

ANNUAL REPORT ON THE DEATH PENALTY IN IRAN 2017



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Cover picture: A public hanging in front of a crowd in Ardabil (Northwestern Iran).

A number of spectators are capturing the moment with their mobile phones.

Photo: Ali Shirband. Source: Mizan Online, September 20, 2017¹.

This report has been prepared by Iran Human Rights (IHR)².

Since 2012, Iran Human Rights (IHR) and Together Against the Death Penalty (ECPM)³ have been working together for the publication, international release and circulation of the annual reports on the death penalty in Iran.

We thank Impact Iran for the translation of the Judiciary's circular on implementation of the new amendment to the Anti-Narcotic Law, and Lil Lundein (Advocates for the Human Rights) for editing of the Law articles.

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¹ Mizan Online, September 2017. Short link: <http://tiny.cc/uh6jry>

² <http://iranhr.net/en/>

³ <http://www.abolition.fr>, and also <http://www.ecpm.org>

PREFACE

The 10th annual report on the death penalty by Iran Human Rights (IHR) and ECPM provides an assessment and analysis of the death penalty trends in 2017 in the Islamic Republic of Iran.

The report sets out the number of executions in 2017, the trend compared to previous years, charges, geographic distribution and a monthly breakdown of executions. Lists of the female and juvenile offenders executed in 2017 are also included in the tables at the end of the report. Drug-related executions before and after the new amendments were passed in Parliament, approval by the Guardian Council and its enforcement are reviewed. The old Anti-Narcotics law and new amendment, along with its strengths and weaknesses, are discussed.

As in previous reports⁴, data showing the role of the Revolutionary Courts on Iran's use of the death penalty and the death penalty trends under President Rouhani are provided. Death penalty for murder, which is punished by *qisas* (retribution in kind), receives special attention.

The report also looks into the abolitionist movement within Iran and some information about the crackdown on human rights defenders.

The number of "forgiveness" cases, where the family of murder victims chose forgiveness instead of retribution, is provided and compared to those of death sentences in murder cases.

The 2017 report is the result of hard work from IHR members and supporters who took part in reporting, documenting, collecting, analyzing and writing its content. We are especially grateful to IHR sources inside Iran who, by reporting on unannounced and secret executions, incur a significant risk. Due to the very difficult context, the lack of transparency and the obvious risks and limitations that human rights defenders face in the Islamic Republic of Iran, this report does not give a complete picture of the use of the death penalty in Iran by any means. There are reported execution cases which are not included in this report due to a lack of sufficient details or an inability to confirm cases through two different sources. However, this report tries to give the most complete and realistic figures possible in the present circumstances⁵.

ANNUAL 2017 REPORT AT A GLANCE

- At least 517 people were executed in 2017, an average of more than one execution per day
 - 111 executions (21%) were announced by official sources.
 - Approximately 79% of all executions included in the 2017 report, i.e. 406 executions, were not announced by the authorities.
 - At least 240 people (46% of all executions) were executed for murder charges - 98 more than in 2016.
 - At least 231 people (45% of all executions) were executed for drug-related charges - 65 less than in 2016.
 - 31 executions were conducted in public spaces.
 - At least 5 juvenile offenders were among those executed.
 - At least 10 women were executed.
 - At least 254 executions in 2017 and more than 3,400 executions since 2010 have been based on death sentences issued by the Revolutionary Courts.
 - At least 221 death row prisoners were forgiven by the families of the murder victims.
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⁴ Annual report on the death penalty 2015 (<http://www.ecpm.org/wp-content/uploads/RAPPORT-IRAN-2015-Eng.pdf>), Annual report on the death penalty 2016 (<http://www.ecpm.org/wp-content/uploads/RAPPORT-IRAN-2016-Eng.pdf>)

⁵ See below in § Sources

INTRODUCTION

The 10th annual report on the death penalty in Iran by Iran Human Rights (IHR) and ECPM shows that in 2017 at least 517 people were executed in the Islamic Republic of Iran. This number is comparable with the execution figures in 2016 and confirms the relative reduction in the use of the death penalty compared to the period between 2010 and 2015. Nevertheless, with an average of more than one execution every day and more than one execution per one million inhabitants in 2017, Iran remained the country with the highest number of executions *per capita*.

In 2017, the process of introducing new amendments to the Anti-drug law entered a new phase. The amendments had the support of the majority of the Iranian Parliament members and were scheduled to be put to the vote during the first half of the year. However, the Iranian authorities continued carrying out death sentences for drug-related charges while the bill was being reviewed by the Judicial Commission of the Iranian Parliament and despite the fact that Iranian members of parliament had requested that the Judiciary stop drug-related executions until the fate of the new bill was clear. However, this request did not stop the Judiciary from carrying out death sentences for at least 231 prisoners, the sentences of many of whom would have been commuted according to the new law which was later passed by Parliament and approved by the Guardian Council. In the months of January and July alone, at least 120 people were executed for drug offences.

Nevertheless, drug-related executions showed a 22% reduction compared with 2016 and as of February 2018 IHR has not received any reports of drug-related executions since the new amendments on the Anti-drug law were enforced on 14 November 2017. Whether the halt in drug-related executions is permanent remains to be seen.

Commenting on the reduction in drug-related executions in 2017, Mahmood Amiry-Moghaddam, IHR's Director and spokesperson, said: "*We welcome the new amendments in the Anti-Narcotics law which, if implemented properly, will commute several thousand death sentences. The Iranian authorities must make sure that the cases of all drug offenders on death row are reviewed automatically and the process must be closely monitored by the international community. Moreover, this must be the first step towards abolition of the death penalty for all drug offenses.*"

While the number of drug-related executions dropped significantly, the total number of executions did not. This is largely due to the significant increase in implementation of death sentences in murder cases, so-called *qisas* executions. For the first time since 2009, the number of *qisas* executions exceeded those for drug charges with a 29% reduction in drug-related executions and a 69% increase in *qisas* executions. The increase in the number of *qisas* executions has been evident in most prisons across the country in a way that appears to be the result of coordinated action by the authorities.

The Iranian authorities kept a relatively larger portion of executions secret compared to previous years. Only 21% of executions were announced by official Iranian sources.

In violation of its international obligations, Iran continued to execute juvenile offenders in 2017. According to our report, at least five juvenile offenders were executed in 2017 in Iran. One of the juvenile offenders was reportedly sentenced to death for drug offences while the other four were sentenced to *qisas* for murder charges. Execution of juvenile offenders has continued in 2018 as at least three juvenile executions were reported in January alone this year. The Iranian authorities also carried out 31 executions in public spaces in front of hundreds of citizens, including children.

As in previous years, the 2017 report examines the role of the Revolutionary Courts as a major source of arbitrariness and violations of due process within the Iranian judicial system. The Revolutionary Courts have been responsible for the vast majority of death sentences issued and carried out over the last 38 years in Iran. According to IHR's 2017 report, at least 254 executions in 2017 and more than 3,400 executions since 2010 have been based on death sentences issued by the Revolutionary Courts. The Revolutionary Courts are not transparent and Revolutionary Court judges are known for abusing their legal powers. Short trials, a lawyer's lack of access to documents and sentences based on confessions extracted under torture are the hallmarks of the Revolutionary Courts.

To launch the 2017 annual report on the death penalty in Iran, **Iran Human Rights** (IHR) and **ECPM** (Ensemble contre la peine de mort) call on Iran's European dialogue partners to push for a moratorium on use of the death penalty and for major reforms in the country's judicial system which does not meet minimum international standards.

Mahmood Amiry-Moghaddam said: "*Besides monitoring implementation of the new Anti-Narcotics law for death row drug offenders, the Iranian authorities and the international community must put abolition of the death penalty for all offenders under the age of 18 and an end to the practice of public executions at the top of their agenda. Moreover, a sustainable reduction in use of the death penalty is impossible as long as there is no due process. The Revolutionary Courts, which sentence hundreds of people to death every year, are among the key institutions responsible for Iran's violations of due process and must be shut down.*"

During the final days of 2017, Iran witnessed a widespread uprising which lasted more than two weeks. According to official sources, more than 4,000 people were arrested. On January 9, 2018, the Deputy Head of the Judiciary said in an interview with Fars News Agency that "*the rioters, riot leaders and those who organized and led the recent riots will be punished severely and they will receive the heaviest sentence.*" Several Iranian officials have echoed this in the past few weeks. IHR and ECPM are concerned about the safety of those arrested following the nationwide uprising and warn against a new wave of executions in Iran.

ECPM's Executive Director, Raphaël Chenuil-Hazan, said: "*The situation of human rights defenders (lawyers and environmentalists) and the lack of transparency is symptomatic of use of the death penalty for political purpose in Iran. The situation of Dr. Ahmadreza Djalali, in this area, is symptomatic of the fear of the regime for intellectuals, leaders, lawyers, professors. The EU and every abolitionist democracy should always denounce this situation in every contact with the Iranian authorities.*"

Violations of international human rights law

Iran ratified the International Covenant on Civil and Political Rights in 1975 but has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming for abolition of the death penalty (OP2). Iran ratified the International Convention on the Rights of the Child in 1994 but continues to pronounce the death penalty and execute minors. The State did not ratify the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In December 2016, as in previous years, Iran voted against the United Nations Resolution adopted by the General Assembly on 19 December 2016 to establish a universal moratorium on use of the death penalty⁶. The next vote will take place in 2018. During the last UPR review in 2014, Iran only accepted one of the 30 recommendations relating to death penalty. Iran agreed to "*take measures to ensure due process and fair trial, particularly in any process that would lead to the application of the death penalty*"⁷.

