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جامعه دفاع از حقوق بشر در ایران
(عضو فدراسیون بین المللی جامعه های حقوق بشر)
League for the Defence of Human Rights in Iran

NO ONE IS SPARED

The widespread use of the death penalty in Iran

Cover picture : Balal, who killed Iranian youth Abdolah Hosseinzadeh in a street fight with a knife in 2007, is brought to the gallows during his execution ceremony in Noor, Mazandaran Province, on 15 April 2014. The mother of Abdolah Hosseinzadeh spared the life of her son's convicted murderer, with an emotional slap in the face as he awaited execution prior to removing the noose around his neck. © ARASH KHAMOOSHI / ISNA / AFP

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Executive summary

For many years, Iran has consistently ranked second on the list of the world's top executioners, after China. Until 2017, Iran also ranked first in per capita executions. At least 251 people were executed in 2019 and more than 190 in the first nine months of 2020.

Various international human rights monitoring mechanisms have regularly criticized numerous aspects related to the application of the death penalty in Iran for being blatantly inconsistent with fundamental provisions of international law.

The overwhelming majority of capital crimes in Iran fails to meet the threshold of the "most serious crimes" and, as a result, is in contravention with the country's obligations under the International Covenant on Civil and Political Rights (ICCPR). Capital offenses that do not meet the "most serious crimes" threshold include, but are not limited to: sex-related offenses; religious offenses; political offenses; drinking alcoholic beverages; drug-related offenses; economic offenses; and cyber crimes.

For several decades, Iran has also been the world's top executioner of children. From 2009 to September 2020, at least 67 executions of juvenile offenders were reported. Iran imposes the death penalty against minors and executes them when they turn 18 or, occasionally, before. The use of the death penalty against minors is in breach of the country's obligations under the ICCPR and the Convention on the Rights of Child (CRC), both of which expressly prohibit the imposition of capital punishment on individuals who were under the age of 18 when they allegedly committed the crime.

Women are subject to capital punishment as a result of the discriminatory nature of several laws that directly concern them. For example, married women involved in extramarital relations can be charged with adultery, which is punishable by stoning. But married and unmarried men can be charged with adultery only if they are involved in extramarital relations with married women. Honor killings have also traditionally targeted women. As a result of the application of Article 301 of the Islamic Penal Code (IPC), which exempts "fathers and paternal grandfathers" from punishment for the killing of their children or grandchildren, daughters and granddaughters can be killed with impunity in Iran, and immediate relatives of the victims of honor killings often forgo the demand for other punishments for the perpetrators.

Lesbian, gay, bisexual, and transgender (LGBT) individuals can face capital punishment as well, because of the criminalization of certain same-sex conduct, which is punishable by death in Iran.

The death penalty in Iran has also been used against members of some of the country's ethnic communities - such as Kurds, Arabs, and Baloch - and religious minorities - such as Sunni Muslims, Baha'is, and followers of the Shia Ahl-e Haq sect. These groups have been subjected to extensive and protracted discrimination with regard to their political, civil, economic, social, and cultural rights, which has led to resentment towards the central government. Rather than addressing their grievances, the Iranian authorities have responded with heavy-handed measures, including the implementation of the death penalty on a large scale.

Another group of individuals targeted by the use of capital punishment are protesters who participated in nationwide anti-government protests in December 2017, January 2018, August 2018, and November 2019. Many have already been sentenced to death and/or executed. In this report, FIDH documents the cases of 15 protesters who have faced the death penalty in connection with their participation in those protests.

Capital cases in Iran are adjudicated by a criminal justice system that is plagued by numerous violations of defendants' right to a fair trial. Many death sentences are imposed after

In addition, Iranian authorities have a long record of persecuting and prosecuting lawyers who represent individuals who are charged with capital offenses. Some lawyers involved in defending death row prisoners, such as human rights lawyer and 2012 Sakharov Prize Laureate Nasrin Sotoudeh, have been punished with imprisonment for their work. Iranian authorities have also been traditionally hostile towards critics of the death penalty, and anti-death penalty campaigners have been frequently repressed.

FIDH, a member of the World Coalition Against the Death Penalty, opposes the death penalty for all crimes and in all circumstances, and actively works towards its abolition worldwide.



NO ONE IS SPARED

The widespread use of the death penalty in Iran



Iran is the world's **second top** executioner. 



Death penalty used for crimes that are **not** “*the most serious*”.

Death penalty used to target **ethnic communities and religious minorities**.



Death penalty used against **children**.



Death penalty used against **LGBT**.



Death penalty used against **women**.



Death penalty used against **protesters**.



Death row inmates do not receive adequate legal representation.



Lawyers of death row inmates are persecuted.

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Acronyms

CRC	Convention on the Rights of the Child
DHRC	Defenders of Human Rights Center
EU	European Union
GCC	Guardian Council of the Constitution
ICCPR	International Covenant on Civil and Political Rights
IPC	Islamic Penal Code
IRGC	Islamic Revolution Guard Corps
IRIB	Islamic Republic of Iran Broadcasting
LDDHI	League for the Defence of Human Rights in Iran
LGBT	Lesbian, gay, bisexual, and transgender
SCC	Special Court for Clergy
UN	United Nations
UPR	Universal Periodic Review
WGAD	Working Group on Arbitrary Detention

Methodology

This report builds on previous work and reports published by FIDH on the death penalty, almost all of them jointly with the League for the Defence of Human Rights in Iran (LDDHI). These include a report published in April 2009,¹ its October 2013 update,² and a report on the use of the death penalty for drug crimes in Asia,³ which featured a chapter on Iran, as well as numerous press releases, urgent appeals, and other resources related to the the death penalty.

This report provides examples for various aspects related to the use of the death penalty in Iran in order to offer an understanding of the vaguely worded laws that may be unfamiliar to the reader and non-existent in many other countries. It should be emphasized that this report does not provide an analysis of every case in which the death penalty was imposed.

The right to effective legal representation is the theme of the 2020 World Day Against the Death Penalty. In addition to its work on the death penalty, on many occasions FIDH has documented issues related to the denial of adequate legal representation in Iran through its work on human rights defenders and lawyers, labor rights, and civil and political rights. This report includes a chapter that examines the nexus between the imposition of capital punishment and the availability of effective legal representation in Iran.

Iranian authorities do not disclose accurate figures of death sentences imposed and executions carried out in the country. They also refuse to allow human rights organizations, including FIDH and its member organizations, to carry out fact-finding missions or operate within the country. Consequently, figures presented in this report were collected from various official and reliable unofficial sources and should not be considered as exhaustive.

All web links have been accessed in September 2020.

1. FIDH, *A State Terror Policy*, 28 April 2009; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

2. FIDH - LDDHI, *Death penalty in Iran: A State terror policy*, 10 October 2013; available at: <https://www.fidh.org/en/region/asia/iran/death-penalty-in-iran-a-state-terror-policy-14075>

3. FIDH, *Death penalty for drug crimes in Asia: a widespread and illegal practice*, 10 October 2015; available at: <https://www.fidh.org/en/region/asia/death-penalty-for-drug-crimes-in-asia-a-widespread-and-illegal>

The world's second top executioner

For many years, Iran has consistently ranked second on the list of the world's top executioners, after China. Until 2017, Iran also ranked first in per capita executions. For several decades, Iran has also been the top executioner of children.

At least 251 people were executed in 2019 and more than 190 in the first nine months of 2020 [See table below, *Executions in Iran, 2009 – 2019*]. These numbers represent the lowest figure since 2006, when 177 executions were recorded. This significant drop in the number of executions, coming for the third consecutive year, was the result of amendments to the Anti-Narcotics Law in 2017. Consequently, the majority of the executions since 2018 have been related to murder. In 2019, of the 251 executions, 196 were the result of convictions for murder, while 12 were for rape; and one for murder and rape. During the same year, 13 executions took place in public, compared to 14 in 2018.

Executions in Iran, 2009 - 2019⁴

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
All executions	389	553	634	544	704	743	977	567	507	253	251	190+
Drug-related	166	172	488	351	325	367	630	290	230	25	30	-
In public	-	-	50	63	44	50+	58	32	31	14	13	-

* First nine months of 2020

In 2019, eight people were executed for *moharebeh*,⁵ six of them in relation to robbery and two in relation to political activities. Two were hanged following a conviction for “spreading corruption on Earth” [See below, *Political offenses*]. In 2018, 18 people were executed on charges of *moharebeh*, 12 of them for robbery and six for political activities. One person was hanged for insurrection and 14 were executed for “spreading corruption on Earth.”

Barbaric methods of execution

Over the past couple of decades, executions have been regularly carried out by hanging within prisons. Executions in public have been frequently carried out by hanging prisoners using rope tied to construction cranes. In the 1980s, other methods of executions were frequently used. Execution by firing squad was quite common in cases involving political prisoners.⁶ In certain cases, people convicted of sodomy or rape were beheaded or thrown from a cliff.⁷ Article 283 of the IPC also foresees crucifixion as a punishment for *moharebeh*, and it is at the judge's discretion to choose this method.⁸

4. Amnesty International annual reports; available at: <https://www.amnesty.org/en/what-we-do/death-penalty/>; for figures from 1979-2008, see FIDH, *A State Terror Policy*, 28 April 2009, page 9; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

5. *Moharebeh* is an Arabic term that means “fighting” or “warring,” and *mohareb* is a warrior/fighter. Iran's IPC defines *moharebeh* as “taking up arms against life, assets or honour of the people or with intent to intimidate them in a way that causes insecurity [...]” For cases and details, see *Political offenses*.

6. Hedayat Abdollahpour was executed by firing squad in May 2020 [See *Kurds under Ethnic communities and religious minorities targeted by executions*]. Article 296 of the Law for Justice and Punishment in the Army also stipulates execution by firing squad for individuals sentenced to death by a military court.

7. FIDH, *A State Terror Policy*, 28 April 2009; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

8. IPC 2013 has not elaborated on crucifixion. However, according to Article 195 of the 1996 IPC, convicts should remain on the cross for three days and, if they do not die, they should not be killed. For alternative punishments for this offence, see *Political offenses*.

Stoning is the prescribed method of execution in cases of adultery.⁹ Authorities have occasionally claimed that stoning is not a method of execution, because defendants may be able to release themselves from the stoning pit and save themselves.¹⁰ However, Article 225 of the IPC allows the replacement of stoning with alternative methods of execution upon the approval of the Head of the Judiciary, “if it is not possible to perform stoning.” This provision is apparently intended to avoid international criticism.

Many death row prisoners are notified of their impending execution a day before, when they are moved to solitary confinement to be isolated from other prisoners. Some executions are carried out in secret. This practice is contrary to Rule 35 of the Rules of Procedure for the Implementation of Qisas and Death Sentences, which requires that prisoners be notified 48 hours prior to their execution to enable them to request meetings with the desired persons. The prisoners’ lawyers should also be notified to attend executions, but their absence does not prevent the executions from being carried out.

9. Article 103 of the 1996 IPC clarifies that in cases ruled on the basis of “confessions,” defendants can be exonerated from the punishment of death by stoning if they manage to escape the pit while being stoned. In cases ruled on the basis of “evidence,” defendants are placed in a pit where they are to be stoned to death. If defendants attempt to escape from the pit, they are stopped and subjected to further stoning until they are killed. It is extremely difficult to imagine how convicts can escape in view of the conditions for stoning: “Men shall be buried in a pit up to the vicinity of the waist, and women up to the chest in order to be stoned” (Article 102). “The stones used for stoning shall not be too large to kill the condemned by one or two throws and not too small not to be called a stone” (Article 104).

10. BBC Persian Service, *We are not ashamed of implementing stoning sentences*, 30 September 2007; available at: https://www.bbc.com/persian/iran/story/2007/09/070930_ka-stoning-larijani

Capital crimes inconsistent with international law

The overwhelming majority of capital crimes in Iran fails to meet the threshold of the “most serious crimes” and, as a result, are in contravention with the country’s obligations under international human rights law [See below, *International legal framework*]. Capital offenses that do not meet the “most serious crimes” threshold include:

- Sex-related offenses [See below, *LGBT face death penalty over sex-related offenses, Use of the death penalty against women*].
- Religious offenses.
- Political offenses (*Moharebeh*, “spreading corruption on Earth,” and insurrection).
- Drinking alcoholic beverages.
- Theft.
- Robbery.
- False accusation of fornication or sodomy.
- Assassination attempt on Iranian and foreign leaders.
- Inciting the armed forces.
- Audio-visual offenses and cyber crimes.
- Drug-related offenses.
- Economic offenses.

Below is a description of the application of the death penalty with regard to these offenses, along with a selection of case studies.

Sex-related offenses

For **fornication** (*zena*) (Article 224 of the IPC) a mandatory death sentence is imposed on the male party in cases of: incest;¹¹ fornication with a stepmother; extramarital sexual relations between a non-Muslim man and a Muslim woman; and “fornication by force,” an offense tantamount to rape, even if Article 224 does not mention the common word for rape (*tajavoz*). The punishment for fornication between unmarried persons is 100 lashes (Article 230 of the IPC).

For other sex-related offenses, see below, *LGBT face death penalty over sex-related offenses, Use of the death penalty against women*].

Religious offenses

The religious “crime” specifically mentioned in the IPC is “**cursing the Prophet**” (*sabb-e nabi*). However, other religion-related offenses, including apostasy and heresy, are frequently invoked, based on Article 167 of the Constitution [See below, *Domestic legal framework*].

Article 262 of the IPC prescribes the death sentence for “cursing the Prophet” of Islam, any of the grand prophets, or for attributing sodomy or fornication to “infallible imams and Prophet Mohammad’s daughter Fatima Zahra.”

11. Article 224 of the IPC does not single out men for incest. A female party would also receive a death sentence for a conviction for incest.

Apostasy (*ertedad*) is not expressly mentioned in the IPC. However, it has been specifically mentioned in Article 26 of the 1985 Press Code, which states: “Anyone who insults Islam and its sanctities by means of the press, amounting to apostasy, shall receive the sentence for apostasy [...]” Neither the IPC nor the Press Code has defined apostasy or its punishment. However, under the *sharia*, the punishment for apostasy is death, which a judge can impose by invoking Article 167 of the Constitution. In the past, judges have invoked this provision to impose the death sentence in apostasy cases on the basis of a *fatwa* issued by Ayatollah Khomeini in 1964, which prescribes death sentences for men.¹² However, on the basis of Ayatollah Khomeini’s *fatwa*, women charged with apostasy “shall not be killed, but sentenced for life and beaten up at prayers times and placed under subsistence hardship. Their repentance shall be accepted upon which they shall leave prison.”¹³

The Ayatollah’s *fatwa* was not heeded in the 1980s, when many female political prisoners were executed after being convicted of apostasy. Zeinab Jalalian, a Kurdish activist and a member of the Party for Free Life of Kurdistan (PJAK), seems to have had her death sentence commuted pursuant to the above provision of the *fatwa* regarding women, although she is not known to have repented and has been under various kinds of pressure to do so ever since she was arrested in Kurdistan on 11 March 2008. She spent many months in solitary confinement, was subjected to physical and psychological torture, and was eventually sentenced to death on charges of acting against national security and *moharebeh*, which was upheld by the Supreme Court in May 2009. In December 2011, her death sentence was commuted to life imprisonment after being granted clemency by Iran’s Supreme Leader.¹⁴ Ms. Jalalian has been subjected to severe prison conditions. At the end of April 2020, the authorities moved her from Khoy prison, West Azerbaijan Province, to other prisons. She was incarcerated in Kerman prison, Kerman Province, until 27 September 2020, when she was moved to Dieselabad prison in Kermanshah, Kermanshah Province. During the past 12 years, she has nearly lost her eyesight and was reported to have contracted COVID-19 in June-July 2020.

In December 2019, Mayssam M. [last name unknown], manager of a public channel on the messaging app Telegram, was sentenced to death on charges of “cursing the Prophet.” The Supreme Court upheld his sentence.¹⁵

In 2011, 2015, and August 2017, Mohammad Ali Taheri was sentenced to death. The founder of a spiritual group (*erfan-e halghe*) that believes in healing patients through “complementary and alternative medicine,” which he calls *Psymentology*, Mr. Taheri was involved solely in peaceful activities.¹⁶ He had been arrested in late 2011 and charged with several offenses, including “cursing the Prophet” and apostasy. The Supreme Court quashed his three death sentences. He was released from prison in May 2019 after seven and a half years and has moved to Canada.¹⁷

In 2016, Sina Dehghan and Mohammad Noori were both tried and sentenced to death in the city of Arak, Markazi Province, on charges of “cursing the Prophet.” The two had been arrested in October 2015 after posting messages about Islam on social networks. The Supreme Court upheld their sentences in February 2017 and their lawyer applied for a retrial.¹⁸

12. Ayatollah Khomeini, *Tahrir ul-Vassileh*, vol. II, p. 527; available at: <http://lib.eshia.ir/11177/2/527>

13. *Ibid.*

14. Amnesty International, *Iranian Kurdish woman Denied Medical Care*, 15 June 2018; available at: <https://www.amnesty.org/en/documents/mde13/8598/2018/en/>

15. Rokna, *Death for Mayssam who was conquered by Satan*, 4 December 2019, available [in Persian] at: <https://tinyurl.com/sexhn4x>

16. FIDH, Iran: *Prisoners of conscience, at risk of death sentence*, 20 December 2014; available at: <https://www.fidh.org/en/region/asia/iran/iran-prisoners-of-conscience-at-risk-of-death-sentence>

17. Ensafnews, *Mohammad Ali Taheri in Canada*, 12 March 2020; available [in Persian] at: <http://www.ensafnews.com/221182/>

18. Iran Human Rights, *Sina Dehghan, a defendant sentenced to death for expressing his belief, is waiting for a retrial*, 8 April 2018; available [in Persian] at: <https://iranhr.net/fa/articles/3274/>

On 24 September 2014, Mohsen Amir-Aslani Zanjani was executed in Rajaishahr prison located near Karaj, Alborz Province. He had been arrested, charged with, and convicted of, heresy in 2006 for his unorthodox interpretations of Islamic tenets and verses of the Qur'an, including the alleged denial of the Qur'an's story that the Prophet Jonah had been swallowed by a whale. He was executed despite a Supreme Court ruling that had overturned his death sentence.¹⁹

In August 2014, Soheil Arabi was sentenced to death in Tehran for "cursing the Prophet" on Facebook. The sentence was quashed by the Supreme Court in July 2015 and he was then sentenced to seven and a half years in prison. He is still serving his prison term.²⁰

In August 2013, Rouhollah Tavana was sentenced to death by a court in Khorasan-e Razavi Province for "cursing the Prophet." In February 2014, the Supreme Court upheld the sentence. Updates about his case are not available.²¹

On 26 January 2011, Seyed Ali Gharabat was executed in Ahvaz, Khuzestan Province. He had been sentenced to death following his conviction for apostasy and "encouraging corruption" for claiming to have contacts with the absent 12th Imam of the Shia and later claiming to be God.²²

In September 2010, Yussef Nadarkhani, a Christian pastor, was sentenced to death for apostasy. He had been arrested on 13 October 2009. His sentence was later commuted to a prison term and he was released in September 2012. He was later re-arrested and, in July 2017, sentenced to 10 years in prison for establishing a house church and proselytizing "Zionist Christianity".²³ In February 2019, he was arrested to serve his 10-year prison sentence.²⁴

In other cases, a number of defendants accused of religious offenses have been charged with *moharebeh* or "spreading corruption on Earth" and executed [See below, *Political offenses*].

