

# IRAN /death penalty

## A state terror policy

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.





## IRAN: DEATH PENALTY

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# Introduction

At a time when momentum is gathering across the world to abolish capital punishment<sup>1</sup>, the Islamic Republic of Iran (IRI) currently ranks second for number of executions, after China, and first for per capita executions in the world. According to the World Coalition against the Death Penalty, Iran executed at least 317<sup>2</sup> people in 2007, almost twice as many as in 2006 and four times as many as in 2005. In 2008, at least 346 executions were recorded<sup>3</sup>. From January through the end of March 2009, Amnesty International has recorded 120 executions. These numbers are certainly below reality, since there are no publicly available statistics on executions carried out in the country.

Alerted by the increasing number of executions on the one hand, and the persistence of practices that expressly contravene international human rights standards relating to the death penalty on the other, FIDH decided to carry out a study on the application of capital punishment in Iran. The present report is based on documented research. The facts and figures in this study are based on reports of the most reliable and non-partisan international human rights organisations, including Amnesty International, FIDH, Hands off Cain and Human Rights Watch (HRW). United Nations sources as well as newspapers published in Iran have also been used. Furthermore, we have used the original Iranian government sources, i.e. the judiciary, the parliament and other state organs, to access laws and regulations applicable in the IRI. It is unfortunate that, despite repeated requests over the past few years, Iran has not yet allowed FIDH to carry out a fact-finding mission within its borders<sup>4</sup>.

While exact figures are not available, occasional announcements of the authorities give rise to estimates that a large number of people are currently on death row in Iran. The prosecutor of the northeastern city of Mashhad announced on 17 September 2008 that there were 500 death-row convicts in that city for drug-related offences alone; others await death sentences on different charges. Two weeks earlier, the police commander of Dashtestan, a town of 250,000 people in the southern Bushehr province, told a local newspaper that 150 people were on death row in the town on charge of murder alone. In March 2007, Mr. Shahriyari, a Member of Parliament for Zahedan confirmed in an interview that 700 people were on death row in the southeastern Sistan-Baluchistan province.

A wide range of offences are punishable by death in Iran, ranging from a number of sexual offences (e.g. fornication, adultery, sodomy, lesbianism, incest, rape) to drinking, theft, drug trafficking, murder, and certain other offences (e.g. apostasy and cursing the prophet), ‘waging war’ on people/God and ‘corruption on earth’ - offences that may extend from armed robbery to political opposition or espionage. A number of economic offences are also punishable by death.

Executions are frequently implemented in large numbers. Over the past two years, for example, the following were some of the collective executions that were recorded:

1. In December 2007 an overwhelming majority of the UN General Assembly (UNGA) member states adopted resolution 62/149 “Moratorium on the use of the death penalty” calling for a worldwide moratorium on executions. The Islamic Republic of Iran was among the 54 states that voted against the resolution. In December 2008, the IRI was among the 46 states that voted against a similar resolution; it was passed with 106 votes in favour.
2. Other sources reported higher figures (see Table: Minimum number of executions – below).
3. <http://www.amnesty.org/en/library/asset/MDE13/010/2009/en/03d99921-f378-11dd-b339-21ceadf1e5ba/mde130102009eng.html>
4. Requests were sent in particular in 2002, 2007 and 2008.

- 38 people were executed on 15 July and 2 August 2007, including 16 in public; 4 executions were televised.
- 21 were executed on 5 September 2007
- 7 were hanged in public in Kerman on 13 September 2007.
- 31 were executed on 20 November 2007
- 23 were executed in the first 10 days of 2008
- 10 were executed on 20 February 2008
- 9 were hanged in Birjand, one of them in public, in May 2008
- 3 were hanged in Ahvaz in May 2008
- 12 people were executed in Dashtestan in July 2008, four of them in public
- 29 were executed in Evin prison of Tehran on 27 July 2008
- 10 people, including a mother of two young children, were executed in Evin prison on 26 November 2008
- 9 people, including one woman, who had been condemned to retributive death sentence were hanged in Evin prison on 24 December 2008
- 4 people, Arak central prison, 15 January 2009
- 6 people, in Esfahan prison, 17 February 2009
- 5 people, in Esfahan prison, 19 February 2009
- 11 people, in Kermanshah, on 2 March 2009

Despite a moratorium on public executions issued by the head of the judiciary in February 2008, many executions still take place in public, as may be noted in the case of the above-mentioned executions in Birjand and Dashtestan.

The scope of this report does not extend to other violations of the right to life, in particular extrajudicial killings and deaths in custody. The Islamic Republic has a long history of extrajudicial executions, carried out both at home and abroad. The number of such executions estimated to have taken place within Iran in the few years leading up to autumn of 1998 ranges from 80 to 140. The figure would probably rise to a minimum of 400 if the cases abroad were to be included. Many of those cases have not been and could not be documented.

As regards death in custody, it remains a very serious cause for concern in the Islamic Republic of Iran. Well-publicised and best documented cases in recent years notably include the following: Zahra (Ziba) Kazemi, the Iranian-Canadian photojournalist, who was killed as a result of a blow to her skull on 11 July 2003<sup>5</sup>. A student activist, Akbar Mohammadi<sup>6</sup>, died in Evin prison on 30/31 July 2006. Valiollah Feyz-e Mahdavi, a People's Mujahedin Organisation of Iran (PMOI) member, also died in Evin prison, on 5 September 2006<sup>7</sup>. Ms Zahra Baniyaghoub, a young general practitioner, died in a Hamedan detention centre on 13 October 2007<sup>8</sup> and the authorities said she had hanged herself. Ebrahim Lotfollahi, a Kurdish law student died in Sanandaj prison on 15 January 2008<sup>9</sup>. Amir Hossein Heshmat-Saran, a political prisoner, died in Rajaishahr prison, near Karaj, on 6 March 2009. He was serving the fifth year of his 16-year prison term. Omidreza Mirsayafi, a blogger, died in Evin prison, on 18 March 2009<sup>10</sup>.

5. <http://www.fidh.org/spip.php?article2438>

6. <http://www.fidh.org/spip.php?article3625>

7. <http://www.fidh.org/spip.php?article3625>

8. <http://www.guardian.co.uk/world/2007/dec/02/iran.roberttait>;

<http://www.fidh.org/spip.php?article5122> (In some sources initially she was referred to as Zahra Bani-Ameri ).

9. <http://www.fidh.org/spip.php?article5122>

10. Press release of 23 March 2009, <http://www.fidh.org/>



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*Five people hanged  
in the north-eastern  
religious city of Mash-  
had in August 2007  
on charges of rape  
and kidnapping*

# Historical overview

The death penalty has been in widespread use in Iran for many years, the figures jumping drastically since the 1979 revolution. Immediately after the revolution, the new government of the Islamic Republic, whose leaders had previously sided with criticism of the Shah's human rights record, launched a wave of executions. The first year after the revolution bore witness to the execution of a number of politicians, generals and secret police agents of the former regime who had not managed to flee the country. A number of lower level police were reportedly not spared either.

While the number of executions ranged around several hundred in the two years after the Islamic revolution, a sharp increase was registered in 1981 following the bloody suppression of the opposition groups and the clashes between the security forces and those groups, notably the PMOI, in June that year. Amnesty International recorded 2,616 executions during 1981, but the real figures are believed to be considerably higher. The trials, if any, were reportedly summary and the defendants were not given the possibility to appoint lawyers or to present their cases<sup>11</sup>. The victims in that year included a large number of juveniles and many women.

## Massacre of 1988

The figures show a fall in the number of executions in subsequent years until 1988. In summer of 1988, however, at the direct orders of Ayatollah Khomeini, the judicial authorities began organising renewed summary trials for a large number of political prisoners, who had already stood trial and were serving their prison terms; many were then executed. The IRI authorities have never acknowledged the executions of that year and have consistently prevented attempts by families of the victims to mark the anniversary of the executions each year. Over the last few months, measures have been taken to demolish the Khavaran Cemetery, the burial ground of some of those victims, prompting protests from their families and human rights organisations in Iran and abroad. On the other hand, sources from within<sup>12</sup> the IRI have alleged that those executions took place in the aftermath of an offensive launched by the PMOI, under the auspices of the Iraqi regime, in the summer of 1988 following a ceasefire between Iran and Iraq in their 8-year war. However, according to Ervand Abrahamian, professor of history at Baruch College in the USA, the process and preparations for the mass executions began on 19 July 1988, five days before the PMOI launched their offensive<sup>13</sup>.

Ayatollah Hossein-Ali Montazeri, the then designate-leader to succeed Ayatollah Khomeini, whose protests against the executions cost him his title and led to his subsequent fall from grace, has produced an undated hand-written letter of Ayatollah Khomeini to the judicial officials in his memoirs. In that letter, which makes absolutely no reference to the PMOI offensive, Ayatollah Khomeini decreed that all prisoners who still adhered to their beliefs were

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11. Amnesty International Annual Reports 1982 and 1983.

12. *Pasdasht-e Haghighat* (guarding the truth), a book written by Messrs Abbas Salimi Namin and Massoud Rezaei, both reputedly former officials of the Ministry of Intelligence, in response to Ayatollah Montazeri's memoirs. It can be downloaded at: <http://forum.persiantools.com/t91833-page8.html> (see # 116 on the list).

13. Tortured Confessions: prison and public recantations in modern Iran, Chapter 5, Mass Executions of 1988, P 209, University of California Press, 1999 (For the pertaining excerpts see: [http://books.google.com/books?hl=en&id=\\_mnrYNIVfCgC&dq=Iranian+prisons+Tortured+Confessions&printsec=frontcover&source=web&ots=np\\_Yb-Y\\_yd&sig=kc8XQqgN6lqEhcVAbC0ndQrKdSI&sa=X&oi=book\\_result&resnum=2&ct=result#PPA209,M1](http://books.google.com/books?hl=en&id=_mnrYNIVfCgC&dq=Iranian+prisons+Tortured+Confessions&printsec=frontcover&source=web&ots=np_Yb-Y_yd&sig=kc8XQqgN6lqEhcVAbC0ndQrKdSI&sa=X&oi=book_result&resnum=2&ct=result#PPA209,M1)).

‘*mohareb*’<sup>14</sup> who must be sentenced to death<sup>15</sup>. In a subsequent letter in reply to the then head of the judiciary seeking clarification concerning prisoners already sentenced and serving their sentences, the ayatollah reaffirmed his decree<sup>16</sup>.

At the ayatollah’s express command, a three-member commission was set up in Tehran, consisting of the chief religious judge of the Islamic Revolutionary Courts (Ayatollah Nayyeri), the public prosecutor of Tehran (Mr. Morteza Eshraqi<sup>17</sup>) and a representative of the Ministry of Intelligence (Hojjatolislam Mostafa Purmohammadi<sup>18</sup>). Corresponding commissions were also set up in the provincial capitals.

The commissions operated without any legal authorisation as *de facto* courts. All accounts are unanimous that the subsequent summary “trials” lasted only a few minutes each without any lawyers or any possibility of presenting defence. Most prisoners were not even told that they were being tried again and were instead led to believe they were being questioned with the purpose of being moved to other wards within the prisons. The prisoners, if they were members of the PMOI, were questioned about their organisational affiliation. If the answer was “*the Mujahedin*” organisation, the proceedings came to an abrupt end and they were taken away to be executed. If they answered “*the Monafeqin*”<sup>19</sup>, they would face further questions to test if they had truly rejected their organisational allegiance. Many prisoners did not pass the tests and were subsequently executed. Thousands of leftist prisoners were questioned concerning their beliefs. When questioned about their belief in God, if they answered in the negative, they were sentenced to death for apostasy or atheism and then executed. To borrow the words of Professor Ervand Abrahamian, those tragic events resembled the Spanish Inquisition.

## Estimates of number of executions since the Islamic revolution

The following table has been compiled mainly based on annual reports issued by Amnesty International. However, figures from other sources have also been incorporated when available. Both Amnesty International and other human rights organisations such as Hands Off Cain, that started publishing its annual reports in 2000, have taken care to note in all their reports that the actual figures could be much higher. Some reasons for the inaccuracies are as follows:

1. The Iranian authorities do not publish official figures of executions.
2. There have been a large number of secret executions.
3. In the absence of officially provided figures, human rights organisations have to confine themselves to perusing the newspapers to record the executions.
4. The newspapers do not report all executions and they are occasionally ordered not to report them.
5. Information about executions in remote areas and provincial areas is especially hard to collect.
6. Information was very scant in the first few years after the revolution.

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14. See footnote 41 and Armed and political offences section.

15. <http://www.amontazeri.com/farsi/khaterat/html/0560.htm>

16. <http://www.amontazeri.com/farsi/khaterat/html/0561.htm>

17. Many Iranian sources have confused Morteza Eshraqi with Ayatollah Khomeini’s son-in-law, the late Ayatollah Shahabeddin Eshraqi, who died in July 1981.

18. Interior minister in the incumbent government of Mr. Ahmadinejad until May 2008.

19. *Monafeqin* means ‘hypocrites’ which is an epithet used by the IRI for the PMOI.

**Table: Minimum number of executions, 1979-2009 (March)**

	Amnesty International	Hands Off Cain	Other sources
1979 (Feb-Aug)	437 <sup>20</sup>		
1979	800 – 1,000		
1980	709		
1981	2,616 <sup>21</sup>		
1982 <sup>22</sup>	624		
1983	399		
1984	661		
1985	470		
1986	115		
1987	158		
1988	4,500-5,000 <sup>23</sup>		
1989	More than 1,500		
1990	757		
1991	775		884 <sup>24</sup>
1992	330		
1993	93		
1994	139		
1995	47		
1996	110		
1997	143		
1998	“scores of people”		
1999	165		
2000	75	153	
2001	139	198	
2002	113	316	450 <sup>25</sup>
2003	108	154	
2004	159	197	
2005	94	113	
2006	177	215	
2007	335	355	
2008	346	355	317 <sup>26</sup>
2009 (21 March)	120		

20. AI Country Report 1980.

21. AI Report 1982 noted that in December 1981 Amnesty International knew of more than 3,800 executions since February 1979.

22. Amnesty International Report 1983 noted the total number of executions since the revolution through the end of 1982 as 4,605.

23. Amnesty International Report 1989 initially mentioned 1,200 executions. Then the AI 1990 Report raised the estimate for 1988 to 2,000. However, AI's public statement in 2008 on the “20th anniversary of prison massacres” referred to between 4,500-5,000 executions in 1988.

24. Human Rights Watch.

25. FIDH quoting opposition groups.

26. World Coalition against the Death Penalty.

# Domestic legal framework: Crimes resulting in the death penalty

Under the Islamic Penal Code<sup>27</sup> (IPC) of 1991, punishments are divided into five types. They are: *hodoood*<sup>28</sup>, *qesas*<sup>29</sup>, *diyeh*, *ta'zirat*<sup>30</sup> and deterrent punishments.

- *Hodoood* are punishments whose type and scope have been determined by the Islamic *shari'a* and cannot be commuted or pardoned.
- *Qesas* is a retributive 'eye-for-eye' punishment meted out for a range of offences.
- *Diyeh* (referred to as blood money) is financial compensation as determined by the Islamic *shari'a* and paid to the victim or his/her survivors.
- *Ta'zirat* are discretionary punishments that have not been determined by the Islamic *shari'a* and judges have the power to decide them. They may include imprisonment, lashing, fine etc.
- Deterrent punishments are punishments determined by the state, e.g. imprisonment, fine, closure of business, deprivation from social rights, exile and other punishments.

The death penalty is meted out mostly under the *hodoood* section, and the *qesas* section in the case of murder, as well as once under the *ta'zirat* section for 'cursing the prophet'. However, the Iranian legal system distinguishes also between punishments considered to be the sole 'right of Allah' and those considered to be the 'right of the people.' The former have a 'public aspect' and withdrawal of complaint shall not have any effect on them, e.g. punishment for fornication. An example of the 'right of people' is *qesas*<sup>31</sup> or retributive punishment. Under the law, the Supreme Leader<sup>32</sup> may grant amnesty if a crime violated the 'right of Allah' in cases that do not fall under *hodoood* punishments, but he cannot grant amnesty if the 'right of people' has been violated.

A large number of extremely heterogeneous crimes entail the death sentence in Iran. In addition, the Bill for amendment of the IPC that will extend the scope of capital punishment, and criminalise certain actions currently not regarded as offence, is a serious cause for concern (This will be explained below).

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27. *Qanun-e Mojazat-e Eslami*. All the references to and translations from the IPC in this report relate to the original Persian text that includes amendments made in May 1998 and January 2002 (Deedar Publishing House, Tehran, 2002). For an English translation of Articles 1-497, see [http://www.iran-law.com/IMG/pdf/Iran\\_Criminal\\_Code\\_in\\_English.pdf](http://www.iran-law.com/IMG/pdf/Iran_Criminal_Code_in_English.pdf). For another excerpted translation, see <http://www.iranhrdc.org/httpdocs/english/pdfs/Codes/ThePenalCode.pdf>. Unfortunately, neither is completely free from typos or other mistakes.

28. Also spelled *hodud* or *hudud*, plural for *hadd*.

29. *qesas* is retributory or retaliatory punishment and is applied to a series of various offences. Articles 204 -268 of the IPC deal with retribution for murder.

30. Plural for *ta'zir*.

31. In the case of murder, it is *qesas-e nafs*, i.e. retribution for life. *Qesas* is meted out in a wide range of cases and it is extensively detailed in the IPC. In November 2008, at the request of the victim, a court sentenced a man to be blinded by means of acid, because he had thrown acid on and blinded a woman who had refused to marry him (see: [http://www.bbc.co.uk/persian/iran/2008/11/081127\\_si-acidattack-blind.shtml](http://www.bbc.co.uk/persian/iran/2008/11/081127_si-acidattack-blind.shtml)). In another case in February 2008, the forensic medicine experts had refused to enforce an "eye for eye" retribution sentence on a man ([http://www.roozonline.com/archives/2008/02/post\\_6244.php](http://www.roozonline.com/archives/2008/02/post_6244.php)).

32. Under the Constitution, the supreme leader of the Islamic Republic is the *Vali Faqih*, literally the 'Canonist Guardian', who by definition must be a theological jurist. The Islamic Republic has had two supreme leaders, its founder Ayatollah Khomeini and the incumbent leader, Ayatollah Khamenei.

## Sexual Crimes

**Fornication:** Article 63 of the IPC defines fornication<sup>33</sup> as sexual intercourse between persons not married to each other, i.e. “copulation of a man with a woman, who is naturally forbidden to him, even from behind.” Fornicators shall be lashed 100 times. However, a man or a woman who has been convicted for fornication several times shall be killed<sup>34</sup> on the fourth count, provided that s/he has been convicted and received the lashing penalty in the previous three instances (Article 90). However, Article 82 of the IPC specifies that the death penalty shall be meted out to fornicators without exception in the following cases: incest, fornication with stepmother (the man shall be killed), fornication of a non-Moslem with a Moslem woman (the man shall be killed), and rape (the rapist shall be killed).

**Adultery**<sup>35</sup>: In the case of sexual intercourse between married men with single or married women or married women with single or married men, the punishment stipulated by the IPC is stoning of the married person. The single party in such a relationship would usually be sentenced to 100 lashes for fornication. In practice, the conditions set out for stoning are very detailed. Article 102 provides that “men shall be buried in a pit up to vicinity of the waist and women up to the chest in order to be stoned.” Both hands of the condemned are also placed under the earth. And Article 104 determines the size of the stones: “The stones used for stoning shall not be too large to kill the condemned by one or two throws and not too small to be called a stone.”

**Same sex relations:** Anal sex [*‘lavat’*] is copulation with a male with or without penetration<sup>36</sup> (Article 108, IPC). The penalty for anal sex involving penetration is death for both parties provided that they are adults, mature and of free will (Articles 109 and 111), but consenting immature parties shall be lashed 74 times. The penalty for sexual conduct without penetration [*tafkhez*<sup>37</sup>] is 100 lashes. The penalty in this case, on the fourth count, is also death, provided that the condemned persons have been convicted three times and received their flogging sentence in those instances. Otherwise, if same sex relations without penetration occur between a non-Moslem and a Moslem as a passive partner, the former shall be killed (Note to Article 121).



The penalty for lesbianism is also death on the fourth count, provided that the condemned persons have been convicted three times before and received 100 lashes in those three instances (Article 131).

33. Zena.

34. The words used in Article 90 are *‘koshteh meeshavad’* which may be translated as ‘shall be killed’. Subsequent articles have used the word *‘qatl’* [killing], and not *‘edaam’*, which is translated as execution.