⁶ United Nations General Assembly, Resolution A/RES/71/187

⁷ A/HRC/28/12/Add.1

SOURCES

There is a lack of transparency on the numbers of sentences and executions, and case law. The Iranian authorities do not announce all the executions implemented. Over the last five years, an average of 40% of all executions has been announced by the official Iranian media. However, in 2017 only 21% of the executions included in this report were announced by official sources. Therefore, we distinguish between “official” and “unofficial” or “unannounced” executions. Official executions are those announced by the official websites of the Iranian judiciary, the Iranian police, the National Iranian Broadcasting Network, official or State-run news agencies and national or local newspapers. Unofficial or unannounced executions include cases that have not been announced by official sources but have been confirmed by IHR through unofficial channels and communications. These include other human rights NGOs⁸ or IHR’s sources within Iran. The sources of unofficial reports are often eyewitnesses, family members, lawyers, sources within prisons and unofficial communication with people within the Iranian judiciary. IHR has only included unofficial reports that have been confirmed by two independent sources.

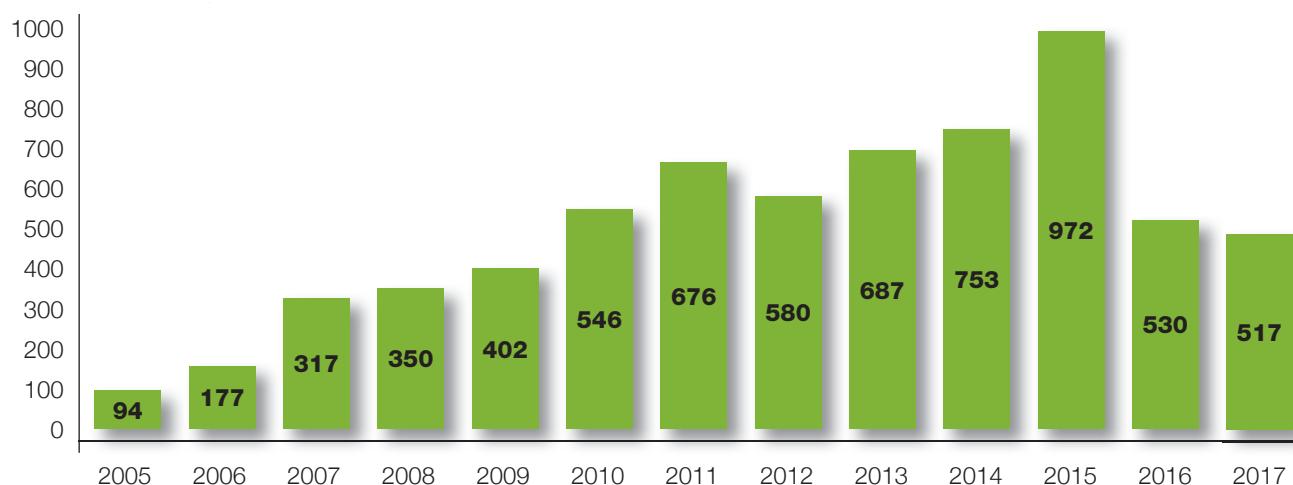
Due to the lack of transparency in the Iranian judicial system and the pressure put on families, more than 10 execution reports received by IHR could not be verified. Therefore, these cases are not included in the present report.

It is important to emphasize that the charges mentioned in this report are those issued by the Iranian judiciary. Many of the trials leading to death sentences are unfair according to international standards. The use of torture to force confessions is widespread in Iran. Due to the lack of transparency in the Iranian judiciary, most of the charges mentioned in this report have not been confirmed by independent sources.

⁸ Sources include Human Rights Activists News Agency, Kurdistan Human Rights Network, The Baloch Activists Campaign, and Human Rights and Democracy Activists in Iran

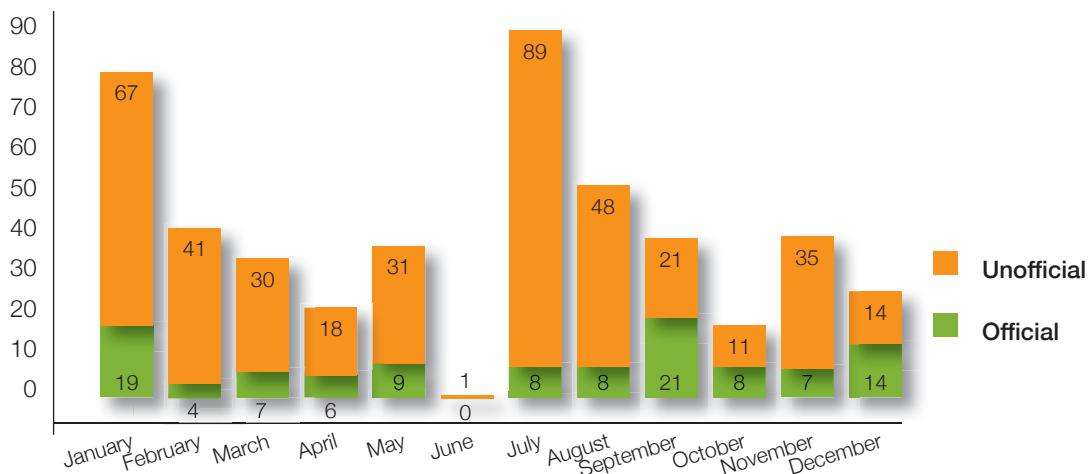
FACTS AND FIGURES

EXECUTION TRENDS IN THE LAST 12 YEARS



The number of executions in 2017 was at the same level as in 2016 and lower than the previous six years but still significantly higher than the years before 2010. Numbers prior to 2008 are reported by Amnesty International while the numbers in the last 10 years are based on the IHR reports. One cannot rule out the possibility that the pre-2008 figures are underestimates since they are mainly based on official reports.

MONTHLY BREAKDOWN OF EXECUTIONS IN 2017



The monthly breakdown of executions illustrates the high proportion of execution cases not announced by official sources (unofficial) throughout the year. There was only one execution reported in the month of June. This could be attributed to the Muslim holy month of Ramadan⁹ which in 2017 fell between May 26 and June 24. IHR's overview of the execution trends in the last 10 years shows that execution numbers are low in the weeks before the Parliamentary or Presidential elections, and during Iranian New Year holidays (March 21 and April 3) and the Muslim holy month of Ramadan. With 97 and 86 monthly executions, the months of July (3.1 daily executions) and January (2.8 daily executions) were the bloodiest months in 2017.

⁹ <https://iranhr.net/en/articles/982/>

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EXECUTIONS UNDER HASSAN ROUHANI'S PRESIDENTIAL PERIOD: WILL DIALOGUE WITH THE WEST BE MORE FOCUSED ON THE DEATH PENALTY?

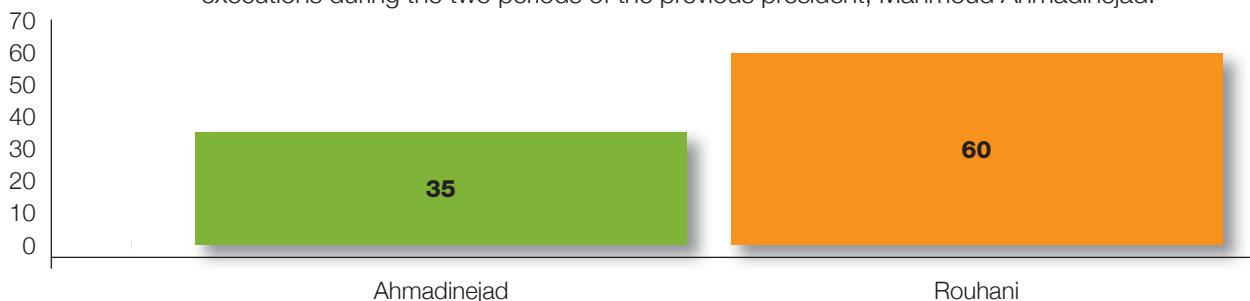
This 2017 annual report is being published six months into the second term of Hassan Rouhani's first presidential period. According to reports by IHR, at least 3,227 people have been executed during the 4.5 years of the presidency of Hassan Rouhani.



The figures above show the reported execution numbers during the two presidency terms of Mahmoud Ahmadinejad (from June 2005 to June 2013) and 4.5 years of the presidency of Hassan Rouhani (July 2013 to December 2017). The figures are based on reported numbers and the actual numbers are probably higher. There are bigger margins for error for the numbers under the first round of Ahmadinejad's presidency.

AVERAGE MONTHLY EXECUTIONS UNDER AHMADINEJAD AND ROUHANI

A review of Mr. Rouhani's 4.5 years as President shows that average monthly number of the executions under his presidency was around 60, compared to an average of 35 monthly executions during the two periods of the previous president, Mahmoud Ahmadinejad.



In 2013, following the election of Hassan Rouhani, relations between the EU and Iran improved. However, in the first three years of his presidency the issue of the death penalty was not on the agenda of the bilateral dialogue between the EU and Iran. No specific reforms or changes to application of the death penalty occurred during this period. The EU admitted that human rights and the issue of the death penalty were not on the agenda prior to 2016. For the first time in April 2016, the EU signaled that, after the nuclear agreement and the lifting of sanctions, "*frank exchanges on human rights issues*" will be part of the renewed EU-Iran dialogue¹⁰. In its October 2016 report on Iran-EU relations, the EU mentioned that it "sees it as a major objective within the political dialogue to reduce the application of the death penalty; calls for an immediate moratorium on the carrying out of death sentences in Iran". There has been a relative reduction in the number of executions since the end of 2016. IHR and ECPM believe that increased and sustainable focus on the situation of the death penalty by the EU will lead to a further reduction in the number of executions in Iran.

10 http://europa.eu/rapid/press-release_MEMO-16-1368_en.htm

PUBLIC EXECUTIONS

In 2008, a judicial moratorium on public executions was adopted by the Iranian authorities. However, since then, and despite continuous international criticism, many public executions have been organized by the authorities.

Public executions have repeatedly been criticized by the UN. Both the UN Secretary General and the Special Rapporteur on the human rights situation in Iran have expressed concern about the continued practice of public executions in Iran¹¹. In his 2017 report to the General Assembly, the UN Secretary General stated that "*the Secretary-General remains resolutely opposed to the dehumanizing, cruel, inhuman and degrading practice of public executions*"¹². During Iran's second UPR¹³, the Government did not accept the recommendations to abolish public executions¹⁴.