Political offenses

Moharebeh

Article 279 of the IPC defines *moharebeh*²⁵ as "taking up arms against life, assets or honor of the people or with the intent to intimidate them in a way that causes insecurity [...]." This offense has existed in various versions of the IPC since the early 1980s. Although there was never a mention of God in the relevant provisions of the IPC, judges frequently issued death sentences for "warring against God or fighting God" ("*moharebeh ba khoda*").

Moharebeh includes banditry, robbery [See below, *Robbery*], and armed smuggling (Article 281 of the IPC). Article 282 prescribes the death sentence for *moharebeh*. However, a judge has

19. FIDH, Iran: *Prisoners of conscience, at risk of death sentence*, 20 December 2014; available at: <https://www.fidh.org/en/region/asia/iran/iran-prisoners-of-conscience-at-risk-of-death-sentence>

20. Deutsche Welle Persian Service, *Soheil Arabi, political prisoner: I am one step away from death*, Deutsche Welle Persian Service, 30 September 2017; available [in Persian] at: <https://p.dw.com/p/2l1EU>

21. Amnesty International, *Facing death for "insulting the Prophet": Rouhollah Tavana*, 24 February 2014; available at: <https://www.amnesty.org/en/documents/MDE13/012/2014/en/>

22. Kayhan, *God imposter executed in Khuzestan*, 1 February 2011; available [in Persian] at: <https://www.magiran.com/article/2235936>

23. Radio Farda, *Yussef Nadarkhani and three other Christians sentenced to 10 years' imprisonment each*, 13 July 2017; available [in Persian]: <https://www.radiofarda.com/a/o2-four-iranian-christians-were-sentenced/28613508.html>

24. Deutsche Welle Persian Service, *Six newly converted Christians arrested in Rasht*, 20 February 2019; available [in Persian] at: <https://www.dw.com/fa-ir/iran/a-47601696>

25. See above, Footnote 5

the option of imposing any of the three alternative punishments of crucifixion, amputation of the right hand and left foot, or banishment from the defendant's hometown.²⁶

Under the 1996 IPC, the charge of *moharebeh* was frequently used against political dissidents, and even individuals who had overseas relatives who belonged to groups that opposed the Iranian government, even if they had not used arms. The 2013 IPC makes political dissent punishable also under different provisions, such as "spreading corruption on Earth" and insurrection. A number of *moharebeh* cases are documented below [See *Ethnic communities and religious minorities targeted by executions*].

Furthermore, Article 2 of the 2018 Law for Combating Financial Support for Terrorism stipulates that financial supporters of terrorism can be sentenced to death if they are found guilty of *moharebeh* or "spreading corruption on Earth."

"Spreading corruption on Earth"

Article 286 of the IPC defines an individual guilty of "spreading corruption on Earth" (*efsad-e fel-arz*) as follows: "Anyone who commits a crime on an extensive level against the physical integrity of others, the domestic or external security, spreads lies, disrupts the national economic system, undertakes arson and destruction, disseminates poisonous, microbiological and dangerous substances, establishes corruption and prostitution centers or assists in them [...]."

This provision of the IPC has expanded the scope of the death penalty to all those who are convicted of "spreading corruption on Earth." Article 286 has failed to define this vague offense or the threshold of what constitutes an "extensive level" that is required for a certain conduct to amount to "spreading corruption on Earth." Therefore, judges have been given a high degree of discretion to interpret Article 286. Independent lawyers have frequently pointed out the flaws in such judgements. For example, veteran lawyer Mohammad Hossein Aghasi said he noticed that in many cases judges did not pay attention to the details of the law.²⁷

In June 2020, Ruhollah Zam, a journalist and manager of the popular government opposition *Amadnews* Telegram channel, was sentenced to death, after being convicted on 17 charges, 13 of which for allegedly "spreading corruption on Earth." These included: establishing the *Amadnews* channel; spying for Israel and France; collaborating with the US; participating in spreading propaganda against Iran in favor of the opposition groups on an extensive level; inciting the people to engage in war and killing with the aim of undermining the national security; insulting the sanctities of Islam; and effectively inciting fighting forces and armed forces to engage in mutiny and disobedience. Mr. Zam was a resident of France and was apprehended during a visit to Iraq on 14 October 2019.²⁸

In February 2019, seven environmental activists who had been arrested a year earlier were tried, two of them on charges of having contacts with the US government and acting against national security, and five of them on charges of "spreading corruption on Earth" through spying. Four of them were sentenced to death, but the sentences were later commuted to jail terms. An eighth environmental activist, a renowned Iranian-Canadian university professor arrested in February 2018, died in prison two weeks later and the authorities claimed that he had committed suicide.²⁹

26. Frequently invoking a 1993 *fatwa* of the Supreme Leader Ayatollah Khamenei, judges of Islamic Revolution Courts sentence convicts to serve their banishment sentence within prisons. However, veteran judges deem such sentences to be unlawful, because that *fatwa* has never been made into law.

27. BBC Persian Service, *Interview with Mohammad Hossein Aghasi, lawyer, in Tehran on "corruption on Earth" sentences*, 27 June 2020; available [in Persian] at: <https://t.me/bbcpersian/71178>

28. BBC Persian Service, *Ruhollah Zam sentenced to death*, 30 June 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53231333>

29. Radio Farda, *Kalantari confirms initial death sentences against four environmentalists*, 25 December 2019; available at: <https://www.radiofarda.com/a/30344084.html>

On 30 January 2018, Karim Zargar, a former director of the Islamic Republic of Iran Broadcasting's (IRIB's) college as well as some other IRIB sections, and founder of a spiritual group, was executed for propagating and promoting "Eckankar³⁰ spiritual teachings."³¹ He had been arrested in late 2015 together with his former wife Marjan Davari. An Islamic Revolution Court had sentenced Mr. Zargar for "spreading corruption on Earth." Another court had also sentenced him to death on a charge of rape. Marjan Davari was sentenced to death twice, in 2015 and 2018, on various charges, including "spreading corruption on Earth," and membership of the Eckankar sect. In January 2020, she was acquitted of the charges of "membership of the Eckankar sect" and "spreading corruption on Earth," but was sentenced to 75 years in prison on the other charges, which included "collaboration in three cases of rape."³²

An unknown number of protesters who participated in nationwide anti-government protests in 2017, 2018, and 2019 face the death penalty or have already been sentenced to death and/or executed on charges of *moharebeh* or "spreading corruption on Earth" [See below, *Death penalty against anti-government protesters*].

Insurrection

The 2013 IPC introduced the new crime of insurrection (*bagh'y*),³³ which did not exist in the 1996 IPC. Article 287 of the IPC defines "insurgents" as members of any group that stages armed uprising against the Islamic Republic of Iran, and prescribes the death penalty for those found guilty of such crime. However, Article 288 prescribes prison sentences ranging from 10 to 15 years for members of rebel groups, if they are arrested before engaging in armed actions. The crime of insurrection has often been tied to the use of the death penalty against members of the Kurdish ethnic community in Iran [See below, *Ethnic communities and religious minorities targeted by executions*].

Drinking alcoholic beverages

Drinking alcoholic beverages is punishable by 80 lashes for the first three convictions (Article 265 of the IPC) and death for the fourth conviction (Article 136).³⁴ The first widely-publicized execution for drinking alcoholic beverages in the past couple of decades took place in July 2020.

On 8 July 2020, Morteza Jamali, 55, was executed in Mashhad, Razavi Khorasan Province, for "drinking alcohol." In response to international outcry after his execution, the Justice Department of Razavi Khorasan Province issued a statement and listed the previous convictions of Mr. Jamali on other charges, such as possessing and consuming drugs, driving a motorcycle without a license, and inflicting intentional injury on others - none of which were connected to his death sentence.³⁵

Compared to other capital crimes, executions for drinking alcoholic beverages have been infrequent. Available records indicate that some people charged with drinking alcoholic beverages were sentenced to death in Khorasan Province in the past. In 2012, the Director-

30. Eckankar is a religious movement founded in 1965. Its Headquarters are located at Minnesota, United States.

31. BBC Persian Service, *A former director of Iranian Television was executed two weeks ago*, 13 February 2018; available [in Persian] at: <https://www.bbc.com/persian/iran-43044612>

32. Deutsche Welle Persian Service, *Translator and member of Ma'refat Institute sentenced to 75 years*, 16 February 2020; available [in Persian] at: <https://p.dw.com/p/3XqvO>

33. *Bagh'y* is an Arabic term that has different meanings. In this context, it has been used in different chapters of the Qur'an, e.g. in Yunus: 23.

34. There is a contradiction between Article 136 of the 2013 IPC and Article 179 of the 1996 IPC. The latter, which has not been repealed, stipulates that defendants found guilty of drinking alcoholic beverages should be killed after their third conviction, after being lashed for the first two convictions.

35. Radio Zamaneh, *Justifying a crime: Mashhad Justice Department's communique on execution of Morteza Jamali*, 10 July 2020; available at: <https://www.radiozamaneh.com/518191>

General of Razavi Khorasan Province's Justice Department confirmed that a rare sentence had been issued to execute two persons who had consumed alcoholic beverages.³⁶ In 2007, a person who had been sentenced to death for drinking alcoholic beverages in Tehran was pardoned after he "repented" and applied for a pardon.³⁷

Theft

According to Article 278 of the IPC, theft is punishable by death for the fourth conviction, even if it is committed in prison, provided that the convict has received the due punishment for the first three convictions. The punishments for theft up to the third conviction are also egregious. Under the law, the punishment for the first conviction is amputation of four fingers of the right hand; for the second conviction amputation of the left foot; for the third conviction, one may be imprisoned for life. These sentences have been imposed and carried out. For example: in June 2020, Branch 13 of the Supreme Court upheld the sentence for amputation of four fingers of four persons convicted of theft in Urumieh, West Azerbaijan Province;³⁸ in late October 2019, fingers of one thief were amputated in Sari, Mazandaran Province;³⁹ in May 2016, fingers of another person were amputated in Mashhad, Khorasan-e Razavi Province;⁴⁰ in 2016, fingers of two others were amputated in Urumieh, West Azerbaijan Province;⁴¹ in 2015, the fingers of one person were amputated in Mashhad, Khorasan-e Razavi Province;⁴² and on 28 June 2015, two young men convicted of theft had their fingers amputated in Mashhad central prison, Khorasan-e Razavi Province.⁴³

Robbery

Article 281 of the IPC describes armed robbery as an act of *moharebeh*. As a result, defendants found guilty of armed robbery are convicted of *moharebeh*, which is punishable by death. Death sentences for robbery are frequently imposed and carried out.

In December 2017, four armed robbers were convicted of *moharebeh* and hanged in Rajaishahr prison near Karaj, Alborz Province. They had undertaken 18 robberies in Tehran and six others in Pakdasht and Varamin, Tehran Province.⁴⁴

36. Tabnak, *Two sentenced to death for drinking alcoholic beverages*, 25 June 2012; available [in Persian] at: <https://www.tabnak.ir/fa/news/253652/>

37. *Ibid.*

38. hengaw, *Sentence for amputation of fingers of three prisoners in Urumieh upheld*, 24 June 2020; available [in Persian] at: <https://bit.ly/329dOhH>

39. Radio Farda, *A thief's hand was amputated in Mazandaran*, 24 October 2019; available [in Persian] at: <https://www.radiofarda.com/a/30234032.html>

40. Radio Zamanah, *Fingers of a defendant were amputated in Mashhad prison*, 10 May 2016; available [in Persian] at: <http://www.radiozamanah.com/276989>

41. Iran Human Rights, *Fingers of two prisoners amputated in Urumieh*, 26 December 2016; available [in Persian] at: <http://iranhr.net/fa/articles/2738/>

42. Deutsche Welle Persian Service, *Fingers of an armed robber were amputated in Mashhad central prison*, 5 August 2015; available at: <https://p.dw.com/p/1GAR7>

43. Amnesty International, *Iran amputates fingers of two men in shocking act of cruelty*, 1 July 2015; available at: <https://www.amnesty.org/en/documents/mde13/1998/2015/en/>

44. Tabnak, *Armed robbers of supermarkets executed*, 30 December 2017; available [in Persian] at: <https://www.tabnak.ir/fa/news/759850/>

In February 2020, one member of a gang of armed robbers who had robbed jewelry shops in Mashhad, Khorasan-e Razavi Province, and some other cities was executed in Rajaishahr prison, Alborz Province. Three other members were executed in Tehran in 2012. All four had been convicted of *moharebeh*.⁴⁵

In May 2019, one member of a gang who robbed gold jewelry shops in Hamadan, Hamadan Province, was executed in Hamadan. A second member was executed in Hamadan in 2018. The two had been convicted of *moharebeh*.⁴⁶

False accusation of fornication or sodomy

This offense, known as *qadf*, can be compared to some form of defamation and is punishable by 80 lashes for the first three convictions (Article 250 of the IPC), and death for the fourth conviction (Article 136). There have not been any reports of imposition of a death sentence for this offense.

Assassination attempt on Iranian and foreign leaders

According to Article 515 of the IPC, assassination attempts on the "leader, heads of any of the three branches of power, and sources of emulation"⁴⁷ are punishable by death if the defendant is proved to be a *mohareb*. Article 516 of the IPC prescribes the same punishment for making an assassination attempt on foreign heads of state or foreign ambassadors, provided reciprocal legislation exists.

Inciting the armed forces

Article 504 of the IPC stipulates that anyone 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 the intention was to topple the government or the defeat of the forces facing the enemy."

While this is the only instance of reference to offenses related to the armed forces in the IPC, the Armed Forces Offenses Law, adopted in December 2003, mentions numerous offenses that may be punished by death. This law stipulates that military personnel, and any civilians convicted of perpetrating offenses in connection with military personnel, should be deemed as *mohareb* in numerous cases. Such offenses 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 corrupt 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

45. Khabaronline, *Last survivor of gang of criminal robbers executed*, 25 February 2020; available [in Persian] at: <https://www.khabaronline.ir/news/1356807/>

46. Hamshahrionline, *Second execution in the case of robbery from gold jewellery shop*, 25 May 2019; available [in Persian] at: <http://newspaper.hamshahrionline.ir/id/56846/>

47. 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 Shia Muslims use to emulate him in questions relating to religious, personal, and social conduct.

enemy; disobeying commands leading to the enemy's domination of territory or the army's personnel; failing to use weapons or other facilities to fight hence leading to the defeat of the "Islamic front"; and willfully sleeping while on guard duty against enemies and the *mo-harebs*, on the condition that the action leads to disruption of the national security or the defeat of the "Islamic front."

On 20 July 2020, Mahmoud Moussavi-Majd, convicted of spying for American and Israeli agencies while collaborating with the Qods Force of the IRGC in Syria, was executed. The Judiciary's spokesperson claimed Mr. Moussavi-Majd had reported the movements of Qassem Soleimani, former commander of the Qods Force, to the US.⁴⁸ However, it was then disclosed that Moussavi-Majd had been in detention before Mr. Soleimani was killed by a US strike in Iraq in January 2020. In a voice message from prison, Mr. Moussavi-Majd claimed he had received an unfair trial.⁴⁹

In the second week of July 2020, Reza Asgari, a retired employee of the Aerospace Department of the Ministry of Defense, was executed for spying. According to the Judiciary's spokesperson, Mr. Asgari had been connected to the Central Intelligence Agency (CIA) in the final years of his service and had sold the US agency information about Iranian missiles. Another employee at the same department had been executed for spying a year before.⁵⁰

Audio-visual offenses and cyber crimes

Article 3 of the **Audio-visual Offenses Law**, adopted in January 2008, prescribes the death penalty for "spreading corruption on Earth" for "producers of obscene products by force, producers of such products intended for sexual abuse, and principal producers of those products." Under Article 4 of the Law, persons who use such products to blackmail others "to fornicate with them" should be sentenced to death for the offense of rape under Article 224 of the IPC.

Four web designers, who were detained on charges under the provisions of Article 3 of Audio-visual Offenses Law in May 2008, were tortured, forced to make self-incriminating confessions, and subsequently sentenced to death. Their allegations about torture during interrogations were never investigated.