35. Zena-ye mohseneh.

36. This contradictory definition is provided in the IPC for *‘lavat’*. Nevertheless, a draft bill to amend the IPC (see Bill for amendment of IPC below) has defined *‘lavat’* only as sexual conduct between men involving penetration beyond the tip of the glans, and distinguished it from *‘tafkhez’* (see the next footnote).

37. *‘tafkhez’* is defined in the Bill for Amendment of the IPC as ‘rubbing the penis between the legs of a male person even if the latter is dead,’ and that includes ‘penetration prior to the tip of the glans.’

**Accusation of fornication & sodomy<sup>38</sup>:** Anybody who accuses others of having committed fornication or having been sodomised may be punished by death on the fourth count, provided that the convict has received the due punishment of 74 lashes in the first three instances (Article 157)<sup>39</sup>.

**Obscene audio-visual products:** The Law for Punishment of Persons with Unauthorised Activities in Audio-Visual Operations, passed in January 2008, prescribes the punishment befitting of the ‘corrupt on earth<sup>40</sup>’ persons for producers of obscene products by force, producers of such products intended for sexual abuse and principal perpetrators of those products (Article 3). Under Article 4, persons who use such products to blackmail others “to fornicate with them” shall be sentenced to punishment for rape. Consequently, all those offences can be punished by the death penalty.

## Drinking

Article 179 of the IPC foresees the death penalty for drinking alcoholic beverages on the third count, provided that the condemned person has received the punishment of 80 lashes on each of the first two counts.

## Theft

Theft is punishable by death on the fourth count even if it is committed in prison, provided that the convict has received the due punishment in the first three instances. Under the law, the punishment for the first time is amputation of four fingers of the right hand and for the second time amputation of the left foot. A third-time thief is to be imprisoned for life (Article 201).

## Armed & political offences

Section seven of the *Hodood* chapter of the IPC deals with two key concepts that also appear frequently in other laws. They are *moharebeh* and *efsad-e fel-arz*<sup>41</sup> and may carry the death sentence for the condemned. Article 183 of the IPC provides the following definition: “Anybody who takes up arms to create fear and to divest people of their freedom and security is *mohareb* and *mofsed-e fel-arz*.” Anybody convicted of being *mohareb* or *mofsed-e fel-arz* or both may be sentenced to death at the behest of the ruling judge, who also holds the power of meting out three alternative sentences (Article 190)<sup>42</sup>.

38. *qazf* means accusing someone of fornication or being the passive partner in sodomy.

39. This punishment is based on Verse 4 of the Al-Noor (The Light) Chapter of the Quran. Although there is no mention of execution or the death penalty in that verse, there seems to be a consensus among leading Shiite canonists, past and present, on the issue.

40. See the next footnote.

41. Both are Arabic terms. *Moharebeh* is the action of a *mohareb* (a warrior); *efsad-e fel-arz* (corruption on earth) is the action of a *mofsed-e fel-arz* (‘corrupt on earth’). By implication, a *mohareb* is a ‘*mohareb baa Khoda* or a *theomachist*, a ‘warrior against God’. A large number of members of the opposition groups were in various years, in particular in 1981 and 1988, executed for ‘waging war against God’.

Ayatollah Khalkhali defined ‘corrupt on earth’ as: “one who endeavours to promote and expand corruption on earth. Corruption is something that causes degeneration and destruction and deviation of the society from its natural course.” (Mémoires Sayeh publishing house, 2000). Ayatollah Khalkhali was a religious judge, appointed by Ayatollah Khomeini, who sentenced hundreds of people to death in the summary group trials in 1979-80 and the early 1980s. Also see the section on Kurds.

42. The other three punishments are: ‘hanging from gallows’, ‘first amputation of the right hand and then of the left foot’ and ‘banishment.’ Giving details, Article 195 stipulates that ‘in crucifixion, the convict should not be tied in a way that would lead to his death’ and ‘not be tied to the cross longer than three days.’ The term crucifixion is a reference to the punishment of ‘hanging from gallows’ as in Article 190. Furthermore, according to a frequently invoked 1993 fatwa of the incumbent Supreme Leader,

Persons convicted of crimes committed with arms such as armed robbery and highway banditry shall be deemed as *mohareb*, if they use arms to undermine people's security and create terror and fear (Article 185).

The provisions of this section of the IPC also address some of the anti-government activities. Articles 186 -188 indeed refer to political offences, although they carefully avoid the use of the term. Under those articles, all members and sympathisers of groups or organisations 'waging armed insurrection against the Islamic government' are regarded as *mohareb* and *mofsed-e fel-arz* and may receive the death sentence, even if they were not personally involved in military action. The provisions of the law are not confined to armed activities alone. "Anybody or any group plotting to topple the Islamic government, who procures arms and explosives for this purpose, or anybody who knowingly provides facilities... for such purposes, shall be deemed as *mohareb* and *mofsed-e fel-arz*" and may be sentenced to death.

**Assassination attempt on Iranian and foreign leaders:** Assassination attempts on the 'leader, heads of any of three branches of power and the 'sources of emulation'<sup>43</sup> may carry the death sentence. This may be inversely deducted from the wording of Article 515 of the IPC, which provides for an 'imprisonment sentence of 3-10 years if the culprit is not proved to be a *mohareb*.'

'The same punishment as under Article 515 could be meted out to anybody making an assassination attempt on foreign heads of state or foreign ambassadors, provided that the country in question reciprocated in relation to Iran (Article 516).

**Armed Forces:** Anybody who 'incites the fighting forces or other persons serving the armed forces somehow to rebel, desert, surrender or not to perform military duties, shall be deemed to be a *mohareb*, if their intention is to topple the government or the defeat of the forces facing the enemy...' (Article 504). While this is the only instance of reference to offences related to the armed forces in the IPC, the Armed Forces Offences Law mentions numerous crimes that may be punished by the death sentence.

Passed in December 2003, the said law stipulates that military personnel, and any civilian convicted of perpetrating offences in connection with military personnel, shall be deemed as '*mohareb*' in numerous cases, including spying. A few examples include: devising plans to topple the government or effective involvement in an association for that purpose, taking action to harm the territorial integrity of the country, surrendering the personnel or bases under their command or submitting documents to the enemy, conspiring with the enemy, helping a government at war with the country or the *mohareb* and *mofsed* groups, taking armed action against the Islamic Republic, providing the enemy with documents and information harmful to the security of military facilities, submitting secrets of the armed forces to the enemy, disobeying commands leading to enemy's domination of territory or the army's personnel, failing to use

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Ayatollah Khamenei, judges may and do sentence *moharebs* to serve their banishment sentence in prisons. It is to be noted that those sentences are issued by the Islamic Revolutionary Courts. However, many veteran judges of general courts deem such sentences to be unlawful, because that fatwa has not been made into law. This is a problem that regularly arises, as may be noted in other cases; for example the disregard of some judges for the moratoria issued by the head of the judiciary on stoning sentences or hanging in public.

43. A source of emulation (*marja-e taqlid*) is usually a grand ayatollah who has written, among other religious books, a comprehensive catechism ('*resale-ye amaliyeh*'), which lay Shiite Moslems use to emulate him in questions relating to religious, personal and social conduct.

weapons or other facilities to fight hence leading to the defeat of the ‘Islamic front’, willfully sleeping while on guard duty against enemies and the moharebs, on the condition that the action leads to disruption of the national security or the defeat of the ‘Islamic front’ (Articles 17, 19, 20-24, 29-35, 37, 39, 42-44, 51, 65, 71-74, 78, 87, 92-94, 115).

## Offences related to religion

**Apostasy<sup>44</sup>:** Article 26 of the Press Code of 1985 expressly states: “Anybody who insults Islam and its sanctities by means of the press, amounting to apostasy, shall receive the sentence for apostasy...” However, the applicable IPC has not defined apostasy nor has it stipulated any punishment for it. Nevertheless, Article 214 of the Criminal Procedure Code, which has incorporated the provisions of Article 167 of the Constitution almost verbatim, has given judges a free hand<sup>45</sup>. Thus, judges have invoked the said Article 214 to mete out the death sentence in many apostasy cases on the basis of the views of Ayatollah Khomeini, the founder of the IRI<sup>46</sup>. In his book, Ayatollah Khomeini declares that only three groups of people are recognised outside of Islam, who should pay a specific tax, *jazieh*, if they wish to live under the Islamic rule: Jews, Christians and Zoroastrians. He expressly declares: “Nothing shall be accepted from others outside of those three groups but Islam or death<sup>47</sup>.”

**Cursing the prophet<sup>48</sup>:** This section is the closest that the applicable IPC comes to addressing apostasy though the wording of the law is rather vague and allows extensive interpretation. “Anybody who insults the sanctities of Islam and/or any of the grand prophets or the infallible imams or [prophet Mohammad’s daughter] shall be executed if the case is considered to be cursing of the prophet...” (Article 513).

## Murder

Murder is punishable under a section of the IPC headlined *qesas*<sup>49</sup>. The Iranian legal system considers murder to be a matter between private parties and therefore does not refer to its punishment as the ‘death penalty’ or execution. Theoretically, it is not the state but the survivors of the victim



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A man is hanged from a crane on the street on charge of killing an Islamic Revolutionary Court judge

44. *ertedad*.

45. Article 167 of the Constitution provides: “... In the absence of [applicable laws, a judge] shall issue a judgment on the basis of authoritative Islamic sources and authentic *fatwas*.”

46. The ayatollah’s book, *Tahrir ul-Vassileh* (<http://www.melliblog.blogfa.com/post-301.aspx>), has formed the backbone of the penal codes since the Islamic Revolution of 1979 as well as the new draft bill intended to amend the applicable penal code (See also Planned legislation section below for details). The website of the theological teachers of Qom, dubbed as the religious capital of Iran, [www.hawzah.net](http://www.hawzah.net), stipulates that apostasy carries the death sentence and explains The ayatollah’s book, *Tahrir ul-Vassileh* (<http://www.melliblog.blogfa.com/post-301.aspx>), has formed the backbone of the penal codes since the Islamic Revolution of 1979 as well as the new draft bill intended to amend the applicable penal code (See also Planned legislation section below for details). The website of the theological teachers of Qom, dubbed as the religious capital of Iran, [www.hawzah.net](http://www.hawzah.net), stipulates that apostasy carries the death sentence and explains Ayatollah Khomeini’s 1989 death sentence on Salman Rushdie in that context (<http://www.hawzah.net/Hawzah/Vijeh/vijeh.aspx?id=52197>).

47. *Tahrir ul-Vassileh*, Vol. IV, bilingual text, P 249 (<http://www.melliblog.blogfa.com/post-301.aspx>).

48. *sab un-nabi*.

49. *qesas* is retributory or retaliatory punishment and is applied to a series of various offences. Articles 204 -268 of the IPC deal with retribution for murder.

or ‘heirs of the blood’ who impose retribution on the culprit. In practise, in *qesas* cases the judicial authorities execute the murderer, if the family of the victim demand execution of the murderer. Survivors of a murder victim may alternatively decide to withdraw their demand for retribution (i.e. execution) of the murderer in exchange for financial compensation (*diyeh*) and let the murderer free.

The legal provisions relating to murder are discriminatory on several levels as follows.

**Impunity for certain murderers:** Even though it is not expressly stated, the IPC does not treat all murderers equally. Murder may be retaliated only if the victim did not deserve to die under the provisions of the shari’a (Article 226). This provision has been further underlined in Article 295 (Note 2), which reprieves people who “kill someone in the belief that they are enforcing retaliation or if the murdered person is a person whose blood deserves to be wasted<sup>50</sup>...” This killing with impunity provision has given room to fanatic extremists to take the law in their own hands. In March 2003, six members of the paramilitary *Baseej*<sup>51</sup> organisation were arrested in the southeastern city of Kerman and charged with killing two women and three men, amidst reports that a total of 18 people had been killed by similar methods throughout the preceding year. After a lengthy process involving several trials, Branch 31 of the Supreme Court repealed the *qesas* sentences against the six defendants in early 2008 on the grounds that “they believed the victims deserved to have their blood wasted, they [the murderers] were members of families of martyrs... and had offered evidence to substantiate their belief in court.<sup>52</sup>”

While killing with impunity may be resorted to in cases of legitimate defence (Article 629), victims of the Kerman murders were killed on the grounds that they had allegedly committed vice. By implication, the notion of killing with impunity may also be employed to kill anybody ‘deserving’ a retaliatory death penalty. The IPC, for example, expressly provides for impunity of the killer of adulterers. “A husband who sees his wife committing adultery with another man may kill both of them in that position, if he is sure that the woman has consented; if the woman is reluctant, he may kill the man only...” (Article 630).

**Discrimination between Moslems and non-Moslems:** The IPC does not prescribe retaliation if a non-Moslem is killed. Retaliation for murder applies if the victim is a Moslem or if both the murderer and the victim are non-Moslems. “If a Moslem is killed, the murderer shall be subjected to *qesas*...” (Article 207; emphasis added). On the other hand: “In the event that an infidel<sup>53</sup> intentionally kills another infidel, s/he shall be subjected to retribution even if the two are followers of different religions...” (Article 210).

**Discrimination in favour of fathers and grandfathers:** In February 2008, a man took the law into his own hands when he stoned his 14-year-old daughter, Sa’eedeh, for her relationship with a boy in Zahedan (Quds newspaper, 13 February 2008)<sup>54</sup>. The man said that he had shot his daughter four times after stoning her. There have been no further reports as to how the

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50. *mahdur ud-dam*, literally meaning a person whose blood may be wasted.

51. *Baseej*, meaning mobilisation, is the paramilitary organisation under the command of the Islamic Revolutionary Guards Corps (IRGC).

52. [http://www.roozonline.com/archives/2008/05/post\\_7233.php](http://www.roozonline.com/archives/2008/05/post_7233.php)

53. Followers of Christianity, Judaism or Zoroastrianism (*Tahrir ul-Vassileh*, Vol. IV, bilingual text, P 249).

54. Daily Etemad of 17 February 2008 reported the girl’s name as Sommayeh.

judiciary has dealt with the case. However, under the patriarchal provisions of the IPC, “a father (or paternal grandfather) who kills his child” (or grandchild) “will not be sentenced to *qesas* but to payment of *diyeh* [compensation] to survivors of the victim and *ta’zir* [discretionary punishment]” (Article 220). Survivors of the victim, i.e. the mother if the father is the killer (or parents, if the grandfather is the killer), generally forgo the demand for punishment.

## Economic offences

Some economic offences are also considered capital crimes. The Law for Punishment of Disrupters of the National Economic System<sup>55</sup>, passed in 1990, stipulates the death sentence for certain offences, if they are intended to ‘strike at the Islamic Republic of Iran or combat it or if they are committed with the knowledge that they are effective in combating the said regime, provided that they amount to corruption on earth’<sup>56</sup> (Article 2). The offences include but are not limited to: disrupting the monetary or exchange system through major acts of smuggling, disrupting the distribution of staple diets through overpricing on a macro level or speculating, and disrupting the production system (Article 1).

## Drug- related offences

The Law for Amendment of the Anti-Narcotics Law & Annexation of Other Articles to It (November 1997) lays down the death sentence for drug-related offences in several instances. They include: planting poppies or coca, or cannabis with intention to produce drugs, on the fourth conviction; smuggling more than 5 kilograms of opium, cannabis or grass etc into Iran; buying, keeping, carrying or hiding more than 5 kilos of opium and the other aforementioned drugs, on the third conviction; smuggling into Iran, dealing, producing, distributing and exporting more than 30 grams of heroin, morphine, cocaine or their derivatives.

## Other capital offences

Under an amendment to a law passed in 1967, in the event of death as a result of consumption of foodstuffs, drinks, cosmetics or sanitary items, the producer, preparer or mixer may face the death sentence (Article 3 of amendment dated 8 March 1975). Some other specific laws have also stipulated the death sentence, e.g. the Law for Punishment of Disrupters of Oil Industry, the Law for Punishment of Disrupters of Water, Electricity and Telecommunication Facilities, the Law for Punishment of Disrupters of Flight Security, the Law for Punishment of Offences concerning Railways, the Law for Increase of Punishment for Arms Smuggling.

## Bill for amendment of IPC

The applicable Islamic Penal Code has been in place since 1991 on a ‘trial basis’<sup>57</sup>. In November 2007, the judiciary submitted a new bill for a permanent legislation. The Bill for amend-

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55. *Qanun-e mojazat-e ekhlalgaran-e dar nezam-e eqtessadi-ye keshvar*.

56. See footnote 41.

57. The applicable IPC was initially approved by the Judicial and Legal Affairs Committee of the *majlis* in 1991 on the basis of Article 85 of the Constitution, under which the House may assign the task of legislation to one of its committees. In that case, the law in question will be in force on a trial basis for a specific period of time. In 1991, the IPC came in force for five years and then in early 1997 its trial period was extended for another 10 years. Since 2006 the trial period has been extended three times, one year at a time.

ment to the Islamic Penal Code<sup>58</sup>, which the parliament [*majlis*] passed in its first reading, i.e. the generalities, in September 2008, indeed overhauls the IPC in many ways, and has an impact on the application of the death penalty. When passed in its final reading, it has to be approved by the Council of Guardians<sup>59</sup> to become a law. However, there is little chance that this conservative body will reject it for the incompatibility of its provisions with international human rights laws.

## Death sentence withdrawn or its scope reduced in the bill

The draft bill has omitted the death penalty in some cases and reduced its scope in other instances. These include the following:

- 1. Same sex relations between men:** If the relationship involves penetration, the active partner shall not be killed unless he has forced the other party or if he is married. The passive partner shall still receive the death penalty. If it does not involve penetration, each party shall receive 100 lashes. But the active partner shall still be killed if he is not a Moslem.
- 2. Lesbianism:** The only penalty mentioned is 100 lashes.
- 3. Accusation of fornication or sodomy:** The only penalty mentioned is 100 lashes.
- 4. Cursing the prophet:** The scope has been reduced to swearing at the prophet of Islam, his daughter or the 12 infallible imams or accusing them of fornication or sodomy. Thus, by implication, insulting the sanctities of Islam or other prophets would no longer carry the death sentence.
- 5. Drinking:** The only punishment mentioned is 80 lashes.

## Scope of death sentence widened in the bill

The scope of the ‘corruption on earth’ and ‘*moharebeh*’ cases that carry the death sentence has been widened under the draft bill. Anybody who commits the following vaguely-worded offences on an ‘extensive level’ shall be found to be ‘corrupt on earth’ and receive the punishment for *moharebeh*: actions against the internal or external security of the country, disruption of the economy, arson, destruction and terror, distribution of dangerous poisonous and microbiological matters, and establishment of prostitution and corruption centres (Article 228-10).

The draft bill is, however, contradictory regarding the punishment for the ‘corrupt-on-earth’ and *mohareb* persons. On the one hand, “a *mohareb* shall receive the death penalty if s/he has killed somebody” (Article 228-5-1). On the other hand, even if it is not certain whether s/he has killed anybody, s/he shall be sentenced to death, e.g. “any group that wages armed insurrection based on political theory against the Islamic Republic of Iran is an insurgent group [and its members] who use arms and explosives shall be regarded as *mohareb* and sentenced to death” (Article 228 – 11). Therefore, one may be sentenced to death only for being armed without having committed murder.

58. For the full text in Persian, see [http://www.dadkhahi.net/law/Ghavanin/Ghavanin\\_Jazae/layehe\\_gh\\_mojazat\\_eslami.htm](http://www.dadkhahi.net/law/Ghavanin/Ghavanin_Jazae/layehe_gh_mojazat_eslami.htm)

59. The Council is made up of 12 members. Six are Islamic canonists, who are appointed by the Supreme Leader and the other six are jurists, elected by the *majlis* from among those nominated by the head of the judiciary. Only the first six have jurisdiction to comment on compatibility of legislations with Islamic *shari'a* and ratify or return them to the House for amendment. The full Council checks the compatibility of legislations with the Constitution.

The draft bill also provides for the death sentence in the following cases, which are not included in the law currently applicable.

**Apostasy, heresy & witchcraft<sup>60</sup>:** Articles 225-1 through 225-14 of the bill discuss these topics. An apostate is any Moslem who denies Islam and converts to infidelity. There are two types of apostates. An innate apostate<sup>61</sup> is a person born to Moslem parents and therefore a Moslem. A parental apostate<sup>62</sup> is a person born to non-Moslem parents, who converts to Islam after maturity and later denies Islam. The punishment is death in both cases, though the latter shall be given three days to repent, in which case he shall escape death. The related provisions enforce ‘positive’ discrimination for female apostates, who shall be given life imprisonment in both cases.