In 2017, the Iranian authorities executed 31 people in public spaces. These executions were conducted by hanging and scheduled executions were often announced in advance in order to attract public attention¹⁵. In Iran, a section of society, civil society and Iranian experts strongly condemn these public executions and there is an ongoing debate¹⁶.



Photo: Jouybaran website

A prisoner was hanged publicly on August 1, 2017. An estimated 5,000 people witnessed the execution in the Iranian northern city of Jouybar¹⁷.



Photo: JamNews.

A prisoner was hanged in public in the city of Arak, Markazi province, on April 13, 2017¹⁸. With a noose around his neck, the prisoner is slowly pulled up by a crane. It takes several minutes until he dies.

In the following sections we present the statistics, geographic distributions and official charges of those executed publicly. We also include some of the pictures published by the State-controlled Iranian media showing public executions in front of children.

11 <http://www.ohchr.org/Documents/Countries/IR/ReportSG2017.pdf>

12 <http://www.ohchr.org/Documents/Countries/IR/ReportSG2017.pdf>

13 A/HRC/DEC/28/108

14 UPR-info: Hungary, Norway and Germany called for a moratorium or immediate end on public executions

15 Public executions: deterrent or promoting violence? Islamic Republic News Agency: <http://www.irna.ir/fa/News/82644287>

16 Why children shouldn't watch public executions? Khabar online website:

<https://www.khabaronline.ir/detail/709572/society/social-damage>

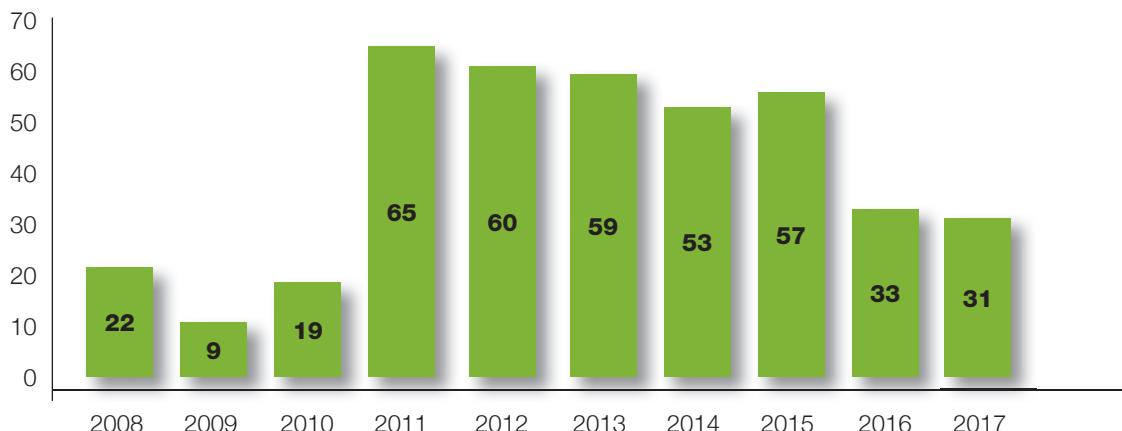
17 UPR-info: Hungary, Norway and Germany called for a moratorium or immediate end on public executions

<https://iranhr.net/fa/articles/2995/>

18 <https://iranhr.net/en/articles/2838/>

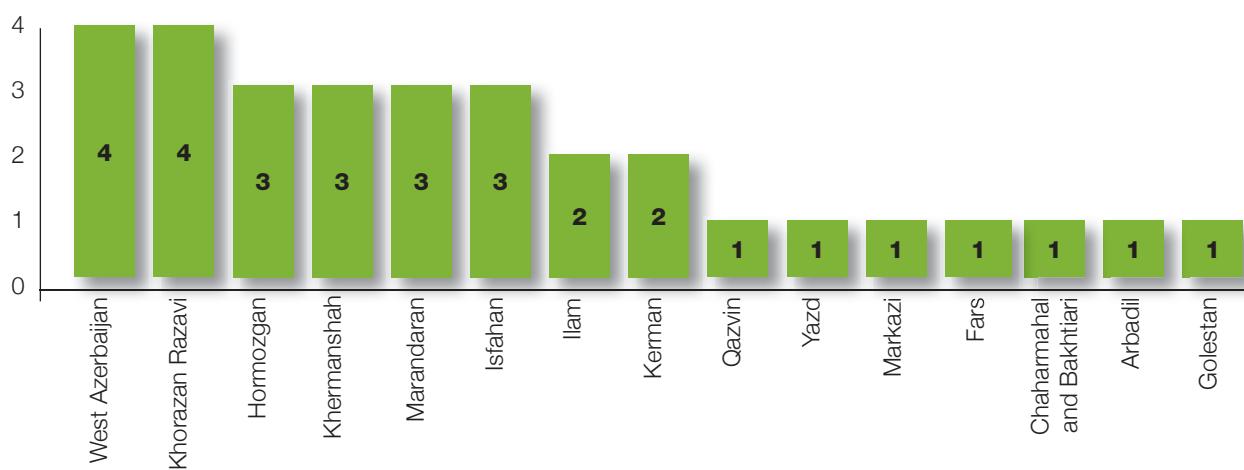
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PUBLIC EXECUTIONS SINCE 2008



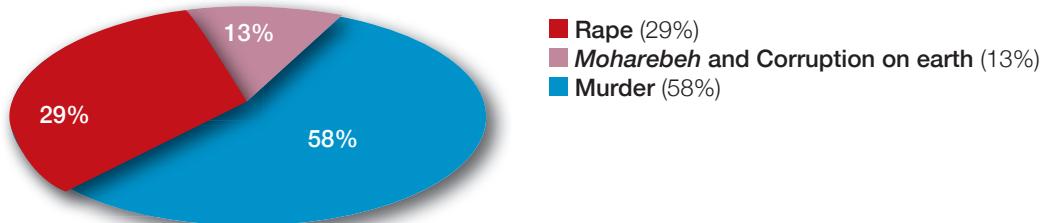
The diagram above shows public executions since 2008. The number of public executions in 2017 was at the same level as in 2016 and significantly lower than the number in the previous five years.

GEOGRAPHIC DISTRIBUTION OF PUBLIC EXECUTIONS



As in previous years, Fars province (Southern Iran) was the site of highest number of public executions. Tehran and Karaj show the largest decrease compared to 2016.

OFFICIAL CHARGES FOR PUBLIC EXECUTIONS:



The majority of those executed in public were convicted of murder and were sentenced to *qisas* (retribution in kind), followed by rape or sexual assault and Moharebeh (waging war against God).

CHILDREN WATCHING PUBLIC EXECUTIONS

In 2015, in response to a joint statement by two of the UN Special Rapporteurs condemning the practice of public executions by the Iranian authorities, the "High Council for Human Rights" of the Iranian Judiciary issued an official statement saying, "*public executions take place only in some limited and special circumstances, including incidents which distort public sentiment, to act as a deterrent to decrease the number of drug-related crimes. It should also be noted that the mentioned sentences are provided to avoid the presence of minors at the scene of executions*"¹⁹.

However, photos taken from the execution scene demonstrate that children are often present at these events. The executions are often announced in advance and take place early in the morning in front of dozens of citizens. Photos published by State-controlled media in 2017 show children on several occasions.



A child watching a public execution in the northwestern city of Parsabad, Ardabil province. September 20, 2017²⁰.

Photo: IRNA



Another child watching the public execution in Parsabad. September 20, 2017²¹.

Photo: Mohsen Zare / TasnimNews



A public execution carried out in Islamabad-Gharb on May 2, 2017. The prisoner was convicted of murder²². More pictures are available on the Eslamabadkhabar news website²³.

19 <http://en.humanrights-iran.ir/news-22714.aspx>

20 <http://www.irna.ir/fa/Photo/3525876>

21 Tasnim News- Short link: <http://tiny.cc/hj6jry>

22 <https://iranhr.net/fa/articles/3053/>

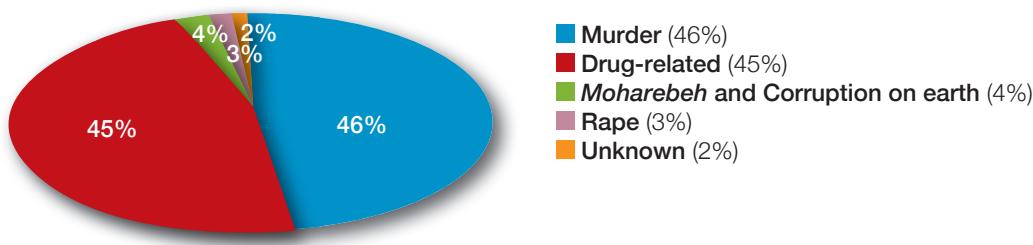
23 Eslamabadkhabar news website- May 2, 2017

CHARGES

The number of crimes carrying the possibility of execution in Iran is among the highest in the world. Charges such as “adultery, incest, rape, sodomy, insulting the Prophet Mohammad and other great Prophets, possessing or selling illicit drugs, theft for the fourth time, premeditated murder, moharebeh (waging war against God), ifsad-fil-arz (corruption on earth), fraud and human trafficking” are capital offences²⁴. Many of the charges cannot be qualified as a “most serious crime” and do not meet the ICCPR standards²⁵. Iran ratified the International Covenant on Civil and Political Rights which states in Art 6§ 2: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

An overview of the new Islamic Penal Code (IPC) and offences punishable by death was provided in the 2013 annual report²⁶.

EXECUTIONS IN 2017 BASED ON CHARGES



The chart above shows what charges were used for executions in 2017. For the first time in the past eight years, drug offences did not account for the majority of executions in 2017.

Murder charges were the most common charge used for implemented death sentences, counting for 46% of all executions. Drug charges were the second most common charge being used for 45% of all executions in 2017. This is slightly lower than previous years. Drug offences counted for 88% of executions in 2011, 76% in 2012, 48% in 2013, 49% in 2014, 66% in 2015 and 56% in 2016²⁷. Moharebeh and corruption on earth were used for armed robbery and armed drug smuggling. Due to lack of sufficient information, charges for 9 people have been declared unknown.