Saeed Malekpour was a computer programming specialist who lived in Canada. The picture transfer software that he had designed was apparently used without his knowledge to create websites that the Iranian judicial authorities described as "obscene." In 2008, he was detained when he visited his family in Iran. After an unfair trial in late 2010, he was charged with various offenses, including "spreading corruption on Earth" under Article 3 of the Audio-visual Offenses Law, for which he was sentenced to death.⁵¹ The sentence was upheld by the Supreme Court, but it was commuted to life imprisonment in August 2013, when Mr. Malekpour "repented" and applied for a pardon.⁵² He fled Iran after 11 years during a furlough from prison in early August 2019.⁵³

48. BBC Persian Service, *Who is Mahmoud Moussavi-Majd, accused of spying against Soleimani?*, 24 June 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53172042>

49. BBC Persian Service, *Mahmoud Moussavi-Majd 'accused of spying for the US and Israel' was executed*, 20 July 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53468474>

50. Khabaronline, *Reza Asgari, retired employee of the Ministry of Defence executed on charge of spying*, 14 July 2020; available [in Persian] at: <https://www.khabaronline.ir/news/1410084/>

51. BBC Persian Service, *Saeed Malekpour: Nobody knew about my departure from Iran*, 23 August 2019; available [in Persian] at: <https://www.bbc.com/persian/iran-49446006>

52. Khabaronline, *Death sentences of two administrators of obscene websites commuted to life imprisonment*, 25 August 2013; available [in Persian] at: <https://www.khabaronline.ir/news/310213/>

53. BBC Persian Service, *Saeed Malekpour went to Canada after leaving prison*, 3 August 2019; available [in Persian]

Ahmad Reza Hashempour's death sentence, imposed in 2010, was upheld in late 2011 or early 2012, but was commuted to life imprisonment in August 2013 when he "repented" and applied for pardon."⁵⁴

Vahid Asghari was sentenced to death twice, in 2011 and 2012, but the Supreme Court quashed both death sentences. In December 2014, Mr. Asghari was eventually sentenced to 18 years in December 2014 in relation to the same case. The sentence was later reduced to 15 years by the Court of Appeals and he was released in April 2016.⁵⁵

Mehdi Alizadeh Fakhrabadi was sentenced to death in late 2010, but the Supreme Court quashed the sentence and he was released from prison in October 2015 and subsequently spent one year in internal exile.⁵⁶

Article 14 of the **Cyber Crimes Law**, enacted in 2009, prohibits "publishing, distributing or trading obscene items or producing, storing or keeping them for the purpose of trading by means of computers or telecommunications." Such actions may amount to "spreading corruption on Earth" and, therefore, be punishable by death if perpetrators undertake them "as their profession or [...] in an organized manner."

Drug-related offenses

The 1997 Anti-Narcotics Law prescribes the death penalty for various drug-related offenses.⁵⁷ Amendments to this law, adopted in October 2017, drastically raised the threshold required to impose the death penalty for possession of opium and cannabis from five to 50 kilograms; and for possession of heroin, morphine, cocaine or their derivatives from 30 grams to two kilograms.

In addition, a 2015 amendment to the Criminal Procedure Code granted the defendants the right to appeal against death sentences for drug-related crimes, a right of which they had been deprived by the Anti-Narcotics Law. Before the amendments to the Anti-Narcotics Law came into force, hundreds – if not thousands – of death sentences for drug-related crimes had been carried out.

As a result of the aforementioned legislative amendments, the total number of drug-related executions fell drastically from more than 630 in 2015 to 30 in 2019 [See table above, *Executions in Iran, 2009 – 2019*].

at: <https://www.bbc.com/persian/iran-49218183>

54. Khabaronline, *Death sentences of two administrators of obscene websites commuted to life imprisonment*, 25 August 2013; available [in Persian] at: <https://www.khabaronline.ir/news/310213/>

55. Zeitoons, *Vahid Asghari released*, 6 April 2016; available [in Persian] at: <https://www.zeitoons.com/5528>

56. Bazdasht, *Exiled political prisoner Mehdi Alizadeh Fakhrabadi released after six years on prison and exile*, 17 October 2016; available [in Persian] at: <http://www.bazdasht.com/index3.php?code=5174>

57. The law prescribes the death penalty for: 1) perpetrators who use arms in cases concerning production, buying, selling, importing, exporting, and transporting of opium poppies or cannabis for the purpose of producing narcotic or synthetic, non-medical psychotropic drugs; 2) gang leaders, financial sponsors, and investors in areas listed in No. 1; 3) recidivists previously convicted and sentenced to death or more than 15 years in prison under the Anti-Narcotics Law; 4) perpetrators in possession of more than 50 kilograms opium and other traditional drugs, or in excess of two kilograms of heroin, or in excess of three kilograms of crystal meth and its derivatives and other synthetic drugs.

Economic offenses

Some economic offenses are considered to be capital crimes under certain provisions of the IPC and other specific laws.

Article 286 of the IPC prescribes the death penalty for anyone who “disrupts the national economic system” and is found guilty of “spreading corruption on Earth.” Similarly, Article 526 of the IPC stipulates that forgery of domestic notes or other financial deeds and valuable bonds or the import of such foreign notes and deeds with the intent of disrupting the economic conditions or the political and societal security amount to *moharebeh* and “spreading corruption on Earth,” both of which are punishable by death.

Article 2 of the Law for the Punishment of Disrupters of the National Economic System, passed in 1990, prescribes the death penalty for certain offenses, 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 spreading corruption on Earth.” Under Article 1 of the Law, the offenses 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.

The Law for the Punishment of Disrupters of the National Economic System has been regularly enforced, more frequently since 11 August 2018, when Supreme Leader Ayatollah Khamenei authorized the establishment of “special courts to deal with cases of disrupters of the economic system.” Rules of procedure drawn up for these courts stipulated that judges did not have the power to suspend or mitigate punishments, and all punishments – with the exception of the death sentence – were final and enforceable, hence denying the defendants due process. By early November 2018, these courts had sentenced five people to death - three in Tehran and two in Shiraz, Fars Province.⁵⁸ Three of them were executed and the other two remain on death row.

In May 2020, Vahid Behzadi, dubbed “king of vehicles,” and his wife Najva Lashidaei were sentenced to death in Tehran. They had been convicted of “involvement in disruption of the economic system.” The case is still in progress and the sentences can be appealed.⁵⁹

On 22 December 2018, Hamidreza Baqeri Darmani, dubbed “king of tar,” was executed in Tehran. He had been convicted of “spreading corruption on Earth” by establishing “a network for fraud and bribery.”⁶⁰

On 14 November 2018, Vahid Mazlounin, dubbed “king of coins,” and Mohammad Esmaeil Qassemi were executed in Tehran. They had been convicted of “spreading corruption on Earth” by means of establishing “a corruption network to disrupt the economic, exchange, and monetary system through illegal and unauthorized transactions, and major acts of smuggling foreign currency and [gold] coins.” Some reports indicated that Mr. Mazlounin had been arrested with two tons of gold coins in his possession.⁶¹

The death penalty was also imposed and carried out for economic offenses in numerous other cases. In recent years, one notable case concerned a man dubbed “king of embezzlement,” because it implicated the head of Iran’s biggest and oldest bank.

58. BBC Persian Service, *Death and prison sentences; what is the task of special tribunals dealing with corruption in Iran*, 6 November 2018; available [in Persian] at: <https://www.bbc.com/persian/iran-features-46113972>

59. Baharnews, *Death sentence for king of vehicles and his wife*, 19 May 2020; available [in Persian] at: <http://www.baharnews.ir/news/215938>

60. Iranian Students’ News Agency, *Hamidreza Baqeri Darmani hanged*, 22 December 2018; available [in Persian] at: <https://www.isna.ir/news/97100100019/>

61. BBC Persian Service, *King of coins executed; who is Vahid Mazlounin?*, 14 November 2018; available [in Persian] at: <https://www.bbc.com/persian/iran-45943294>

On 24 May 2014, Mahafarid Amir-Khosravi was executed in Tehran. He and three of his colleagues had been sentenced to death in early 2012 on charges of “disrupting the national economic system, bribery, and financial corruption.”⁶²

Other capital offenses

A 1975 amendment to the 1967 Law on Foodstuffs, Drinks, Cosmetics, and Sanitary Items states: “in the event of death as a result of consumption of foodstuffs and drinks, or use of cosmetics or sanitary items, the producer, preparer or mixer may face the death sentence.” This provision remained in force when the law was amended again in early 2014. Other specific laws that prescribe the death penalty include:

- Law for the Punishment of Disrupters of the Oil Industry.
- Law for the Punishment of Disrupters of Water, Electricity, and Telecommunication Facilities.
- Law for the Punishment of Disrupters of Flight Security.
- Law for the Punishment of Offenses Concerning Railways.
- Law for the Increase of Punishment for Arms Smuggling.

COVID-19 and the death penalty

During the novel coronavirus (COVID-19) pandemic, authorities were quick to point out that *qisas*⁶³ could be applied in the new context. In July 2020, the Deputy Minister of Justice for Human Rights and International Affairs said that “people infected with COVID-19 who pave the way for the death of other people by avoiding the use of masks and failing to comply with hygiene protocols [...] would be committing an intentional crime as stipulated by Article 292 of IPC and deserve to face *qisas*.”⁶⁴

62. Entekhab, *Who was Mahafarid Amir-Khosravi?*, 25 May 2014; available [in Persian] at: <https://www.entekhab.ir/fa/news/163390/>

63. *Qisas*, sometimes spelled *qesas*, is retribution in kind (i.e. “an eye for an eye”). Murder falls under the provisions of *qisas*, and can be carried out if the victim’s family members demand it. *Qisas* for murder amounts to capital punishment unless the victim’s family decides to forgive the murderer. In the overwhelming majority of cases such forgiveness occurs in exchange for “blood money” (*diyeh*) to the amount decided by the law, or a higher sum that is negotiated between the parties. Occasionally, family members of the victims carry out the punishment.

64. Radio Zamaneh, *Deputy justice minister: spreaders of Corona deserve qisas*, 13 July 2020, available [in Persian] at: <https://www.radiozamaneh.com/518782>

Death penalty for children

Execution of juvenile offenders is a long-standing practice in Iran. Iran imposes the death penalty against minors and executes them when they turn 18 or, occasionally, before. Iran's ongoing use of the death penalty against minors is in breach of the country's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). Both treaties expressly prohibit the imposition of the death penalty on individuals who were under the age of 18 when they allegedly committed the crime.

For many years, Iran has been the top executioner of children.⁶⁵ Most other countries have stopped the practice as a result of international and domestic pressure. More than 240 executions of juveniles were recorded from 1979 to 1999, and the real figure may be higher. About 200 individuals, including many young girls, were executed in the early 1980s, mostly in 1981.⁶⁶ Most of them were school students aged from 13 to 17, who faced death by firing squads for their involvement in political opposition activities, including the participation in non-violent actions, such as the distribution of leaflets. From 1999 to 2020, executions of at least 106 more juveniles were reported. The real figure is likely higher. At least 42 minors were executed from 1999 to 2008.⁶⁷ At least 64 cases of juvenile executions were reported from 2009 to 2019. In the first nine months of 2020, at least three people were executed for crimes committed when they were under the age of 18 [See table below, *Juvenile offenders executed in Iran, 2009 – 2019*].

Juvenile offenders executed in Iran, 2009 - 2019⁶⁸

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020*
Executions	5	1	7	1	11	13	4	7 ⁶⁹	4	7	4	3 ⁷⁰

* First nine months of 2020

Some juvenile offenders have been sentenced to death and executed for non-violent drug crimes, including a number of young Afghan nationals. In April 2014, a 17-year-old Afghan national was executed in Isfahan, Isfahan Province, for non-violent drug trafficking. He was 15 years old at the time he allegedly committed the crime.⁷¹ Two of the juvenile offenders executed in 2016 had also been convicted of drug offenses. Below are some selected cases of executions of juvenile offenders.

On 17 August 2020, Arsalan Yassini, 30, was executed in Urumieh, West Azerbaijan Province. He had been detained at the age of 17 and charged with killing his grandparents. Mr. Yassini's uncle and aunt refused to withdraw their demand for punishment.⁷²

On 21 April 2020, Shayan Saeedpour, 21, was executed in Saez central prison, Kurdistan Province, after being convicted of murder in October 2018. The conviction was in connection with the fatal

65. Based on known statistics from FIDH, its member organisations, and reports from Amnesty International.

66. FIDH, *A State Terror Policy*, 28 April 2009, page 31; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

67. *Ibid.*

68. Amnesty International annual reports – non exhaustive figures.

69. Two confirmed; five others reported by reliable sources.

70. Another death row juvenile died under suspicious circumstances.

71. Office of the UN High Commissioner for Human Rights, *Iran: Execution of juvenile offenders breaches international law – Pillay*, 26 June 2014; available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=F>

72. Human Rights Activists News Agency, *Child offender executed in Urumieh prison*, 17 August 2020; available [in Persian] at: <https://www.hra-news.org/2020/hranews/a-26209/>

stabbing of a man during a fight in August 2015, when Shayan Saeedpour was 17 years old. Mr. Saeedpour had a history of mental illness and had been diagnosed with impulse control disorder.⁷³

On 18 April 2020, Majid Esmaeilzadeh was executed in Ardabil prison, Ardabil Province. He had been arrested for allegedly killing a man at the age of 16. In an interview, his father alleged that his son was innocent and had been tortured in detention.⁷⁴

On 25 April 2019, Mehdi Sohrabifar and Amin Sedaghat, were executed before they were 18 in Shiraz prison, Fars Province. They had been detained at the age of 15 after being accused of “rape during robbery” and were coerced to confess. They did not have access to counsel during the two months of their detention, interrogation, and torture in a police detention center. They were unaware that they had been sentenced to death until shortly before their executions and bore lash marks on their bodies, indicating that they had been flogged before their deaths. Their families and lawyers were informed about the executions afterwards.⁷⁵ Mehdi Sohrabifar was mentally ill.

In July 2019, Amir Ali Shahabi and Touraj Azizzadeh, two juvenile offenders, were executed in Minab, Hormuzgan Province, and Noor, Mazandaran Province, respectively.⁷⁶

On 2 October 2018, Zeinab Sekaavand was executed. She had been arrested in March 2011 at the age of 17 and accused of killing her husband, to whom she had been married since the age of 15 and subjected to domestic violence. She had access to a lawyer only at the final hearing of her trial, when she retracted her confession, which she said had been extracted under torture. In a letter from prison, she maintained that her brother-in-law had killed her husband. Nevertheless, the Supreme Court upheld her death sentence.⁷⁷

In October 2015, Samad Zahabi was hanged in secret in Dizelabad prison in Kermanshah Province for fatally shooting a fellow shepherd during a row over who should graze their sheep. He was 17 years old at the time of the crime. His family said that they only learned of his fate after his mother visited the prison. Samad Zahabi and his family were not informed of his right to request a retrial from the Supreme Court. The Supreme Court upheld the death sentence in February 2014, despite a written submission from the Office of the Prosecution that had asked for it to be quashed pursuant to Article 91 of the IPC.⁷⁸

On 13 October 2015, Fatemeh Salbehi, 23, was hanged for the murder of her 30-year-old husband when she was 17. She had been forced to marry her husband at the age of 16. During her trial, as provided in Article 91 of the IPC, an expert opinion from the Forensic Medicine Organization found she had had severe depression and suicidal thoughts around the time of her husband's death.⁷⁹

73. Amnesty International, *Iran: Execution of young man 'vengeful and cruel'*, 21 April 2020; available at: <https://www.amnesty.org/en/latest/news/2020/04/iran-execution-of-young-man-vengeful-and-cruel/>

74. Iran Human Rights, *Majid Esmaeilzadeh, the executed child offender, had been tortured for confession*, 4 May 2020; available [in Persian] at: <https://iranhr.net/fa/articles/4233/>

75. Amnesty International, *Two 17-year-old boys flogged and secretly executed in abhorrent violation of international law*, 29 April 2019; available at: <https://www.amnesty.org/en/latest/news/2019/04/iran-two-17yearold-boys-flogged-and-secretly-executed-in-abhorrent-violation-of-international-law/>

76. Iran Human Rights, *Two juveniles including one mentally ill executed in Shiraz Central prison*, 30 April 2019; available [in Persian] at: <https://iranhr.net/fa/articles/3723/>

77. Amnesty International, *Victim of domestic and sexual violence, arrested as a child, is executed after unfair trial*, 2 October 2018; available at: <https://www.amnesty.org/en/latest/news/2018/10/iran-victim-of-domestic-and-sexual-violence-arrested-as-a-child-is-executed-after-unfair-trial/>

78. Article 91 of the IPC stipulates that in offenses punishable by *hudud* or *qisas*, “mature persons” younger than 18 should be sentenced to punishments other than death “if they do not comprehend the nature of the offense committed or its prohibition or if there are doubts about their maturity or development of their reasoning.”

