned those who wish to aid  
8 her and stated that journalists and others were insulting the  
9 honor of her country; and

10 WHEREAS, Widespread outcry around the world by individuals,  
11 groups and the governments of many nations continues and has  
12 caused Ms. Ashtiani's execution to be delayed; and

13 WHEREAS, Although her execution has been delayed and the  
14 Islamic Republic of Iran has stated that she will not be  
15 executed by stoning, Ms. Ashtiani may be executed by hanging;  
16 and

17 WHEREAS, The condemnation of the Islamic Republic of Iran's  
18 actions has caused great embarrassment to its leadership, which  
19 wishes to be seen as an effective, conservatively religious  
20 nation; therefore be it

21 RESOLVED, That the House of Representatives condemn the  
22 Islamic Republic of Iran's actions in convicting Sakineh  
23 Mohammadi Ashtiani because its case against her is flawed; and  
24 be it further

25 RESOLVED, That the House of Representatives urge the Islamic  
26 Republic of Iran to release Ms. Ashtiani from custody; and be it  
27 further

28 RESOLVED, That a study of the penal code of the Islamic  
29 Republic of Iran, contrasted with the laws and practices  
30 regarding the rights of detained persons in this Commonwealth,

1 be undertaken to provide a deeper appreciation of the guarantees  
2 afforded to American citizens.