This provision has for the first time introduced the crime of apostasy in the penal code. The applicable laws do not contain any provisions on apostasy. Nevertheless, this exclusion did not prevent the execution of a large number of members of opposition groups on charges of apostasy or atheism in both 1981 and 1988. There have been few reports on apostasy cases in recent years. According to a 21 December 2008 report, a man by the name of Alireza Payghan, claiming to be the 12<sup>th</sup> imam of the Shiite and author of a book on the topic, was sentenced on charge of apostasy and executed in Qom on 18 December. He had been arrested in November 2006 and, based on rulings of “some sources of emulation”, had been found to be an apostate and a “corrupt on earth” person. The government newspaper, The daily Iran, did not report on Payghan’s claim, only noting: “he was spreading warship of superstition”. In 2007, another man by the name of Darvish, also claiming to be the 12<sup>th</sup> imam, had been executed in Qom. Ayatollah Khomeini’s book, *Tahrir ul-Vassileh*, is the most frequently invoked source in apostasy cases. The draft bill’s definitions of an apostate as well as the pertaining punishments have been taken from that book, as have many other definitions and punishments<sup>63</sup>.

**Heresy:** Anybody who claims to be a prophet is to be condemned to death and any Moslem who devises a heresy and based on it creates a sect, which is detrimental to Islam, shall be considered an apostate, and thus subject to the death sentence. While Christianity, Judaism and the Zoroastrianism are recognised under the Constitution, this provision seems to be directed at followers of the Baha’i minority, who have suffered ongoing persecution since the 1979 revolution (see section on Religious minorities).

**Witchcraft** also carries the death sentence. The draft bill does not rule out the reality of witchcraft, nor does it condemn non-Moslems in this relation: “Any Moslem who is involved with witchcraft and promotes it in the society as a profession or a sect shall be condemned to death.”

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60. For an English translation of this section see [http://rezaei.typepad.com/hassan\\_rezaei/2008/02/index.html](http://rezaei.typepad.com/hassan_rezaei/2008/02/index.html)

61. *mortad-e fetri*.

62. *mortad-e melli*.

63. *Tahrir ul-Vassileh*, by Ayatollah Khomeini, original Arabic text, volume 2, page 494. The Persian translation of the related section is available on page 243 of volume 4 of the bilingual text (<http://www.melliblog.blogfa.com/post-301.aspx>). For an actual court verdict based on Ayatollah Khomeini’s apostasy fatwa, see the 1994 verdict issued in Sari, Mazandaran, at: (<http://www.hoghooghddanan.com/lawblog/article12.html>).



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## Other draft legislation

There is another short piece of legislation in progress that is referred to as “the bill for intensification of punishments for disturbing psychological security of the society<sup>64</sup>.” The bill indeed overlaps with the IPC and the draft bill mentioned above supposed to amend it. It is likely that legislators will later incorporate the provisions of “the bill for intensification of punishments for disturbing psychological security of the society” in the draft bill for amendment of IPC. The new short piece of legislation was passed in its first reading in July 2008 and has not yet been finalised. Article 2 outlines the offences the bill would address as “banditry<sup>65</sup> and armed robbery, rape, forming of corruption and prostitution gangs, establishment of blogs and websites that propagate corruption, prostitution and atheism, smuggling of humans for sexual purposes, evil-doing, kidnapping for the purpose of rape or extortion.” Article 3 stipulates the punishment for these offences to be the same as those for ‘*mohareb*’ and ‘*mofsed-e fel-arz*’ if “the offenders do not deserve any other punishment.”

Once again the vague wording leaves it wide open to interpretation to determine what actions qualify as “evil doing” or “corruption.” Furthermore, if and when passed, the new legislation could be used as a tool against the rights to freedom of expression and access to information through the Internet.

64. “*Tarh-e tashdeed-e mojazat-e ekhlal dar amniyat-e ravani-ye jame'e*”.

65. *Elhaad*; The IPC and the draft bill have not mentioned atheism.

One more bill being deliberated in the parliament concerns smuggling of arms and ammunition. According to the bill, which was passed in the first reading (the generalities) on 16 December 2008, keeping of heavy weapons, armed resistance of such perpetrators against government agents, smugglers of radioactive and microbiological stuff and armed resistance of smugglers of military or chemical explosives against government agents can be punished by death<sup>66</sup>.



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2

1. Public execution
2. Public execution
3. A police officer putting the noose around a man's neck



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3

66. <http://www.farsnews.net/newstext.php?nn=8709260378>

# International legal framework

Iran is a State party to the International Covenant on Civil and Political Rights (ICCPR) since 1975. Article 6 of the Covenant enshrines the right to life, and provides that:

“In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime (...) Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.”

The last time the Human Rights Committee overseeing the implementation of the Covenant examined the report of the Islamic Republic of Iran was in 1993. At that time, the UN Human Rights Committee deplored “the extremely high number of death sentences that were pronounced and carried out in the IRI during the period under review, many of which resulting from trials in which the guarantees of due process of law had not been properly applied. In the light of the provision of article 6 of the Covenant, requiring States parties that have not abolished the death penalty to limit it to the most serious crimes, the Committee considers the imposition of that penalty for crimes of an economic nature, for corruption and for adultery, or for crimes that do not result in loss of life, as being contrary to the Covenant. The Committee also deplores that a number of executions have taken place in public<sup>67</sup>.”

Since that time, the Iranian authorities have not submitted periodic reports to the treaty body under the Covenant. Such a report has been due since 1994.

The IRI also ratified the [UN Convention on the Rights of the Child](#) in 1994. It made, however, a general reservation under which “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.” In that regard, the UN Committee on the Rights of the Child, a body composed of independent experts, expressed its deep regret “that no review has been undertaken of the broad and imprecise nature of the State party’s reservation since the submission of the initial report. It reiterates its concern that the nature of the general reservation potentially negates many provisions of the Convention and raises concern as to its compatibility with the object and purpose of the Convention.” The Committee consequently reiterated “its previous recommendation that the State party review the general nature of its reservation with a view to withdrawing it, or narrowing it, in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993<sup>68</sup>.”

The Convention notes, “a child means every human being below the age of eighteen years” (Article 1) and “recognises that every child has the inherent right to life” (Article 6). “Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age” (Article 37).

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67. CCPR/C/79/Add.25, 3 August 1993, Para 8.

68. Concluding observations of the Committee on the Rights of the Child, CRC/C/15/Add.254, 31 March 2005, paras 6 and 7.

The Iranian Civil Code stipulates: “Rules and treaties concluded, in accordance with the Constitution, between the Iranian government and other governments shall have the force of law” (Article 9). It may therefore be concluded that the Convention has the force of law in Iran, under which no person under the age of 18 should be sentenced to death<sup>69</sup>.

The last time it examined the respect by the Iranian authorities for their obligations under the Convention on the Rights of the Child in 2005, the UN Committee on the Rights of the Child urged the State party “to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them into penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.”<sup>70</sup> The same Committee had already issued a similar recommendation in 2000<sup>71</sup>.

The Committee also reiterated its serious concern with article 220 of the Islamic Penal Code, which provides that a father who kills his own child, or a grandfather who kills his son’s child, is only required to pay blood money and is subjected to a discretionary punishment and recommended that “the State party take the necessary measures, including the amendment of the offending article of the Penal Code, to ensure that there is no discriminatory treatment for such crimes and that prompt and thorough investigations and prosecutions are carried out”<sup>72</sup>.

In addition, the Committee notably urged the State party to:

- review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform with all the principles and provisions of the Convention and with internationally accepted standards, and in particular that they are gender neutral, in the best interests of the child, and ensure that they are enforced (para 23);
- suspend immediately, for an unlimited period of time, the imposition and execution of the death penalty for crimes committed by persons under 18, and to take all measures to implement paragraph 30 of the present Concluding Observations;
- suspend immediately the imposition and execution of all forms of torture, and other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, for crimes committed by persons under 18 (para 73).

To date, it appears that the Iranian authorities have not implemented any of the recommendations issued by both the UN Human Rights Committee and the UN Committee on the Rights of the Child concerning the death penalty.

In the General Comment on Article 6 of the ICCPR, adopted in 1982, the Human Rights Committee established that this article “refers generally to abolition [of the death penalty] in terms which strongly suggest (...) that abolition is desirable. The Committee concludes that all measures of abolition should be considered as progress in the enjoyment of the right to life”<sup>73</sup>. The same General Comment stated that death penalty should be reserved only for the “most

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69. This interpretation has been adopted by Mr. Mostafaei, a human rights lawyer, who represents nearly two dozen death-row juveniles: <http://mostafaei.blogfa.com/post-15.aspx>

70. Concluding observations of the Committee on the Rights of the Child, CRC/C/15/Add.254, 31 March 2005, para 30.

71. CRC/C/15/Add.123, 28 June 2000, para. 30.

72. Concluding observations of the Committee on the Rights of the Child, CRC/C/15/Add.254, 31 March 2005.

73. UN Human Rights Committee General Comment 6 on the right to life (art. 6), 30/04/1982, paragraph 6.

serious crimes”, which is interpreted as meaning that death penalty should not be awarded for crimes beyond intentional crimes with lethal or other extremely grave consequences<sup>74</sup>. The Human Rights Committee established under the ICCPR has stated that “the imposition of the death penalty for offences which cannot be characterized as the most serious, including apostasy, committing a third homosexual act, illicit sex, embezzlement by officials, and theft by force, is incompatible with Article 6 of the Covenant<sup>75</sup>.”

In 1984, the UN Economic and Social Council adopted the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. In the same year, the Safeguards were endorsed, endorsed by consensus by the UN General Assembly. Safeguard 1 states: “In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences<sup>76</sup>.”

As specified by the UN Commission on Human Rights, States should “ensure that the notion of “most serious crimes” does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, nonviolent religious practice or expression of conscience and sexual relations between consenting adults<sup>77</sup>.” It is clear that the scope of the death penalty in Iran encompasses far more than what international law considers ‘the most serious crimes’.

As noted by the UN Special Rapporteur on Extrajudicial Executions in his 2005 annual report, “the legislation of a significant number of States provides for the death penalty to be mandatory in certain circumstances. The result is that a judge is unable to take account of even the most compelling circumstances to sentence an offender to a lesser punishment, even including life imprisonment. Nor is it possible for the sentence to reflect dramatically differing degrees of moral reprehensibility of such capital crimes.”<sup>78</sup> However, for an important number of crimes in the Islamic Republic of Iran, the death penalty is a mandatory sentence, in violation of international human rights standards.

Lastly, every year since 2003, the UN General Assembly has adopted a resolution on the human rights situation in Iran, which consistently raises the issue of the death penalty<sup>79</sup>. The resolutions adopted in December 2007 and December 2008 request the UN Secretary General to present a detailed report on the human rights situation in the IRI<sup>80</sup>.

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74. General Comment on art. 6 of ICCPR, para 7.

75. Concluding observations of the Human Rights Committee: Sudan under Article 40 of the Covenant, UN document No. CCPR/C/79/Add.85, 19 November 1997, paragraph 8, <http://www.unhchr.ch/tbs/doc.nsf/0/bc310a747155dff88025655300537fae?Opendocument> (24 March 2005).

76. U.N. Economic and Social Council, Resolution 1984/50, “Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty”, ECOSOC/Res/1984/50, 25 May 1984, [http://www.unhchr.ch/html/menu3/b/h\\_comp41.htm](http://www.unhchr.ch/html/menu3/b/h_comp41.htm)

77. Resolutions 1999/61, 2000/65, 2001/68, 2002/77, 2003/67, 2004/67 and 2005/59.

78. E/CN.4/2005/7, para. 63.

79. Para. 1d of A/RES/58/195 (December 2003), Para. 3j of A/RES/59/205 (December 2004), Para. 2d of A/RES/60/171 (December 2005), Para. 2d of A/RES/61/176 (December 2006), Para. 1c, 1d and 3a, b, c and d of A/RES/62/168 (December 2007), and resolution as voted in the third committee of the UNGA in November 2008, para. 2a, b, and c, and para. 3a, b, c and d of A/C.3/63/L.40.

80. See UNGA Resolution 62/168 and 63/191.

# The right to a fair trial

The Iranian Constitution enshrines various rights closely connected to the right to a fair and independent trial: equal protection by the law (Art. 20)<sup>81</sup> the right to recourse to the courts (Art. 34), the right to counsel (Art. 35), sentencing in accordance with the law (Art. 36), the presumption of innocence (Art. 37), and the prohibition of torture (Art. 38). However, those rights are widely jeopardised because of the total dependence of all state institutions- including the judiciary - on the Supreme Leader.

As noted by the UN Secretary General in his recent report on the human rights situation in the Islamic Republic of Iran:

“Despite the separation of powers provided for in article 57 of the Constitution, the Supreme Leader, currently Ayatollah Ali Khamenei, supervises the executive, legislative and judicial branches and other key institutions. This is reinforced by the system of advisory councils provided for in the Constitution. The Guardian Council is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto the bills passed by Parliament if it views them as being inconsistent with the Constitution and sharia law. The Expediency Council serves as an advisory body for the Supreme Leader with an ultimate adjudicating power in disputes over legislation between Parliament and the Guardian Council. The Assembly of Experts, comprising clerics elected through a general election, has the power to appoint and remove the Supreme Leader. The Supreme Leader appoints the head of the judiciary who in turn appoints the head of the Supreme Court and the Chief Public Prosecutor<sup>82</sup>.”

In addition, special tribunals issue the largest number of death sentence, for example the Islamic Revolutionary Courts deal with certain categories of offences, including crimes against national security and narcotics smuggling as well as a number of other offences. A Special Court for Clergy (SCC) deals exclusively with offences committed by clerics or other people if the offence is somehow related to the clergy. Special tribunals are also set up arbitrarily. For example, the setting up of a special court under the auspices of “special judicial complex for security affairs” in Sistan-Baluchistan province in 2006 has led to a drastic rise in executions in the province. The UN Working Group on Arbitrary Detention, during its visit to Iran in 2003, raised concerns about the impact of such courts on the principle of equality before the law. The Working Group called for their functions to be transferred to the ordinary courts<sup>83</sup>.

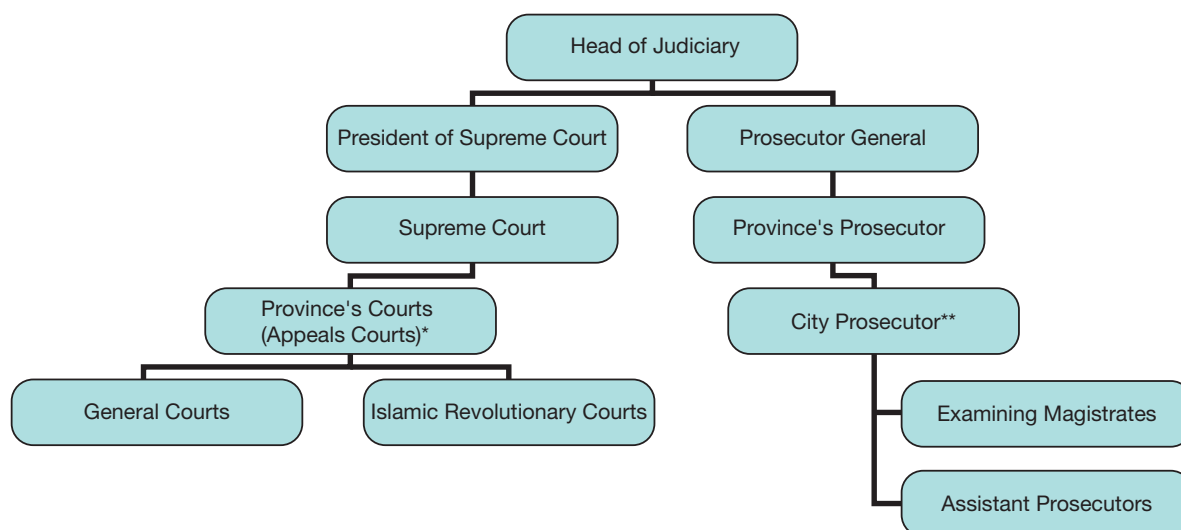
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81. The same Article refers to all “human, political, economic, social and cultural rights” but unfortunately qualifies it with “in compliance with the Islamic tenets.”

82. Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, A/63/459, 1 October 2008, paras. 9 and 10, accessed at: <http://daccessdds.un.org/doc/UNDOC/GEN/N08/530/75/PDF/N0853075.pdf?OpenElement>.

83. E/CN.4/2004/3/Add.2, 27 June 2003, paras 51 and 56, and recommendation 1, accessed at <http://daccessdds.un.org/doc/UNDOC/GEN/G03/147/77/PDF/G0314777.pdf?OpenElement>

## Structure of the Iranian judiciary



\* Appeals against sentences of death, amputation, expropriation and confiscation of property and imprisonment over 10 years are referred to the Supreme Court, not to appeals courts.

\*\* The prosecutor may decide to refer investigation of a case to an examining magistrate or to one of his assistants.

While, in theory, the Islamic Revolutionary Courts are included in the structure of the judiciary, they still retain an administration which operates separately from the justice departments that are supposed to oversee them. On the other hand, the Special Court for Clergy (SCC) is completely independent of the judiciary and runs its own parallel and highly secretive judicial system, equipped with a prosecutor and appeals courts as well as its own specific detention centres and prisons. Unlike the sentences of general and Islamic Revolutionary Courts, even the death sentences issued by the SCC are not examined by the Supreme Court, but rather by the SCC appeals courts. Details of SCC cases occasionally leak to the news media notably when they involve politically prominent individuals. Whereas Article 159 of the Constitution requires the establishment of courts and their jurisdiction to be determined by law, legislators have never passed any legislation to sanction the establishment of the SCC.

When dealing with non-political cases, it can commonly take several years for a death penalty case to reach the final stage of execution. Many common criminals have been known to spend as many as 10 years or more on death row throughout the course of different appeals and investigations by the Supreme Court and, in the past in some cases, the deliberations of the Discernment Branch<sup>84</sup> of the Supreme Court<sup>85</sup>. On the other hand, most political capital cases reach the final stage rather quickly, in the span of a year or two, which in some way may be regarded as a progress in comparison with the minutes-long trials of the 1980s. Nevertheless, political capital cases are routinely sent to certain branches of the Supreme Court that have a notorious record for ignoring the bills of defence and upholding the death sentences issued by the courts of first instance.

84. According to a 19 October 2001 amendment to the Law for Establishment of General and Revolutionary Courts, the Discernment Branches of the Supreme Court were assigned to examine appeals against finalised sentences to see if they are in contravention of law or shari'a-sanctioned evidence. Each branch consisted of five judges of the Supreme Court, who were appointed by the head of the judiciary. Their decisions were final and not subject to appeal, unless the head of the judiciary found those decisions in contravention of shari'a-sanctioned evidence. Those branches were also empowered to prescribe retrial. Those branches were dissolved under a February 2007 amendment to the law.

85. Occasionally in some *qesas* cases, a death-row prisoner is made to wait several years for the children of the victim to reach majority in order to decide his/her fate, i.e. to demand retribution or to accept financial compensation.

The right of defendants to have access to a lawyer during detention, interrogation and preliminary investigations is not recognised. Article 128 of the Criminal Procedure Code provides that even the presence of a lawyer at the stage of investigation in “cases of offences against the national security shall require the court’s permission.” FIDH is not aware of any case whereby the courts have permitted it. Judges have the power to bar lawyers from accompanying the defendants or even detain or imprison the lawyers if they protest against unfair proceedings or in some cases if they publicly shed light on unfair proceedings.

In many courts, the judge plays the role of the interrogator, prosecutor and judge all at the same time. In many criminal and in particular political trials, where the prosecutor or his representative appear, there is no difference between the attitude of the judge, who is expected to be neutral, and that of the prosecutor. In the overwhelming majority of criminal and political cases, judges do not presume that defendants are innocent until proved guilty. The guiding principle appears to be the other way round: defendants are guilty unless proved innocent. In an example from 2007, in the case of bombings in the Khuzestan province by Arab ethnic minority activists, several of the lawyers involved were detained and then charged with acting against national security after they had published a letter in which they protested against the trial procedures and the court’s refusal to allow them to visit their clients. Though the lawyers in this case were later acquitted there have been other well-known cases of lawyers repressed because of their work. In 2005, the Tehran prosecutor charged Mr. Abdolfattah Soltani, a well-known human rights lawyer, with spying and waging propaganda against the regime. He spent more than seven months in detention and was sentenced to five years imprisonment and five years deprivation from social services. Later, the appeals court acquitted him of all charges. Another lawyer, Mr. Nasser Zarafshan, who represented the family of a victim of the 1998 serial killings of writers and intellectuals, spent five years in prison, from 2002-2007, on charges of revealing information about the case<sup>86</sup>.