79. Amnesty International, *Execution of two juvenile offenders in just a few days makes a mockery of Iran's juvenile justice system*, 14 October 2015; available at: <https://www.amnesty.org/en/latest/news/2015/10/iran-juvenile-offenders-executed/>

On 15 April 2015, Javad Saberi was executed in Rajaishahr prison, Alborz Province. Mr. Saberi had been convicted of murder at the age of 17 years and 10 months, suffered from serious mental illness, and had previously spent some time in a mental hospital.⁸⁰

On 25 February 2014, Mehras Rezaie, 21, was executed in Jouybar, Mazandaran Province, after spending four years in prison following his conviction for the murder of his cousin when he was 17.⁸¹

In 2013, several executions of juveniles took place: Ali (aka Kianoush) Naderi, 21, arrested at the age of 17, in Rajaishahr prison, Alborz Province;⁸² Saeed Afshar, 25, arrested at the age of about 15 years, in Rajaishahr prison, Alborz Province;⁸³ Erfan Q. [last name unknown], 18, in public, in Qaemshahr, Mazandaran Province, for raping a school student a year before;⁸⁴ an unidentified prisoner, 18, in Kazeroon prison, Fars Province, for a crime committed at the age of 14.⁸⁵

In September 2011, Alireza Molla-Soltani, 17, was hanged in public in Karaj, Alborz Province, about two months after killing a man in alleged self-defense. Before his hanging, a semi-official news website had reported that Mr. Molla-Soltani would not be executed before turning 18.⁸⁶

In late September 2011, Afghan nationals Vahid Moslemi and Mohammad Norouzi were executed in Qezel Hesar prison in Karaj, Alborz Province, or in Tehran's Evin prison. The two had been arrested at the age of 17.⁸⁷

In May 2011, Hashem Hamidi, 16, was among eight or nine Iranian Arabs who were executed in Ahvaz, Khuzestan Province.⁸⁸ Two others, referred to as "A. N." and "H. B." in official reports, were hanged in public in Bandar Abbas, Hormozgān Province, for rape and murder committed when they were 17 years old.⁸⁹

Mohammad Reza Haddadi has been in Shiraz prison, Fars Province, for 17 years since 2003. His execution has been scheduled and cancelled several times. Accused of committing murder during a robbery at the age of 15 in 2003, he was sentenced to death in 2004 and has been on death row since. Haddadi first confessed to murder during interrogations, but soon retracted his confession, saying he only confessed because his two co-defendants had offered to give money to his family if he did so. During the trial he said that he had not taken part in the murder. His co-defendants are said to have since supported his claims of

80. Iran Human Rights, *Javad Saberi: Juvenile Offender Executed in April in Iran*, 3 May 2015; available [in Persian] at: <http://iranhr.net/2015/05/javad-saberi-juvenile-offender-executed-in-april-in-iran/>

81. Dana, *Revengeful grandfather executes his grandson*, 27 February 2014; available [in Persian] at: <http://dana.ir/News/66580.html>

82. UN News, *UN human rights office condemns execution of Iranian juvenile*, 22 January 2013; available at: <http://www.un.org/apps/news/story.asp?NewsID=43980&#.UIHSFINjPcg>

83. Human Rights Activists for Democracy in Iran, *One juvenile is among the group executed in Gohardasht prison of Karaj*, 4 July 2013; available [in Persian] at: http://hrdai.net/index.php?option=com_content&view=article&id=1283:1392-04-13-10-08-24&catid=5:2010-07-21-10-19-53

84. Mehr News Agency, *A rapist executed in Qaemshahr*, 14 September 2013; available [in Persian] at: <http://www.mehrnews.com/detail/News/2134993>

85. Tabnak, *Details of armed crimes in Kazeroon*, 25 September 2013; available [in Persian] at: <http://bit.ly/17dEBn6>

86. Entekhab, *Dadashi's killer will not be executed for the time being; he is not 18 yet*, 24 August 2011; available [in Persian] at: <http://www.entekhab.ir/fa/news/32607>

87. Amnesty International, *Growing up on death row: The death penalty and juvenile offenders in Iran*, 26 January 2016; available at: <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>

88. FIDH, *Iran must immediately revoke the death sentences of prisoners of conscience*, 14 January 2013; available at: <https://www.fidh.org/en/region/asia/iran/Iran-must-immediately-revoke-the-12723>

89. Amnesty International, *Sharp rise in public executions as Iran executes first juvenile offenders in 2011*, 27 April 2011; available at: <https://www.amnesty.org/en/latest/news/2011/04/sharp-rise-public-executions-iran-executes-first-juvenile-offenders/>

innocence and withdrawn their testimony implicating him in the murder.⁹⁰ His lawyer said that Forensic Medicine Organization experts concluded that he lacked the maturity to understand the significance of confessing to murder at the time of the crime. His lawyer managed to win a stay of execution in 2017 through the intervention of the Head of the Judiciary. The case is still being re-examined by a branch of the Supreme Court.⁹¹

At least 78 minors were known to be on death row in 2016; 92 in 2017; 85 in 2018; and 90 in 2019. Several death row inmates are at risk of imminent execution. In some cases, death row juveniles remain in prison for several years, while their families continue to negotiate with the families of the victims and obtain forgiveness in exchange for “blood money.” Being in a state of constant anxiety and trauma about impending executions, in itself, exerts strong psychological pressure on the prisoners. The fear and anguish that this causes the death row prisoners can amount to a form of torture.

The 2013 IPC uses an ambiguous language with regard to the possibility of imposing the death sentence on children. At first glance, it may seem that the IPC rules out the execution of juvenile offenders. Articles 88 and 89 of the IPC, concerning punishments and corrective measures regarding juveniles, have provided a set of punishments for children between the ages of nine and 15 at the time of the commission of the crime, and another set of punishments for children between the ages of 15 and 18.⁹²

Under Article 88, children between the ages of nine and 15 should be handed over to their parents or to a guardian or kept in a correctional center for up to one year, depending on the crime committed. Under Article 89, children aged 15-18 should be sentenced to fines or social service or detention in a correctional center for up to five years, depending on the crime committed. Neither of the two sets provides for the death sentence.

However, judges can impose the death sentence on children and juveniles in a number of *hudud* cases, as well as in the case of *qisas* for murder. Article 91 of the IPC stipulates that in offenses punishable by *hudud* or *qisas*, “mature persons” younger than 18 should be sentenced to the punishments stipulated in Article 88-89 of the IPC “if they do not comprehend the nature of the offense committed or its prohibition or if there are doubts about their maturity or development of their reasoning” [*Emphasis added*].

Article 91 increases the risk of arbitrary decision-making and leaves it to the discretion of judges to decide if a juvenile offender understood the nature of the offense and was mature at the time of committing the offense and thus impose a death sentence. The Note to Article 91 authorizes, but does not oblige, the court to seek the opinion of Forensic Medicine Organization or “use any other means to discern their maturity and development of their reasoning.”

The Iranian authorities have always denied in their presentations to international human rights monitoring bodies that persons younger than 18 at the time of committing the offense are sentenced to death or executed.⁹³ There are, however, occasional statements to the contrary.

90. Amnesty International, *Iran: Juvenile offender not executed*, 9 December 2009; available at: <https://www.amnesty.org/en/documents/mde13/128/2009/en/>

91. Deutsche Welle Persian Service, *Contradictory reports about the imminent execution of Mohammad Reza Haddadi*, 17 August 2020; available [in Persian] at: <https://p.dw.com/p/3h5Bt>

92. In Iran, laws regarding the age of criminal responsibility can generate some confusion. Article 146 of the IPC stipulates that “minor persons do not have criminal responsibility” and Article 147 sets the age of majority at 15 lunar years (14 solar years and nine months) for boys, and nine lunar years (eight solar years and 10 months) for girls. As a result, girls older than eight years and 10 months and boys older than 14 years and nine months can be sentenced to death. Although Article 17 of the Constitution has an ambiguous formulation that “solar hijri and lunar hijri dates are both valid,” it concludes: “The work of government departments is based on solar hijri date.” The lunar calendar is observed in terms of religious holidays and mourning and fasting practices.

93. Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic

A former MP and deputy chairperson of the Laws Review Committee of Parliament, Mussa Qorbani, who was involved in drafting and editing the 2013 IPC, acknowledged that children and juveniles were in fact sentenced to death and executed: "[...] [!]f a juvenile commits murder with knowledge, they shall remain in corrective centers if they are younger than 18 and shall be subject to *qisas* after reaching the legal age, as has been the procedure before"⁹⁴ [*Emphasis added*].

reports of the Islamic Republic of Iran, 14 March 2016; UN Doc. CRC/C/IRN/3-4, paras. 231, 261 and 262; available at: <https://undocs.org/en/CRC/C/IRN/CO/3-4>

94. Iranian Students' News Agency, *Changes in Islamic Penal Code*, 20 February 2012; available [in Persian] at: <http://www.vekalatonline.ir/print.php?ToDo=ShowArticles&AID=5824>

LGBT face death penalty over sex-related offenses

Lesbian, gay, bisexual, and transgender (LGBT) individuals are directly impacted by the criminalization of certain same-sex conduct, which is punishable by death in Iran.

Lesbianism (*mosaheqeh*) (Article 239 of the IPC) occurs when “a female person places her reproductive organ on the reproductive organ of the same sex” (Article 238). This is a crime that is punished by 100 lashes for the first three convictions and by death on the fourth conviction.

Consensual homosexual conduct involving the act of penetration is referred to as “**sodomy**” (*lavat*) (Article 233). In this case, the death penalty is imposed on the “active party,” only if he is married or the sexual act is not consensual (“forced sodomy” or *lavat-e be-onf*).⁹⁵ The “passive party” in consensual sex receives a death sentence whether he is married or not. If the sexual act is not consensual, the “passive party” is not subject to capital punishment. The death penalty is also imposed on a non-Muslim “active party” who engages in either consensual or non-consensual sexual acts with a Muslim party (Article 234 of the IPC).

Farhad Salehi-Jobbehदार was sentenced to death for “forced sodomy” with a 10-year-old boy in 2017 and his death sentence was upheld by the Supreme Court. In November 2019, the child’s father formally withdrew his complaint, stating that while his child had been sexually abused, the incident did not involve “full penile penetration” (which is the legal threshold for sodomy). As such, he expressed his opposition to the conviction and death sentence against Mr. Salehi-Jobbehदार for sodomy and pleaded with the authorities to close the case. The execution of Mr. Salehi-Jobbehदार was scheduled in Karaj’s central prison, Alborz Province, on 20 June 2020. Mr. Salehi-Jobbehदार’s lawyer appealed to the Head of the Judiciary for a stay of the execution and a review of the case.⁹⁶ There have not been any updates since.

In 2019, a man was executed in public in Kazeroun, Fars Province, on various charges including “sodomy.”⁹⁷ In 2014, two men charged with “sodomy” were executed in public in Shiraz, Fars Province.⁹⁸ In 2013, three men who had kidnapped and raped a child were executed in public in Shiraz, Fars Province, after being convicted of “sodomy.”⁹⁹ In 2011, three men charged with, and convicted of, “sodomy” were executed in Ahvaz, Khuzestan Province.¹⁰⁰

Article 236 of the IPC punishes **intercrural sex** (*tafkhez*),¹⁰¹ i.e. sexual conduct between two men without penetration, with 100 lashes. The penalty is death for the fourth conviction, provided that the defendants have been previously convicted three times and received their lashing sentence in these instances (Article 136).

95. The law does not mention the word equivalent for rape.

96. Amnesty International, *Iran: Planned execution of man for rape must be stopped*, 17 June 2020; available at: <https://www.amnesty.org/en/latest/news/2020/06/iran-planned-execution-of-man-for-rape-must-be-stopped/>

97. Mizan News Agency, *Divine punishment of execution implemented in Kazeroun this morning*, 10 January 2019; available [in Persian] at: <https://www.mizanonline.com/fa/news/484001/>

98. Raak News, *Two persons charged with sodomy executed in Shiraz*, 7 August 2014; available [in Persian] at: <https://tinyurl.com/y4vtgvpw>

99. Iranian Students’ News Agency, *Three convicted of sodomy executed in public*, 19 February 2013; available [in Persian] at: <https://www.isna.ir/news/91113018226/>

100. Iranian Students’ News Agency, *Charged with drug smuggling and rape by force; six convicts hanged in Karoun prison of Ahvaz*, 4 September 2011; available [in Persian] at: <http://www.isna.ir/news/9006-07868>

101. Article 235 of the 2013 IPC defines *tafkhez* as “placing the reproductive organ of a man between the legs or buttocks of a male person and that includes penetration prior to the tip of the glans.”

Use of the death penalty against women

Women can be subject to capital punishment as a result of the discriminatory nature of several laws that directly concern them.

Adultery (*zena-ye mohseneh*) (Article 225 of the IPC), i.e. an extramarital sexual relation, is the only crime punishable by stoning in Iran. The IPC has specifically retained the punishment of stoning for male and female defendants charged with adultery (Articles 132, 173, and 225). In practice, women are more frequently subjected to stoning than men. This is due to the fact that married women involved in extramarital relations can be charged with adultery. But married and unmarried men can be charged with adultery only if they are involved in extramarital relations with married women. From 1980 to 2009, at least 70 people were reportedly executed by stoning in Iran.¹⁰² There have not been any verifiable reports of stoning since December 2008,¹⁰³ while some of those convicted might have been executed by other methods, as provided by Article 225 of the IPC. However, a political group reported the stoning of four women in 2012.¹⁰⁴

In 2018, three persons (two women and one man) were sentenced to death as an alternative for stoning for committing adultery in Khoy, West Azerbaijan Province. As of November 2018, they were in prison, but there have not been any updates since then.¹⁰⁵

In February 2017, Branch 1 of the Criminal Court in Lorestan Province sentenced a man and a woman to stoning for committing adultery.¹⁰⁶ In 2016, a woman was sentenced to stoning for committing adultery.¹⁰⁷ In December 2015, one woman was sentenced to stoning for committing adultery.¹⁰⁸

In 2013, there were at least 10 people sentenced to stoning for committing adultery.¹⁰⁹ In July 2014, head of the Justice Department in Qaemshahr, Mazandaran Province, announced that a defendant had been sentenced for various offenses, including adultery and rape, to two death sentences: one by hanging and the second by stoning.¹¹⁰

In 2011, there were at least 14 individuals (including an unknown number of women), who had been sentenced to stoning for committing adultery.¹¹¹ In 2010, 12 women and three men were on death row awaiting execution by stoning for adultery.¹¹²

102. Human Rights Watch, *Iran: Proposed Penal Code Retains Stoning*, 3 June 2013; available at: <https://www.hrw.org/news/2013/06/03/iran-proposed-penal-code-retains-stoning>

103. Three men were stoned but one of them managed to escape the stoning pit - FIDH, *A State Terror Policy*, 28 April 2009; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

104. Melimazhabi, *Stoning of four women in news silence*, 3 November 2012; available [in Persian] at: <https://tinyurl.com/y3bgoabt>

105. Hengaw, *Death sentence for two imprisoned women in Khoy prison*, 5 November 2018; available [in Persian] at: <https://tinyurl.com/y6ah32ao>

106. Radio Zamaneh, *Stoning sentence for a woman and a cleric in Lorestan*, 4 February 2017; available [in Persian] at: <https://www.radiozamaneh.com/323037>

107. Amnesty International, *Death sentences and executions 2016*, 30 April 2017; available at: <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF>

108. Radio Farda, *Woman sentenced to stoning in Gilan*, 11 December 2015; available [in Persian] at: <http://www.radiofarda.com/content/o2-em-stoning-iran-to-death-gilan/27419765.html>

109. Human Rights Watch, *Iran: Proposed Penal Code Retains Stoning*, 3 June 2013; available at: <https://www.hrw.org/news/2013/06/03/iran-proposed-penal-code-retains-stoning>

110. Tehran News, *Stoning sentence for a defendant*, 22 July 2014; available [in Persian] at: <https://tinyurl.com/y8md2tux>

111. Amnesty International, *Death sentences and executions 2011*, 27 March 2012, available at: <https://www.amnesty.org/en/documents/ACT50/001/2012/en/>

112. Guardian, *Iranians still facing death by stoning despite 'reprieve'*, 8 Jul 2010; available at: <https://www.theguardian.com/world/2010/jul/08/iran-death-stoning-adultery>

Honor killings have traditionally targeted women as a result of the application of Article 301 of the IPC, which exempts “fathers and paternal grandfathers” from punishment for the killing of their female children or grandchildren.¹¹³ This means that daughters and granddaughters can be killed with impunity in Iran. Immediate relatives (i.e. the mother, if the father is the killer; or the parents, if the grandfather is the killer) of the victims of honor killings often forgo the demand for other punishments for the perpetrators.

While many honor killings went unnoticed or unreported in the past, the advance of the social media has helped draw attention to more cases, including a number of recent high-profile cases. Several honor killings were widely reported in 2020. On 21 May 2020, a father killed his 13-year-old daughter with a sickle while she was sleeping in her village near the city of Talesh, Gilan Province. The daughter had fallen in love with a 28-year-old man and had moved in with him. The police handed her back to the father a day before she was killed. It was disclosed later that the father had consulted a lawyer in advance to make sure that he would not face a severe punishment.¹¹⁴ On 15 June 2020, a 23-year-old woman was killed by her father in Kerman, Kerman Province, because she wished to continue her education and was active on social media.¹¹⁵

Article 302(e) of the IPC is another provision of the law that allows men to kill women with impunity. It stipulates: “A husband who catches his wife and her lover in the act of adultery and kills them, shall not be sentenced to *qisas* and payment of blood money [*diyeh*].”

113. Article 220 of the 1996 IPC; Article 301 of the 2013 IPC.

114. BBC Persian Service, *Who was Romina Ashrafi and why was she killed?*, 4 June 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-features-52904583>

115. Entekhab, *New details about the murder of Reyhaneh Ameri*, 23 June 2020; available [in Persian] at: <https://www.entekhab.ir/fa/news/557523/>

Ethnic communities and religious minorities targeted by executions

The death penalty in Iran has often been used against members of Iran's ethnic communities and religious minorities, especially in political cases based on *moharebeh*,¹¹⁶ "spreading corruption on Earth," insurrection, and other vaguely worded crimes. In some cases, individuals have been executed for actions committed by others while they were in prison. These ethnic and religious groups have been subjected to extensive and protracted discrimination with regard to their political, civil, economic, social, and cultural rights, which has led to resentment towards the central government. Various groups have engaged in opposition activities and occasionally taken up arms in ethnic-populated regions in the past four decades. Rather than addressing their grievances, the Iranian authorities have responded with heavy-handed measures, including the implementation of the death penalty on a large scale.

Members of ethnic communities who have been targeted by executions for many years include: the Kurds in Western Iran; the Arabs in Khuzestan Province; and the Baloch in Sistan and Baluchistan Province. Members of religious minorities include: some groups of Sunni Muslims in West Azerbaijan, Kurdistan, and Baluchistan Provinces; followers of the Shia Ahl-e Haq sect in Western Azerbaijan Province; and Baha'is.

Many drug-related executions have claimed the lives of poor and marginalized individuals and members of the ethnic communities, in particular the Kurds and the Baloch, as well as Afghan migrants and refugees.¹¹⁷ The cases listed below are only a few of the numerous instances of executions that have targeted members of ethnic communities and religious minorities over the last decade.