Some charges, such as murder and rape, are tried by the Criminal Courts while Moharebeh, corruption on earth and drug charges are processed by the Revolutionary Courts.

24 United Nations, Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary-General, U.N. Doc. A/68/377, Sept. 10, 2013, ¶ 14.; see also Iran Human Rights and Together Against the Death Penalty, Annual Report on the Death Penalty in Iran – 2013, 15-18.

25 and Political Rights, Article 6 International Covenant on Civil and Political Rights

26 Annual Report on the Death Penalty in Iran – 2013, 10-13

27 Iran Human Rights annual reports on the death penalty: <https://iranhr.net/en/reports/#/>

REVOLUTIONARY COURTS

The Revolutionary Courts were established in 1979 by the first Supreme leader, Ayatollah Khomeini. They were temporary courts designed to deal with the officials of the former regime. However, they continue to operate and are responsible for the vast majority of the death sentences issued and carried out over the last 38 years in Iran²⁸. The Revolutionary Courts are not transparent and Revolutionary Court judges are known for greater abuse of their legal powers than other judges²⁹. Revolutionary Court judges routinely deny attorneys access to individuals who are subjected to extensive interrogations under severe conditions. According to the former UN Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed, who interviewed 133 people facing trial in the country for a 2014 report focused on Iran's juridical system, 45% of those interviewed reported that they were not permitted to present a defense; in 43% of cases trials lasted only minutes and 70% of interviewees reported that coerced information or confessions had been reportedly used by the judge or made up at least part of the evidence presented by the prosecution. Some 65% of interviewees reported that the judge displayed signs of bias such as by reproaching or interrogating defendants and limiting their ability to speak and present a defense³⁰.

In a series of interviews with the IHR bi-weekly Farsi law journal "*Hoghogh-e-ma*"³¹, several prominent Iranian lawyers and jurists in the country questioned the constitutionality of Iran's Revolutionary Courts and called for their dissolution³².

Asma Jahangir, a prominent Pakistani human rights defender and the Special Rapporteur on the human rights situation in Iran, stated in an interview that "*the Revolutionary Courts*" have forced Iran into a critical situation³³ and added that "*without reforming the judicial system, improving the human rights situation in Iran will be impossible*"³⁴.

All cases regarded as security-related, such as cases involving political and civil activists and others allegedly involved in corruption and drug-related charges, are processed by the Revolutionary Courts.

THE REVOLUTIONARY COURTS ARE RESPONSIBLE FOR THE MAJORITY OF SENTENCES LEADING TO EXECUTIONS

The Revolutionary Courts are most infamous for the summary execution of the political opposition in the 1980s³⁵. However, data collected by IHR shows that every year several hundred people are executed on the basis of death sentences issued by the Revolutionary Courts.



The diagram above is based on IHR reports since 2010 and shows that 3,464 of the 5,213 executions (66%) in the last seven years were based on death sentences issued by the Revolutionary Courts.

28 Iran's Revolutionary Courts: 38 years of unfair trials and arbitrary executions, *The Globe Post*, February 2018

29 Six Judges accused of leading role in Iranian crackdown on free speech, *The Guardian*, July 2014, <https://www.theguardian.com/world/2014/jul/31/six-judges-iran-crackdown-journalists-activists>

30 A/HRC/25/61

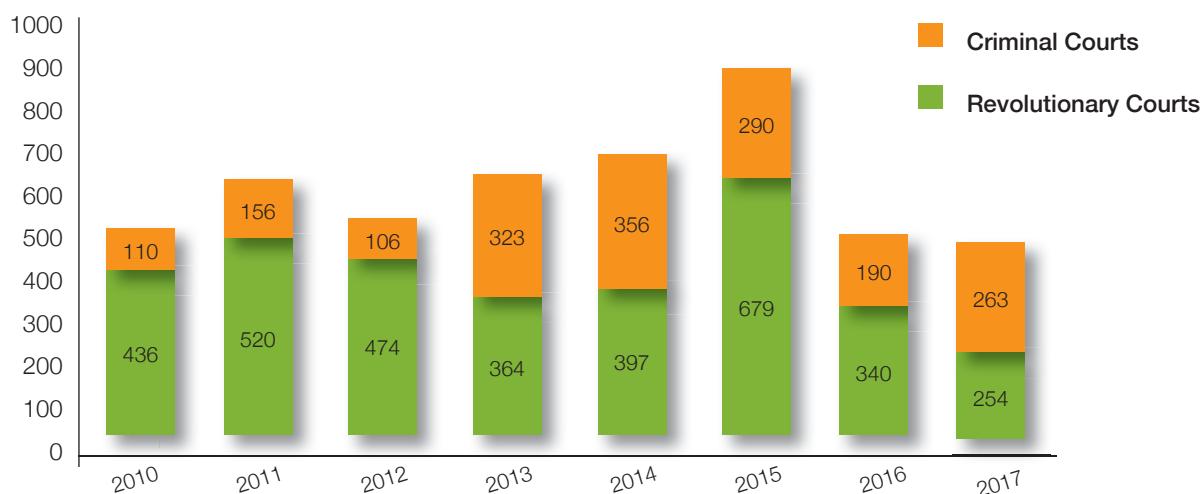
31 <https://iranhr.net/fa/journals/>

32 <https://iranhr.net/fa/journals/57/>

33 <https://en.radiofarda.com/a/iran-un-report-on-human-rights/28720344.html>

34 http://ap.ohchr.org/documents/dpage_e.aspx?m=183

35 Inside Iran's Revolutionary Courts, BBC News, 2015, <http://www.bbc.com/news/magazine-34550377>



At least 254 of the 517 executions in 2017 (49%) were based on death sentences issued by the Revolutionary Courts. Numbers for the previous seven years are presented in the diagram above.

MOHAREBEH, CORRUPTION ON EARTH AND REBELLION

Due to their vague definition, the charges of “*Moharebeh*” (waging war against God) and “*Ihsad fel Arz*” or “*Corruption on Earth*” are used for a wide range of offences. Furthermore, there is considerable subjectivity as regards issuing these charges which are handled by the Revolutionary Courts.

MOHAREBEH, CORRUPTION ON EARTH AND REBELLION IN THE LAW³⁶

Article 279 of the new Islamic Penal Code (IPC) defines mohareb (a person who fights God) as someone who takes up arms in specific cases. This includes bandits, robbers and smugglers who take up arms (Article 281). Article 282 delivers a death sentence in the case of moharebeh. However, the judge has the option of imposing an alternative punishment of crucifixion, amputation of the right hand and left foot or internal exile away from the defendant's home town.

Under the previous IPC, which was in force until May 2013, the charge of moharebeh was frequently used against political dissidents and people connected to opposition groups abroad, even if they were non-violent. The new Penal Code has provided for their punishment under the notion of “*corruption on earth and rebellion*”.

The new IPC has introduced a new concept of “*rebellion*” that did not exist in the previous Code. This chapter has expanded the scope of the death penalty for all those who are convicted of “*corruption on earth*”.

Article 286 defines “*corruption on earth*” as “*a person who commits a crime on an extensive level against the physical integrity of others, 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 establishing them.*”

Corruption on earth has been used by Revolutionary Court judges, particularly in cases where a death sentence would otherwise be difficult to justify based on other charges and available evidence.

36 Iran Human Rights Documentation Center, July 2013: New Islamic Penal Code

AHMADREZA DJALALI: IRANIAN-SWEDISH CITIZEN SENTENCED TO DEATH FOR “CORRUPTION ON EARTH” AND IN DANGER OF EXECUTION.

Ahmadreza Djalali, a resident in Sweden who had been working as a researcher at the Karolinska Institute of Medicine in Stockholm, was arrested during a trip to Iran in April 2016.

In October 2017, he was sentenced to death by Abolghasem Salavati, the judge in Branch 15 of the Revolutionary Court in Tehran, charged with “espionage and collaboration with the enemy”. According to IHR reports, Judge Salavati had threatened Djalali with a death sentence several months earlier in February 2017 when he was on hunger strike³⁷. Dr Djalali, a medical doctor and university lecturer who had studied and taught in Sweden, Italy and Belgium, denies the allegations and says they were fabricated by the Iranian Ministry of Intelligence interrogators. In October 2017, Amnesty International reported that Dr Djalali had been given a death sentence after a “grossly unfair trial” and said the father of two had not been given access to a lawyer for seven months, three of which were spent in solitary confinement. Zeynab Taheri, one of Ahmadreza Djalali’s lawyers, told Amnesty International that he was sentenced to death for the charge of “corruption on earth” (ifasad fil-artz), and has been given a 200,000 euros fine. The court verdict, which was shown to one of the lawyers, states that Ahmadreza Djalali worked with the Israeli government who subsequently helped him obtain his residency permit in Sweden. Dr Djalali said he had been twice forced to make “confessions” in front of a video camera by reading out statements pre-written by his interrogator³⁸.

In December 2017, Dr. Djalali’s death sentence was upheld by the Iranian Supreme Court³⁹ and his appeal was rejected in January 2018. In February 2018, the Swedish government granted Swedish citizenship to Ahmadreza Djalali⁴⁰. On February 6, 2018, the UN Special

Rapporteur for the situation of human rights in Iran, the late Asma Jahangir, along with three other UN rights experts, called on the Iranian authorities to annul the death sentence against Dr. Djalali⁴¹.

As of February 23, 2018, Ahmadreza Djalali remains in danger of execution.



Photo showing the televised “confessions” of Ahmadreza Djalali on Iranian State Broadcasting⁴². The text on the right says “Mossad agent Ahmadreza Djalali”.

EXECUTIONS FOR MOHAREBEH AND CORRUPTION ON EARTH IN 2017

In 2017, at least 19 people were executed under Moharebeh and corruption on earth charges. One was reportedly executed for his ideological affiliation. He belonged to an ethnic and religious minority group.