This denial of defendants’ right to a lawyer and direct condemnation of lawyers doing their job blatantly violate the UN Basic Principles on the Role of Lawyers, which state that Governments shall ensure that “lawyers ( a ) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ( b ) are able to travel and to consult with their clients freely both within their own country and abroad; and ( c ) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics” (Para. 16). The same Basic Principles further add: “Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions” (Para. 18).

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86. See annual Reports of the Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT.

# Execution of juvenile offenders

Iran ranks as the world's top child executioner. Most other countries have stopped the practice as a result of international and domestic pressure<sup>87</sup>. Since 1999 through March 2009, at least 42 executions of juvenile offenders have been recorded in Iran, 12 of them in 2007 and eight in 2008, though the true figures are likely to be higher.

Iranian authorities have occasionally claimed that nobody under the age of 18 is executed in Iran. Most recently, President Ahmadinejad said: *"In Iran youngsters are not executed. Where have they been executed? Our law actually sets 18 as the criminally liable age for capital punishment"*<sup>88</sup>. Unfortunately, this statement bears little resemblance to reality, which becomes clear in looking at the facts as shown in the table below or with an examination of the applicable laws in Iran.

Indeed, laws exist, which are quite clear on this issue. For example, the Islamic Penal Code does stipulate that children are free from criminal liability, but it defines a child as *"a person who has not reached the age of pubescence as stipulated by the sharia"* (Article 49 and its Note). Further, the Iranian Civil Code that had previously set the age of maturity at 18 was amended in 1982 as follows: *"The age of pubescence for boys is fifteen lunar years and for girls nine lunar years"*<sup>89</sup> (Note 1 to Article 1210).

There have been some attempts to make those provisions compatible with the requirements of the Convention on the Rights of the Child, but those attempts do not go far enough.

In August 2006, parliament approved the Bill for Establishment of Children and Juveniles Courts in its first reading. The bill retained the IPC's definition of a child, i.e. *"a person who has not reached the age of pubescence as stipulated by the sharia"*. But it stipulated the punishment of 2-8 years imprisonment in regard to capital offences committed by young people between ages of 15 and 18. Nevertheless, it contained a vaguely worded provision that would still empower judges to sentence minors to death. According to its Article 33, in *qesas* and *hodood* punishments, the court shall issue the said reduced sentence only *"if the maturity and complete mental health of the culprit is in doubt."* In July 2007, the Parliamentary Judicial Affairs Committee began examining the bill in detail, but it has neither been debated by the full House nor been made into law as of yet.

Before that in March 2005, the government had submitted *"The Bill for Investigation of Offences of Children and Juveniles"* to parliament. Finally, after a few years, parliament started deliberating it in late 2008 and passed it in the first reading (generalities) on 14 December. That bill also stipulates that young people between 15 and 18 years of age would be held in young people's correction centres from 2-8 years for offences legally punishable by death or life imprisonment (Article 33). Nevertheless, it is silent on the question of *qesas* and *hodood* punishments.

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87. As of July 2008 there were 3 juvenile on death row in Saudi Arabia, 3 in Sudan and 1 in Yemen. Other than Iran, only Saudi Arabia executed 1 juvenile in 2007. In 2008, Iran has been the only country to execute juveniles (see Juvenile offenders log in annex).

88. The New York Times interview, 26 September 2008.

89. There are 354 days in a lunar year, which would make boys just over 14.5 solar years old and girls 8.7 solar years old.

A similar trend is noticeable in the draft Islamic Penal Code, which has been approved in parliament's first reading in September 2008 (see Planned legislation above). There are contradictory definitions of a child in the said bill. Even though it sets the age of pubescence as 15 years for boys and 9 years for girls, it defines a child as "a person under the age of 18 solar years" (Article 141-1). It also stipulates that in the case of "*hadd* offences, pubescent children shall receive the punishments prescribed by the Law for Investigation of Offences of Children and Young People, provided that they do not understand the nature and forbiddenness of the crime" (Article 141-4). This provision will clearly give judges a free reign to issue the death sentence if they personally conclude that the under-age culprits did understand the "nature and



*Juveniles Ayaz Marhuni (16/17) and Mahmud Asgari (15/16) are hanged in public in Mashhad in July 2005.*

forbiddenness of the crime.” Evidently, parliament shall be required to make compatible the provisions of the two bills, i.e. the Bill for Investigation of Offences of Children and Juveniles and the draft Islamic Penal Code, and resolve their contradictions.

As illustrated in the table below, the widespread practice in Iran is to keep a minor convicted of a capital crime in prison until s/he grows to the age of 18 and then execute him/her.

On 15 October 2008, Hossein Zebhi, Assistant Prosecutor General for Judicial Affairs, said that according to a circular letter of Ayatollah Shahroodi, head of the judiciary, juvenile offenders would no longer be executed<sup>90</sup>. Three days later, he retracted his statement. On 18 October, he asserted that *qesas* (retribution) “is the private right of the people, and the judiciary cannot intervene in” *qesas* cases, thus implying that executions of juvenile offenders would still be carried out. Indeed 11 days later, on 29 October, the judicial authorities hanged an Afghan national who had been 17 at the time of the crime (see N°. 40 in the table below).

90. Ayatollah Shahroodi had issued a similar circular letter in 2003.

**Table: Executions of minors, 1999 – MARCH 2009**

	Name	Age at execution	Age at time of alleged crime	Charge/reason for execution	Date Executed	Place	Remarks
1	Ebrahim Qorbanzadeh	17		Murder	24.10.1999	Rasht	
2	Jasem Ebrahimi	17		Kidnapping, rape, murder	14.1.2000	Gonaveh	Public hanging
3	Mehrdad Yussefi	18	16	Murder	29.5.2001	Western Iran	
4	1 minor <sup>90</sup>				2003		
5	Mohammad Mohammadzadeh	22	17	Murder	25.1.2004	Ilam	
6	Salman (surname not available)	21	17	Murder	12.5.2004	Mashhad	
7	Mojtaba Amiri	17			13.7.2004	Shiraz	
8	Atefeh Rajabi Sahaleh (f)		16 <sup>91</sup>	4 <sup>th</sup> time offence against chastity	15.8.2004	Neka	Public hanging at city centre
9	Iman Farrokhi		17	Murder	19.1.2005	Tehran	
10	Ali Safarpour Rajabi	20	16 or 17	Murder	13.7.2005	Poldokhtar	
11	Ayaz Marhuni	16 or 17		Raping a 13 year old boy	19.7.2005	Mashhad	Public hanging
12	Mahmud Asgari	15 or 16		“	“	“	“
13	Farshid Farighi	21	14-16	Murder of 5 men	1.8.2005	Bandar Abbas	
14	1 unnamed boy	17		Kidnapping & rape	23.8.2005	Bandar Abbas	Public hanging
15	1 unnamed man	22	17	Rape	12.9.2005	Fars province	
16	Rostam Tajik		16	Murder	10.12.2005	Esfahan	Afghan national; hanged in public
17	Majid Sagvand <sup>92</sup>	17		Raping & killing a 12-year-old boy; jointly with a man	13.5.2006	Khorramabad	Public hanging
18	Sattar (surname not available)		17	Murder	Sept. 2006		
19	Morteza M.	18	16	Murder	7.11.2006	Yazd	Public hanging
20	Naser Batmani	22	Under 18	Murder	Dec. 2006	Sanandaj prison	Kurdish minority
21	Massoud Naqi <sup>93</sup> Biravand				2006	Lorestan province	

91. Hands Off Cain Report 2004.

92. The judge, who sentenced her to death and later personally put the noose around her neck, claimed that she was 22 years old. The case received widespread coverage including in a BBC documentary in which her relatives produce both her birth and death certificates: <http://www.youtube.com/watch?v=fTv6ZDRyqe8>

93. Some reports have spelled the name as Segound.

	Name	Age at execution	Age at time of alleged crime	Charge/reason for execution	Date Executed	Place	Remarks
22	Mohammadreza Mussavi Shirazi		17	Murder	22.4.2007	Shiraz	
23	Sa'id Qanbarzahi (Baluch)	17		Family ties to bombing suspects	27.5.2007	Zahedan prison	Baluch minority
24	Mohammad Pezhman		Under 18	Rape	May 2007	Bushehr	
25 & 26	2 Afghans	Under 18		Not available	Sept/Oct 2007		Source: Afghanistan Independent HR Commission
27	Hossein Gharabaghloo	19	16	Murder	17.10.2007	Tehran province	
28	Amir Asgari				10.10.2007		
29	Babak Rahimi	23	Possibly under 18	Murder	17.10.2007		
30	Mohammadreza Tork	18	16	Murder	15.11.2007		
31	Makwan Moloudzadeh	21	13	Rape of 3 boys	4.12.2007	Kermanshah prison	Kurdish minority
32	Amir Houshang Fazlollahzadeh				31.12.2007	Tonekabon	
33	Mohammad <sup>94</sup> Faqiri				2007	Esfahan province	
34	Javad Shojaee	23	16	Murder	26.2.2008	Esfahan prison	
35	Mohammad Hassanzadeh	16 or 17		Murder	10.6.2008	Sanandaj prison	Kurdish minority
36	Hassan Mozafari		Under 18	Rape	22.7.2008	Bushehr	
37	Rahman Shahidi		“	“	“	“	
38	Seyed Reza Hejazi		15	Murder	19.8.2008	Esfahan prison	
39	Behnam Zare'		15	Murder	26.8.2008	Shiraz	
40	Gholamreza H.	19	17	Murder	29.10.2008	Esfahan prison	Afghan national
41	Ahmad Zare'i	23	17	Murder	25.12.2008	Sanandaj prison	
42	Molla Gol-Hassan	21	17	Murder	21.01.2009	Evin prison	Afghan national

**Note:** The table has been compiled based on Amnesty International report “Iran: The last executioner of children” AI Urgent Actions, Stop Child Executions campaign and other sources mentioned in the table.

While execution of juveniles in Iran has been drawing increasing protests from the international community in particular in recent years, similar efforts are in progress within Iran. Most recently in November 2008, Defenders of Human Rights Centre (DHRC), headed by the Nobel Peace

94. As of July 2008 there were 3 juvenile on death row in Saudi Arabia, 3 in Sudan and 1 in Yemen. Other than Iran, only Saudi Arabia executed 1 juvenile in 2007. In 2008, Iran has been the only country to execute juveniles (see Juvenile offenders log in annex).

95. Ibid.

Laureate Shirin Ebadi, launched a campaign to abolish execution of juvenile offenders. Meanwhile, information collected in previous years shows that execution of juvenile offenders is a long-standing practice in Iran. More than 240 executions of juveniles were recorded in the course of 20 years from 1979 to 1999 and the true figure may be higher still. About 200 of those, including many girls, were executed during the turbulent years of 1981-83, in particular in 1981. Most of them were school students aged from 13 to 17, who faced death by firing squads for their involvement in opposition activities.

Iran ranks as the world's top child executioner. Most other countries have stopped the practice as a result of international and domestic pressure<sup>96</sup>. Since 1999 through March 2009, at least 42 executions of juvenile offenders have been recorded in Iran, 12 of them in 2007 and eight in 2008, though the true figures are likely to be higher.

As recently as July 2008, twenty-four international and regional human rights organizations published a joint statement calling on Iranian authorities to stop imposing the death penalty for crimes committed by juvenile offenders. According to the statement, "[a]lmost 140 juvenile offenders are known to be on death row in Iran, but the true figure could be even higher – for example, Mohammad Hassanzadeh's case was not known to campaigners prior to his execution<sup>97</sup>."

A spreadsheet entitled "Juvenile offenders log, last updated July 7, 2008", compiling information collected by Amnesty International, the human rights activist Emadeddin Baqi, Iran Human Rights and Stop Child Executions, disclosed that there were at least 138<sup>98</sup> (five girls and 133 boys) Iranian nationals on death row who had been charged with crimes allegedly committed when they were under the age of 18. According to the same document, there were at least 16 Afghan juveniles on death row in Iranian prisons (see "Juvenile offenders log" in annex).



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1. Saeed Jazee, facing execution for an unintentional murder he committed at the age of 17, was pardoned by the victim's family in July 2008, after his appeal had been rejected and Head of the Judiciary had authorised his execution.
2. Behnam Zare was executed in August 2008 at the age of 18 for an offence he had allegedly committed at the age of 15.

96. As of July 2008 there were 3 juvenile on death row in Saudi Arabia, 3 in Sudan and 1 in Yemen. Other than Iran, only Saudi Arabia executed 1 juvenile in 2007. In 2008, Iran has been the only country to execute juveniles (see Juvenile offenders log in annex).

97. See <http://www.fidh.org/spip.php?article5701>.

98. A comparison of the said document with the cases recorded in the table above shows that some of them had been executed before the compilation of the said document; some others have been executed afterwards.

# Religious minorities

The religion of the overwhelming majority of the population in Iran is Shia Islam, itself a minority within the Islamic world. It is believed that between 80-90 per cent of Iranians are Shiites. Of the rest, about 7-9 per cent are said to be Sunnis, the branch of Islam that is in majority throughout the world. Officially, the rest of the population is composed of followers of different branches of Christianity, Judaism and Zoroastrianism. Next to Sunnis, however, followers of Baha'ism are believed to constitute the largest religious minority<sup>99</sup>.

The Constitution of the Islamic Republic of Iran has declared Islam to be the official religion of the country and has recognised only three other religions, i.e. Judaism, Zoroastrianism and Christianity. Hence the Constitution has stipulated that followers of various sects of the Sunni branch of Islam as well as the other three recognised religions are free to practice their faith (Articles 12 and 13). Consequently, the Constitution has pointedly and deliberately failed to recognise other religious minorities in stark contrast to Article 18 of the International Covenant on Civil and Political Rights to which Iran is a State party.

## Baha'is

The Baha'is are believed to number around 300,000 in Iran. Besides being deprived of many of their civil rights, followers of Bahai'm have suffered the highest number of executions in comparison with any other religion in Iran. A written statement of the Baha'i International Community to the UN Economic and Social Council dated 3 February 2003 stated that since 1979 more than 200 Baha'is had been executed or otherwise killed and 15 had disappeared, who were also presumably dead<sup>100</sup>.

The Baha'i faith is regarded as the most dangerous form of apostasy<sup>101</sup> by IRI authorities, one reason being that it originated in Iran in the nineteenth century<sup>102</sup>. More importantly, however, is its contention that its founder was a messenger of God. Islam recognises that there have been divine religions before it such as Judaism and Christianity, but it holds Prophet Mohammad as the ultimate prophet of God and Islam as the ultimate divine religion. Others, such as Baha'ism, are man-made religions and thus tantamount to apostasy. As noted previously, both Ayatollah Khomeini's book, *Tahrir ul-Vassileh*, and the Constitution lay the ground for the persecution of the Bahai's as apostates.

Consequently, in the past 30 years, Baha'is have been subjected to one of the most extensive religious persecutions in Iran in recent history. They have been consistently accused of apostasy, espionage for Israel and collaboration with Zionism, presumably because the Baha'i world headquarters are in Israel, where their founder is also buried.

99. It is to be noted that according to World Directory of Minorities and Indigenous Peoples, Sunnis constitute 10% of the population in Iran, Jews 0.04% (25,000), Christians 200,000-250,000, Zoroastrians 0.02% (10,000), Baha'is 0.5% (300,000) (see: <http://www.minorityrights.org/5092/iran/iran-overview.html>). Other sources have mentioned the number of Zoroastrians up to 32,000, Jews over 30,000, Christians more than 300,000 and Sunnis 9% (Country profile: Iran, May 2008 – Library of Congress).

100. A blog allocated to "martyrs of Baha'is in Iran since 1979" listed 215 names (see: <http://bahaimartyrs.blogspot.com/2008/07/1357.html>)

101. See Apostasy under the Domestic legal framework section.

102. Mirza Husayn Ali Nuri (known as Baha'ullah to Bahai's) was forced to leave Iran for Iraq, then under the Ottoman rule, in 1853 A.D. The Ottoman government banished him to Istanbul in 1863 and then to Acre in Palestine where he died in 1892 (<http://en.wikipedia.org/wiki/Bah%C3%A1%27u%27ll%C3%A1h>).

At least two cases of execution of Baha'i juveniles have been documented. In June 1983, 10 Baha'i women were executed in Shiraz after they refused to deny their faith. Their charge was teaching Baha'i tenets to children. Muna Mahmudnejad, one of the 10, was 16 at the time of arrest and 17 when she was hanged in Adelabad prison of Shiraz. The second case concerns Payman Subhani, a 15-year-old boy, who was mobbed, beaten and stoned to death on the street in 1986.

## Christians

Recognition of Christianity in the Constitution has not prevented persecution of Christians. Among the Christians, "non-ethnic" Christians<sup>103</sup> have faced the greatest pressure most probably because, unlike the "ethnic" Christians, they have been involved in missionary activities. Furthermore, former Moslems who have converted from Islam account for the highest number of Christian victims of extrajudicial executions. They were considered to be guilty of apostasy. As far as the scope of this report is concerned, there have been several cases of extrajudicial executions of Christians as well as at least one judicial execution.

The only well known documented case of judicial execution of a Christian is Hossein Soodmand, pastor of Assemblies of God in Mashhad in eastern Iran. He was sentenced to death for apostasy and executed in December 1990. A blog documenting "martyrs of Christianity in Iran" alleged that "even his blind wife and young children were not granted mercy<sup>104</sup>." However, it did not provide more details about the faith of the family. The same blog has reported a number of extrajudicial executions of Christians, including several priests who had converted from Islam.

Four Christians were arrested in the northern city of Chalus on 5 May 2004 and sentenced to death, but they were later released in response to international protests.

Since late 2007, a large number of Christians have been detained – some of them later released – including 14 in Tehran in December 2007, 10 in Tehran and 16 in Esfahan in May 2008. Among them, Arash Basirat and Mahmood Matin-Azad were charged with apostasy in Shiraz, but were eventually acquitted and released after spending five months in prison. Ramtin Soodmand, son of Hossein Soodmand (see above), was also detained in late August 2008. At the time it was widely feared that he would face the charge of apostasy, a charge that could entail the death penalty. He was released on bail on 22 October 2008.

## Non-Shiite Moslems

In the case of Sunni Moslems, it is at times extremely difficult to separate the religious minorities from ethnic minorities, because the overwhelming majority of Sunni Moslems belong to ethnic groups. Nevertheless, efforts have been made here to distinguish between cases directly related to religious discrimination and those related to political repression.

Sunni Moslems are officially given a higher status than other religious minorities. Article 12 of the Constitution declares the Shia of 12 Imams as the official religion, but accords 'full

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103. Ethnic Christians in Iran are Armenians, Assyrians and Chaldeans. They are mostly followers of the Orthodox Church, but some are also Catholics. Non-ethnic Christians are mostly followers of Protestant and evangelical churches and many are converts from Islam.

104. <http://www.jesusmygod4.blogspot.com/>

respect to other branches of Islam'. It then stipulates that they are totally free to practise their religious rites and rituals and even recognises the primacy of their canon in courts in regard to inheritance and will, marriage, divorce and provides for the local regulations to be in line with their religion within the frameworks of law, in regions where they constitute the majority of the population.

This has not prevented the authorities from repressing the Sunnis even in areas where they are a majority, e.g. in Kurdish regions that include the Kurdistan, Kermanshah and Ilam provinces and some parts of the Western Azerbaijan province, Baluchistan, Turkmen Sahra in the northeast and the Arab population of Bushehr and Hormuzgan provinces<sup>105</sup>.

Like the Christians, most Sunni execution victims lost their lives in extrajudicial executions<sup>106</sup>. On 10 April 2008, however, two Sunni clerics, Molavi Abdolghodus Mollazahi and Molavi Mohammad Yusof Sohrabi, were hanged in Zahedan. They had been arrested following an attack by the security forces on the city's Sunni seminary in December 2007. A statement of the local Justice Department carried by the semi-official news agency, ISNA, referred to them as "disrupters of social security who intended to sow discord between the Shiites and the Sunnis<sup>107</sup>." On 4 March 2009, two more Baluchi Sunni clerics, Molavi Khalilollah Zare'i and Molavi Hafez Salaheddin Seyyedi were hanged in Zahedan prison. The Justice Department of Zahedan announced that they had been charged with "*moharebeh* and corruption on earth through membership of terrorist groups". (Daily Jomhuri Eslami 5 March 2009)

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105. A part of the population in the Khuzestan province is also Arab, but they are mostly Shiite Moslems.

106. <http://www.sunni-news.com/?p=775>

107. [http://www.roozonline.com/archives/2008/04/post\\_6887.php](http://www.roozonline.com/archives/2008/04/post_6887.php)

# Ethnic minorities

There are a number of ethnic groups in Iran. Speakers of Persian and its various dialects are the largest ethnic group, forming about 50 per cent of the population by some accounts. Next to them, the most populous ethnic group is the Azerbaijani Turks (over 25% of the population), Kurds (7-10%), Arabs (2%), Baluchis (2%) and the Turkmens (more than 1%)<sup>108</sup>.