Kurds

In January 2020, in his interim report on the human rights situation in Iran, UN Secretary-General António Guterres said that Kurds charged with national security offenses represented nearly half of all political prisoners in Iran, with 352 Kurds arrested in the first eight months of 2019. Between 1 January and 31 August 2019, 37 Kurds were executed and four were sentenced to death.¹¹⁸

On 13 July 2020, Diaku Rasoulzadeh and Saber Sheikh Abdollah, two Kurdish men, were executed in Urumieh prison, West Azerbaijan Province. They had been arrested in March 2014 and had been on death row since 2015, after being sentenced in connection with a deadly armed attack in 2010, the involvement in which they repeatedly denied. The two did not receive a fair trial and were coerced to make confessions.¹¹⁹

In late June 2020, Mohyeddin Tazehvared, a Salafi Kurd, was sentenced to death on

116. See above, *Footnote 5*.

117. Office of the UN High Commissioner for Human Rights, *Iran: Execution of juvenile offenders breaches international law – Pillay*, 26 June 2014; available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=E>; Amnesty International, *Growing up on death row: The death penalty and juvenile offenders in Iran*, 26 January 2016; available at: <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>

118. Human Rights Council, 43rd session, *Situation of human rights in the Islamic Republic of Iran, Report of the Secretary-General*, 17 January 2020, UN Doc. A/HRC/43/20; available at: <https://undocs.org/en/A/HRC/43/20>

119. Amnesty International, *Two Kurds executed amid increasing use of death penalty as weapon of repression*, 15 July 2020; available at: <https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/>

charges of *moharebeh* for his membership of Salafi groups by Branch 2 of the Islamic Revolution Court of Urumieh, West Azerbaijan Province.¹²⁰

On 11 May 2020, Hedayat Abdollahpour, a Kurdish man, was executed by firing squad in a military garrison in Oshnavieh, West Azerbaijan Province. He had been arrested in August 2016, convicted of insurrection and membership of the Democratic Party of Iranian Kurdistan, and sentenced to death in January 2017. The Supreme Court quashed his death sentence, but Mr. Abdollahpour was sentenced to death again for insurrection in January 2018. His family members were informed of his execution in June 2020. As of the end of July 2020, they had not been given his body or informed of his burial place.¹²¹

In February 2020, Haydar Qorbani, a Kurdish prisoner, was convicted of insurrection and membership of the Democratic Party of Iranian Kurdistan and sentenced to death in Sanadaj, Kurdistan Province. In August 2020, the death sentence was upheld by the Supreme Court. The conviction was based on self-incriminating confessions to the killing of members of the IRGC, which were extracted from him under torture.¹²² In August 2018, Houshmand Alipour, an Iranian Kurd, was arrested on suspicion of “participation in an attack on a security forces base” and membership of the Kurdistan Freedom Party (PAK) – a Kurdish opposition group. He was charged with insurrection,¹²³ and sentenced to death on 29 December 2019, following an unfair trial by the Islamic Revolution Court in Sanadaj, Kurdistan Province, based on self-incriminating forced confessions that were televised four days after he had been arrested. Mr. Alipour later said that he had made the confessions to avoid further torture.¹²⁴ The Supreme Court quashed his death sentence in September 2020. He was retried, and, on 27 September 2020, sentenced to three years and two months in prison on unknown charges.¹²⁵

On 8 September 2018, Zanyar Moradi, Loghman Moradi, and Ramin Hosseinpanahi, three Kurdish prisoners, were executed at an unknown location in Tehran. The first two were arrested in August 2009, and were subjected to various types of torture during the first nine months of their detention. They were tried in late December 2010 and convicted of *moharebeh*, for acting against national security, involvement in the killing of the son of the Friday imam in Marivan, Kurdistan Province, and insurrection for membership of the Kumala (a Kurdish opposition party). Mr. Hosseinpanahi was arrested in June 2017, convicted of insurrection and membership of the Kumala and sentenced to death in January 2018.¹²⁶ All three denied the first two charges, while Kumala denied their membership of the group in relation to the third charge. According to their lawyer, the only evidence against them was their forced confession video. Their families and lawyers were not informed in advance of their execution and have not been informed of their burial place to date.¹²⁷

120. Hengav, *Seven Kurdish religious activists sentenced to death and prison*, 2 July 2020; available [in Persian] at: <https://tinyurl.com/y4y47tl6>

121. BBC Persian Service, *Democratic Party of Iranian Kurdistan: Hedayat Abdollahpour was executed by firing squad*, 25 June 2020, <https://www.bbc.com/persian/iran-53176686>

122. BBC Persian Service, *Concern about the possible execution of Kurdish prisoner Haydar Qorbani*, 8 August 2020, <https://www.bbc.com/persian/iran-53710004>

123. Houshmand Alipour, member of terrorist group the Kurdistan Freedom Party was sentenced to death, Bultan News, 2 January 2020, <https://www.bultannews.com/fa/news/647924/>

124. Amnesty International, *Kurdish Iranian man at risk of execution*, 23 January 2020, <https://www.amnesty.org.uk/urgent-actions/kurdish-iranian-man-risk-execution>

125. Hra News, *Houshmand Alipour sentenced to 38 months in prison after escaping execution*, 27 September 2020; available [in Persian] at: <https://www.hra-news.org/2020/hranews/a-26773/>

126. BBC Persian Service, *The report of a judicial process; Zanyar and Loghman Moradi*, 11 September 2018; available [in Persian] at: <https://www.bbc.com/persian/iran-45490264>; Akhbar Rooz, *Rising pressure on Hosseinpanahi's families for pursuing burial place of their son*, 23 August 2019; available [in Persian] at: <https://akhbar-rooz.com/?p=210>

127. Amnesty International, *Where is their burial place?*, 9 September 2020; available [in Persian] at: https://t.me/Amnesty_International/1752; BBC Persian Service, *The report of a judicial process; Zanyar and Loghman Moradi*, 11 September 2018; available [in Persian] at: <https://www.bbc.com/persian/iran-45490264>; Akhbar Rooz, *Rising pressure on Hosseinpanahi's families for pursuing burial place of their son*, 23 August 2019; available [in

On 2 August 2016, 20 people were executed in Rajaishahr prison, Alborz Province. They were among a group of 36 Kurdish Sunni death row prisoners, who the authorities described as “convicts of a terrorist splinter group.” The prisoners had been accused of affiliation with armed groups, armed clashes with the security forces, and assassination of pro-government Sunni clerics, and were sentenced to death after grossly unfair trials.¹²⁸ They spent long periods in pre-trial solitary confinement, were subjected to torture and ill-treatment, and forced to make confessions, which they later retracted. The prisoners rejected all allegations of their involvement in violence and armed activities and said that they had been detained for their religious beliefs, organizing and taking part in religious meetings, and distributing religious material.¹²⁹

In 2015, a total of 13 members of ethnic communities and religious minorities who faced charges of “spreading corruption on Earth” and/or *moharebeh* in connection with political and security related offenses, were among at least 40 people executed in different cities including Urumieh, West Azerbaijan Province, and Rajaishahr, Alborz Province. They included at least 11 Kurds who were executed after being convicted of politically motivated charges. They all faced charges of *moharebeh* - five of them for “membership” of opposition groups. The other six were Kurdish Sunni Muslims, who were also executed in Rajaishahr prison, Alborz Province, on 6 March 2015 for “acting against national security” and alleged “assassination” of a pro-regime Sunni cleric, although they had been arrested a few months before the crime took place.¹³⁰

On 25 and 26 October 2013, two Kurdish political prisoners convicted of *moharebeh* were executed in West Azerbaijan Province.¹³¹

Baloch

On 26 October 2013, 16 Baloch prisoners were hastily executed in Zahedan, Sistan and Baluchistan Province, after an armed attack by Baloch insurgents on the previous day, which resulted in the killing of 14 border guards. The executions took place about 10-12 hours after the attack. A day after the executions, the state-run *Fars News Agency* reported that only eight of the 16 who were executed were members of a rebel group known as “Jondollah” [Army of God], while the other eight were drug smugglers. Several of the prisoners could not have committed the crime of which they were accused, as they had been in detention since early 2010. Authorities had previously used retaliatory mass executions against Baloch prisoners in December 2010, when 11 Baloch prisoners were executed after the bombing of mosques in Chabahar, Sistan and Baluchistan Province.¹³² In 2015, at least one Baloch prisoner, was executed after being sentenced to death on political charges.¹³³

Arabs

On 31 March 2020, three Arab men, Hossein Silawi, Ali Khasraji, and Naser Khafajian, were moved from Sheiban prison in Ahvaz, Khuzestan Province, to unknown locations, which raised

Persian] at: <https://akhbar-rooz.com/?p=210>

128. FIDH-LDDHI, *Killing spree: Iranian authorities execute scores of Sunni prisoners in a single day*, 3 August 2016; available at: <https://www.fidh.org/en/region/asia/iran/killing-spreed-iranian-authorities-execute-scores-of-sunni-prisoners>

129. FIDH-LDDHI, *Killing spree: Iranian authorities execute scores of Sunni prisoners in a single day*, 3 August 2016; available at: <https://www.fidh.org/en/region/asia/iran/killing-spreed-iranian-authorities-execute-scores-of-sunni-prisoners>

130. Amnesty International, *Death Sentences And Executions 2015*, available at: <https://www.amnesty.org/download/Documents/ACT5034872016ENGLISH.PDF>; details of the case available at: <https://www.amnesty.org/en/latest/news/2015/03/iran-six-kurdish-sunnis-about-to-be-hanged/>

131. FIDH, *Execution of 16 Baluchi prisoners highlights the ongoing State terror policy*, 28 October 2013; available at: <https://www.fidh.org/en/region/asia/iran/14178-iran-execution-of-16-baluchi-prisoners-highlights-the-ongoing-state-terror>

132. *Ibid.*

133. FIDH, *FIDH calls on Human Rights Council to renew mandate of Special Rapporteur on Iran*, 18 March 2016; available at: <https://www.fidh.org/en/region/asia/iran/fidh-calls-on-human-rights-council-to-renew-mandate-of-special>

concerns about the possibility of their execution.¹³⁴ They are on death row for allegedly taking part in an armed attack against a police station in Ahvaz, Khuzestan Province, in May 2017.¹³⁵ The first two men were returned to the same prison in July 2020, but were taken away again in late September 2020 together with two other Arab men, Ali Majdam and Ali Motiri. Mr. Majdam was detained on 12 February 2017 and sentenced to death after being found guilty of “armed actions against the security forces” and “forming an opposition group.” Mr. Motiri was sentenced to death after being convicted of *moharebeh* for killing two members of the Bassij Force in May 2016.¹³⁶ Naser Khafajian was still missing in late September 2020.

On 4 August 2019, two Arab men, Abdullah Karmollah Chab and Ghassem Beit-Abdullah, were executed in Dezful prison, Khuzestan Province,¹³⁷ following a grossly unfair trial based on confessions said to be obtained under torture and other ill-treatment to convict them of *moharebeh*.¹³⁸ The two were among 15 people who had been arrested following an armed attack on a religious ceremony in Safiabad, Khuzestan Province, on 16 October 2015.¹³⁹

In December 2014, Hashem Shabaninejad and Hadi Rashedi, two Arab male teachers and members of the cultural institute Al-Hawar (aka Hiwar),¹⁴⁰ were executed in Ahvaz, Khuzestan Province. They had been charged with *moharebeh* and acting against national security and sentenced to death in July 2012 after making self-incriminating confessions that were televised. Three other Arab men, Mohammad Ali Amourinejad, Jaber Alboshoka, and Mokhtar Alboshoka, who were members of the same group and had been arrested in 2011, were on death row for several years until their sentences were commuted to life imprisonment.¹⁴¹

In June 2012, the secret execution of four Arab political prisoners, including three brothers, in Ahvaz, Khuzestan Province, sparked widespread local protests. The charges against them included *moharebeh* and “spreading corruption on Earth.”¹⁴² In a video plea to the UN Special Rapporteur on the situation of human rights in Iran, all four defendants denied the charges and maintained that they were tortured for the purpose of extracting confessions.¹⁴³ Their families were not informed about their burial places.

In May 2011, at least eight members of the Arab community were executed for their alleged role in the deaths of a law enforcement official and two others during clashes in Ahvaz,

134. Amnesty International, *Iran: Fears of Secret Execution Mount for Disappeared Prisoners from Minority Groups*, 12 May 2020; available at: <https://www.amnesty.org/en/documents/mde13/2309/2020/en/>

135. Amnesty International, *Two Kurds executed amid increasing use of death penalty as weapon of repression*, 15 July 2020; available at: <https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/>

136. Radio Zamaneh, *Four death-row Arab political prisoners transferred from Sheiban prison to unknown locations*, 21 September 2020; available [in Persian] at: <https://www.radiozamaneh.com/539230>

137. Hands Off Cain, *Iran - Abdullah Karmollah Chab and Ghassem Beit-Abdullah were hanged at Dezful Prison on August 4*, 7 August 2019; available at: <http://www.handsoffcain.info/notizia/iran-abdullah-karmollah-chab-and-ghassem-beit-abdullah-were-hanged-at-dezful-prison-on-august-4-50309127>

138. Amnesty International, *Ahwazi Arab Men At Risk Of Execution: Abdullah Karmollah Chab and Ghassem Abdullah*, 8 May 2019; available at: <https://www.amnesty.org/en/documents/mde13/0321/2019/en/>

139. Amnesty International, *Death sentences and executions 2019*, 21 April 2020; available at: <https://www.amnesty.org/en/documents/act50/1847/2020/en/>

140. An NGO operating since mid 1990s, which organized events in Arabic language, including conferences, educational courses, art classes, and poetry recital gatherings, in Ramshir, Khuzestan Province. It was banned in 2005.

141. Radio Zamaneh, *Hashem Shabaninejad and Hadi Rashedi two Arab political prisoners executed*, 29 January 2014; available [in Persian] at: <https://www.radiozamaneh.com/122460>

142. FIDH, *Iran: Death penalty for every case - ethnic protests, prisoners of conscience, drinking alcohol*, 3 July 2012; available at: <https://www.fidh.org/en/region/asia/iran/Iran-Death-penalty-for-every-case>

143. FIDH, *Iran must immediately revoke the death sentences of prisoners of conscience*, 14 January 2013; available at: <https://www.fidh.org/en/region/asia/iran/Iran-must-immediately-revoke-the-12723>

Khuzestan Province.¹⁴⁴ One of them, Hashem Hamidi, was believed to be 16 years old at the time of the execution. Three of them were hanged in public.¹⁴⁵

Baha'is

Baha'i faith is not recognized under the Constitution, which recognizes three non-Islamic religions: Zoroastrianism, Judaism, and Christianity. Since the Islamic revolution in February 1979, at least 200 Baha'is have been executed and a number of others have been subjected to enforced disappearance, and are presumed to be dead.¹⁴⁶ In 2008, the Baha'i International Community published names of 221 Baha'is who had been executed or assassinated since 1979.¹⁴⁷

Extrajudicial killings of Baha'is

While judicial executions of Baha'is stopped in the early 2000s, extrajudicial executions against them have continued. Killers of Baha'is have enjoyed total impunity, because Articles 302(a) and 310 of the IPC authorize private individuals to kill anyone who, *inter alia*, curses the prophets or is an apostate. Relatives of Baha'is who have been subjected to extrajudicial killings are not entitled to "blood money," because Article 554 of the IPC reserves this practice to crimes committed against followers of the three religious minorities recognized by the Constitution (Zoroastrianism, Judaism, and Christianity). From 2005 to 2014, 50 Baha'is were targets of assassinations. Nine were killed, but the perpetrators were neither prosecuted nor held accountable.¹⁴⁸

On 9 January 2017, the body of Ahmad Fanaian was found with numerous burns in Semnan, Semnan Province.¹⁴⁹

On 26 September 2016, Farhang Amiri was killed in a knife attack by two brothers in front of his house in the city of Yazd, Yazd Province. The killers were released on bail in June 2017. According to a statement issued by the Baha'i International Community, one of the killers declared in court that he wanted to kill a Baha'i because the "Baha'is were Muslims who turned their back on Islam" and that it was "a virtue to shed their blood." The judge in charge said: "Even if the Amiri family refuses to withdraw their complaint, the killers will be sentenced to a very light punishment."¹⁵⁰

On 24 August 2013, Ataollah Rezvani, a prominent Baha'i resident of Bandar Abbas, Hormozgān Province, was fatally shot. The authorities claimed that he had committed suicide although no weapons were found next to his body, and no investigation into the killing had been conducted.¹⁵¹

In May 2013, Saeedollah Aghdasi, 83, was killed in Miandoab, West Azerbaijan Province, but his death was reported nine months later.¹⁵²

144. Amnesty International, *Iran must not execute five Arab minority prisoners*, 11 June 2012; available at: <https://www.amnesty.org/en/latest/news/2012/06/iran-must-not-execute-five-arab-minority-prisoners/>

145. *Ibid.*

146. FIDH, *A State Terror Policy*, 28 April 2009, page 33; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

147. Radio Zamaneh, *Killings of Baha'is are not investigated*, 15 February 2014; available [in Persian] at: <https://www.radiozamaneh.com/125291>

148. *Ibid.*

149. News Service of the Baha'i International Community, *Suspicious killing of a Baha'i in Iran*, 11 January 2017; available at: <https://news.persian-Baha'i.org/story/1147>

150. BBC Persian Service, *Two suspected of killing a Baha'i in Yazd were 'released'*, 13 June 2017; available [in Persian] at: <https://www.bbc.com/persian/iran-40269097>

151. Radio Zamaneh, *Cases of killing Baha'is are not pursued*, 15 February 2014; available [in Persian], at: <https://www.radiozamaneh.com/125291>

152. *Ibid.*

Death penalty against anti-government protesters

An unknown number of protesters who participated in nationwide anti-government protests in recent years are at risk of facing the death penalty or have already been sentenced to death and/or executed.

There were at least three recent waves of large-scale protests in Iran: the first in December 2017 and January 2018; the second in August 2018; and the third in November 2019. Scores were killed and thousands were arrested in 2018,¹⁵³ and protests in November 2019 faced an even harsher crackdown, with sources close to the government reporting more than 1,500 deaths nationwide.¹⁵⁴

A number of people arrested in the protests have already been sentenced to death and executed. Many others are on death row. On 14 September 2020, Hassan Yunessi, lawyer for Navid Afkari, one of the protesters who was executed on 12 September 2020, said in a tweet after the execution of his client that there were more than 30 people on death row, without elaborating.¹⁵⁵ The actual number may be higher.