Some facts about those executed for Moharebeh and Corruption on Earth charges:

- 19 people were executed for Moharebeh and/or Corruption on Earth charges
- 1 charged with membership of a Salafi group
- 1 charged with hostage-taking
- 16 people were executed charged with armed robbery
- 1 Moharebeh for blackmailing Iranian officials by using fake ID as a security officer
- 12 executions were officially announced
- 4 were hanged in public

37 <https://iranhr.net/en/articles/2785/>

38 <https://www.amnesty.org/en/latest/news/2017/10/iran-prominent-academic-sentenced-to-death-after-grossly-unfair-trial/>

39 <https://iranhr.net/en/articles/3146/>

40 Sweden grants citizenship to academic facing death penalty in Iran, *The Independent*, February 2018

41 <https://iranhr.net/en/articles/3224/>

42 <https://www.youtube.com/watch?v=6qf6fvUXBMU>

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MAJID SA'ADAT⁴³: MAJID SA'ADAT WAS CHARGED WITH MOHAREBEH AND EXECUTED IN NOVEMBER 2017.



"He had neither a gun nor even a knife", one of his family members told IHR. "He was only a conman who was using false ID cards to pretend he was a security officer and blackmail rich people. With the help of this fake identity, Majid was going to the homes of people who had illegal things like drugs or antiques and seizing their money or drugs in the name of the law! None of those crimes could justify an execution verdict."

Majid's relatives and friends strongly believe that he is a victim of a decision taken by the Ministry of Intelligence to scare people who falsify their agents' ID cards.

He was hanged on November 22, 2017 at Rajai Shahr prison.

SEYED JAMAL SEYED-MOUSAVI⁴⁴



Seyed Jamal Seyed-Mousavi was a Kurdish Sunni hawker who was reportedly arrested in 2008 by the Ministry of Intelligence in Sanandaj. He was later sentenced to death by Branch One of the Sanandaj Revolutionary Court for the charge of "Moharebeh (waging war against God) through cooperation with Salafi groups." The Supreme Court also confirmed the verdict.

He was executed at Karaj's Rajai Shahr Prison on Wednesday August 23, 2017. The authorities did not inform Seyed-Mousavi's family about the execution until Sunday August 27.

The Iranian authorities have reportedly buried Seyed Jamal's body in an unknown location and decided not to reveal the location, even to his family.

DRUG-RELATED CHARGES

In October 2017, amendments to Iran's Anti-Narcotics Law were adopted which aim to limit use of the death penalty for drug offences. Although the amendments do not remove the death penalty for drug offences entirely, it could potentially lead to a significant reduction in the number of executions for drug crimes. Importantly, since the new law is retroactive, it should apply to prisoners who already are sentenced to death. If implemented properly, it could potentially allow for the commutation of the death sentences of several thousand death row prisoners. In the following sections we will provide an overview of the new amendments, how the process of passing the new law has affected the death penalty trends for drug offenders and what factors have contributed to the first ever major reform aiming to reduce use of the death penalty in the history of the Islamic Republic of Iran⁴⁵.

THE CURRENT ANTI-NARCOTICS LAW AND THE NEW AMENDMENTS

The Iranian Anti-Narcotics Law was drafted in 1988 and previously amended in 1997 and 2011. Both amendments were aiming to counteract Iran's growing drugs problem by expanding the scope of the law and introducing harsher sentences. The 2011 amendments introduced the death penalty for the possession of as little as 30 grams of heroin and included new categories of drugs in the law. All together the Anti-Narcotics Law, including the

43 <https://iranhr.net/fa/articles/3140/>

44 <https://iranhr.net/en/articles/3027/>

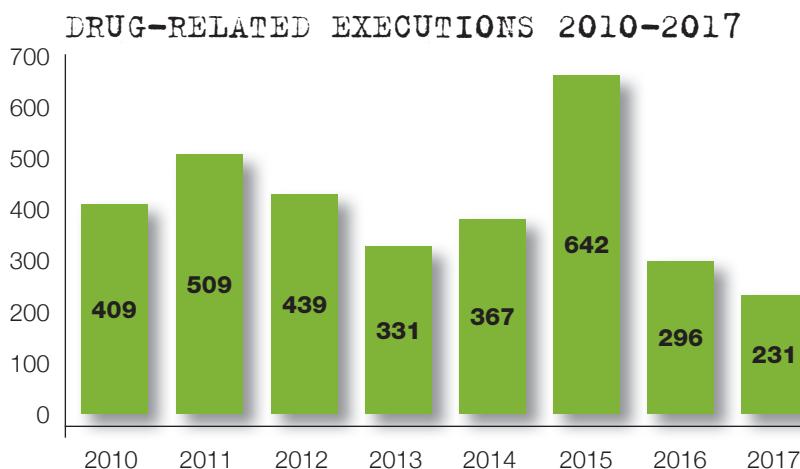
45 See Appendix 1 (at the end of the report) for the relevant Anti-Narcotics Law articles.

1997 and 2011 amendments, imposed the death penalty for 17 drug-related offences⁴⁶, including: a fourth conviction for drug-related offences in several instances; planting opium poppies, coca plants or cannabis seeds with the intent to produce drugs; smuggling more than five kilograms of opium or cannabis into Iran; buying, possessing, carrying or hiding more than five kilograms of opium and the other aforementioned drugs (punishable upon a third conviction); smuggling into Iran, dealing, producing, distributing and exporting more than 30 grams of heroin, morphine, cocaine or their derivatives.

The new amendment increases the minimum amounts of illegal drugs that would subject convicted producers and distributors to a death sentence, raising the level of synthetic substances, such as heroin, cocaine, and amphetamines, from 30 grams to two kilos and that of natural substances, such as opium and marijuana, from five kilos to 50 kilos (Amendment, art. 45(d).) With regard to sentencing, the punishment for those already sentenced to death or life in prison for drug-related offenses should be commuted to up to 30 years in prison and a fine (Id. art. 45 ¶ 1). Death sentences should be restricted to those convicted of carrying or drawing weapons, acting as the ringleader, providing financial support, or using minors below the age of 18 or the mentally ill in a drug crime, and to those previously sentenced to death, life imprisonment, or imprisonment for more than 15 years for related crimes (Id. art. 45(a)-(c))⁴⁷.

DRUG-RELATED EXECUTIONS IN 2017

According to reports gathered by IHR, at least 231 people were executed for drug offences in 2017 (a reduction of 22% compared to the number of drug-related executions in 2016). This is significantly lower than the average number of yearly drug-related executions in the past six years. Moreover, unlike previous years, drug offences were not the charges leading to the highest number of the executions in 2017.



According to IHR reports, at least 3,224 people were executed for drug offences between 2010 and 2017. The numbers for 2017 are lower than the average of the last six years. However, Iran remains the country with the highest number of drug-related executions per capita.

The relative reduction in the number of drug-related executions in 2017 can, to some degree, be attributed to the new amendments to the Anti-Narcotics Law. IHR has not received any reports on drug-related executions since November 14, 2017 when the new law was enforced.

EXECUTIONS CONTINUED UNTIL THE LAST DAY:

The new legislation was approved by the Legal and Judicial Affairs Committee of the Iranian Parliament (*Majlis*) on April 23, 2017. The Parliament voted on the new bill on August 13, 2017 and in October 2017, 150 MPs—over 50% of the Parliament—signed the bill. Finally, the new

⁴⁶ <https://www1.essex.ac.uk/hri/documents/research-paper-iran-death-penalty-drug-crimes.pdf>

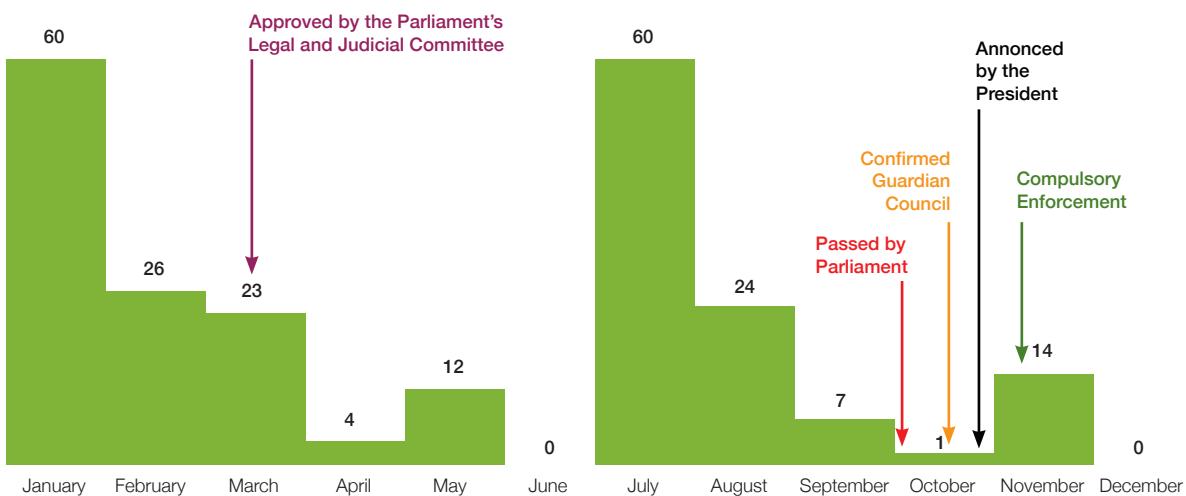
⁴⁷ <http://www.loc.gov/law/foreign-news/article/iran-drug-law-amended-to-restrict-use-of-capital-punishment/>

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bill was approved by the Guardian Council on October 18, 2017⁴⁸. The bill was announced by the Iranian President, Hassan Rouhani, and published in an official newspaper on Saturday October 29, 2017⁴⁹.