The Constitution stipulates that Persian, or Farsi as it is called in Iran, is the official language. It also allows the use of ethnic and local languages in the media and the teaching of their literature in schools alongside the Persian language (Article 15). The reality, however, is that various ethnic groups have consistently complained of the violations of their rights. Most Kurds, Baluchis, and Turkmens are followers of one or another branch of Sunni Islam, and consequently also constitute a religious minority. The Arabs living in southwestern Khuzestan are mostly Shiites, while those in the southern provinces of Bushehr and Hormuzgan are mostly Sunnis. The Azerbaijani Turkic speakers are also predominantly Shiites. There have been movements within all the ethnic minorities, demanding respect for their rights.

## Kurds

The nationalist movement has been strong in the Kurdish provinces of Iran for many years. Some Kurdish groups have been fighting the central government in Iran since 1979 and the demand for regional autonomy is strong; they have thus suffered the highest number of casualties in comparison with other ethnic groups. The Amnesty International report on the Kurdish minority says that following the conflicts in 1979, “Thousands of Kurds were sentenced to death after summary trials.” The then religious judge, Ayatollah Khalkhali conducted group trials lasting a mere few minutes each and issued death sentences that were carried out immediately, most of them by firing squads. When criticised for his summary trials that could result in the death of innocent people, Ayatollah Khalkhali, who died in Qom in November 2004, was famously quoted as having said: “If they were guilty, they deserved the punishment. If they died innocently, they would go to Heaven”<sup>109</sup>.

While, a number of Kurdish opposition leaders lost their lives in the course of extrajudicial executions abroad<sup>110</sup>, cultural activists and journalists are also subjected to harsh repression. Many have been condemned to prison sentences, and some of them have been condemned to death.

- Adnan Hassanpoor, a journalist and Kurdish cultural activist, was arrested in January 2007. His friend and cousin, Abdolwahed (Hiwa) Butimar, an environmentalist, was arrested in



*Executions  
in Kurdistan, August  
1979, Pulitzer Prize  
winning picture by  
Jahangir Razmi*

108. The Iranian authorities have consistently and deliberately avoided providing exact details of ethnic population figures. A report by Amnesty International, Iran: Human rights abuses against the Kurdish minority (published 2008) said there were an estimated 12 million Kurds (15-17% of total population) living in Iran (<http://www.amnesty.org/en/library/asset/MDE13/088/2008/en/f45865e9-5e3e-11dd-a592-c739f9b70de8/mde130882008eng.html>).

109. Reported in Enqelab-e Eslami newspaper, published by former President Banisadr ([http://enghelabe-eslami.com/dar-in-shomare/704\\_matn3.htm](http://enghelabe-eslami.com/dar-in-shomare/704_matn3.htm)).

110. See: [http://en.wikipedia.org/wiki/Mykonos\\_restaurant\\_assassinations](http://en.wikipedia.org/wiki/Mykonos_restaurant_assassinations); and <http://en.wikipedia.org/wiki/Ghassemilou>

December 2006. They were both sentenced to death in June 2007 on charge of fighting God (*moharebeh*) after spending several months incommunicado. Since then, their death sentences have been upheld twice. However, the death sentence on Hassanpoor was repealed in late September 2008. The death sentence on Butimar remains in place<sup>111</sup>.

- Farzad Kamangar, a Kurdish teacher and cultural activist, arrested in June 2006, was subjected to torture for two years and then sentenced to death in February 2008.
- A list of 68 Kurdish political prisoners detained in various prisons, published in September 2008 by Kurdish groups, that did not include Butimar and Kamanger, indicated that at least four of them were facing the death sentence, while information about sentences of some others was not available<sup>112</sup>.

## Arabs

The Arab minority, the majority of whose members live in the southwestern province of Khuzestan, like other ethnic minorities, has been denied its cultural rights and has faced repression both before and after the revolution. A few months after the 1979 revolution, there were clashes in Khuzestan that were suppressed by the government and scores of Arabs were sent to the gallows.

In April 2005, unrests in Khuzestan led to the death of many Arabs including some in alleged extrajudicial executions. The turbulence occurred following the surfacing of a letter allegedly written by Mr. Abtahi, an advisor to then President Khatami. The letter, dated 1999, the authenticity of which Mr Abtahi strongly denied, proposed the reduction of the Arab population in Khuzestan by transferring them to other parts of Iran. Subsequently, several bombs exploded in Ahvaz, the provincial capital of Khuzestan, as well as in Tehran, killing a number of people.

Seven men were shown on TV on 1 March 2006 and said to be convicted for involvement in the bombings. Two of them were hanged the day after. At least 11 other men were also said to be sentenced to death<sup>113</sup>. In 2006, 36 Arabs had been sentenced to death or lengthy prison terms; five were executed after unfair trials, two of them in public<sup>114</sup>. In 2007, at least eight were executed and 17 others were facing the death sentence after unfair trials<sup>115</sup>.

## Baluchis

The Baluchis who are said to number more than 1.4 million live mostly in the Sistan-Baluchistan province in the southeast, bordering Pakistan and Afghanistan. Since the early 2000s, an armed Baluchi group, People's Resistance Movement of Iran, known as the *Jondollah*<sup>116</sup> has been fighting the Iranian government stating its aim as achieving a more democratic system and full rights of the Sunnis in Iran<sup>117</sup>. The response of the Iranian government has been very harsh.

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111. See urgent appeal of the Observatory at <http://www.fidh.org/spip.php?article5865>

112. <http://www.fidh.org/spip.php?article5863>

113. Amnesty International's 2006 report, "Defending minority rights: The Ahwazi Arabs", <http://www.amnesty.org/en/library/info/MDE13/056/2006>

114. Amnesty International Report 2007.

115. Amnesty International Report 2008.

116. Army of Allah.

117. Amnesty International noted in its report (see <http://www.amnesty.org/en/library/info/MDE13/104/2007/en>) that the Jondollah

The authorities appointed the former prosecutor of the Special Court for Clergy and former deputy prosecutor-general, Hojatoleslam Nekoonam, to head the Justice Department in Sistan and Baluchistan in 2006. Since then the number of death sentences and executions have risen drastically in the region. A large number of Baluchis have been arrested, tried and some of them executed within a few days of the trials. Most have been accused of drug trafficking and armed banditry, murder and kidnapping. It is not clear as to how many of them were involved in the opposition against the government.

- In June 2006, six people were executed for fighting God and corruption on earth.
- Said Qanbarzahi was hanged on 27 May 2007. He had been sentenced to death in March 2007 when he was 17 years old, together with six other men. They were believed to have been detained for their families' ties to perpetrators of a bus bombing in February 2007 that killed 14 revolutionary guards.
- Yaqub Mehrnahad, head of the Voice of Justice Young People's Society, a registered NGO, was arrested with some other members of the Society in Zahedan in May 2007. He was also representative of the daily Mardomsalary in the province. He spent over a year in detention during which he was sentenced to death and his sentence was upheld. He was finally executed on 4 August 2008. Mehrnahad had been accused of cooperation with the *Jondollah*. He had never taken up arms and was reportedly not given access to lawyers during his detention.
- Amnesty International recorded at least five executions of Baluchis in 2005; at least 32 and possibly more than 50 in 2006; up to 50 from January-August 2007.
- In March 2007, Member of Parliament for Zahedan, Shahriyari said in an interview that 700 people had had their death sentences confirmed by the Supreme Court and were waiting to be executed in the Sistan-Baluchistan province.
- A website keeping track of executions of Baluch people has recorded 176 judicial and extra-judicial executions from December 2006 –through March 2009<sup>118</sup>.

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has by its own admission "carried out gross abuses such as hostage taking, the killing of hostages and attacks against non-military targets".

118. <http://www.balochetawaar.com/edaam/list4.htm>; for another list see: [http://www.radiobalochi.org/BH\\_Rights/ListehBaziEdamiOkhoshteha\\_eng.html](http://www.radiobalochi.org/BH_Rights/ListehBaziEdamiOkhoshteha_eng.html)

# Methods of execution

In the Islamic Republic of Iran, judges have the power to decide the method of execution, which they usually choose in relation to the offence. The most common method of execution is hanging. Other specific methods of execution include stoning to death, issued in cases of adultery, beheading and throwing from a cliff, which are occasionally issued for rape or sodomy. Some reported examples of those methods of execution are as follows: In 1987, a

judge gave three people a choice between three methods of execution; they chose to jump over a cliff; in 1990, one man was thrown from a precipice; in 1991, one man was thrown from a cliff; in 2001, one man was beheaded<sup>119</sup>. In January 2008, two young men were sentenced to death by throwing from a height for rape in Fars province<sup>120</sup>.

As regards treatment of prisoners before they are executed, it is not possible to establish if there is a uniform practice nationwide, but in many cases, prisoners on death row are known to be taken out of the public ward and sent to solitary cells one or two days before the execution date. The family of a death-row convict is notified of the impending execution in some cases, especially in cases of retributive (*qesas*<sup>121</sup>) death sentence, so that the family of the condemned still has a chance of pleading and negotiating over blood money with the family of the murdered person till the last moment<sup>122</sup>. The latter must be present to see the sentence carried out at their behest. In most other cases, especially in the case of political prisoners, the families are notified afterwards when they are asked to collect the personal effects of the prisoner<sup>123</sup>. Prisoners due to be executed are handcuffed and occasionally foot-shackled, in particular when they are to be hanged in public and have to be taken off the prison premises for that purpose.

## 1. Hanging

Death-row prisoners were mostly hanged in public many years before the 1979 revolution, among other places, at a square in southern Tehran, which was called '*Maydan-e E'dam*'<sup>124</sup>, later renamed the Moham-madieh Square. Many people still call it by its old name. In the years leading to the revolution, executions took place mostly in prisons, but different locations have been used since then.



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Top picture:

A man in his final moments

119. Amnesty International annual reports.

120. <http://www.qudsdaily.com/archive/1386/html/10/1386-10-12/page58.html>

121. See Domestic legal framework section.

122. "Directive on Implementation regulations for *Qesas*, Stoning, Killing, Crucifixion, Execution & Flogging" require the presence of the following: the sentencing judge, governor or deputy governor of prison, commander or deputy commander of the local police force, a forensic medicine specialist, a cleric or religious representative (not obligatory), court secretary, survivors of the victim or their lawyer, lawyer of the condemned (not obligatory), and witnesses if required by law. For an English translation of the Rules see Appendix 3 in: <http://www.amnesty.org/en/library/asset/MDE13/001/2008/en/ec69fe85-d981-11dc-a340-29dd7d6e4103/This+document+is+not+available+as+HTML.html>

123. This is the current practice. In the 1980s, families of prisoners were not usually told about the executions and were mostly not even given their personal effects. Survivors of victims of the 1988 mass executions have never to this date been notified of the burial places of their beloved (see Massacre of 1988 above).

124. Execution Square.

During the first years after the revolution, many prisoners were executed by firing squads inside prisons or in the case of Kurdish rebels outside the cities. Some were hanged from cranes or from bridges or on the streets and in the main squares, which remains a frequent practice. However, many prisoners are hanged inside prisons nowadays. Death-row prisoners may also be sentenced to flogging, in which case the flogging is administered before they are executed.



*A scene of group executions in 2008 on Iranian TV screen*

## 2. Stoning

Under the Islamic Penal Code, it is an extremely difficult task to prove fornication/adultery. It may be proved if an offender confesses four times before a judge or by testimony of “four just men or three just men and two just women”<sup>125</sup> who should have witnessed the exact action of penetration in sexual intercourse between a man and a woman. Less than four confessions by the defendant will lead to another punishment, possibly flogging. Furthermore, a judge may request that the Supreme Leader pardon a fornicator who confesses to fornication and then repents his/her action. There are other qualifying conditions, the absence of which should theoretically lead to annulment of testimonies and the dropping of the charge of fornication or adultery<sup>126</sup>. Judges are, however, empowered to rule on the basis of their own “knowledge” in various cases. Hence, a good number of stoning as well as other sentences are issued on the basis of the “knowledge of the judge”. This is illegal even according to the letter of the Islamic Penal Code<sup>127</sup>.



*A cartoon of stoning in Iran in the Qajar era about 200 years ago; from a book by Charles James Wills*

In an interview<sup>128</sup>, Secretary of the Iranian Human Rights HQ, Mohammad Javad Larijani defended the stoning sentence, arguing it was a lesser punishment than execution, because the condemned person had the possibility of escaping. In practice, however, the conditions set out for stoning are very cruel<sup>129</sup> as the following accounts show.

125. Under the law, in most cases, testimony of two women equals that of one man.

126. Articles 68-81 of the IPC. For those and other articles of the IPC dealing with fornication, adultery and stoning as well as the Directive on Implementation Regulations for [related] Sentences including stoning, see the sources in footnotes 27 and 121 or Appendices 2 and 3 in: Amnesty International's report in January 2008, Iran: End executions by stoning: <http://www.amnesty.org/en/library/asset/MDE13/001/2008/en/ec69fe85-d981-11dc-a340-29dd7d6e4103/This+document+is+not+available+a+s+HTML.html>

127. It is notable that the IPC has stipulated “knowledge of the judge” specifically as one of the means to prove theft or murder, but not in the case of fornication/adultery. However, Ayatollah Khomeini has granted judges the power to use their knowledge in fornication- and adultery-related cases (*Tahrir ul-Vassileh*, Vol 4, P 197). The book was invoked to sentence two sisters to stoning in 2007 (see the case of Kabiriniyat sisters below).

128. [http://www.bbc.co.uk/persian/iran/story/2007/09/070930\\_ka-stoning-larijani.shtml](http://www.bbc.co.uk/persian/iran/story/2007/09/070930_ka-stoning-larijani.shtml)

129. For details see Domestic legal framework. There is a theoretical possibility for the stoning victim to escape under Article 103: “If the condemned... escapes the pit, s/he shall be returned for the stoning to be administered if adultery has been proved by testimony; however, s/he shall not be returned if adultery has been proved by confession.” Nevertheless, in practice, even if other important factors such as the extreme weakness resulting from injuries were to be ignored, the burial conditions alone make it almost impossible for the victims, especially for women who are buried up to their breasts, to escape. Among all the documented cases, two men were reported to escape from the stoning pit. The exact details and conditions are not known (see

An eye-witness account published by Amnesty International in 1987 related the following experience:

*“The lorry deposited a large number of stones and pebbles beside the waste ground, and then two women were led to the spot wearing white and with sacks over their heads... [they] were enveloped in a shower of stones and transformed into two red sacks... The wounded women fell to the ground and Revolutionary Guards smashed their heads in with a shovel to make sure they were dead<sup>130</sup>.”*

In the more recent case of Ja’afar Kiani (see below), Shadi Sadr, a co-founder of the Stop Stoning Forever Campaign and lawyer of Ja’afar Kiani and his partner Mokarrameh Ebrahimi, provided the following shocking account:

*“The stones were so large that there are even flaws in the provisions for implementation of the sentence... Unofficial reports ... indicate that Ja’afar was still alive after stoning but his ear and nose had been smashed and slashed. When a forensic medicine specialist confirmed that he was still alive, Mr... [sic] smashed his head with a large concrete block and killed him<sup>131</sup>.”*

## Recent cases of stoning

Stoning sentences in Iran have received widespread coverage especially in recent years. Although the head of the judiciary, Ayatollah Shahroodi issued a moratorium on execution by stoning in December 2002, at least seven stoning sentences have been enforced since. In May 2006, a man and a woman, Abbas Hajizadeh and Mahboobeh Mohammadi, were stoned to death in the Behesht-e Reza cemetery in Mashhad, according to information initially unveiled by the investigative journalist, Asieh Amini. The case was not reported in the Iranian media.

In November 2006, the then spokesperson of the judiciary denied that stoning was practised in Iran. Though in July 2007, another stoning took place that received widespread publicity: Ja’afar Kiani was stoned to death in a village near the town of Takestan, for committing adultery with Mokarrameh Ebrahimi, who was also sentenced to stoning. The couple, who had two children, had been in prison for 11 years. The stoning took place despite the 2002 moratorium as well as a specific stay of execution of Kiani’s stoning ordered by the head of the judiciary.

Three months later, Secretary of Human Rights Head Quarters Mohammad Javad Larijani blamed the judge’s mistake in decision making for implementation of the sentence on Ja’afar Kiani. Nevertheless, he defended the appropriateness of the stoning sentence and denied that it was a kind of torture or violation of human rights<sup>132</sup>.

On 5 August 2008, the spokesperson of the Iranian judiciary announced that stoning sentences would no longer be implemented. He also said that the Supreme Leader had pardoned two people sentenced to stoning and reported that one other stoning sentence had been commuted to 10 years imprisonment and another to flogging. He noted the other stoning sentences were under review by the Amnesty and Pardon Commission of the Judiciary<sup>133</sup>.

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the cases in November 1998 and December 2008 below in the Table: Stoning sentences and executions, 1980-2009 (March).

130. Op. cit.

131. [http://www.aftab.ir/news/2007/aug/05/c1c1186332824\\_politics\\_iran\\_takestan.php](http://www.aftab.ir/news/2007/aug/05/c1c1186332824_politics_iran_takestan.php)

132. Op. cit.

133. There is a central Commission at the Capital and local commissions in provinces. The central Commission consists of five judges who are appointed by head of the judiciary, its task being to examine applications for amnesty from convicts or judicial officials in favour of convicts and to make recommendations to the Supreme Leader accordingly. It has the power

Only a day before the spokesperson of the judiciary announced the suspension of stoning sentences, on 4 August 2008, the Supreme Court upheld a stoning sentence for Afsaneh R. in Shiraz<sup>134</sup>.

Other stoning sentences have continued to be issued and implemented in 2008 and early 2009 (see the table). As it was noted earlier in the case of the moratorium on public hangings, some judges continue to ignore the moratoria issued by Ayatollah Shahroodi, head of the judiciary, because his directives do not have the force of law. The Constitution of the IRI has specified the powers of the head of judiciary and he may not prevent the implementation of a sentence.

According to new reports, stoning sentences were carried out in Mashhad on 25 December 2008. Two men by the names of Mahmood M. Gh (a citizen of Afghanistan; charge unknown), Manouchehr Kh (charges: rape and incest) and a third man (charge: unknown) were stoned in the Behesht-e Reza Cemetery of Mashhad. The first man managed to escape the stoning pit<sup>135</sup>. Another report indicated that a 30-year-old man had been stoned to death in Rasht prison on 5 March 2009<sup>136</sup>.

## Pending stoning sentences

Following the stoning in Mashhad in May 2006, human rights lawyers and journalists, some of whom later set up the Stop Stoning Forever Campaign<sup>137</sup>, documented 11 cases of people facing the stoning sentence<sup>138</sup>. They included nine women namely Iran Eskandari, Khayrieh Valania, Fatemeh, Parisa Akbari, Kobra Najjar, Shamameh (known as Malek) Qorbani, Ashraf Kalhor, Hajieh Esmailyvand, Soghra Molaei, and two men named Abdollah Farivar-Moghaddam and Najaf Akbari. More cases were discovered as a result of further research including an unnamed Afghan man in Mashhad, Ja'afar Kiani and his partner Mokarrameh Ebrahimi, as well as a couple of women named Layla Qomi and Hajar<sup>139</sup>. Another report on the Maydaan website of the Campaign mentioned two more names: A'zam Khanjari and Zahra Rezaei<sup>140</sup>.

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to recommend the commuting of sentences or amnesty for convicts. Article 22 of the commission's rules of procedure provides for 13 specific occasions each year, when the eligible persons may be pardoned and released. Some of them are religious occasions, e.g. birthday of Prophet Mohammad and birthdays of some Shia imams. Some others are national occasions, e.g. the Iranian New Year (Noruz) at the start of the spring. One occasion (birthday of the prophet's daughter) is specifically designated for granting amnesty to female convicts. However, under the same Article, convicts may be pardoned on "other occasions that the Supreme Leader approves of." Under Article 23, policies governing amnesty and pardon include: "consideration of the impact of punishment on the convict and the latter's regret; consideration of social, political and regional necessities; consideration of the right of people and compensation for private complainants." These provisions have regularly been used to exert pressure on certain convicts. For example, political prisoners are expected to disavow their beliefs in order to qualify for amnesty. The provisions excluding certain categories of convicts from eligibility for amnesty are perhaps just as bad. According to Article 25, the following categories do not qualify for amnesty: professional drug traffickers; convicts facing punishment according to rights of people such as the qesas cases; armed robbery; rape; espionage, moharebeh, arms smuggling; embezzlement, bribery and kidnapping; convicts sentenced to death and stoning whose crime has been proved by testimony of witnesses.

