

IRAN / DEATH PENALTY

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Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time, Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity, Recognizing that such grave crimes threaten the peace, security and well-being of the world, Affirming that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured at the national level and by enhancing international



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At a time when momentum is gathering across the world to abolish capital punishment, the Islamic Republic of Iran retains the death penalty in its legislation, and currently ranks second for number of executions, after China, and first for per capita executions in the world.

Main conclusions of the report

A large range of offences punishable by death - 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” crimes under international law: in particular economic, drug-related and so-called sexual offences.

Death penalty in Iran – Some key-figures

«The limited statistics collected respectively by Amnesty International and Hands off Cain show that **from 2000 to 2008, at least 1546 to 2056 persons** were executed in Iran. **34% to 44% of them were executed during the past two years.** The sharp increase in executions noticeable in 2007 and 2008 seems to be confirmed in 2009: during the three first months of 2009, international human rights organisations recorded more than one hundred executions.»

Minimum number of executions	Amnesty International	Hands off Cain
2000	75	153
2001	139	198
2002	109	316
2003	108	154
2004	159	197
2005	94	113
2006	177	215
2007	335	355
2008	346	355
2009 (To 21 March)	120	97

These numbers are certainly below reality, since there are no publicly available statistics on executions carried out in the country.

International human rights instruments widely violated - Although Iran is a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), the provisions of those international human rights instruments relevant to the death penalty are widely disregarded: in particular gender-neutral age of majority, end to sentence and execution of juvenile offenders, restriction of the scope of the death penalty, end to public executions ...

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

Child Executions - Execution of juvenile offenders occur regularly, a widespread practice being to keep a minor convicted of a capital crime in prison until s/he grows older and then execute him/her.

Ethnic minorities - Persons belonging to ethnic minorities (Kurds, Arabs, Baluchis) are often condemned to death and executed for offences related to the security of the state. Peaceful activists are sometimes unfairly condemned on such grounds.

Inhuman and degrading treatment - The methods of execution may themselves amount to an inhuman and degrading treatment: stoning remains the punishment for adultery, while for other offences, people condemned to death are hanged. Hanging regularly occurs in public, while this practice is contrary to international human rights standards.

Stoning to death

Although the head of the judiciary, Ayatollah Shahroodi issued a moratorium on execution by stoning in December 2002, and in November 2006, the then spokesperson of the judiciary denied that stoning was practiced in Iran, at least seven stoning sentences have been implemented since that time. In July 2007, Ja'afar Kiani was stoned to death in a village near the town of Takestan, for adultery with Mokarrameh Ebrahimi, who had also been sentenced to stoning. The couple, who had two children, had been in prison for 11 years. The stoning took place despite the moratorium as well as a specific stay of execution ordered by the head of the judiciary.

In an interview, Secretary of Human Rights HQ, Mohammad Javad Larijani defended the stoning sentence by arguing that it was a lesser punishment than execution, because the condemned person had the possibility of escaping. Shadi Sadr, a co-founder of the Stop Stoning Forever Campaign and lawyer of Ja'afar Kiani and Mokarrameh Ebrahimi, provided the following shocking account of Kiani's stoning: “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 (Stop Stoning Forever Campaign).”

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Alerted by the increasing number of executions and the persistence of practices that expressly contravene international human rights standards relating to the death penalty, FIDH decided to carry out a study on the application of death penalty in Iran.

Iranian civil society mobilisation

Mobilisation in Iran against stoning - Stoning is a punishment for adultery under the Islamic Penal Code of Iran. Such sentences in Iran have received widespread coverage especially in recent years. The mobilisation of the Iranian civil society against stoning is strong.

The objective of the «Stop Stoning Forever Campaign », an initiative launched by a group of Iranian lawyers, is the abolition of the sentence of stoning from the Islamic Penal Code of Iran.

In December 2002, Ayatollah Shahroudi, the Head of Judiciary, ordered a ban on the practice of stoning. However, at least seven stoning cases were reported after the order.

Mobilisation in Iran against Juvenile offenders executions

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" (New York Times interview, 26 September 2008).

Unfortunately, this statement bears little resemblance to reality : Iran ranks as the

world's top child executioner. Since 1999 through March 2009, at least 42 executions of juvenile offenders have been recorded in Iran, 12 of them in 2007 eight in 2008, and one in early 2009, though the true figures are likely to be higher.

A spreadsheet entitled "Juvenile offenders log, last updated July 7, 2008", compiling information collected by Amnesty Interna-

«Death penalty causes tension and hatred in the society: there is no justice in killing a human being, even a guilty one»

Shirin Ebadi, Iranian Lawyer, Nobel Peace Prize, 2003

tional, the human rights activist Emadeddin Baqi, Iran Human Rights and Stop Child Executions, disclosed that there were at least 138 (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.