Below are the details of 15 cases of protesters who have faced the death penalty.

On 12 September 2020, **Navid Afkari**, a 27-year-old wrestler, was executed in secret in Shiraz, Fars Province, without prior notice to him, his family or lawyer, after a grossly unfair trial.¹⁵⁶ He had been arrested on 17 September 2018 and received two death sentences. The first death sentence was imposed by a criminal court in October 2019 for *qisas* in connection with the murder of an intelligence agent, which took place on 2 August 2018 in Shiraz. The second death sentence was imposed by the Islamic Revolution Court in Shiraz for *moharebeh* and “spreading corruption on Earth” in connection with Mr. Afkari’s participation in the protests in Shiraz in August 2018.¹⁵⁷ In August 2020, the Supreme Court rejected Mr. Afkari’s request for a judicial review of his death sentence. Prior to his execution, Mr. Afkari was subjected to torture and other ill-treatment, which led to forced “confessions” and enforced disappearance before his execution was carried out. He was also denied access to a lawyer in lower courts.¹⁵⁸ On 5 September 2020, Navid Afkari’s forced “confession” was aired on state-run television by the Islamic Republic of Iran Broadcasting (IRIB) in a propaganda video. Leaked voice recordings of him in the court exposed how his pleas for judges to investigate his torture complaints and bring another detainee who had witnessed his torture to testify were ignored.¹⁵⁹ His two brothers, who were arrested with him, were sentenced to prison terms and flogging.¹⁶⁰

153. Amnesty International, *Iran’s ‘year of shame’: More than 7,000 arrested in chilling crackdown on dissent during 2018*, 24 January 2019; available at: <https://www.amnesty.org/en/latest/news/2019/01/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>

154. Reuters, *Special Report: Iran’s leader ordered crackdown on unrest - ‘Do whatever it takes to end it’*, 23 December 2019; available at: <https://www.reuters.com/article/us-iran-protests-specialreport-idUSKBN1YR0QR>

155. https://twitter.com/hassan_younesi/status/1305419035195117568

156. Amnesty International, *Iran: Secret execution of wrestler Navid Afkari a ‘travesty of justice’*, 12 September 2020; available at: <https://www.amnesty.org/en/latest/news/2020/09/iran-secret-execution-of-wrestler-navid-afkari-a-travesty-of-justice/>

157. Human Rights Activists News Agency, *August 2018 protests, death sentence, 308 lashes and 88 years in prison for three brothers in Shiraz*, 27 June 2020; available at: <https://www.hra-news.org/2020/hranews/a-26368/>

158. Amnesty International, *Iran: Secret execution of wrestler Navid Afkari a ‘travesty of justice’*, 12 September 2020; available at: <https://www.amnesty.org/en/latest/news/2020/09/iran-secret-execution-of-wrestler-navid-afkari-a-travesty-of-justice/>

159. *Ibid.*

160. *Ibid.* - One of Navid Afkari’s brothers was sentenced to 54 years and six months and 74 lashes and the other to 27 years and three months as well as 74 lashes.

According to Mr. Afkari's lawyer, the authorities failed to notify Mr. Afkari of the time of his execution or to allow Mr. Afkari to meet his family members before the execution, both in contravention of Rule 35 of the Rules of Procedure for the Implementation of Qisas and Death Sentences.¹⁶¹

On 5 August 2020, another protester **Mostafa Salehi**, was executed in Isfahan prison for allegedly killing an officer of the IRGC in the city of Najafabad, Isfahan Province, on 1 January 2018 during a wave of nationwide protests against rising prices and living conditions that occurred in December 2017 and January 2018. Mr. Salehi was detained on 26 September 2018. He was subjected to extensive torture, which caused him to attempt suicide several times. The prosecutor later confirmed that the authorities had not found any weapons or any other means of committing the crime. The charges against him included *moharebeh*, "spreading corruption on Earth," intentional murder, and intentionally inflicting injury on security agents. Mr. Salehi consistently proclaimed his innocence and repeatedly asked the court to bring witnesses or investigate possible exculpatory evidence. There was no mention of his court-appointed lawyer in the proceedings, except once at the conclusion of the trial, when the court president referred to the lawyer's defense bill.¹⁶²

In late June and early July 2020, **eight people** were sentenced to death in Isfahan, Isfahan Province,¹⁶³ and **three** in Tehran¹⁶⁴ for "spreading corruption on Earth" in relation to their participation in the protests. Reports about their imminent execution prompted widespread international and domestic protests on social media, where the hashtag #StopExecutionsInIran and its Persian equivalent were widely tweeted within a few days. The Judiciary suspended the highly publicized planned executions in the wake of this public outcry.

Saeed Tamjidi, Amir Hossein Moradian, and Mohammad Rajabi were tried in late February 2020 on charges of *moharebeh* in connection with their participation in anti-government protests in Tehran in November 2019.¹⁶⁵ They were sentenced to death although they disclosed in court that they had been coerced to make self-incriminating confessions. The death sentences were upheld by a majority decision (two to one) of the judges of a Supreme Court's branch in July 2020. Lawyers of the three said that they had not been allowed to defend their clients even after the completion of the investigations and had not been given access to their case files even though the defendants had dismissed the court-appointed lawyers. One lawyer said they were told that the case had not been registered with the Supreme Court every time they asked. They were later told that the sentences had been upheld. Another lawyer said that he had been told by a Supreme Court official: "Do not endeavor too much. To tell you the truth, the case has been decided." When the death sentences were reported, the Judiciary had to suspend the planned executions in the wake of widespread objections, in particular on Twitter with the hashtag #StopExecutionsInIran and its Persian equivalent. Subsequently, the lawyers were provided access to the case file and eventually managed to obtain the required approval to file a successful application for another review by the Supreme Court.¹⁶⁶

161. BBC Persian Telegram Channel, *#Navid_Afkari becomes world trend*, 12 September 2020; available at: <https://t.me/bbcpersian/78397>

162. Iran Wire, *January 2018 protester executed in Isfahan; Mostafa Salehi proclaimed his innocence till the end*, 5 August 2020; available [in Persian] at: <https://iranwire.com/fa/features/40040>

163. BBC Persian Service, *Head of Justice Department of Isfahan: Sentences of "corrupt on Earth" issued for 8 detainees of recent protests*, 27 June 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53202638>

164. BBC Persian Service, *Death sentences of three detained in November protests*, 24 June 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53167755>

165. *Ibid.*

166. Shargh, *Lawyers did not have access to the case file*, 11 July 2020; available [in Persian] at: <http://sharghdaily.com/fa/Main/Detail/267402/>; BBC Persian Service, *Stay of execution for three defendants of November protests*, 19 July 2020; available [in Persian] at: <https://www.bbc.com/persian/iran-53463150>

Hossein Rayhani,¹⁶⁷ from Eslamshahr in Tehran Province, and **Mohammad Keshvari**, from Khorramabad in Lorestan Province, are two other protesters who are reported to be facing charges of *moharebeh* in connection with their participation in the November 2019 demonstrations. Detailed information is not available about their cases.

167. Radio Zamaneh, *Aban 98 protests: Death sentence likely to be issued for Hossein Rayhani*, 25 July 2020; available [in Persian] at: <https://www.radiozamaneh.com/522093>

Lack of fair trial and due process guarantees in capital cases

Iran's criminal justice system is plagued by numerous violations of defendants' right to a fair trial. In cases involving the death penalty, these violations are particularly serious, as they often lead to an irreparable loss of life. Many death sentences in Iran are imposed after proceedings that fall far short of international fair trial standards.

The Iranian Constitution enshrines various rights closely connected with the right to a fair trial: the right to equal protection by the law (Article 20); the right to recourse to courts (Article 34); the right to counsel (Article 35); the right to be sentenced in accordance with the law (Article 36); the right to the presumption of innocence (Article 37); and the prohibition of torture (Article 38). However, those rights are widely jeopardized because of the total dependence of all state institutions - including the judiciary - on, and obedience to, the Supreme Leader. Furthermore, the application of Article 20 is contingent on "compliance with Islamic tenets." In addition, Article 38 only prohibits torture "for obtaining confession and/or information."

Article 14 of the ICCPR, to which Iran is a state party, imposes an obligation on Iran to guarantee that criminal trials are adjudicated by a "competent, independent and impartial tribunal established by law." However, Iran's criminal justice system does not comply with these principles. In Iran, courts lack independence from the executive branch of government. Article 156 of Iran's Constitution describes the judiciary as "an independent power which shall support individual and social rights and be responsible for ensuring justice." However, Article 57 of the Constitution empowers the Supreme Leader to supervise and exert control over the executive, legislative, and judicial branches and other key state institutions.

The justice system is overseen by clerics and is proactively used as a tool for repression by the state. The Head of the Judiciary is the most senior judicial official in Iran and bears ultimate responsibility for the administration and supervision of the judicial system. He is appointed by the Supreme Leader every five years. The current Head of the judiciary, appointed by Supreme Leader Ayatollah Khamenei on 7 March 2019, is Hojattolislam Ebrahim Ra'eesi. Mr. Ra'eesi is known for being part of a small group of high and medium level government officials who are responsible for the executions of thousands of political prisoners following summary trials in 1988.¹⁶⁸

Certain categories of criminal offenses, including cases concerning politically-motivated charges and drug-related crimes as well as a number of other offenses, are administered by Islamic Revolution Courts and other special unconstitutional tribunals, which are set up arbitrarily. None of these tribunals observe international norms regarding transparency, independence, and impartiality. The Islamic Revolution Courts are notorious for delivering harsh verdicts and were responsible for the vast majority of death sentences imposed for drug-related offenses in the country before the Anti-Narcotics Law was amended in October 2017.

A Special Court for Clergy (SCC) deals exclusively with offenses committed by clerics or other people if the offense is somehow related to the clergy. This court is extremely secretive and there is hardly any information available about its proceedings, officials, judges, defendants, and charges. The court is considered as a "class" privilege for the ruling clerics.

168. For more information on the 1988 trials and executions, see joint FIDH-LDDHI reports, *Iran: 25 years on, and still no justice – 1988 prison executions remain unpunished*, September 2013; available at: https://www.fidh.org/IMG/pdf/report-1988_prison_executions_092013_eng.pdf and *A State Terror Policy*, 28 April 2009; available at: <https://www.fidh.org/en/region/asia/iran/A-State-Terror-Policy>

The UN Working Group on Arbitrary Detention (WGAD), during its visit to Iran in 2003, raised concerns about the impact of such courts on the principle of equality before the law. The WGAD called for their functions to be transferred to the ordinary courts.¹⁶⁹

The Judiciary routinely disregards international standards of fair trial and due process and, therefore, does not provide genuine recourse for those facing criminal charges. Defendants often have no access to lawyers of their choosing during pre-trial investigations [See below, *Inadequate legal representation in death penalty cases*]. Courts generally dismiss allegations of torture and admit as evidence “confessions” obtained under torture, in total contravention of the aforementioned constitutional provisions. Courts sentence defendants to death for crimes that are: vaguely worded and defined; overly broad, such as *moharebeh* and “spreading corruption on Earth;” not recognizable criminal offenses under international human rights law; and not meeting the threshold of the “most serious crimes.”

Many death row prisoners are often sentenced on the basis of vague charges and “confessions,” which are usually made under torture or other ill-treatment during pre-trial detention. For example, on 18 June 2018, Mohammad Salas Babajani, a 51-year-old Sufi bus driver, was executed in Tehran after a blatantly unfair trial. He had been accused of running over and killing three policemen during an attack by security forces on the residence of the leader of the Gonabadi Order of Dervishes in Tehran on 19 February 2018. He was beaten up and hospitalized and was forced to confess while still in a hospital bed.¹⁷⁰ A few weeks prior to his first hearing on 11 March 2018, the commander of the Tehran Police Department said in a televised interview: “The police expect the Judiciary to sentence Mohammad Salas to death.” Mr. Salas Babajani proclaimed his innocence in a voice file on 25 May 2018, in which he said that he had not driven the bus that killed people. Mr. Salas Babajani’s lawyer said his client had been in detention at the time of incident [See below, *Zeynab (also spelled Zeinab) Taheri under Lawyers persecuted and prosecuted*].¹⁷¹ Other pertinent examples have been provided throughout this report [See above, *Political offenses, Death penalty against anti-government protesters*].

In the overwhelming majority of cases, political defendants - mostly charged with “acting against national security,” “spreading propaganda against the system” or similar charges - are detained incommunicado for long periods and refused access to lawyers of their choice, or any lawyer at all, while they are being investigated. Such abuses have been documented in the cases of protesters sentenced to death for taking part in anti-government demonstrations in November 2019 protests [See above, *Death penalty against anti-government protesters*]. These defendants are often held in informal detention centers - run by the Ministry of Intelligence or the Islamic Revolution Guards Corps, away from the supervision of the formal justice system - and are frequently tortured and forced to make confessions under duress [See above, *Political offenses*]. These types of torture and other ill-treatment are quite common in order to force them to confess and incriminate themselves. Forced confessions are often televised before defendants are even tried.¹⁷² The forced confessions are also regularly admitted as evidence in courts to convict prisoners to long prison terms or death. Even though the overwhelming majority of defendants retract their confessions in court and assert that they were coerced to confess, there have never been any reports of investigations into such claims.

169. Commission on Human Rights, 60th session, *Report of the Working Group on Arbitrary Detention - Visit to the Islamic Republic of Iran*, 27 June 2003, UN Doc. E/CN.4/2004/3/Add.2, paras 51 and 56; recommendation 1; available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/147/77/PDF/G0314777.pdf?OpenElement>

170. Iran Wire, *The sentence imposed on Mohammad Salas is not valid owing to flaws in the case file*, 18 June 2020; available [in Persian] at: <https://iranwire.com/fa/blogs/721/38911>

171. Iran Wire, *Case file of Mohammad Salas; denial, ambiguity and execution*, 18 June 2018; available [in Persian] at: <https://iranwire.com/fa/features/26512>

172. FIDH, *Iran: New report demands end to the rampant use of forced confessions*, 25 June 2020; available at: <https://www.fidh.org/en/region/asia/iran/iran-new-report-demands-end-to-the-rampant-use-of-forced-confessions>

The lack of safeguards to ensure fair trials and due process in the Iranian justice system makes the widespread imposition of the death penalty for drug-related crimes even more concerning. Persons accused of drug crimes are often denied access to a lawyer of their choice, and sometimes given access to legal counsel only minutes before their trial is due to commence.

There have also been cases in which death sentences have been imposed invoking the religious knowledge of judges and despite a lack of evidence to prove the defendant's guilt. For example, on 10 August 2017, Alireza Tajiki, 21, was executed in Shiraz, Fars Province. He had been sentenced to death for a crime committed at the age of 15 in May 2012. The death sentence was imposed based on "confessions" which Alireza Tajiki had said were extracted through torture. The Supreme Court verdict that upheld his death sentence in February 2015, was only seven lines long and did not refer to any of these alleged abuses. It stated that "the request for appeal is unjustified, considering the content of the court file, the reasoning of the court of first instance, and the attainment of knowledge about the guilt of the accused" [*Emphasis added*].¹⁷³

In addition, the right for defendants to have their convictions and death sentences reviewed by a higher court was denied with regard to certain crimes, in direct violation of Article 14(5) of the ICCPR. For example, before the Criminal Procedure Code was amended in 2015, the Anti-Narcotics Law did not afford the right to appeal to individuals convicted of drug-related crimes and sentenced to death [See above, *Drug-related offenses*]. As a result, hundreds - if not thousands - of death sentences for drug-related crimes were imposed and carried out.

Lastly, under the law, lawyers of death row prisoners should be notified 48 hours before the execution of their clients, and families should be granted a last visit [See above, *The world's second top executioner*]. However, families and lawyers of death row prisoners are often not informed about the executions. On some occasions, families of executed prisoners have not received the body of their loved ones or have not been informed of their place of burial [See above *Kurds* under *Ethnic communities and religious minorities targeted by executions*].

In its Concluding Observations in 2011, the UN Human Rights Committee expressed its deep concern over the frequent violations of fair trial guarantees provided for under the Covenant, especially in the Islamic Revolution Courts and the Evin Prison Court, and the invocation by judicial officials of the "deserving of death" (*mahdoor-od-dam*) definition in their rulings. The Committee recommended that all legal proceedings be conducted in full accordance with Article 14 of the ICCPR, including by guaranteeing: (a) the right to legal assistance of one's own choosing, including for pre-trial detainees; (b) the right to be informed promptly of the nature and cause of the criminal charges; (c) the intervention and presence of lawyers in all cases, including during the investigation stage; (d) the presumption of innocence; (e) the right to a public hearing; and (f) the right to appeal a ruling. The Committee also recommended Iran remove the "deserving of death" (*mahdoor-od-dam*) definition, applied to victims, so as to ensure that perpetrators are prosecuted and brought to justice for their crimes.¹⁷⁴

In his annual report to the UN Human Rights Council on the situation of human rights in Iran, issued in January 2020, the UN Secretary-General expressed concern about "reports indicating instances of denial of the right to a fair trial, including in cases in which the accused is charged with crimes punishable by the death penalty."¹⁷⁵

173. Amnesty International, *Urgent Action - Iranian teenager's execution still pending*, 18 May 2016; available at: https://www.amnesty.org.uk/files/alireza_tajiki.pdf?1ZToUdrcBXEaHYN250Li_XhSlK0fqWu=

174. Human Rights Committee, 103rd session, *Concluding observations of the Human Rights Committee - Islamic Republic of Iran*, 29 November 2011, UN Doc. CCPR/C/IRN/CO/3, para. 21; available at: <https://undocs.org/CCPR/C/IRN/CO/3>

175. Human Rights Council, 43rd session, *Situation of human rights in the Islamic Republic of Iran - Report of the Secretary-General*, 17 January 2020; UN Doc. A/HRC/43/20; available at: <https://undocs.org/en/A/HRC/43/20>

Inadequate legal representation in death penalty cases

Many defendants who face charges for offenses that are punishable by death are often denied access to lawyers of their choosing.