134. <http://hright.iran-emrooz.net/index.php?hright/more/17083/> and [http://www.roozonline.com/archives/2008/12/post\\_10840.php](http://www.roozonline.com/archives/2008/12/post_10840.php)

135. [http://www.roozonline.com/archives/2008/12/post\\_10840.php](http://www.roozonline.com/archives/2008/12/post_10840.php). His fate is unclear. Under the IPC, if his sentence was issued on the basis of his own confession, the sentence would be repealed (Article 103).

136. <http://www.autnews.us/archives/1387,12,00019024>

137. <http://www.meydaan.org/english/petition.aspx?pid=9&cid=46>

138. <http://www.meydaan.com/showArticle.aspx?arid=28>

139. For details of most of those cases see Amnesty International's report January 2008, Iran: End executions by stoning: <http://www.amnesty.org/en/library/asset/MDE13/001/2008/en/ec69fe85-d981-11dc-a340-29dd7d6e4103/This+document+is+not+available+as+HTML.html>

140. <http://www.meydaan.com/showArticle.aspx?arid=493>

Other stoning sentences that were issued later included<sup>141</sup>:

- A 49-year-old man who said he had married a girl on a temporary basis (Deutsche Welle radio station. No date specified)<sup>142</sup>.
- Two sisters, Zohreh and Azar Kabiriniyyat, each the mother of two children<sup>143</sup>. They were sentenced to stoning in August 2007 on the basis of Ayatollah Khomeini's book, *Tahrir ul-Vassileh*<sup>144</sup>. In October 2008, the head of the judiciary ordered a re-examination of their cases.
- A woman in Mashhad was sentenced to stoning after she complained to court against a man who had raped her. The man was set free after claiming that the woman had consented to sex, and receiving a punishment of 100 lashes (Quds newspaper, 27 September 2007).
- A man in Mashhad was sentenced to stoning after he confessed to adultery (Quds newspaper, 14 February 2008).

Of all the documented stoning sentences, seven had been reprieved as of summer 2008 as a result of efforts by human rights defenders and international pressure. These were: Hajieh Esmayilvand, A'zam Khanjari, Zahra Rezaei, Parisa Akbari and her husband Najaf Akbari, Mokarrameh Ebrahimi and Soghra Molaei.

## Alternative methods of execution

Human rights defenders have been concerned that the judiciary continues to employ methods other than stoning as punishment for defendants. If this concern turns out to be justified, that would still mean the imposition of the death sentence, albeit by arguably less painful methods of execution, for consensual sex between adults, in violation of international human rights standards (see International legal framework).

A letter written in June 2007 by five lawyers representing seven women facing the stoning sentence pointed out that a 32-year-old mother of two named Massumeh, who had previously been sentenced to stoning, had reportedly, as substitute, been hanged in November 2006<sup>145</sup>. Another report on the Maydaan website on 31 December 2006 indicated that a man named Rassul was due to be hanged in Evin prison instead of being stoned<sup>146</sup>. Finally, Abdollah Farivar-Moghaddam, who had previously been sentenced to stoning, was executed in the northern city of Sari on 19 February 2009.

## Bill for amendment of IPC does not abolish stoning

The new draft Bill for amendment of the Islamic Penal Code does not appear to promise much fundamental change to the applicable IPC. If anything, the punishments will be more

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141. See: <http://www.meydaan.com/showArticle.aspx?arid=493>

142. The details resemble those of Abdollah Farivar Moqaddam, whose case has been documented.

143. <http://hrw.org/english/docs/2008/02/06/iran17989.htm>

144. Op. cit.

145. <http://www.meydaan.com/wwShow.aspx?wwid=389>

146. <http://www.meydaan.com/wwShow.aspx?wwid=168>

subtly applied. The bill still deems fornication to be a crime the punishment for which may not be forgiven by private complainants, because it ‘has a public aspect and is a right of the Allah’ (Article 121-3, paragraph 1). Article 213-2 refers to stoning twice and Article 313-1 once. Article 213-2 stipulates that “stoning will be cancelled if the confessor withdraws his/her confession ... except if the judge has clear or cognitive knowledge with regard to it.” This provision evidently gives much more power to the judges than the applicable IPC that has not even mentioned judge’s knowledge.

Article 221-5 of the bill prescribes killing<sup>147</sup> for incest, adultery with stepmother, non-Moslem men who commit adultery with Moslem women, and rape and it specifically and expressly prescribes stoning for adultery (paragraph e). The only provision that has been alleged to indicate the revocation of the stoning punishment is contained in Note 4 of the same Article: “In the event that the implementation of stoning could lead to corruption and disgrace to the system, at the proposal of the prosecutor in charge of implementation of the sentence and upon ratification of the head of the judiciary, stoning shall be substituted with killing, if the cause for punishment has been proved by *shari’a*-sanctioned testimony<sup>148</sup>. Otherwise it shall be substituted with one hundred lashes.” This Article makes it crystal clear that stoning will be avoided only if it causes disgrace to the Islamic Republic system and even then it would be replaced with another method of execution. Hence, fornicators and adulterers may be hanged or otherwise executed rather than stoned.

Articles 221-16 and 221-17 describe how stoning should be imposed, and include the same provisions for burial and the size of stones as in the current Islamic Penal Code.

## Discrimination against women

Though men are occasionally sentenced to stoning, women are the main victims of the stoning sentence. A closer examination of the cases of women sentenced to stoning (see Table below) shows that some of them were accused of both adultery and involvement in the killing of their husband. Domestic violence, poverty, addiction, and illiteracy are some of the recurrent aspects in their lives. At least three of those women had been forced by their husbands to work as prostitutes. Some come from ethnic backgrounds. One comes from the Bakhtiari tribe, two are Turkic speakers from Iranian Azerbaijan and two are from the Kurdish areas. Hence, they were likely not to understand the significance or even the meaning of the charges levelled against them. For example, Hajiyeh Esmayilvand, a Turkic speaker, who was acquitted and released after seven years in prison, did not even know the meaning of the word *zena*<sup>149</sup> when she was charged with “*zena-ye mohseneh*<sup>150</sup>.” Shamameh Qorbani, a Kurdish woman, was stabbed by her husband and brothers who also killed the man they found in the house. She reportedly confessed to adultery in the belief that it would save her husband and brothers from prosecution for murder. Later she withdrew her confession saying the man had raped her. Before dismissing her lawyers under pressure from her family, she told them that if they managed to save her, she would have to kill herself, because the male members of the family would not let her live.

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147. See footnote 34.

148. bayyeneh shari’i.

149. fornication.

150. adultery.

**Table: Stoning sentences & executions, 1980 – 2009 (March)**

Year	Sentenced to stoning (AI)	Executed by stoning		Other information
		AI	Other sources	
1985	2			
1986	“Several recorded”	6 m; 2 f		
1987		1 person		
1989		43 for adultery & prostitution Including 12 f & 3 m in Bushehr’s football stadium		
1990		6 people		
1991	1 (f)			
1995		1 m for adultery & sodomy		In the western city of Hamedan
1996	Mokarrameh Ebrahimi & Ja’afar Kiani			
1997	Oct : 7 including 5 women	3 m; 3 f; Khazarabad <sup>151</sup>		
	August: 1 woman (Zoleykha Kadkhoda) was arrested & sent to stoning within 24 hours			She was stoned and doctors confirmed her death, but she revived in the morgue; her fate is unknown
1998		Nov.: A man (Khosrow Ebrahimi) sentenced for adultery		The victim managed to escape the pit after being buried to the waist and was acquitted; in the northern city of Lahijan
1999			1 m <sup>152</sup>	January - Babol
2000	Hajieh Esmayilvand <sup>153</sup>			
2001		At least 2 people <sup>154</sup>		21 May – Evin Prison 11 July – Evin prison
2002	Khayrieh Valania (confessed 4 times); Ashraf Kalhor	2 people	A couple <sup>155</sup>	
2003	4 men in Mashhad; Gilan Mohammadi and Gholamali Eskandari <sup>156</sup>			Both in Esfahan prison

151. The stoning most probably took place at a northern sea resort by that name near Sari, the provincial capital of Mazandaran. There are however three villages by that English transliteration as in the AI report, albeit with a different Persian spelling, in Khorassan, Yazd and Eastern Azerbaijan provinces.

152. Hands off Cain 2000 report.

153. AI reported her sentencing in the year 2004.

154. According to a BBC report, two women were stoned to death in May and July ([http://news.bbc.co.uk/2/hi/middle\\_east/1435760.stm](http://news.bbc.co.uk/2/hi/middle_east/1435760.stm)).

Year	Sentenced to stoning (AI)	Executed by stoning		Other information
		AI	Other sources	
2004	Abdollah Farivar-Moqaddam <sup>157</sup> ; Parisa Akbari; Najaf Akbari; Layla Qomi			
2005	Iran Eskandari;			Upheld in 2006; confessed once
	Soghra Molaei; Fatemeh			
2006	Shamameh (Malek) Qorbani; An unnamed Afghan man	Abbas Hajjizadeh & Mahbubeh Mohammadi in Mashhad		
2007	Hajar; Zohreh & Azar Kabiriniyyat; another woman in Mashhad	1 man: Ja'afar Kiani - Takestan		
2008	1 man (Mashhad); Afsaneh R. (f; Shiraz) <sup>158</sup>		3 men: Mahmoud M. Gh. (Afghan); Manouchehr Kh. (rape & incest) and one other <sup>159</sup>	Behesht-e Reza Cemetery (Mashhad); Mahmoud M. Gh managed to escape from the stoning pit; his fate is unclear.
2009 (March)		Vali Azad (m) <sup>160</sup>		Rasht prison (Gilan)
Date unknown	Kobra Najjar, Zahra Rezaei and A'zam Khanjari			

*Sources: Amnesty International reports 1979-2008 and its 2008 report Iran: End execution by stoning; Stop Stoning Forever Campaign; Iranian newspapers; Hands Off Cain*

*Note: The figures are the minimum numbers of executions by stoning as reported by the media in any given year. It is not clear whether there have been stoning sentences or execution by stoning in other years that have not been reported here.*

155. Hands off Cain 2003 report.

156. The AI statement of 16 January 2009 indicated that Mohammadi and Eskandari may have been sentenced in 2005 or 2006; the sentences were upheld by the Supreme Court in 2008.

157. Farivar-Moghaddam was executed on 19 February 2009 after his stoning sentence was substituted with hanging (<http://www.meydaan.com/Showarticle.aspx?arid=762>).

158. Interview with Mr. Ra'eesi, head of Human Rights Committee of the Fars Province Bar Association in <http://www.campaignforequality.info/spip.php?article3288>.

159. [http://www.roozonline.com/archives/2008/12/post\\_10840.php](http://www.roozonline.com/archives/2008/12/post_10840.php).

160. Source: Amir Kabir University Student Newsletter (<http://www.autnews.us/archives/1387,12,00019024>).

# Conclusion and Recommendations

The laws of the Islamic Republic of Iran punish by death a very large number of offences, including offences that are not considered as “most serious” under international law – in particular political, economic, drug-related and so-called sexual offences. Current draft legislation on the parliament’s agenda would reduce the scope of capital punishment to a certain extent, but extend it to apostasy and widen its scope in the case of vaguely worded offences, e.g. “corruption on earth.”

Although Iran is a party to the ICCPR and the CRC, the provisions of those international human rights instruments relevant to the death penalty are widely disregarded. The recommendations addressed to the government of the Islamic Republic of Iran by the treaty bodies in charge of the examination of the respect for these conventions have been left unimplemented for years, in particular with regard to gender-neutral age of majority, end to sentencing and execution of juvenile offenders, restriction of the scope of the death penalty, and an end to public executions.

Death sentences are pronounced after unfair trials: the Judiciary is not independent from the Executive, there are numerous special courts, and attacks on and even imprisonment of lawyers involved in the defense of sensitive cases are recurrent.

Execution of juvenile offenders occur regularly, a widespread practice being to keep a minor convicted of a capital crime in prison until she or he grows older and later execute him or her. Since 1999, human rights organisations have recorded at least 42 executions of juveniles in Iran, 12 of them in 2007, eight in 2008 and one in early 2009. The true figures are possibly higher. Despite several legislative proposals to ban execution of juvenile offenders, this practice is not yet banned under domestic law.

Persons belonging to ethnic minorities in Iran (Kurds, Arabs, Baluchis) are often condemned to death and subsequently executed for offences related to the security of the state. Peaceful activists are sometimes unfairly condemned on such grounds, since the authorities do not make a difference between peaceful advocacy for the rights of the said minorities, and armed attacks by autonomists. Fair trial guarantees are violated and witnesses regularly report widespread use of torture in those cases.

Last but not least, the methods of execution may themselves amount to an inhuman and degrading treatment: stoning remains the punishment for adultery, while people condemned to death for other offences are hanged. Hanging regularly occurs in public, a practice that contravenes international human rights standards.

Civil society in Iran is largely mobilised against death by stoning and capital punishment for juvenile offenders. However, there are no publicly available statistics on the number of death sentences pronounced and executions implemented, and this prevents any informed public debate on these practices.

## Recommendations to the Iranian authorities:

### 1. On the death penalty in particular:

- Adopt an immediate moratorium on executions in light of the serious shortcomings of the guarantees of due process and fair trial in criminal trials; this should be done through a law adopted by Parliament aiming to abolish the death penalty.
- As a first step, restrict the number of offences carrying the death sentence to the most serious crimes only, and refrain from defining new crimes entailing capital punishment, in conformity with international human rights standards; suppress the mandatory death sentence when it currently exists, as required by international human rights law. These amendments should be applied retrospectively to prisoners who were condemned to death on the basis of prior legislation, in conformity with Para. 2 of the UN Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty.
- Put an immediate end to the sentencing and execution of minors, and commute all death sentences pronounced against persons who were below 18 at the time of the offence. A law prohibiting the death penalty for juvenile offenders should be adopted in order to give binding force to Ayatollah Shahrودي's circulars of 2003 and of 16 October 2008 inviting the courts to stop condemning juvenile offenders to death.
- Adopt a law prohibiting death by stoning in order to give binding force to head of judiciary's directive of December 2002. Abolish corporal punishments more generally, such as whipping, crucifixion and amputation, as required under Article 7 of the ICCPR, and as already recommended by the UN HRC in 1993 and the CRC in 2005.
- Put an immediate end to public executions, and ensure that the circular reportedly issued by the Head of the Judiciary banning public executions is being effectively implemented.
- Appoint a parliamentary committee to elaborate a report on the application and conditions of implementation of death penalty in the country.
- Abolish the negotiable character of very serious offences such as murder, where family of the victim can negotiate the penalty.
- Guarantee the right of anyone sentenced to death to seek pardon, or commutation of sentence, as required by the UN Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty.
- Guarantee transparency of data collection regarding death penalty in the country, and make public statistics on the number of death sentences pronounced and executed every year, differentiated by gender, age, charges etc, in order to allow for an informed public debate on the issue.
- Become a party to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

## 2. On the administration of justice

- Ensure full respect for the independence of the Judiciary and the principle of separation of powers, as enshrined in Article 57 of the Constitution of the Islamic Republic of Iran; Seek guidance in the recommendations of the UN WGAD of 2003, following its visit to Iran. Those recommendations include the abolition of the revolutionary tribunals as well as other special courts
- Set up a systematic and reliable legal aid system, making sure that senior lawyers participate in the system, increasing their emoluments in that framework and establishing a supervisory mechanism involving the Bar Association to ensure that lawyers from the legal aid scheme discharge their functions effectively; ensure access to legal representation from the time of arrest and during the pre-trial stage. As noted by the UN WGAD in 2003, “the active involvement of counsel must be provided for, whatever the nature of the case, starting with the custody or, the very least, the investigation phase, throughout the trial and in the appeals stage; Access to legal aid must be made more effective”.
- Stop harassment of lawyers involved in the defence of sensitive cases and ensure full respect for the UN Basic Principles on the Role of Lawyers. FIDH recalls that in 2003, the UN WGAD recommended that “immunity of counsel in pleading cases must be reaffirmed and expressly guaranteed in a legislative instrument formulated in cooperation with representatives of the Bar”.
- Guarantee accessibility of members of civil society to prisons and ensure contacts with condemned prisoners. A special task force of lawyers under the auspices of the Bar Association should be set up to monitor the conditions of detention of condemned prisoners.
- Duly investigate all complaints of extrajudicial executions, disappearances, torture and ill-treatment, bring the culprits to justice and take measures to prevent any recurrence of such acts, recommended by the UN HRC as early as in 1993.
- Include a clear definition of torture in the Penal Code and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Establish effective and independent complaint mechanisms against the police in cases of alleged ill-treatment or torture.
- Strengthen police investigations, in particular through material and forensic information collection and ensure proper training in those fields.
- Submit periodic reports to the UN Human Rights Committee, as per the ICCPR ratified by Iran.
- Accept the visit request of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions. The Special Rapporteur sought a visit to the Islamic Republic of Iran in 2004 and 2005.

## **Recommendations to the international community**

- The UN Special Rapporteur on extrajudicial, summary or arbitrary executions should seek a visit to the Islamic Republic of Iran in order to enquire both into the use of the death penalty in violation of international human rights standards, and other violations of the right of life such as deaths in custody.
- Raise the question of the administration of criminal justice in general, and the use of the death penalty in particular, on the occasion of the Universal Periodic Review of Iran before the UN Human Rights Council in 2010.

## **Recommendations to the European Union**

- In accordance with the EU Guidelines on the death penalty, raise the issue of the death penalty in the framework of its bilateral meetings with the Islamic Republic of Iran
- Provide technical assistance and share information, where requested by the Iranian government
- Encourage moves towards abolition of death penalty and support efforts to develop professional and public human rights education and judicial and prosecutorial training
- Support civil society initiatives in favour of abolition in Iran

## At least 138 juvenile offenders believed to be on death row in Iran: Compiled from information collected by Amnesty International, Emadeddin Baghi, Iran Human Rights and Stop Child Executions

As of July 7, 2008 145 juvenile offenders are facing execution worldwide: 138 in Iran, 3 in Saudi Arabia, 3 in Sudan and 1 in Yemen.