The new bill was enforced on November 14, 2017 since, according to Article 2 of Iranian Civil Law, laws must be enforced within 15 days of being published in an official newspaper. However, executions for drug offences continued throughout the year until November 13, that is, one day prior to enforcement of the new amendments⁵⁰. This is despite members of the Legal and Judicial Affairs Committee of the Parliament calling on the Head of the Judiciary several months before enforcement of the bill to halt executions of drug offenders until the fate of the new bill was clear. In June 2017, the Deputy Head of the Committee, Mohammad Kazemi, who told the Iranian media about this request, said: *"the death sentences of many of those who are on death row now will be commuted when the new bill is passed. But until then their lives will be in a shadow of doubt"*⁵¹. Whether the halt in drug-related executions is permanent remains to be seen. While the new law provided for retroactive applicability, it remained unclear how the authorities intended to implement it to commute the death sentences of those already on death row.

MONTHLY BREAKDOWN OF DRUG-RELATED EXECUTIONS 2017



The diagram above shows the execution trend for drug offences in 2017 in Iran. Major events in the process of passing the new amendments to the Anti-Narcotics Law are indicated. Executions for drug offences continued until the last day before the new amendments were enforced on November 14. No drug-related executions have been reported since the second half of November 2017. The surge in executions in July was after MPs called on the Judiciary to halt drug-related executions. There were no executions in June as it coincided with the Muslim holy month of Ramadan when normally few or no death sentences are implemented in Iran.

48 The Guardians Council approved the new Anti-Narcotics bill. ISNA, October 18, 2017

49 <http://www.rnk.ir/Laws>ShowLaw.aspx?Code=15401>

50 <https://iranhr.net/en/articles/3120/>

51 www.magiran.com/npview.asp?ID=3586889

GEOGRAPHIC DISTRIBUTION OF DRUG-RELATED EXECUTIONS IN 2017

The geographical distribution of drug-related executions is shown in the map below. More details are provided in the diagram on the next page.

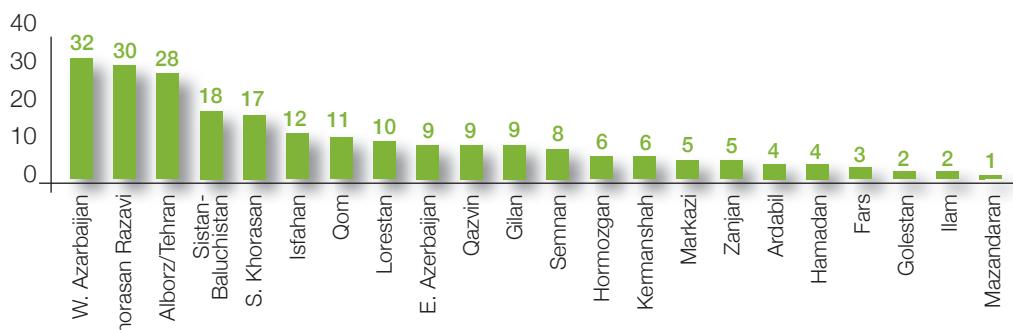
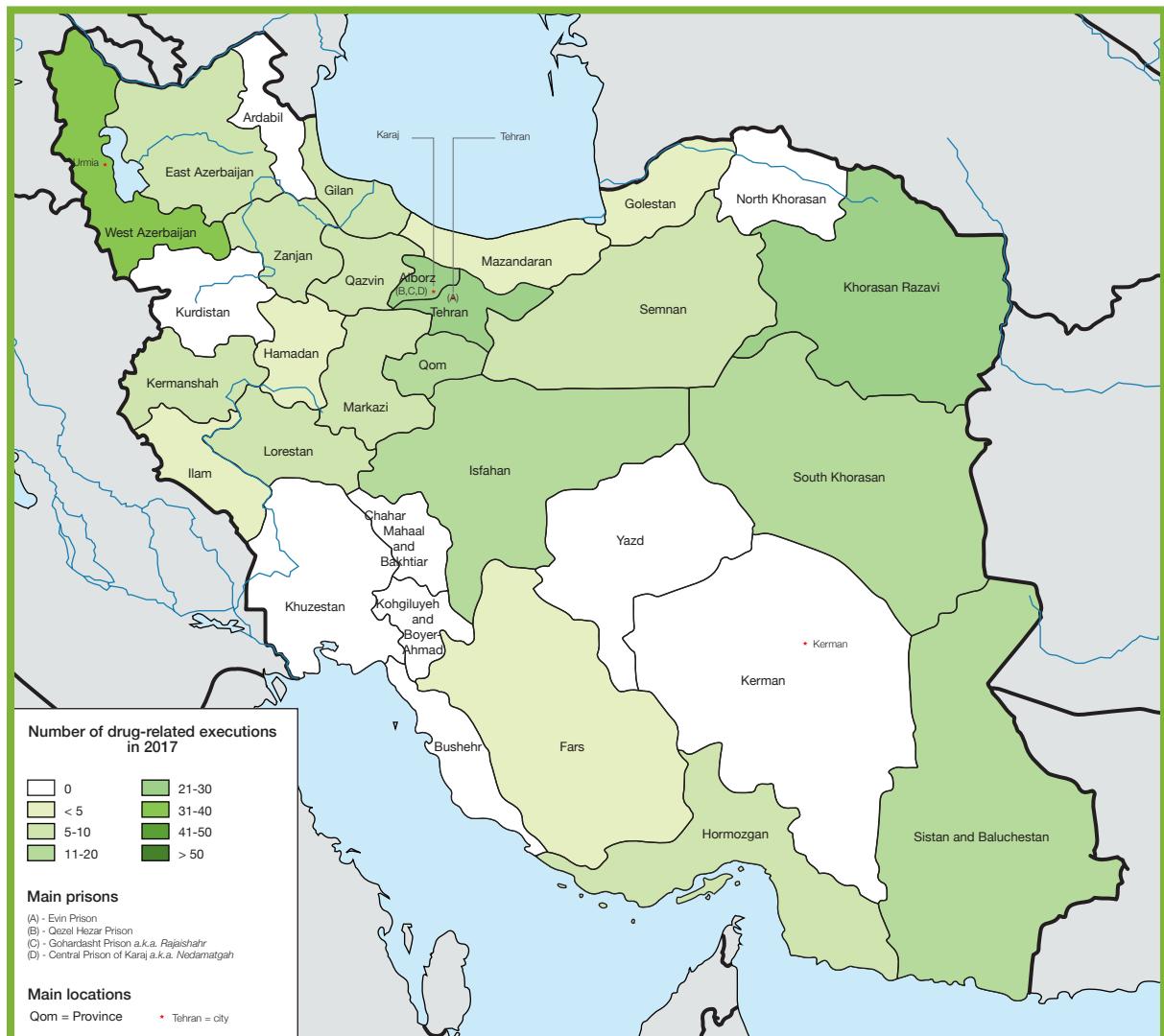


Diagram: The prisons of West Azerbaijan (mainly the Central Prison of Urmia), Khorasan Razavi (Vakilabad Prison) and Alborz (Ghezelhesar and Central Prison of Karaj) had the highest number of drug-related executions in 2017. However, West Azerbaijan and Alborz prisons showed the largest reduction in the number of executions compared with the previous year. These prisons accounted for 80% of the total reduction in the number of drug-related executions in 2017 in the country compared with the numbers in 2016. No drug-related executions were reported in the Alborz prisons after February 2017. In 2017, IHR reported drug-related executions in 22 provinces, compared to 21 provinces where such executions took place in 2016.

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SHORTCOMINGS OF THE NEW AMENDMENTS TO THE ANTI-NARCOTICS LAW

As mentioned previously in this report, drug offences are processed by the Revolutionary Courts. Reports collected by IHR show that those arrested for drug offences are systematically subjected to torture during the weeks after their arrest. Often they have no access to a lawyer while in detention and by the time the lawyer enters the case they have already “confessed” to the crime⁵². Trials at the Revolutionary Courts are often very short and there is little the lawyer can do. The issue of due process and fair trials has not been addressed by the new amendments to the Anti-Narcotics Law.

Another concern about the new amendments is that it is not clear whether defendants or the Section for Implementation of Sentence should file an appeal.

A report on a circular from the Judiciary from November 2017, which was published on January 9, 2018⁵³, notes that “*the judges responsible for implementation of verdicts are obligated to immediately delay executions and pursue all cases that are subject to Clause (b), Article 10, of the Islamic Penal Code enacted in 2013, and give priority to death-row prisoners. If the new Article applies to them and their sentence can be then reduced, the judges should send the case along with a brief explanation to the branch of the Revolutionary Court that issued their final verdict, or a substitute branch. If the defendant personally asks for a reduction of punishment, the judges responsible for implementing verdicts are obliged to send their appeal to the court along with their case.*”⁵⁴

On the other hand, according to the Supreme Court General Council’s Uniform Procedure Decision of November 2017, which was published on January 7, 2018, “*according to the new drug law, if a death-row prisoner who is charged with drug-related offences files an appeal, his sentence will be halted and his case will be sent to a parallel court.*”⁵⁵

Thus, it is not clear whether the cases of death-row drug offenders will be reconsidered automatically or only if defendant or the lawyer files an appeal.

If the defendant himself is responsible for appealing, then the law will be proved ineffective. Most death-row drug offenders belong to the most marginalized groups in society who have neither enough knowledge about their legal rights nor the possibility of having an attorney pursuing their case to appeal⁵⁶.

WILL THE NEW ANTI-DRUGS LAW REDUCE THE NUMBER OF EXECUTIONS?

The new law has retroactive effect, meaning that it will apply to several thousands of death row prisoners who have either been convicted for the first time or have been involved in possession or trafficking of smaller amounts of drugs than what is punishable by a death sentence according to the new amendments. According to Hassan Norouzi, the Spokesman of the Parliament’s Legal and Judicial Committee and one of the driving forces behind this reform in the Iranian Parliament, there are currently about 5,300 prisoners on death row for drug offences in Iran⁵⁷. According to data released in November 2017, 90% of the 5,300 drug convicts are first-time offenders and in the 20-30 age bracket⁵⁸. This means that the new amendments to the Anti-Narcotics Law can potentially save more than 4,700 lives. Thus, if implemented properly this will represent the most significant move towards reduction in use of the death penalty in recent years worldwide. So far, the signs have been positive as IHR has not received any reports on drug-related executions since the new amendments were enforced on November 14, 2017. However, there is no guarantee that this trend will continue, given the recent protests and increased civil disobedience in Iran. Previous research by IHR has shown that there is a meaningful relationship between political events and the number of executions in the country⁵⁹. Thus, the process of commuting death sentences for drug offences must be closely monitored and the international community can play an important role in this regard.