The Constitution sets no limits to, or conditions on, the right to legal counsel or representation. This right is guaranteed by Article 35, which states: "In all courts, both parties to the claim are entitled to appoint a lawyer for themselves. If they do not have the capacity to do it, the means for appointing a lawyer must be made available to them." According to Article 48 of the Criminal Procedure Code, people have the right to ask for - and have meetings with - a lawyer as soon as they are detained. However, a note to Article 48 stipulates that in cases of "crimes against internal or external security [...] during the investigation phase, the parties to the dispute shall select their lawyer from a list approved by the Head of the Judiciary." Judicial authorities have sought to extend the imposition of these restrictive regulations on defendants and lawyers to the post-investigation phase by occasionally refusing to accept the defendants' appointed lawyers.

In January 2018, the then-Head of the Judiciary began issuing lists of lawyers who were allowed to take up cases involving "national security" charges. Defendants accused of "crimes against internal or external security" are only allowed to choose legal representation from those lists during the preliminary investigation stage. This is in stark violation of Article 35 of the Constitution, as well as Article 14(2)(d) of the ICCPR, which stipulates that everyone is entitled to "defend himself in person or through legal assistance of his [/her] own choosing."

In June 2018, it was reported that only 20 out of 2,000 lawyers who were members of Tehran's Bar Association were included in the list issued by the Head of the Judiciary. An additional 43 were later added to the list.¹⁷⁶ As a result, many human rights defenders and other political prisoners who face "national security" charges are prevented from being represented by a lawyer of their own choosing and are instead represented by lawyers handpicked by the Head of the Judiciary.

Lawyers persecuted and prosecuted

The Iranian authorities have a long record of persecuting and prosecuting lawyers who represent individuals who are charged with capital offenses. Some lawyers involved in defending death row prisoners, including juveniles, have been punished with imprisonment for their work.

Ali Sakeni, the court-appointed lawyer of Houshmand Alipour [See above, *Ethnic communities and religious minorities targeted by executions*], was arrested in the city of Saqqez, Kurdistan Province, on 9 August 2020. He may face charges of "spying."¹⁷⁷ He had already been arrested on 28 June 2020, charged with "spreading propaganda against the state" by revealing details of his client's case file, and released on bail after eight days.¹⁷⁸

Nasrin Sotoudeh, human rights lawyer and 2012 Sakharov Prize Laureate, has represented several defendants facing the death penalty, including minors sentenced to death for crimes allegedly committed when they had not reached the age of 18. She was arbitrarily detained on 13 June 2018 to serve a five-year prison term, and, in December 2018, was sentenced on various charges to an additional 33 years and six months in prison, which included seven years

176. Islamic Republic News Agency, *43 new lawyers added to trusted lawyers of Head of the Judiciary*, 15 October 2018; available [in Persian] at: <https://www.irna.ir/news/83066400/43>

177. Campaign for Defence of Political and Civil Rights Prisoners, *Ali Sakeni lawyer was detained*, 9 August 2020; available [in Persian] at: <https://www.kampaign.info/archive/48077.htm>

178. *Ibid.*

and six months for her membership of the anti-death penalty campaign LEGAM.¹⁷⁹ LEGAM is the Persian acronym for “Step by Step to Stop the Death Penalty,” a campaign established in November 2013 by several artists and activists to strive for the abolition of death penalty in Iran. Ms. Sotoudeh had previously served three years of a six-year prison sentence in connection with her work as a human rights lawyer, and was released from prison in 2013 after international pressure.

Zeynab (also spelled Zeinab) Taheri, a lawyer, has represented, among others, Mohammad Salas Babajani, who was executed on 18 June 2018 after a blatantly unfair trial [See above, *Lack of fair trial and due process guarantees in capital cases*] and Ahmadreza Djalali, an Iranian-Swedish academic sentenced to death on espionage charges.¹⁸⁰ Ms. Taheri had applied to the Supreme Court for a retrial of Mohammad Salas Babajani, but her petition was ignored. In the final week leading to the execution of her client, Ms. Taheri said that Mohammad Salas had been coerced to confess under torture and voiced her objections and criticism of the unfair proceedings against her client, including on Twitter, where she vowed to “reveal for public opinion” all possible evidence of her client’s innocence. She was arrested on 19 June 2018 and charged with “disturbing the public opinion,” “spreading propaganda against the system,” and “publishing lies.” On the same day, during a press conference the then-Tehran Prosecutor said that Ms. Taheri had “incited the public opinion and mobilized the counter-revolution against the judiciary,” and that “the hostile media used her remarks to published reports against the judiciary.” Ms. Taheri spent several months in detention and was later released under unknown conditions.

Mohammad Ali Dadkhah, lawyer and founding member and former spokesperson of the Iranian NGO Defenders of Human Rights Center (DHRC), represented prisoners sentenced to death, including Yussef Nadarkhani [See above, *Religious offenses*]. Arrested in July 2009, Mr. Dadkhah was sentenced to a total of nine years in prison (eight of which for his membership of DHRC), flogging, and fines, and a 10-year ban on practicing law.¹⁸¹ The eight-year prison sentence was upheld and he started serving it in September 2012. He was released in 2013 under unknown conditions. Since then, he has kept a very low profile.

Javeed Hootan-Kian, the lawyer of Sakineh Mohammadi-Ashtiani, a woman sentenced to death by stoning for “adultery,”¹⁸² was arrested after an interview with two German journalists in his office about the case of his client in November 2010. Mr. Hootan-Kian was sentenced to 11 years in prison, a sentence that was reduced to six years by the Court of Appeals in early 2012. He was released in May 2013 after spending nearly three years in prison, during which he said he had been tortured and ill-treated.¹⁸³

179. The group was never declared illegal, but at least two of its members, Narges Mohammadi and Nasrin Sotoudeh, have received prison sentences for their membership of the group in recent years.

180. Amnesty International, *Iranian-Swedish academic forcibly disappeared: Ahmadreza Djalali*, 6 August 2019; available at: <https://www.amnesty.org/en/documents/mde13/0853/2019/en/>

181. Observatory for the Protection of Human Rights Defenders, *Arbitrary detention of Mr. Mohammad Ali Dadkhah*, 2 October 2012; available at: <https://www.fidh.org/en/region/asia/iran/Iran-Arbitrary-detention-of-Mr-12237>

182. Ms. Mohammadi-Ashtiani was sentenced to death for complicity in the murder of her husband, but international outcry and flaws in the case file led to her release in 2014. Deutsche Welle Persian Service, *Sakineh Mohammadi-Ashtiani released from prison*, 19 March 2014; available [in Persian] at: <https://p.dw.com/p/1BSKa>

183. Tribune Zamaneh, *Hidden aspects of lawyer Javeed Hootan Kian’s case*, 7 March 2014; available [in Persian] at: <https://www.tribunezamaneh.com/archives/44538>

Death penalty critics face harsh repression

Iranian authorities have been traditionally hostile towards critics of the death penalty, and anti-death penalty campaigners have been frequently repressed. This attitude was clearly formulated by then-Head of Judiciary Ayatollah Sadeq Amoli Larijani in December 2013 as follows: "Opposition to the death penalty is opposition to Islam's ruling."¹⁸⁴

Emadeddin Baghi, a pro-reforms scholar, former theology scholar, defender of prisoners' rights, and 2009 Martin Ennals Award laureate, was imprisoned several times in the 2000s for his critical articles on the death penalty and *qisas*, and for protesting against executions of minors and death row prisoners convicted of security-related offenses.¹⁸⁵

Narges Mohammadi, former spokesperson of the Iranian NGO DHRC, was sentenced in May 2016 to 16 years in prison, 10 years of which were imposed for her involvement with the anti-death penalty campaign LEGAM.¹⁸⁶

Atena Daemi was sentenced to seven years in prison in October 2014 on national security-related charges for peaceful activities, such as publishing Facebook posts that criticized the authorities' execution record, distributing anti-death penalty leaflets, and participating in gatherings outside prisons in solidarity with families of death row prisoners. Ms. Daemi's sentence was later reduced to five years in prison. She has been serving her prison term in Tehran's Evin prison since November 2016. In September 2019, she was sentenced to a further three years and seven months in prison on charges of "spreading propaganda against the system" and "insulting the Supreme Leader."¹⁸⁷

Omid Alishenas was sentenced to 10 years in prison in May 2015 on national security-related charges for his peaceful opposition to the death penalty. In the court verdict, engaging in online discussions about the 1988 prison massacres was cited as evidence of criminal activity deemed threatening to national security and insulting to the founder of the Islamic Republic of Iran. In September 2016, Mr. Alishenas' sentence was reduced to seven years in prison. He was incarcerated in Tehran's Evin prison from December 2016 to 15 July 2017, when he was granted a conditional release.¹⁸⁸

Golrokh Ebrahimi Iraee received a six-year prison sentence in July 2015 for writing a story about stoning that was not even published. The story describes the emotional reaction of a young woman who watches the film *The Stoning of Soraya M*, which is based on a true story. In Ms. Iraee's story, the young woman becomes so enraged that she burns a copy of the Qur'an. Ms. Iraee was tried without legal representation. The first lawyer she appointed was pressured to withdraw and the second was barred from reading her case file and representing her. In March 2017, her prison sentence was reduced to two years and six months and she was released on 8 April 2019.¹⁸⁹ In September 2019, she was sentenced to

184. Javan Online, *Opposition to the death penalty is opposition to the rule of Islam*, 11 December 2013; available [in Persian] at: <https://www.javanonline.ir/fa/news/625624/>

185. FIDH, *Restrictions on Mr. Emadeddin Baghi's freedom of movement and subsequent legal proceedings*, in *The Situation of Human Rights Defenders in Asia 2004*, page 258; available at: <https://www.fidh.org/IMG/pdf/Asia.pdf>

186. For detailed information, see FIDH, *Arbitrary detention and critical health condition of Ms. Narges Mohammadi*, 16 July 2020; available at: <https://www.fidh.org/en/issues/human-rights-defenders/iran-arbitrary-detention-and-critical-health-condition-of-ms-narges>

187. Iran Wire, *Atena Daemi's mother: My daughter is aging in prison*, 7 September 2019; available [in Persian] at: <https://iranwire.com/fa/features/32916>

188. Amnesty International, *Iran: Caught In a web of repression – Iran's human rights defenders under attack*, 2 August 2017; available at: <https://www.amnesty.org/en/documents/mde13/6446/2017/en/>

189. BBC Persian Service, *Golrokh Iraee, civil rights activist, released from Evin*, 8 April 2019; available [in Persian] at:

three years and seven months in prison, on charges of “spreading propaganda against the system” and “insulting the Supreme Leader.” She has been serving her sentence in Qarchak prison, south of Tehran, since 9 November 2019.¹⁹⁰

<https://www.bbc.com/persian/iran-47861646>

190. Iran Wire, *Atena Daemi's mother: My daughter is aging in prison*, 7 September 2019; available [in Persian] at: <https://iranwire.com/fa/features/32916>

Domestic legal framework

The current IPC was passed by *Majlis*, the Iranian Parliament, in April 2013 for a trial period of five years. It was ratified by the Guardian Council of the Constitution (GCC)¹⁹¹ on 1 May 2013.¹⁹² When the five-year trial period ended, it was made into a permanent law by a resolution of Parliament on 30 May 2018, which the GCC approved on 13 June 2018. The 2013 IPC repealed only eight articles (Articles 625-629 and 726-728) of the 1996 IPC. Consequently, the overwhelming majority of other provisions of the 1996 IPC remain in force.

Article 167 of the Constitution stipulates: "A judge is obliged to endeavor to judge each case on the basis of the codified law. In case of the absence of any such laws, he has to deliver his judgment on the basis of authoritative Islamic sources and authentic *fatwa*. He cannot refrain from examining cases and delivering his judgment on the pretext of the silence of or deficiency of law in the matter, or its brevity or contradictory nature" [*Emphasis added*]. Consequently, in addition to the provisions stipulated in the IPC, judges have extensive powers to impose the death penalty in many cases on the basis of *sharia*, based on Ayatollah Khomeini's book, *Tahrir ul-Vassileh*, which has formed the backbone of the penal codes since the Islamic revolution in 1979.¹⁹³

The 2013 IPC retained the death penalty in almost all the instances that were punishable under the previous IPC and, in some cases, expanded its scope. Article 220 of the 2013 IPC explicitly states that judges must follow the provisions of Article 167 of the Constitution in "*hudud*" cases for which the codified law has not prescribed a specific sanction. As a result, Article 220 empowers judges to impose the death penalty on the basis of *sharia*, especially in controversial cases including apostasy and heresy, which have not been mentioned in codified law.

It is also notable that the 2013 IPC specifically rejects the principle of "presumption of innocence," in certain cases. Article 121 of the IPC stipulates that "*hudud*" crimes, with the exception of *moharebeh*, "spreading corruption on Earth," robbery, and false accusation of fornication or sodomy (*qadf*) "shall not be proved merely through doubt or suspicion without a need to obtain evidence." As a result, it may be concluded that *moharebeh*, "spreading corruption on Earth," robbery, and false accusation of fornication or sodomy can be proved through suspicion and without a need to obtain evidence." With regard to the imposition of capital punishment, Iranian law also discriminates against non-Muslims, in favor of Muslims [See above, *LGBT face death penalty over sex-related offenses*].

Proof of commission of capital crimes

As far as capital crimes are concerned, confessions take priority over other methods of proof. Defendants should confess four times in the case of fornication, sodomy, intercrural sex, and lesbian acts, and twice in the case of drinking, theft, and robbery, while a single confession of

191. A body with the power of veto over legislation, the GCC is responsible for supervising all national public elections, interpreting the Constitution, examining qualifications of candidates for Presidential, Parliamentary and Assembly of Experts (AE) elections, as well as ensuring the compatibility of the legislation passed by Parliament with the criteria of Islam and the Constitution. The GCC has six Islamic jurisprudent (cleric) members and six jurist members (non-clerics). The first six are directly appointed by the Supreme Leader. The non-cleric members are elected by Parliament from Muslim jurists nominated by the Head of the Judiciary, who is himself an appointee of the Supreme Leader.

192. Research Centre of Islamic Consultative Assembly, *Islamic Penal Code communicated for implementation*, 29 May 2013; available [in Persian] at: <http://rc.majlis.ir/fa/news/show/845002>

193. The book originally appeared in Arabic and is available in Persian at: <http://lib.eshia.ir/11177/1/4>. The website (<https://hawzah.net/>) of the Theological Teachers of Qom, dubbed as the religious capital of Iran, stipulates that apostasy carries the death sentence and explains Ayatollah Khomeini's 1989 death sentence on the writer Salman Rushdie in that context (<http://www.hawzah.net/Hawzah/Vijeh/vijeh.aspx?id=52197>).

the defendant is valid to prove guilt in other cases. Fornication, sodomy, intercrural sex, and lesbian acts may also be proved with the testimony of four men, while, in other cases, it would suffice for two men, and, in some cases, two men and four women, to testify (Article 199 of the IPC). In the absence of confession and testimony, intentional murder may also be proved with the oath of 50 male relatives of the victim (Article 336 of the IPC).

International legal framework

The use of the death penalty by Iranian authorities is in breach of various provisions of several international human rights treaties to which Iran is a state party. By virtue of Article 9 of the Iranian Civil Code, Iran is bound by the provisions of these treaties.¹⁹⁴

International Covenant on Civil and Political Rights

Iran has been a state party to the ICCPR since 1975. However, it has not become a state party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. Article 6(2) of the ICCPR stipulates that retentionist countries should impose the death penalty only for “the most serious crimes.” Authoritative international jurisprudence has consistently interpreted the expression “most serious crimes” as intentional crimes with lethal or other extremely grave consequences.¹⁹⁵ The UN Human Rights Committee, the body that oversees the implementation of the ICCPR, has insisted that states should ensure that the notion of “most serious crimes” must be interpreted restrictively and appertains only to crimes of extreme gravity, involving intentional killing.¹⁹⁶ According to the committee, “crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, and drug and sexual offences, can never serve, within the framework of Article 6, as the basis for the imposition of the death penalty.”¹⁹⁷ The committee further emphasized: “Under no circumstances can the death penalty ever be applied as a sanction against conduct whose very criminalization violates the Covenant, including adultery, homosexuality, apostasy, establishing political opposition groups, or offending a head of state.”¹⁹⁸ State parties that retain the death penalty for such offences commit a violation of their obligations under Article 6, as well as of other provisions of the ICCPR, the committee said.¹⁹⁹

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 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.”²⁰⁰

Article 6(5) of the ICCPR strictly prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age. To date, the Iranian authorities have not implemented any of the recommendations issued by the UN Human Rights Committee concerning the death penalty, including those related to its imposition on minors.

194. Article 9 of the 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.”

195. Human Rights Committee, *General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life*, 3 September 2019, UN Doc. CCPR/C/GC/36; available at: <https://undocs.org/CCPR/C/GC/36>

196. *Ibid.*, paras. 35–36.