While execution of juveniles in Iran has been drawing increasing protests from the international community, similar efforts are in progress within Iran.

Most recently in November 2008, Defenders of Human Rights Centre (DHRC), headed by the Nobel Peace Laureate Shirin Ebadi, launched a campaign to abolish execution of juvenile offenders.

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 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." (...)

Article 221-5 of the bill prescribes killing 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 (...) 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.

Extract from the report

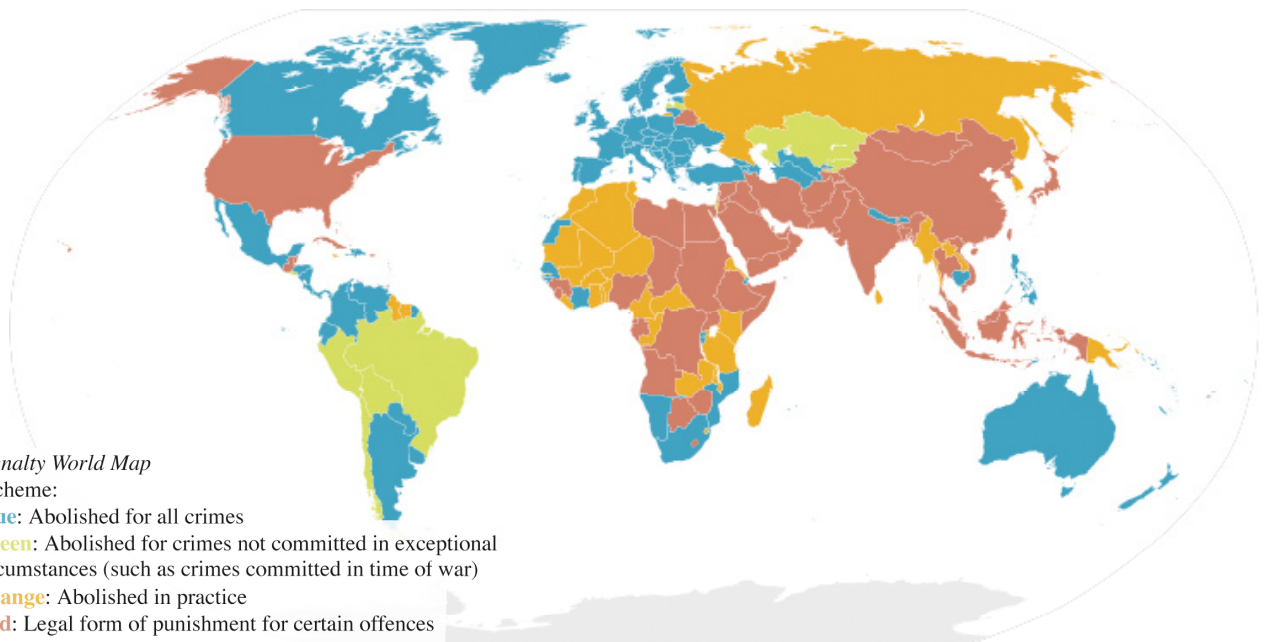
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Main recommendations to the Iranian authorities:

- Adopt an immediate moratorium on executions in light of the serious shortcomings of the guarantees of due process and fair trial in criminal trials;
- 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;
- 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;
- Adopt a law prohibiting death by stoning. Abolish corporal punishments more generally, such as whipping, crucifixion and amputation;
- Put an immediate end to public executions;
- 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 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;
- Become a party to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

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- *Death Penalty World Map*
- Colour scheme:
 - **Blue:** Abolished for all crimes
 - **Green:** Abolished for crimes not committed in exceptional circumstances (such as crimes committed in time of war)
 - **Orange:** Abolished in practice
 - **Red:** Legal form of punishment for certain offences

The Death Penalty worldwide

On 18 December 2008, the General Assembly of the United Nations adopted by a large majority a resolution calling for a moratorium on the use of the death penalty worldwide.

The UNGA resolution, which was supported by a vote of 106 member states in favour - to 46 against, including Iran and with 34 abstentions - is a clear indication that the worldwide trend towards abolition of the death penalty is now becoming irreversible.

Figures :

59 countries maintain the death penalty in both law and practice.

93 have abolished it.

9 retain it for crimes committed in exceptional circumstances (such as in time of war).

36 permit its use for ordinary crimes, but have not used it for at least 10 years or is under a moratorium.

<http://www.worldcoalition.org>