ROLE OF THE INTERNATIONAL COMMUNITY:

52 <https://www.hrw.org/news/2015/12/16/iran-bid-end-drug-offense-executions>

53 <http://www.alef.ir/news/3961019307.html>

54 See Appendix 2 at the end of this report for the full translation of the circular by the Head of the Judiciary.

55 www.ghaondoaily.com , January 7, 2018

56 <http://www.bbc.com/news/world-middle-east-42634252>

57 <http://www.ana.ir/news/264450>

58 <https://financialtribune.com/articles/people/70331/majlis-endorses-bill-to-restrict-death-penalty-for-drug-crimes>

59 <https://iranhr.net/en/articles/982/>

The first mention of a need for a change in anti-drug legislation came on December 4, 2014 when Javad Larijani, head of the judiciary's "High Council for Human Rights", said in an interview with France 24, "*no one is happy to see that the number of executions is high.*" Javad Larijani continued: "*We are crusading to change this law. If we are successful, if the law passes in Parliament, almost 80% of executions will go away. This is big news for us, regardless of Western criticism.*"⁶⁰ Almost at the same time, the head of the Judiciary, Ayatollah Sadegh Larijani, addressed the need for a change in legislation in a meeting with judiciary officials. However, nine months earlier in March 2014, the same Javad Larijani had addressed the UN's "Human Rights Council" about drug-related executions, saying: "*We expect the world to be grateful for this great service to humanity*". He continued: "*Unfortunately, instead of celebrating Iran, international organizations see the increased number of executions caused by Iran's assertive confrontation with drugs as a vehicle for human rights attacks on the Islamic Republic of Iran.*"⁶¹ This last statement has been the Islamic Republic's official position for many years.

It is unlikely that the Iranian judiciary has suddenly, in less than nine months, come to recognize the fact that the death penalty does not deter drug crimes.

Iran has used the death penalty for drug crimes since the very beginning of the Islamic Republic in 1979 and both the crime rate and drug abuse has been increasing in the past three decades.

However, international attention on the death penalty for drug offences is rather new. In recent years, a growing number of global institutions and agencies have expressed public concern about Iran's use of the death penalty for drug offences and called for an end to international cooperation with Iranian counter-narcotics efforts. European aid to the United Nations Office for Drugs and Crimes (UNODC) and Iran has been widely criticized.

International NGOs which have urged UNODC to freeze counter-narcotics funding to Iran include Reprieve, Harm Reduction International, Human Rights Watch, Amnesty International, Iran Human Rights, and Ensemble Contre la Peine de Mort⁶².

Moreover, the UN Special Rapporteur on the situation of human rights in Iran, who was appointed in 2011, has significantly contributed to the sustainable focus on the issue of drug-related executions in Iran. Besides the annual reports where the death penalty in general and the death penalty in particular have been addressed, the UN Special Rapporteurs have issued several public statements calling on Iran to abolish the death penalty for drug offences which are not regarded as the "*most serious*" crimes by the ICCPR which Iran has ratified.

Increasing criticism and awareness led to decisions by individual State donors to withdraw funding from UNODC operations in Iran. In 2013, Denmark withdrew support for such efforts, stating that "*donations are leading to executions*"⁶³. The United Kingdom subsequently did the same, citing "*the exact same concerns*" as Denmark⁶⁴. Ireland also took similar action with the then Foreign Minister explaining that "*we have made it very clear to the UNODC that we could not be party to any funding in relation to where the death penalty is used so liberally and used almost exclusively for drug traffickers.*"⁶⁵

In October 2015, the European Parliament passed a Resolution with a 569 to 38 majority condemning Iran's high rate of drug-related executions and calling on the European Commission and Member States "*to reaffirm the categorical principle that European aid and assistance, including to UNODC counter-narcotics programs, may not facilitate law enforcement operations that lead to death sentences and the execution of those arrested*".

So, international pressure on the Iranian authorities and thus the increased political costs of

60 <http://www.france24.com/en/20141204-interview-mohammad-javad-larijani-secretary-human-rights-council-iran-air-strikes-jason-rezaian>

61 <http://tn.ai/302871>

62 <https://www.hrw.org/news/2014/12/17/un-freeze-funding-iran-counter-narcotics-efforts>

63 <https://www.hrw.org/news/2014/12/17/un-freeze-funding-iran-counter-narcotics-efforts>

64 Clegg, Nick, 2013. Writing to Maya Foa of Reprieve. [Letter] (Personal Communication 17 December)

65 <http://www.rte.ie/news/2013/1108/485366-ireland-anti-drug-iran/>

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continuous executions of drug offenders is most likely the factor which triggered the sudden change in the Iranian authorities' rhetoric and attitude towards use of the death penalty. This in turn created a space for public debate and encouraged civil society, lawyers and MPs to drive the process of changing the legislation ahead.

It is too early to know whether the change in the Anti-Narcotics Law will actually lead to a reduction in the number of executions in Iran. The international community must monitor the process of commuting death sentences closely. Calling for transparency in this process is crucial.

The UNODC, which has been cooperating with the Iranian authorities in fighting drugs, must be given access to the list of all death row prisoners for drug offences and participate in monitoring and evaluating the process.

The EU and countries which have been funding UNODC projects in Iran must not resume funding until clear results are achieved. Moreover, the issue of due process for drug offenders must be a top priority in future talks with the Iranian authorities.

QISAS

Qisas refers to retribution in kind. *Qisas* death sentences have been retained for murder in the new Iranian Islamic Penal Code (IPC). As murder is specifically punished under *qisas*, the Penal Code of Iran does not specifically state that convicted murderers are subject to the death penalty but rather to “*qisas*” which means “*retribution in kind*” or retaliation. The State effectively puts the responsibility for executions for murder on the shoulders of the victim's family. *Qisas* death sentences are also imposed for juvenile offenders as, according to Sharia, the age of criminal responsibility for girls is nine and for boys 15 lunar years. In addition, under the IPC, the death penalty is generally subject to discriminatory application based on gender and religion⁶⁶.

As well as the inequality of citizens before the law, there are many reports on the violation of due process in *qisas* cases. Use of torture to extract confessions and hasty trials without sufficient time to conduct independent investigation of the evidence are examples of such practice.

QISAS EXECUTIONS TO INCREASE AFTER THE REDUCTION IN EXECUTIONS FOR DRUG OFFENCES?

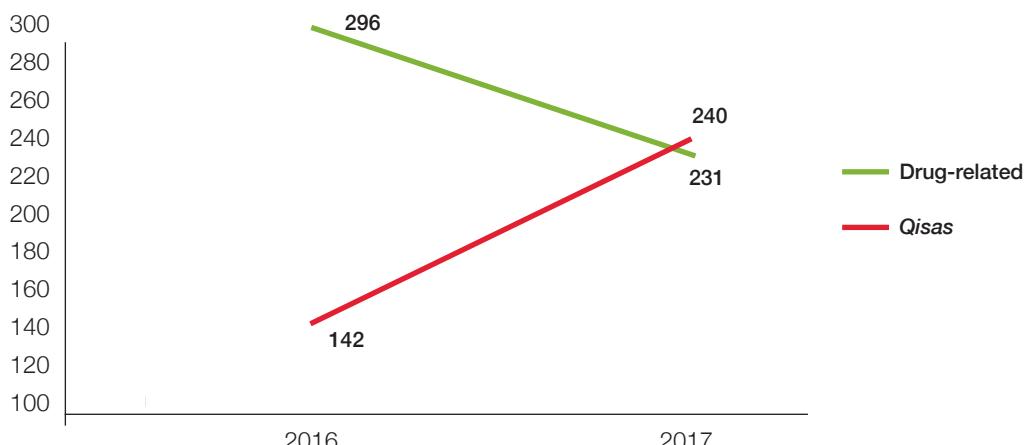
Although the Iranian authorities have agreed to reconsider the death penalty for drug offences, they consider death sentence for murder (*qisas*: retribution in kind) as a red line which should not be crossed. The Iranian authorities claim that *qisas* (retribution in kind) is a private right which the authorities can not deny or control. On November 11, following the first round of Iran - EU talks after the nuclear negotiations, Iranian Deputy Foreign Minister Majid Takht-Ravanchi told ILNA news agency: “*The Islamic Republic of Iran will not cross its red lines, especially regarding capital punishment and qisas (retribution) in human rights talks with the European Union.*” There are no exact numbers as to how many people are on the death row for murder charges but it is estimated to be hundreds if not thousands. In 2015, 3,259 homicides were registered in Iran while the numbers for 2005 and 2010 were 3,807 and 3,873 respectively⁶⁷. According to a report published in 2013, there were at least 90 prisoners sentenced to death for murder charges in the city of Gorgan with a population of 250,000 people⁶⁸. The number of *qisas* executions in 2017 increased by 69% compared to 2016. An increase in the number of *qisas* executions was observed in 27 of the 31 provinces, indicating that the surge might have been coordinated.