At least 2 juveniles have been executed in Iran in 2008.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
<b>Girls (5)</b>						
1	Akram Alimohammad (Alias: Setayesh)	17				
2	Delara Darabi	17	Rasht	Branch 10, Rasht Judiciary	Supreme Court - Tehran	Delara Darabi, then aged 17, reportedly burgled the house of an elderly female relative on 29 September 2003 together with a 19-year-old man named Amir Hossein Sotoudeh. Amir Hossein allegedly killed the woman during the burglary. Delara Darabi initially confessed to the murder, but subsequently retracted her confession, claiming that Amir Hossein had asked her to admit responsibility for the murder to protect him from execution, believing that as she was under 18, she could not be sentenced to death.
3	Nazbib Ateshbejan	16		Branch 107, Khorramabad Criminal Court, 1/May/2006	Supreme Court, 12/Feb/2006	From Semnan, she was sentenced for supplying drugs when she was 16 years old by Branch 107 of Khorramabad General Court on 1 May 2006. The sentence was confirmed by the Supreme Court on 12 February 2006.
4	Soghra Najafpour	13	Gilan			Soghra Najafpour is accused of killing the 8 year old child of an doctor in the city of Rasht, where she lived with the family as a maid since the age of 9. Soghra was 13 years old at the time and denied the charges. She spent all of her adult life, 17 years, in prison and is now 30 years old. Soghra was released from prison on bail in the beginning of October 2007, but she was called by the Judiciary to return to prison within 5 days, after the family of the victim demanded Soghra's execution, her family were notified that Soghra must report back to the prison authorities within 5 days. Once Soghra realized that upon return to prison she would be executed she ran away scared and has not been seen since.
5	Sara		Islamshahr	Tehran Criminal Court	September, 2003	
<b>Boys (152):</b>						
1	Aadel	15	Esfahan	Branch 17, Esfahan		Esfahan criminal court branch 17 sentenced Adel, 15 to qesas for the murder of Alireza, 17. (No date for court hearing, reported by Etemade Meli on Wednesday 18/03/08) Adel killed Alireza on 15/10/07 in Falavarjan, a town near Esfahan province.
2	Ali Mahin Torabi	16	Karaj	Branch 33, Special Public Court for Children, 30/October/2003	Branch 27, Supreme Court, 8/June/2004	Ali Mahin Torabi, from Karaj, faces execution for the killing of a schoolmate named Mazdak during a playground fight in Bani Hashemi High School in February 2003. Ali Mahin Torabi was 16 years old at the time. A Juvenile Court in Karaj sentenced Ali Mohin Torabi to qesas on 30 October 2003 and on 8 June 2004, Branch 27 of the Supreme Court upheld the sentence. Ali Mahin Torabi is in Reja'i Shahr prison in Karaj awaiting execution.
3	Abbas		Karaj	Branch 77, Tehran children's court	Supreme Court, 30/May/2006	
4	Ali Moradzadeh Zagheh		Qom			
5	Abbass Hosseini	17				In July 2003 Abbas Hosseini was reportedly helping a man, a member of the Revolutionary Guard, to move furniture in his house. He says the man made sexual advances to him. Abbas Hosseini then managed to leave the house by promising that he would return with his girlfriend. In a fit of rage he returned to the house in order to "teach the man a lesson". He lured the man outside, supposedly to meet the girlfriend, and stabbed him once with a knife. The man died shortly afterwards as a result of his injuries. He had been scheduled to be executed on 1 May 2005 then his execution was stayed until 8 May 2005 and finally his case was referred to the judiciary in Tehran for review.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
6	Ahmad	17	Tehran	Branch 71, Tehran General Court		On 21 November 2007 Ahmad, 17, was sentenced to death by four judges of Branch 71 of Tehran General for the murder of his cousin Saeed. One judge believed Ahmad had acted in self-defence, however on verdict of majority of judges Ahmad was sentenced to qesas
7	Ali Nourmohammadi	16		Branch 24, Kermanshah	Branch 6, Kermanshah Appeal Court	Ali Nourmohammadi was 16 when he killed one of his cousins in a fight. He was sentenced to qesas by Branch 24 of General Court of Kermanshah, which has no jurisdiction over juvenile cases. All the other defendants in the case were over 18. Two others involved in the fight, Ali Nourmohammadi's uncle and another cousin, were sentenced to diyeh for injuring Ali Nourmohammadi. The sentences were confirmed by Branch 6 of Kermanshah Appeal Court. Ali Nourmohammadi has been in prison for nine years hoping that the issue can be resolved within the family.
8	Abdolkhaleq Rakhshani		Golestan Province	Branch 2, Golestan Appeals Court, 16/March/2006		from Golestan, whose sentence to qesas was upheld by Branch 2 of the Golestan Appeal Court on 16 March 2006.
9	Ali (or Alinezar) Shabehzadeh	17				
10	Abumoslem Sohrabi,		Fars	Branch 3, Firoozabad Court	Branch 33, Supreme Court	was 17 years old at the time when he was convicted of killing a 25 year-old named Amin in Firoozabad in Fars province
11	Alireza	17	Tehran	case # 2102, Children's Court, April 2002		
12	Ahmad	16		Branch 74, Tehran Court	Branch 11, Supreme Court, March 2008	Death sentence of another Iranian youth was verified by Iran's superior court. According to Iran's ISCANNEWS, in August of 2006, 22 year old Mehdi was stabbed by 16 year old Ahmad and died in a Tehran hospital after 6 months. Now that Ahmad's has reached the age of 18, his case was reviewed by the Iran's Islamic superior court and he was sentenced to death by hanging. ISCANNEWS reported that in his defense Ahmad told the court: "My father had an accident when I was only 16 years old and I went to visit him because he was bed confined at my step uncle's home. The water pipe inside the house was broken and my step mother and female cousin had to go to street to wash the dishes (using the faucet outside) and I was watching them from the window. Mehdi and two of his friends who were sitting in the street started make wisecracks at them. My stepmom and cousin came inside the home and Mehdi and his friends sent a kid to enter our yard and check up on them. I went downstairs and told the boy to leave our home. At this time Mehdi and his friends came and started to beat me up until I fell and hit the dishes that were at the entrance door. While on the ground I saw a kitchen knife that was among the dishes and I picked it up to defend myself". It is anticipated that Ahmad's file will soon be sent to Iran's head of Judiciary, Ayatollah Shahrudi for Estizan (permit to execute)
13	Alireza Movassali Roudi	16	Qom	case # 4786-85 T, Qom Criminal Court		from Qom, was sentenced to death for a murder committed when he was 16.
14	Ahmad Jabari	15	Khuzestan		Branch 29, Supreme Court, case # 39/711	from Khuzestan, was sentenced to qesas for a killing committed when he was 15. The sentence was upheld by Branch 29 of the Supreme Court.
15	Amir Amrollahi	16	Shiraz	Branch 5, Shiraz Penal Court	Branch 27, Supreme Court, 10/Nov/2007	The murder took place in November 2006 during a fight with another boy, who was fatally stabbed. According to his lawyer, who took up his case very recently, Amir Amrollahi stabbed the other boy in the chest because he thought the other boy was about to attack him, and then panicked and ran off. Then, according to eyewitnesses, there was a delay of at least half an hour before any medical assistance reached the victim of the stabbing, by which time his wound had proved fatal. His family are poor, so Amir Amrollahi could not afford competent legal representation at his trial. According to a lawyer who recently took over his case, the court did not hear that the killing had been unintentional, or that he was prescribed heavy doses of sedatives while in prison awaiting trial. His mental state at the time of the incident was not properly considered.
16	Ahmad Mortazavian	15	Isfahan	Esfahan General Court, January 2008		Ahmad Mortazavian allegedly stabbed another boy during a fight in 2007, when he was 15. He was sentenced by the penal court of Esfahan in January 2008 and he's awaiting his appeal.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
17	Amir Chalehchaleh	17				At the age of 17, Amir Chalehchaleh and two of his brothers became involved in a fight with another group during which a young person was killed. Amir Chalehchaleh was arrested and initially confessed but later denied that he had been the killer. He was sentenced to qesas. In his appeal, Amir Chalehchaleh refuted his confession and identified one of his brothers as the killer. The brother had been released on bail and subsequently disappeared. The court rejected Amir Chalehchaleh's appeal and sentenced him to qesas. The Supreme Court initially rejected the verdict on account of deficiencies in the investigation and the prosecution case, but subsequently confirmed it. However, the Head of the Judiciary has sent the case twice to the Discernment Branch of the Supreme Court, whose decision is awaited.
18	Ahmad Nourzei	12	sistan Baluchistan	Revolutionary Court, 2005		from Sistan-Baluchistan, was sentenced to death for carrying and supplying heroin, apparently when he was 12.
19	Amir		Tehran	Branch 1156, Tehran Besat Judicial Complex		
20	Akoo (or Abu) Hosseini		Kordestan	case # 1326, 3/ November/2003	Branch 27, Supreme Court	from Kordestan, was sentenced to qesas for murder. The sentence was upheld by Branch 27 of the Supreme Court.
21	Amir J.		Tehran	Branch 1601, Tehran Criminal Court, 22/Oct/2000		
22	Ali	16 or 17	Tehran	case # 2101, Tehran Children's Court, April 2002	Branch 27, July 2002	
23	Asghar Heidari	16 or 17				
24	Ali Amiri (Afghan Citizen)	15	Shriar	Branch 74, Tehran Criminal Court, 22/ July/2007		On 19 November 2007 Afghan national, Ali Amiri, had his death sentence upheld by Branch 39 of the Supreme Court and his case was due to be sent to the Office for Implementation of Sentences. Ali Amiri was sentenced to death on 23 July 2007 by Branch 74 Tehran Criminal Court - 22 July 2007. According to a 19 November report by the Iranian Students News Agency (ISNA), on 18 December 2005, Ali reportedly led an eight-year-old boy called Jan Ahmad (also known as Ahmad) onto the site of a partially built building in Shahriar, a city south-west of the capital, Tehran, where Ali allegedly sexually assaulted him before killing him.
25	Ashkan	16		Branch 122, Special Court for Children, 26/October/2003		
26	Ali Alijan	17		Branch 71 Tehran General Court		Ali Alijan was taken to be executed on 20 September 2006 for a crime committed when he was under the age of 18. He was taken to the gallows and had the noose tied around his neck. At the last minute, the family of his victim halted the Ali Alijan was sentenced to qesas for the murder of a young man called Behrooz in March 2004. During his trial before Branch 71 of Tehran Province Criminal Court, he insisted that the killing was not premeditated execution.
27	Behador Khaleqi	16		Branch 1, Saqez Public Court, 21/ June/2005	Branch 27, Supreme Court, 13/ March/2005	Behador Khaleqi was sentenced to qesas on 31 June 2005 by Branch 1 of Saqqez General Court for a killing committed when he was 16. The sentence was confirmed on 13 March 2006 by Branch 27 of the Supreme Court. According to details given in the verdict, on 7 May 2005 Behador Khaleqi and some friends were involved in a drunken fight with another group during which someone was killed.
28	Behnam Zare	15	Fars	Fars Penal Court, 13/November /2005	Branch 33, Supreme Court, 14/ May/2007	Behnam Zare' was convicted of a murder committed when he was 15 years old. He has been detained since his arrest in Adelabad prison, in the south-western city of Shiraz. The murder reportedly took place on 21 April 2005, when Behnam Zare' swung a knife during an argument with a man named Mehrdad, wounding him in the neck. Mehrdad later died in hospital. Behnam Zare' was detained on 13 November 2005; Branch 5 of Fars Criminal Court sentenced him to qesas (retribution) for premeditated murder. The case went to appeal before Branch 33 of the Supreme Court where the sentence was upheld, and it has now been passed to the Office for Implementation of Sentences.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
29	Behnoud Shojaei	17		Branch 74, Tehran General Court, 2/ Oct/06	Branch 33, Supreme Court, 30/June/07	"On 18 June 2005, Behnoud Shojaei, then aged 17, intervened to stop a fight between his friend Hesam and another boy named Omid in Park-e-Vanak in Tehran. Behnoud Shojaei managed to separate the two boys but Omid swore at him, started a fight and threatened him with a knife. During the fight Behnoud Shojaei picked a shard of glass and stabbed Omid once in the chest, before fleeing the scene. Behnoud Shojaei was sentenced to qesas (retribution) by Branch 74 of the Criminal Court in Tehran on 2 October 2006. During his trial, Behnoud Shojaei was not afforded legal representation and was therefore made to write a request for re-examination and re-trial of his case himself. According to his lawyer who recently took up his case, Behnoud Shojaei maintained throughout his trial that he only stabbed Omid once even though the coroner's report stated that the victim died as a result of sustaining several injuries. His claims were never investigated and Behnoud Shojaei's sentence was nevertheless confirmed by Branch 33 of the Supreme Court on 30 June 2007.
30	Benyamin Rasouli	16 or 17	Karaj	Branch 74, Tehran Penal Court	Supreme Court, October 2005	
31	Ebrahim Taleii,		Tehran	Branch 1602, Tehran Criminal Court, 25/July/1999		
32	Fada		Tehran	Branch 71, Tehran Children's Court, 5/ March/2006	Branch 11, Supreme Court, March 2001	
33	Faramarz		Faramarz	Branch 71, Tehran Penal Court, 2006	Branch 28, Supreme Court, September 2007	
34	Farhad		Tehran	Branch 1157, Tehran Criminal Court		
35	Farshad Sa'eedi	17				
36	Farzad	15				
37	Fazlorahman Jahraz	16				
38	Feyz Mohammad, 16 (Afghanistan Citizen)	16	Karaj	Branch 122, Karaj Children's Court, September 2004		Feiz Mohammad, who is from neighboring Afghanistan, was tried and sentenced to death by judge Loqham Kia Pasha in Branch 122 of the Special Juvenile Court of Karaj, 40 kilometers west of the capital, Tehran. Mohammad was accused of stealing seven kilograms of pure morphine from his employer, a ranch owner, and giving it to a group of Afghan immigrants distributing drugs. He faced no other charges.
39	Feyzollah Soltani		Yazd	Revolutionary Court		He was sentenced to death by a Revolutionary Court in Yazd for carrying and supplying drugs, and drug addiction
40	Gholamnabi Barahouti	16	Yazd	Branch 10, Yazd Pubic Court, case # 2067, 6/ February/2003	Branch 27, Supreme Court, case # 89	from Yazd, was sentenced to qesas for murder and theft, committed when he was 16, by Branch 10 of Yazd General Court on 6 February 2003. The sentence was upheld by Branch 27 of the Supreme Court.
41	Habib Afsar	15	Qom	case # 1126-83 T, Qom Criminal Court		from Qom, was sentenced to qesas for a murder committed when he was 15.
42	Hajer	16	Karaj	Branch 122, Karaj Children's Court, January 2006		
43	Halat					
44	Hamed	15				Hamed was sentenced to death in May 2007 for killing a neighbor at the age of 15. In his court testimony, he said he tricked the neighbour into giving him money, believing that Hamed meant to give it to his father. Later when the victim understood that Hamed had lied, they got into a fight, where Hamed stabbed the man. During his court testimony Hamed stated that he did not intend to kill, and asked forgiveness of the victim's family. Although the two sons of the victim did not want Hamed to be executed, his 4 daughters demanded his death penalty. Thereafter the 5 judges unanimously confirmed the death penalty
45	Hamed Pour-Heydari					
46	Hamid	17	Isfahan	Branch 17, Isfahan Penal Court		

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
47	Hamid	17	Shahriar	Branch 71, Tehran Penal Court, October 2005		Hamid (surname unknown) was sentenced to qesas for murder by Branch 71 of Tehran Province General Court in October 2005. The crime was committed on 27 July 2004, when Hamid was 17 years old. According to reports, Hamid stabbed a man, Davood Karimi, during a scuffle with several men over an incident that had taken place earlier that day. He confessed to police, stating that he had stabbed Davood Karimi because he was surrounded by several men who were attacking him, but that he had not intended to kill him. The family of the victim asked to exercise their right to retribution and called for the execution to be carried out. No further details about the case are known. From Shahriar - Sentenced by Branch 71, Tehran Penal Court - October 2005-
48	Hamid Reza	14				Hamid Reza from Gorgan. 14 when allegedly committed murder. Arrested 2 hours after the crime.
49	Hamzeh Setani	17				He was sentenced to qesas for the murder of his 20-year-old friend, Mehdi, when he was only 17. During a quarrel with Mehdi, he stabbed him and he died seven months later in a hospital in Tehran Note: a youth called Hamzeh was pardoned in exchange for diyeh in 2007 but not clear if it was the same person
50	Hani Momeni Yasaghi		Golestan Province	Public Court of Gorgan, 20/ November/2004	Branch 26, 9/March/2005	
51	Hassan		Tehran			
51	Hasan Mozaffari		Bushehr	Bushehr criminal Court, case # 85/18	Branch 27, Suprem Court, case # 530/85	from Bushehr, was sentenced to death for rape with Mohammad Pezhman and Rahman Shahidi
52	Hedayat Niroumand	14 or 15				Hedayat Niroumand from Qarni village was reported to have been sentenced to qesas in December 2006 for killing his father. Hedayat Niroumand had reportedly been arrested six months earlier – in around June 2006.
53	Hossein		Tehran	Branch 37, Tehran Public Court, 11/ April/1998		
54	Hossein Haghi	17		Branch 74, Tehran General Court 5/ Feb/2004	Branch 33 Supreme Court 25/June/2004	On 12 August 2003, Hossein Haghi, then aged 16, and his friend, known as Amrollah T, intervened to stop a fight between a friend of theirs and another boy, Mehdi Khalili. A number of others were also involved in the fight. According to his testimony, Hossein Haghi was held from behind, and Mehdi Khalili started hitting him. Hossein Haghi was able to free his hands, and retrieved a knife from his pocket to defend himself. Mehdi Khalili was killed by a knife wound to the chest. Upon his arrest, Hossein Haghi admitted to holding a knife and striking Mehdi Khalili to scare him away. However during his trial, Hossein Haghi denied stabbing Mehdi Khalili to death. On 8 February 2004 Hossein Haghi was sentenced to qesas (retribution) by Branch 74 of the Criminal Court. On 25 June 2004, the Supreme Court upheld his sentence. Hossein Haghi's defence lawyer lodged a petition demanding a review of the case. Though the petition was rejected, the case was re-examined, and has now been referred to Branch 33 of the Supreme Court by the Head of the Judiciary.
55	Hossein Toranj	17				
56	Iman Hashemi	16 or 17	Isfahan			From Esfahan. Iman Hashemi was 17 in June 2006 when his brother Majid was arrested for fatal stabbing of a man in a fight. Following his brother's arrest, Iman Hashemi was said to have presented himself to the investigating authorities and confessed to having murdered.
57	Iman Nabavi,		Semnan	Branch 4, case # 15-471/85		
58	Javad J.		Tehran	Branch 1602, Tehran Criminal Court		
59	Javad Sh.					
60	Javid	17				
61	Kamal	17	Tehran	Branch 71, Tehran General Court, 12/April/2008		A court in Tehran has sentenced a minor offender to death, reported the state run news agency ISCANNEWS. He is identified as Kamal (17) and is charged for murdering Shahin (24) one year ago, (10 April 2007) according to the report. It is not clear whether Kamal was 17 at bthe time of the alleged crime or he is 17 years old now.
62	Khodamorad Shahemzadeh	17	sistan Baluchistan			

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
63	Khosrow	16		Branch 74, Tehran General Court November 2007		Khosrow aged 16 sentenced to death for the murder of 20 year -old roommate Amin on 12 July 2007 - Sentenced Branch 74 Tehran General Court in November 2007
64	Mahmoud	17				
65	Majid Afshari		Tehran	Branch 1603, Tehran Criminal Court	Supreme Court, May 1999	
66	Masoud Kafshir	17				
67	Mehdi	16		Branch 71, Tehran Children's Court, 5/March/2006	Supreme Court, 30/May/2006	A criminal court in Robat-e Karim sentenced Mehdi (surname unknown) to qesas in March 2006 for killing a boy, Hamid, according to Hamshahri newspaper. His brother Morteza was sentenced to a term of imprisonment for complicity in murder. According to the report, Mehdi stabbed Hamid with a knife during a fight in a park in Robat Karim, killing him. At the time of the trial, Mehdi was 18 and Morteza was 21. The incident had happened two years earlier, when Mehdi would have been 16. Hamshahri reported that Mehdi accepted the charge of intentional murder and that the mother of the victim had asked the court for a qesas sentence. Branch 71, Tehran Children's Court,
68	Mehdi Azimi					
69	Mehdi Ghandali		Semnan	Samnan Penal Court	Branch 4 , 16/June/2006	
70	Mehdi Bakhtiari		Tehran	Branch 74,Tehran Children's Court	Branch 27, Supreme Court, November 2004	
71	Mehran	17	Karaj	Branch 77, Tehran Children's Court		
72	Mehrdad	17	Tehran	Branch 71, Tehran's Children's Court, 4/Feb/2006		
73	Mehyar	17		Branch 2106 Tehran Children's Court,		Mehyar (surname unknown) was arrested in December 1999 for the murder of a 58-year-old woman in her home during a burglary. He was sentenced to qesas by Branch 2106 of Tehran General Court. He also received a sentence of flogging for possession of alcoholic drinks, and three years' imprisonment for theft. It is common in Iran that people sentenced to prison terms in addition to the death penalty serve some or all of their prison sentence before execution.
74	Mehyar Haghgoo	17	Rasht	Branch 102, Rasht Penal Court		Mehyar is accused of killing his abusive and alcoholic father. According to the report at the time of alleged murder , Mehyar's father was beating up his mother. Mehyar seem to have suffered from temporary insanity at the time. Mehyar's mother is jointly accused of murder of her husband. Mehyar Haghgoo's death sentence has been confirmed by a court in the city of Rasht,
75	Mehyar Anvari	17	Golestan Province	Branch 6, Khorramabad Public Court, 13/June/2004	case #690, Branch 27, Supreme Court	from Golestan, was sentenced to qesas for a murder committed when he was 17, by Branch 3 of Khorramabad General Court. The sentence was confirmed by Branch 27 of the Supreme Court.
76	Mehyar Zamani	16		Branch 102, Rasht Children's Court		
77	Milad Bakhtiari	16 or 17	Tehran	case # 2106, Tehran Children's Court, August 2002		
78	Mohammad Ahmadi	16	Ghazvin			Mohammad Feda'i attended a snooker club with his friends in Robat Karim, a town near the city of Karaj, in Tehran province, when one of his friends was involved in a fight with a group of about 17 young men. According to his testimony, Mohammad Feda'i tried to break up the fight, but a boy named Said started to hit him with a piece of wood. Mohammad Feda'i, who was holding a knife handed to him by one of his friends, then, according to his account, fell over. As Said was about to hit him again, he fatally stabbed Said once in self defence. Said was transferred to hospital, where died three hours later. The case went before Branch 71 of the Tehran Criminal Court and Mohammad Feda'i was sentenced to qesas (retribution) for the murder of Said on 12 March 2005. Although the five sentencing judges in his case found Mohammad Feda'i guilty, they also acknowledged in their written verdict that the stabbing was an act of self-defence and that he had not been adequately represented at his trial, as his first legal representative was not an accredited lawyer, and two lawyers hired later had only submitted one written defence statement to the court during his trial. Nevertheless, the death sentence against Mohammad Feda'i was upheld by Branch 27 of the Supreme Court, and has been approved by the Head of the Judiciary. Mohammad Feda'i had been due to be executed on 18 April 2007. However, the execution was stayed on the basis of the inadequate legal representation during his trial. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set.