197. Human Rights Council, 42nd session, *Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty*, 28 August 2019, UN Doc. A/HRC/42/28

198. Human Rights Committee, *General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life*, 3 September 2019, UN Doc. CCPR/C/GC/36, para. 36; available at: <https://undocs.org/CCPR/C/GC/36>

199. *Ibid.*

200. Economic and Social Council, *Resolution 1984/50, Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, UN Doc. ECOSOC/Res/1984/50, 25 May 1984; available at: https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/1980-1989/1984/ECOSOC_Resolution_1984-50.pdf

The last time the UN Human Rights Committee examined the report of Iran was in 2011. In its Concluding Observations, the committee expressed grave concern about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while they were under 18 years of age. The committee urged Iran to immediately end the execution of minors and to commute all existing death sentences for offenders on death row who had committed a crime while they were under the age of 18.²⁰¹ The committee recommended Iran consider abolishing the death penalty or at least revise the IPC to restrict the imposition of the death penalty to only the “most serious crimes.” In addition, the committee recommended Iran ensure that, whenever the death penalty is imposed, the requirements of Articles 6 and 14 [Right to fair trial] of the ICCPR “are fully met.” The committee also recommended Iran ensure that everyone sentenced to death, after exhaustion of all legal avenues of appeal, has an effective opportunity to exercise the right to seek pardon or commutation of sentence from the relevant authorities. Lastly, the committee urged Iranian authorities to prohibit the use of public executions, as well as stoning, as a method of execution.²⁰²

In Iran, the death penalty is mandatory for a significant number of crimes [See below, *Appendix: Table of capital crimes in Iran*] – a practice that has been criticized by relevant UN human rights monitoring mechanisms. In his 2005 annual report, then-UN Special Rapporteur on extrajudicial, summary or arbitrary executions, noted that when the death penalty is mandatory, “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.”²⁰³

Convention on the Rights of the Child

Article 1 of the CRC defines a child as a person below the age of 18 and Article 6 states that every child has “the inherent right to life.” Article 37 stipulates that capital punishment should not be imposed on children.

Iran ratified the CRC in 1994. Upon ratification, the Iranian government reasserted a reservation it made at the time of the signing of the convention, which reserves the authorities the “right not to apply any provisions or articles of the convention that are incompatible with Islamic Laws and the international legislation in effect.”

Since its ratification of the Convention, Iran has submitted four periodic reports (in 1997, 2002, 2013, and 2016). The UN Committee on the Rights of the Child reviewed Iran’s reports three times, including a review of the combined third and fourth reports, and issued its respective Concluding Observations in 2000, 2005, and 2016. However, Iran has never addressed the issue of the reservation it made, or responded to the repeated concerns put forth by the committee regarding the broad and imprecise nature of the reservation. In 2016, the committee urged Iran to “review the general nature of its reservation” and encouraged it to “withdraw it in a clear timeframe.” The committee also recommended that Iran bring its domestic laws and regulations into compliance with the CRC.²⁰⁴ The committee had issued similar recommendations in 2000 and 2005.

201. Human Rights Committee, 103rd session, *Concluding observations of the Human Rights Committee – Islamic Republic of Iran*, 29 November 2011, UN Doc. CCPR/C/IRN/CO/3, para. 13; available at: <https://undocs.org/CCPR/C/IRN/CO/3>

202. *Ibid.*, para. 12.

203. Commission on Human Rights, 61st session, *Extrajudicial, summary or arbitrary executions - Report of the Special Rapporteur, Philip Alston*, 22 December 2004; UN Doc. E/CN.4/2005/7, para. 63; available at: <https://undocs.org/E/CN.4/2005/7>

204. Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran*, 14 March 2016, CRC/C/IRN/CO/3-4, para. 10; available at: <https://undocs.org/en/CRC/C/IRN/CO/3-4>

To date, the Iranian authorities have not implemented any of the recommendations issued by the UN Committee on the Rights of the Child concerning the use of the death penalty on minors.

In its Concluding Observations in 2016, the committee urged Iran to: end the execution of children and persons who committed a crime while under the age of 18; take legislative measures to abolish the death sentence for persons who committed a *hudud* or *qisas* crime while under the age of 18, without leaving any discretion to the courts; commute all existing sentences for offenders on death row who committed a crime while under the age of 18; and repeal article 301 of the IPC, and ensure that all perpetrators of murders committed in the name of so-called “honor” receive penalties commensurate with the gravity of their crimes.²⁰⁵

Universal Periodic Review

The Iranian government has repeatedly rejected international concerns and recommendations related to the death penalty during the three Universal Periodic Review (UPR) cycles Iran has undergone. Iran was reviewed under the UPR in 2010, 2014, and 2019.

During the latest review in November 2019, Iran received 40 recommendations related to the death penalty.²⁰⁶ Recommendations included calls on the Iranian government to: abolish the death penalty; establish a moratorium on executions; ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty; commute all death sentences; ensure the death penalty is not imposed and carried out for minors; and restrict the application of the death penalty to “the most serious crimes.” In its response, the Iranian government did not accept 38 of the 40 recommendations and partially supported the remaining two, in relation to the parts that called for a reduction of capital crimes.²⁰⁷

UN General Assembly resolutions

Every year since 2003, the UN General Assembly has adopted a resolution on the human rights situation in Iran, which included the issue of the use of the death penalty. The latest resolution, adopted in December 2019, expressed serious concern at: the alarmingly high frequency of the imposition and carrying-out of the death penalty in violation of its international obligations; executions on the basis of forced confessions or for crimes that do not qualify as the most serious crimes, including crimes that are overly broad or vaguely defined; executions undertaken without notification of the prisoner’s family members or legal counsel; public executions; and the continued imposition of the death penalty against minors. The resolution called on the Iranian government to: cease the imposition of the death penalty against minors, including persons who at the time of their offence were under the age of 18; abolish, in law and in practice, public executions; and consider “rescinding unduly harsh sentences, including those involving the death penalty.”²⁰⁸

205. *Ibid.*, para. 36 and 38

206. Human Rights Council, 43rd session, *Report of the Working Group on the Universal Periodic Review - Islamic Republic of Iran*, 27 December 2019; UN Doc. A/HRC/43/12

207. Human Rights Council, 43rd session, *Report of the Working Group on the Universal Periodic Review - Islamic Republic of Iran - Addendum*, UN Doc. A/HRC/43/12/Add.1; available at: <https://undocs.org/en/A/HRC/43/12/Add.1>

208. General Assembly, 74th session, *Resolution adopted by the General Assembly on 18 December 2019 - Situation of human rights in the Islamic Republic of Iran*, 21 January 2020, UN Doc. A/RES/74/167; available at: <https://undocs.org/en/A/RES/74/167>

Amid the widespread international concern, Iran has regularly voted against the UN General Assembly resolutions that have called for a worldwide moratorium on the death penalty. These resolutions, first introduced in 2007, have been adopted every two years since 2008. Iran has voted against all seven resolutions adopted so far.

Recommendations

To the government of Iran

- Abolish the death penalty for all crimes. Pending abolition:
 - Impose an immediate official moratorium on executions and new death sentences.
 - Commute all death sentences.
 - Restrict the number of capital offenses to the “most serious crimes” as defined by international human rights standards.
 - Repeal the mandatory death sentence.
 - Ensure that legislation provides a clear definition for all criminal offenses, including those punishable by death.
 - Refrain from introducing new crimes entailing capital punishment.
 - Ensure adequate and expeditious judicial review of death penalty convictions.
 - Guarantee the right of anyone sentenced to death to seek pardon or commutation of sentence.
 - Ensure humane conditions for death row prisoners.
 - Publish complete and regular statistics regarding the number of death sentences imposed and carried out every year, disaggregated by gender, age, and criminal charges.
 - Provide legal aid to defendants who cannot afford a lawyer.
 - Respect international human rights standards, such as fair trial and due process guarantees.
 - Extend a standing invitation to all UN Special Procedure mandate-holders and accept, as a matter of priority, visit requests by the UN Special Rapporteurs on: the situation of human rights in Iran; extrajudicial, summary or arbitrary executions; and torture and other cruel, inhuman or degrading or punishment.
 - Respond promptly and substantively to individual communications by UN Special Procedures.
- Become a party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.
- Withdraw the reservation relating to the CRC.

To the international community, in particular the UN Human Rights Council and its member and observer states:

- Increase support for civil society initiatives working towards the abolition of the death penalty in Iran.
- Raise issues related to the death penalty in the framework of debates under various agenda items of the UN Human Rights Council, in particular during panels on the issue of the death penalty and interactive dialogues with the UN Special Rapporteurs on: the situation of human rights in Iran; extrajudicial, summary or arbitrary executions; and torture and other cruel, inhuman or degrading or punishment.

To the European Union and its member states

- Raise the issue of the death penalty in all relevant interactions with Iranian authorities, in accordance with the EU Guidelines on the death penalty.
- Increase support for civil society initiatives working towards the abolition of the death penalty in Iran.

Appendix: Table of capital crimes in Iran

	Crime	Article	Law
1	Murder	91 & 301-311	IPC (2013)
	Sex-related crimes		
2	Incest	224	IPC (2013)
3	Fornication with a stepmother	224	IPC (2013)
4	Extramarital sexual relations between a non-Muslim man and a Muslim woman	224	IPC (2013)
5	Fornication by force (rape)	224	IPC (2013)
6	Adultery	225	IPC (2013)
7	Sex between men (sodomy)	234	IPC (2013)
8	Intercrural sex between men (4 th conviction)	136	IPC (2013)
9	Lesbianism (4th conviction)	136	IPC (2013)
	Religious crimes		
10	Cursing the Prophet	262	IPC 2013
11	Apostasy	26	Press Code
	Political crimes		
12	<i>Moharebeh</i> (taking up arms)	282	IPC (2013)
13	Banditry	282	IPC (2013)
14	Robbery	282	IPC (2013)
15	Armed smuggling	282	IPC (2013)
16	"Spreading corruption on Earth"	286	IPC ((2013)
17	Financial support for terrorism	2	Law for Combating Financial Support for Terrorism
18	Insurrection	286	IPC (2013)

	Crime	Article	Law
	Other crimes		
19	Assassination attempt on Iranian leaders	515	IPC (1996)
20	Assassination attempt on foreign leaders	516	IPC (1996)
21	Drinking alcoholic beverages (4 th conviction)	136	IPC (2013)
22	False accusation of sodomy or fornication (4 th conviction)	136	IPC (2013)
23	Theft (4th conviction)	278	IPC (2013)
	Audio-visual offences and cyber crimes		
24	Production of obscene products by force	3	Audio-visual Offences Law
25	Production of obscene products for the purpose of sexually abusing others	3	Audio-visual Offences Law
26	Being the principal stakeholders in production and distribution of obscene products	3	Audio-visual Offences Law
27	Blackmail leading to fornication, will be sentenced for rape	4	Audio-visual Offences Law
28	Distribution of obscene products by public or private sector employees and officials with malicious intent or for financial gains	8	Audio-visual Offences Law
29	Publishing, distributing or trading obscene items or producing, storing or keeping them for the purpose of trading by means of computers or telecommunications	14	Cyber Crimes Law
	Drug-related crimes		
30	Using arms in cases concerning production, buying and selling, importing and exporting, and transporting of opium poppies or cannabis for the purpose of producing narcotic or synthetic, non-medical psychotropic drugs	45	Law for Annexing One Article to Anti-Narcotics Law
31	Being gang leaders, financial sponsors, and investors	45	Law for Annexing One Article to Anti-Narcotics Law
32	Being a repeat offender who has been previously convicted and sentenced to death or more than 15 years in prison under the Anti-Narcotics Law	45	Law for Annexing One Article to Anti-Narcotics Law

	Crime	Article	Law
33	Possession of more than 50 kg opium and other traditional drugs, or in excess of two kg heroin, or in excess of three kg of crystal and its derivatives and other synthetic drugs	45	Law for Annexing One Article to Anti-Narcotics Law
	Economic crimes		
34	Disrupting the national economic system	286	IPC (2013)
35	Disrupting the monetary or exchange system through major acts of smuggling	2	Law for Punishment of Disrupters of the National Economic System
36	Disrupting the distribution of staple diets through overpricing on a macro level or speculating	2	Law for Punishment of Disrupters of the National Economic System
37	Disrupting the production system	2	Law for Punishment of Disrupters of the National Economic System
38	Any actions to take away from the country the cultural heritage of national assets	2	Law for Punishment of Disrupters of the National Economic System
39	Collecting macro sums causing wasting of people's assets or disruption of the economic system	2	Law for Punishment of Disrupters of the National Economic System
40	Committing organized and gang actions to disrupt the export system	2	Law for Punishment of Disrupters of the National Economic System
41	Forging domestic notes or other financial deeds and valuable bonds or importers of such foreign notes and deeds intent on disrupting the economic conditions or the political and societal security	526	IPC (1996)
42	Producing, preparing, or mixing foodstuffs, drinks, cosmetics, or sanitary items that result in the death of the consumer	3	Law on Foodstuffs, Drinks, Cosmetics, and Sanitary Items
43	Intentionally setting fire to or destroying by other means major oil industry facilities	1	Law for the Punishment of Disrupters of the Oil Industry
44	Sabotage of major oil industry facilities leading to death of a person	4	Law for the Punishment of Disrupters of the Oil Industry
45	Any actions with the intention of disrupting public order in the state water, electricity, and telecommunication facilities leading to death of a person	1	Law for the Punishment of Disrupters of Water, Electricity, and Telecommunication Facilities

	Crime	Article	Law
46	Intentionally carrying items or placing them in or sending them by aircraft, which cause harm and lead to death of a person	1	Law for the Punishment of Disrupters of Flight Security
47	Any actions of sabotage that causes train to derail or another important incident leading to death of a person	1	Law for the Punishment of Offenses concerning Railways
48	Dealing, storing, transporting or distributing radioactive items on a major level	13	Law for the Increase of Punishment for Arms Smuggling
49	Armed resistance against government agents in cases covered under this law	15	Law for the Increase of Punishment for Arms Smuggling
	Inciting the armed forces		
50	Inciting the fighting forces or other persons serving the armed forces somehow to rebel, desert, surrender or not to perform military duties	504	IPC (1996)
51	Devising plans to topple the government or effective involvement in an association for that purpose	17	Armed Forces Offenses Law
52	Taking action to harm the territorial integrity of the country	19	Armed Forces Offenses Law
53	Surrendering the personnel or bases under their command or submitting documents to the enemy	21	Armed Forces Offenses Law
54	Colluding with the enemy	21	Armed Forces Offenses Law
55	Helping a government at war with the country or the <i>mohareb</i> and corrupt groups	21	Armed Forces Offenses Law
56	Taking armed action against the Islamic Republic	22	Armed Forces Offenses Law
57	Forcing or inciting armed forces personnel or others at the service of the armed forces to desert, surrender or disobey duties	23	Armed Forces Offenses Law
58	Providing the enemy with documents and information harmful to the security of military facilities	24	Armed Forces Offenses Law
59	Submitting secrets of the armed forces to the enemy	24	Armed Forces Offenses Law
60	Entering various facilities as an outsider to obtain information for the enemy	24	Armed Forces Offenses Law
61	Collaborating in spying with military personnel	24	Armed Forces Offenses Law

	Crime	Article	Law
62	Assisting in spying and hiding spies	24	Armed Forces Offenses Law
63	Disobeying commands leading to the enemy's domination of territory or the army's personnel	29	Armed Forces Offenses Law
64	Failure by commanders and military officials to use weapons or other facilities to fight and surrendering facilities to enemy	30	Armed Forces Offenses Law
65	Conclusion by commanders and military officials of a surrender pact with enemy leading to disarming or captivity of their forces	31	Armed Forces Offenses Law
66	Refusal by military personnel to use arms and other means to fight leading to the defeat of the "Islamic front"	32	Armed Forces Offenses Law
67	Collective collusion by armed military personnel to disobey their commanders	33	Armed Forces Offenses Law
68	Attack by commanders and military officials without permission on the military forces or citizens of a state not at war with Iran	34	Armed Forces Offenses Law
69	Continuing to fight by commanders and military officials after receiving orders to cease war operations	35	Armed Forces Offenses Law
70	Refusal of any military personnel to march on the enemy	37	Armed Forces Offenses Law
71	Failure by commanders and military and police officials to implement legally required and approved decisions	39	Armed Forces Offenses Law
72	Failure by any military personnel to report for duty to be dispatched to war zones	43	Armed Forces Offenses Law
73	Leaving a guard's post without permission	43	Armed Forces Offenses Law
74	Wilfully sleeping while on guard duty against enemies and the <i>moharebs</i>	44	Armed Forces Offenses Law
75	Falsifying claims of sickness by any military personnel to avoid duty	51	Armed Forces Offenses Law
76	Desertion from service by permanent military personnel during war and armed conflict	65	Armed Forces Offenses Law
77	Fleeing by any military personnel taking the equipment of the armed forces	72	Armed Forces Offenses Law

	Crime	Article	Law
78	Fleeing by any military personnel toward the enemy, which causes the defeat of the Islamic front or strengthening of the enemy	73	Armed Forces Offenses Law
79	Desertion of more than two persons with prior collusion	74	Armed Forces Offenses Law
80	Presentation by any military personnel of untrue reports to commanders and other military officials	78	Armed Forces Offenses Law
81	Causing financial damages to equipment and properties of the armed forces by military personnel	87	Armed Forces Offenses Law
82	Theft of arms and ammunition by any military personnel	92	Armed Forces Offenses Law
83	Setting fire to any facilities of the armed forces by any military personnel	94	Armed Forces Offenses Law
84	Forgery, misuse of orders, signatures or seal of the commander-in-chief or other commanders by any military personnel	115	Armed Forces Offenses Law

Keep your eyes open

fidh

Establishing the facts - Investigative and trial observation missions

Supporting civil society - Training and exchange

Mobilizing the international community - Advocacy before intergovernmental bodies

Informing and reporting - Mobilizing public opinion

For FIDH, transforming societies relies on the work of local actors.

The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.

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LDDHI

جامعه دفاع از حقوق بشر در ایران

(عفو لدراسيون بين المللى جامعه هاي حقوق بشر)

League for the Defence of Human Rights in Iran

League for the Defence of Human Rights in Iran (LDDHI) was founded in Paris in March 1983, following the forced closure of the "Iranian Association for the Defence of Human Rights and Liberties" (established 1977) in Iran in 1981, and the departure of its leaders into exile. Since its establishment, LDDHI has consistently reported and campaigned against human rights violations in Iran, concentrating on the abolition of the death penalty in Iran, women's rights, freedom of political prisoners, rights of religious and ethnic minorities, freedoms of expression, assembly, and association among others. LDDHI joined FIDH in 1986.

fidh

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FIDH is an
international human rights
NGO
federating 192 organisations
from 117 countries

fidh

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 192 member organizations in 117 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organizations, FIDH is not linked to any party or religion and is independent of all governments.