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79	Mohammad Fadaee	17				Mohammad Feda'i attended a snooker club with his friends in Robat Karim, a town near the city of Karaj, in Tehran province, when one of his friends was involved in a fight with a group of about 17 young men. According to his testimony, Mohammad Feda'i tried to break up the fight, but a boy named Said started to hit him with a piece of wood. Mohammad Feda'i, who was holding a knife handed to him by one of his friends, then, according to his account, fell over. As Said was about to hit him again, he fatally stabbed Said once in self defence. Said was transferred to hospital, where died three hours later. The case went before Branch 71 of the Tehran Criminal Court and Mohammad Feda'i was sentenced to qesas (retribution) for the murder of Said on 12 March 2005. Although the five sentencing judges in his case found Mohammad Feda'i guilty, they also acknowledged in their written verdict that the stabbing was an act of self-defence and that he had not been adequately represented at his trial, as his first legal representative was not an accredited lawyer, and two lawyers hired later had only submitted one written defence statement to the court during his trial. Nevertheless, the death sentence against Mohammad Feda'i was upheld by Branch 27 of the Supreme Court, and has been approved by the Head of the Judiciary. Mohammad Feda'i had been due to be executed on 18 April 2007. However, the execution was stayed on the basis of the inadequate legal representation during his trial. A subsequent request to the Attorney General for a retrial was rejected, and a new execution date was set.
80	Mohammad Ghos	17		Court in Mashhad		Mohammad Ghos (son of Mohammad Sharif) is an Afghan boy who is facing execution in Iran. Mohammad was arrested at the age of 17 in Iran and charged with smuggling narcotics. Mohammad was arrested in Havai circle of the city of Mashhad in Eastern part of Iran. He was charged with carrying 820 grams of crystal meth which he had swallowed before crossing the Iranian border with a false passport. Mohammad was from the village of Faghedan near the city of Harat in Afghanistan. Mohammad was sentenced to death by a court in Mashad, Iran and he is presently kept in Vakilabad prison.
81	Mohammad Jahedi	16	Fasa	Branch 4, Fasa Public Court, 25/ December/2003	Branch 27, Supreme Court	Mohammad Jahedi is sentenced to death for a murder committed when he was 16. He has spent 5 years in the Adel Abad prison of the central city of Shiraz.
82	Mohammad Jamali Paghale	15				Mohammad Jamali Paghale was 15 when he allegedly killed his friend. He was initially sentenced to five years' imprisonment by a children's court. However, the Supreme Court overturned this and issued a death sentence.
83	Mohammad M.		Shiraz	Shiraz Criminal Court, 2004	Supreme Court	
84	Mohammad Mavari	16	Golestan Province	Branch 2, Kerdkoori Public Court, 18/ August/2000	Branch 40, case # 40/28	
85	Mohammad Pezhman		Bushehr		Branch 27, Supreme Court, case # 530/85	from Bushehr, was sentenced to death for rape with Hassan Mozaffari and Rahman Shahidi
86	Mohammadreza		Tehran	case # 1602, Tehran Criminal Court	Branch 33, 30/September/2002	
87	Mohammadreza Haddadi	16	Shiraz		Branch 42, Supreme Court	Mohammadreza Haddadi was sentenced to death by hanging for an alleged murder of an old man at the age of 15. Mohammadreza is now 18 years old and is kept at the Adelabad prison in the central city of Shiraz, Iran. His appeal has been denied by the superior court and the file has been sent to the division of enforcement of verdicts and awaiting the final execution permit by Ayatollah Shahrudi, the head of Iran's judiciary.
88	Mohammadshah Ghaderi		Tehran	Branch 1608, Tehran Criminal Court, June 1999		
89	Mohammad (Alias: Seyfollah)		Tehran	Branch 71, Tehran's Children's Court, 23/Jan/2006		
90	Mojtaba	17	Tehran	case # 1188 , Tehran Children's Court, August 2003		
91	Morteza	17	Tehran	Branch 74, Tehran Penal Court		
92	Morteza Feizi	16 or 17				

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
93	Mosleh Zamani	17		2006	Branch 27, Supreme Court, July 2007	Mosleh Zamani, who was sentenced to death in 2006, is now is facing imminent execution. His sentence was upheld by Iran's Supreme Court in early July. His sentence, which was delivered on 17 July to judicial authorities charged with carrying out verdicts, could be carried out at any time. He is held in Sanandaj. He was reportedly found guilty of abducting a woman some 10 years older than him, with whom he was allegedly having a relationship, and forcing her to have sex with him. There are conflicting reports as to whether Mosleh Zamani was aged 17 or 18 at the time the alleged abduction took place.
94	Mostafa	16	Tehran	Branch 74, Tehran Criminal Court	Branch 33, Supreme Court, August 2005	Mostafa (surname unknown) was convicted in around August 2005 of killing an intoxicated man in the Pars district of Tehran. According to the report, Mostafa was 16 years old at the time and had been trying to stop the man from harassing a girl. The man reportedly started hitting Mostafa, who eventually killed him in the ensuing scuffle.
95	Mostafa Sa'idi		Central Province	Saveh General and Revolutionary Court	Branch 42, Supreme Court	
96	Mostafa Naghdi					
97	Nabavat Baba'I	17				In 2002 or 2003, a game between 17-year-old Nabovat Baba'i and another youth, Zabihollah Qasemian, turned serious after Zabihollah allegedly broke a light on Nabovat Baba'i's motorbike and fled into a nearby shop. Nabovat Baba'i followed him in and allegedly threw a metal rod at his head, injuring him. Delays in getting Zabihollah Qasemian to hospital contributed to his death. The court sentenced Nabovat Baba'i to qesas, which was confirmed by the Supreme Court in 2006. The victim's father does not want retribution, but the victim's mother does.
98	Naeem Kolbali	15	Sistan baluchistan	Branch 102, Zahedan Criminal Court		from Sistan-Baluchistan, was sentenced to qesas for drug addiction when he was 15, by Branch 102 of Zahedan General Court.
99	Naser Qasemi	15				Naser Qasemi, a resident of Siyah Kamar Sofla, near Mahidasht, Kermanshah, was only 15 years old at the time of the killing for which he was convicted. He has been in prison facing execution for more than eight years, during which he has been sentenced to death on no less than three occasions. According to the verdict, issued on 20 August 1999, Naser Qasemi went with his uncle to a farm to steal maize. The owners noticed them and tried to stop them. In the fight, the uncle's gun allegedly fell to the ground and Naser Qasemi fired it. One person died. The uncle escaped but Naser Qasemi was arrested. Naser Qasemi was tried in October or November 1999 and sentenced to payment of diyeh. Branch 37 of the Supreme Court ruled that this verdict contravened Islamic law, and subsequently Branch 29 of Kermanshah General Court sentenced Naser Qasemi to qesas. The Supreme Court then found the verdict deficient because of the lack of a confession. Branch 33 of Kermanshah General Court sentenced him to qesas again, and Branch 37 of the Supreme Court confirmed the sentence. At the stage of seeking permission for execution, the Assistant Public Prosecutor of the Supreme Court ruled that the investigation should have been conducted by the children's court and sent it there for investigation. Subsequently, Branch 106 of Kermanshah Criminal Court (Children) again sentenced Naser Qasemi to qesas. The relatives of the victim want 70 million rials (approximately US\$7,500) as diyeh which Naser Qasemi's family cannot raise.
100	Nemat	16 or 17	Isfahan	Branch 106, Isfahan Criminal Court	Supreme Court, 1/May/2006	Ne'mat (surname unknown) was 17 when the Supreme Court upheld his death sentence in around May 2006, placing him at imminent risk of execution. Ne'mat was reportedly arrested for the January 2003 murder of his sister Zohra's husband, Haydar Ali. According to children's rights activist and lawyer Nasrin Sotudeh, he was 15 years old at the time. After his arrest, Ne'mat reportedly denied involvement in the killing. However, following interrogation, he confessed. He was tried before Branch 106 of the General Court in Esfahan and sentenced to qesas.
101	Nosrat	15				15 year old Nosrat was initially convicted of murder by a lower court judge, but was found innocent by 2 of the 5 judges in an Iranian appeal court. During the appeal process 3 of the panel of 5 judges confirmed the death penalty, but the 2 others voted against it, stating that the mental age and maturity must be given the priority. Since the 5 judges could not come to a unanimous decision, the case is sent to the Iran's supreme court for final determination.
102	Omarraddin Alkuzehi	17	Yazd	Branch 101, Taft Public Court, 12/January/2003	Branch 26, Supreme Court	from Yazd, who was sentenced to qesas for murder committed when he was 17 by Branch 101 of Taft General Court on 31 December 2003. The sentence was upheld by Branch 26 of the Supreme Court.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
103	Omid Sarani	17	sistan Baluchistan	Branch 102, Zahedan Criminal Court		from Sistan-Baluchistan, was sentenced to qesas for a murder committed when he was 17, by Branch 102 of Zahedan General Court.
104	Rahim Ahmadi	16	Fars	Branch 5, Fars Penal Court, 20/January/2007	Branch 37, Supreme Court	
105	Rahman Shahidi		Bushehr	Bushehr criminal Court, case # 85/18	Branch 27, Supreme Court, case # 530/85	from Bushehr, was sentenced to death for rape with Hassan Mozaffari and Mohammad Pezhman
106	Ramdar	17	Shiraz	case # 12, Shiraz, June 2004		
107	Ramin Golshani		Tehran	Tehran Criminal Court, November 1997	Supreme Court, June 1998	
108	Rasoul Eyvatvandi	17				Rasoul Eyvatvandi was 17 when he shot dead one of his friends in an act of revenge. He was sentenced to qesas, which was confirmed by the Supreme Court.
109	Rasoul Mohammadi	17				Rasoul Mohammadi was 17 when he was scheduled to be executed at the same time as his father, Mousa Ali Mohammadi. Both were to be flogged 74 times before their execution.
110	Rasoul Nouriyani		Hamedan	Hamedan Penal Court		from Hamedan, was sentenced to death for rape by Hamedan General Court.
111	Rasoul Safari	17	Gilangharb	Branch 1 Gilangharb General Court	Branch 33 Supreme court found verdict deficient. Not clear what happened subsequently	Rasoul Safari was sentenced to qesas by Branch 1 of the General Court of Gilangharb on 7 September 2005 for a killing committed when he was 17. On 19 March 2006 Branch 33 of the Supreme Court found the verdict deficient. According to reports, on 5 November 2004 Rasoul Safari had gone to the mountains with two friends. That evening, the man who was subsequently killed went to the mountains with a friend intending to frighten Rasoul Safari and his friends as a joke. They scared the three friends by throwing stones and howling like a wild animal. The three hurried from the mountains, but the man followed them and, with his head and face hidden, attacked them with a club (gorz). This led to a fight between the man and the three friends, during which Rasoul Safari allegedly killed the man with a stab to the stomach. During the trial, Rasoul Safari denied the charge and said: "I did not carry out a killing. The confessions I made were [made] under ...torture."
112	Reza	16	Tehran	case # 1157, Tehran Criminal Court, June 2003		
113	Reza		Islamshahr		October, 2003	
114	Reza	15	Shiraz	Branch 2, Fars Province General Court, September 2007		Reza, aged 15, from Marvdasht, was reportedly sentenced to death in mid-September 2007 by a Court in Fars south western Iran. He was reportedly sentenced to death along with Mohammad, aged 18, charged with the rape and murder in April 2007 of Karim Tajik, aged 9, and Mohammed Shiri, aged 10. Reza and Mohammad were also reportedly sentenced to three years imprisonment and 100 lashes each. Two other defendants were reportedly involved in the case; one of them was acquitted and the other sentenced to flogging.
115	Reza Alinejad	17		Branch 10, Fasa General Court 15/June 2005	Supreme Court 9 May 2006	Reza Alinejad was sentenced to death or a killing committed when he was 17 years old. The incident happened on 26 December 2002 in a street in Fasa, a city near Shiraz in central Iran. Reza Alinejad says that two men attacked him and his friend, with a martial arts weapon. He says he pulled out a pocket knife during the struggle and accidentally stabbed and killed Esmail Daroudi. In December 2004 the Supreme Court rejected the death sentence, accepting that Reza Alinejad had acted in self-defence. The Supreme Court sent the case back to another lower court for investigation. The case was heard by Branch 101 of Fasa Provincial Criminal Court, which on 15 June 2005 sentenced Reza Alinejad to death again. It concluded that Reza Alinejad could have fled the scene and had therefore acted unreasonably. On 9 May 2006, the Supreme Court upheld the death sentence.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
116	Seyed Reza Hejazi	15	Isfahan			Reza Hejazi – then aged 15 - was among a small group of people involved in a dispute with a man on 18 September 2004, which resulted in the man being fatally stabbed. Reza Hejazi was arrested and tried for murder, and on 14 November 2005 he was sentenced to Qesas (retribution) by Branch 106 of the Esfahan General Court. The sentence was approved by Branch 28 of the Supreme Court on 6 June 2006, although under Iranian law he should have been tried in a juvenile court. The case was referred for mediation between Reza Hejazi and the victim's family, to try and arrange for the payment of diyeh, but no sum has yet been agreed. If no agreement is reached, Reza Hejazi will be executed.
117	Reza Padashi	16		Branch 71, Tehran Penal Court, 20/February/2005	Branch 37, Supreme Court, 3/September/2006	Reza Padashi was sentenced to death for killing his friend in 2003, when he was 16.
118	Saber					
119	Sadegh Ahmadpour		Chahar Mahal/ Bakhtiari	Branch 104, Shahrkurd Public Court	Branch 27, Supreme Court, 23/July/2006	Sadegh Ahmadpour was sentenced to qesas for a killing committed when he was 17 by Branch 104 of Shahikord General Court. The sentence was upheld by Branch 27 of the Supreme Court on 22 July 2004.
120	Saeed Jazee	17		Branch 1183, Children's Court, 21/May/2005		Saeed Jazee's death sentence has been approved by the Head of the Judiciary. Saeed Jazee, a sculptor, is held in a young offenders centre in Karaj, Tehran Province. He was convicted of the murder of a 22-year-old man, which took place in 2003 when he was 17 years old, and sentenced to qesas (retribution). The Supreme Court rejected his appeal, and his case was sent for final approval to the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi. The killing apparently took place after Saeed Jazee had gone to a friend's sandwich shop, helped himself to a sandwich and started eating it. The 22-year-old man, who had just started working at the shop and did not know Saeed, started arguing with him about the sandwich and attacked him with a kitchen knife. During the scuffle, the knife fell to the floor and Saeed picked it up at the same time as the man charged at him and was wounded in the process. Saeed Jazee and the other employees in the shop tried to help him. During the trial, the shop's other employees stated that the killing had been accidental. Saeed Jazee has repeatedly stated that the killing was not intentional.
121	Saeed Arab		Golestan Province	Public and Revolutionary Court of Gorgan		From Golestan, he was sentenced to qesas for murder
122	Saeed Heydari		Tehran	60		
123	Safar Angooti	17	Branch 71, Tehran General Court			"A 17-year-old Iranian youth who knifed and killed a rival suitor for a girl has been sentenced to death by a court in Tehran, a newspaper said on 27/4/08. The accused attacked the victim after finding out he was talking to the girl in question, the Etemad daily said." "I have killed him but not intentionally," the young man, identified only with his first name, Safar, told the court. "I did this because I was inexperienced and I was angry. I ask them (the family of the victim) to forgive me," he said. But the victim's father said Safar had killed his son Mehdi and deserved the punishment. "I don't know the reason why they got into a fight but Safar has killed my son and he should be killed," he said.
124	Safarali		Tehran	Branch 1156, Tehran Besat Judicial Complex		
125	Sajjad	17				
126	Salah Taseb	15	Sanandaj			Salah Taseb son of Nameq born 1990 who committed murder in the age of 15, was transferred to Sanandaj prison yesterday (22 June 08) from Youth Offending Centre for his sentence to be carried out. He has just turned 18. He and his family have been told that his execution is being scheduled for end of Tir 1387 = 23rd June till 23rd July 2008.
127	Salman Akbari	17	Ardebil	Public Court of Arshagh, 14/July/2003	case # 2-8728/7	From Ardabil, he was sentenced to death in July 2003 for a killing committed when he was 17.
128	Siyavash Shirnejad		Lorestan	Branch 107, Khoramabad Criminal Court, 9/May/2006		From Nosratan, he was sentenced to qesas for murder by Branch 107 of Khorramabad General Court on 9 May 2006
129	Vahid	16	Tehran	Branch 71, Tehran Children's Court, 6/Nov/2004		Vahid was reportedly sentenced to death for the murder of his friend Mehdi. He claims that he killed him in self-defence after he tried to sexually assault him. No further details are known. A youth named Vahid was executed in Evin Prison in September 2006, but it is not clear if this was the same person or not.

	NAME	AGE*	CITY OR PROVINCE	LOWER COURT	APPEAL COURT	
130	Zahir	15	Tehran	case # 77, Tehran Children's Court, 2004		
131	Zolfali Hamzeh,		Central Province	Branch 2, Saveh General Court		From Central Province, he was sentenced to qesas for rape and murder by Branch 2 of Saveh General Court
132	Unknown	17		June 3 - 2004	Supreme Court, 20/June/2006	
133	Unknown		Kerman	Branch 101, Kerman Court	Supreme Court	
	At least 16 Afghan Nationals		Khorasan			According to the Child Rights Support Section of the Afghanistan Independent Human Rights Commission (AIHRC), at least a further 16 juvenile offenders are reportedly held in prisons in Iran charged with drug smuggling. In October 2007, the Iranian deputy foreign affairs minister denied that any Afghan children had been executed or were under sentence of death. He said that drug smuggling was a crime in Iran and that those who do this and are minors will be tried in a special court for children, and will not be sentenced to death penalty. In fact, anyone who commits this crime, be they Iranian or foreigners will be dealt with through legal channels. On 2 November 2007, the Afghan Ministry of Foreign Affairs in Kabul summoned the Iranian representative there to complain, amongst other things, about reports that Afghan minors had been sentenced to death for smuggling drugs. The Deputy Foreign Minister, Mohammad Kabir Farahi reportedly said "these children are being misused by drug smugglers and their conviction is contrary to human rights, international standards and the very good relations between two countries."

#### SAUDI ARABIA (3):

- Rizana Nafeek (female), 17 year
- Sultan Bin Sulayman Bin Muslim al-Muwallad, 15 year
- Issa bin Muhammad 'Umar Muhammad, 13 year

#### SUDAN (3):

- Abdelrhman Zakaria Mohamed, 16 year
- Ahmed Abdullah Suleiman , 16 year
- Al-Tayeb Abdel Aziz, 16 year

#### YEMEN (1):

- Hafez Ibrahim

\* Ages are at the time of alleged crime.

#### KNOWN CHILD EXECUTIONS (2007, 2008):

##### IRAN (11)

###### 2007

- Makwan Moloudzadeh Male-17 (executed on December 5, 2007)
- Mohammad Mousavi, Male-16 (Mohammad is listed on SCE petition but he was executed on April 22, 2007)
- Saeed Kamberzai, Male-17 (executed on May 28, 2007)
- Babak Rahimi, Male-17 (executed on October 17, 2007)
- Hossein Gharabaghloo, Male-16 (executed on October 17, 2007)
- 2 Afghan Boys executed in Iran (reported by BBC and Afghanistan Independent human rights commission)
- Mohammad Reza Turk (executed on November 15, 2007)
- Amir Houshang (executed on December 7, 2007)

###### 2008

- Javad Shojae (executed on February 26, 2008)
- Mohammad Hassanzadeh (executed on June 10, 2008)

##### SAUDI ARABIA (1)

###### 2007

- Dhahian Rakan al-Sibai'i Male-15 (executed on July 21, 2007)



© Getty Images

*Cover picture:*

*A young man charged with killing an Islamic Revolutionary Court judge is hanged from a crane in public in front of the judge's picture*

*This page:*

*A woman hanged from a crane in public*



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Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed. Article 12: No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. Article 13: (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country. Article 14: (1) Everyone has the right to see and

## About FIDH

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