66 Annual report on the death penalty in Iran- 2013, page 11.

67 <https://knoema.com/atlas/Iran/Number-of-homicides>

68 Annual report on the death penalty in Iran-2013. page 16

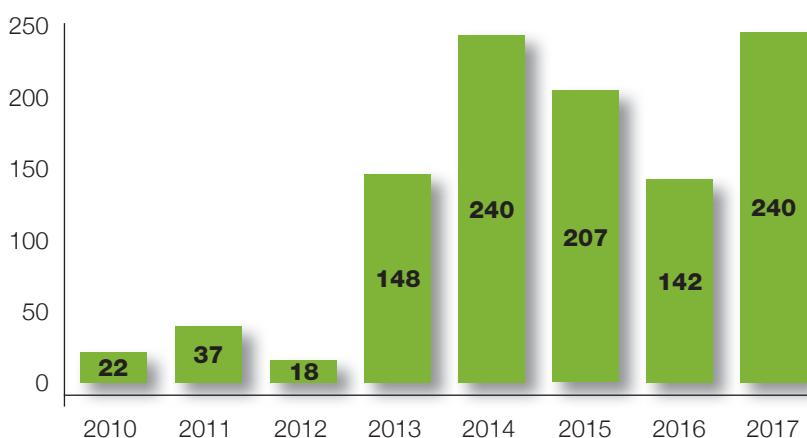
THE INCREASE IN QISAS EXECUTIONS EXCEEDS THE DECREASE IN DRUG-RELATED EXECUTIONS



While the number of drug-related executions dropped significantly, the total number of executions did not. This is largely due to the significant increase in implementation of *qisas* executions. IHR is concerned that the number of *qisas* death sentences implemented might increase as the authorities have more limitations in implementing death sentences for drug-related charges.

QISAS EXECUTIONS SINCE 2010

Diagram: The number of *qisas* executions in 2017 increased by 69% compared to 2016.



THE FORGIVENESS MOVEMENT:

According to the Iranian Penal Code, murder is punished by *qisas* (retribution) where the family of the victim can demand a retribution death sentence. But they can also demand blood money (*Diyya*) instead of a death sentence or can simply grant forgiveness. This opens an opportunity for citizens to counter the death penalty by promoting forgiveness without being subject to persecution by the authorities. In the past four years, the Forgiveness movement has grown significantly. Civil society groups such as Imam Ali Relief Society⁶⁹, LEGAM (Step by step to abolish the death penalty) and other local and national campaigns have been active in promoting forgiveness instead of the death penalty. Artists, television celebrities and human rights activists have been publicly calling on citizens to spare the lives of those sentenced to death and the media has been sympathetic in its coverage⁷⁰.

⁶⁹ <https://iranhr.net/en/articles/1229/>

⁷⁰ Iranian stars campaign to save lives of convicts on death row. The Guardian, 23 June 2016, <https://www.theguardian.com/world/2016/jun/23/iranian-stars-shahab-hosseini-campaign-save-lives-convicts-on-death-row>

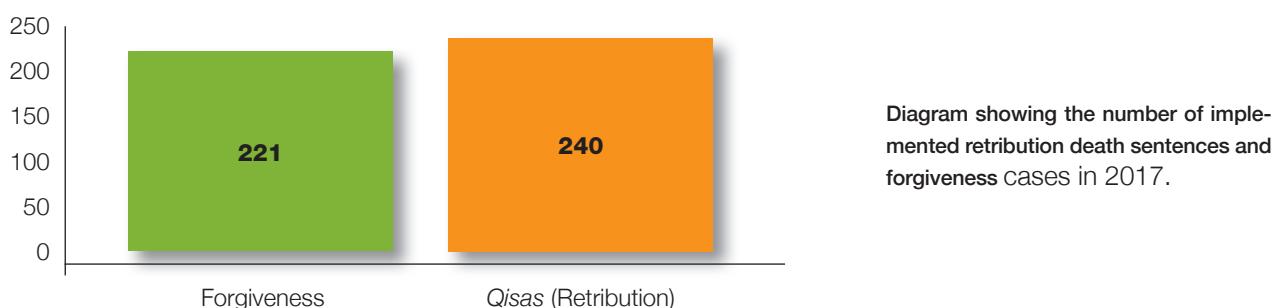
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IHR has collected forgiveness reports since 2015. All together, the reports gathered in the past three years show that the families of murder victims who chose forgiveness or blood money for murder convicts outnumber those who chose the death penalty⁷¹.

For the sake of simplicity, we will use the term forgiveness in the following section, regardless of whether there has been a demand for blood money or not.

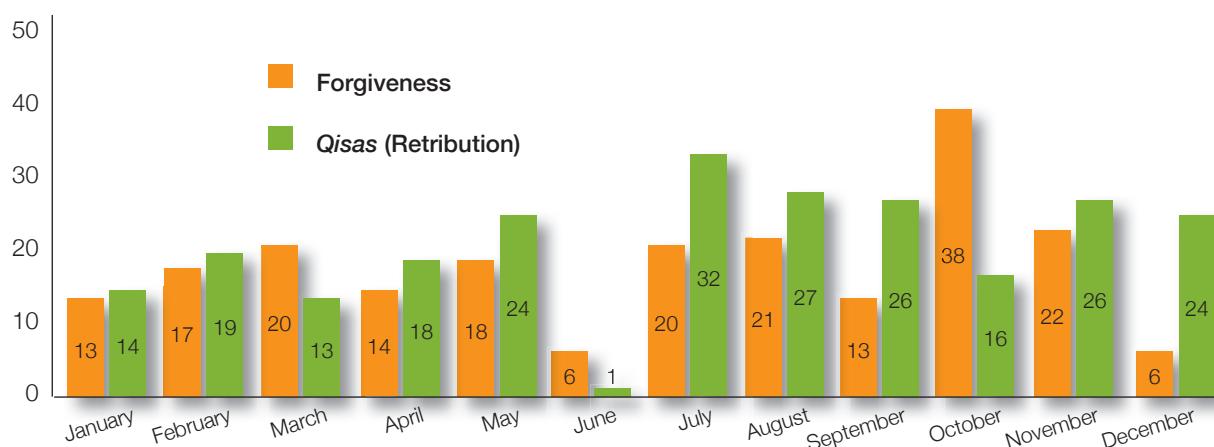
As for the execution numbers, not all forgiveness cases are announced by the Iranian media. Based on reports by the Iranian media and, to a lesser extent, through its own network inside Iran, IHR has identified 221 forgiveness cases in 2017, compared to 232 cases in 2016. Thus, forgiveness trends are more or less at the same level as last year. However, due to the surge in implementation of *qisas* executions in 2017, this year forgiveness cases did not outnumber the number of implemented *qisas* death sentences as they did in the last two years. The actual numbers for both forgiveness and *qisas* death sentences are believed to be higher.

The following diagrams based on IHR reports show a comparison between forgiveness and retribution trends in Iran.



QISAS (RETRIBUTION) AND FORGIVENESS: MONTHLY BREAKDOWN

The diagram above shows the monthly breakdown of implemented *qisas* (retribution) death sentences compared to "forgiveness" cases.



QISAS AND FORGIVENESS: GEOGRAPHIC DISTRIBUTION

In 2017, IHR recorded forgiveness cases in 28 of the 31 provinces in Iran. In comparison, *qisas* death sentences were reported from 24 of the provinces. In most provinces the number of forgiveness cases was higher than *qisas* executions.

⁷¹ <https://iranwire.com/en/features/4581>



Diagram: Prisons in the Tehran/Karaj area were the sites of the highest number of both forgiveness and *qisas* cases in 2017 in Iran. The number of forgiveness cases was 21% higher than the number of *qisas* executions in the Tehran/Karaj areas.

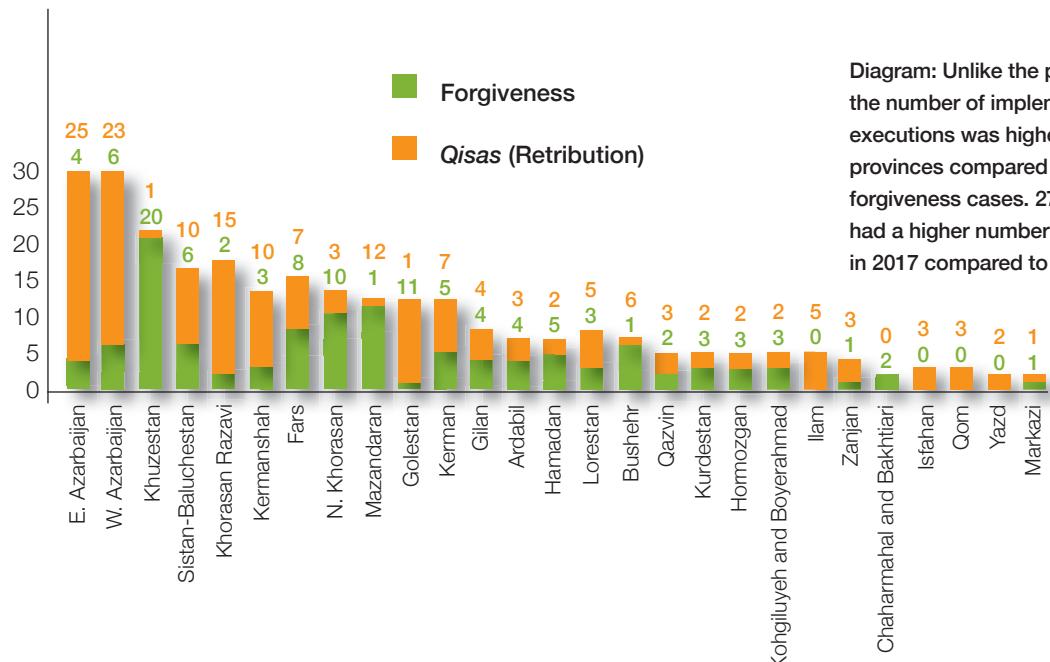


Diagram: Unlike the previous two years, the number of implemented *qisas* executions was higher in the majority of provinces compared to the number of forgiveness cases. 27 of the provinces had a higher number of *qisas* executions in 2017 compared to 2016.

QASSAMEH: “AN OATH TO KILL”

At least two of the defendants who were executed for murder in 2017 were sentenced to death without any evidence against them but solely based on an oath given by the plaintiff's family members. In one of the cases, the defendant insisted that he was innocent and that he could prove that he was in another city at the time of the offence. However, 50 members of the plaintiff's family gave an oath that the defendant was guilty. He was sentenced to death and executed in Mashhad on May 23, 2017⁷².

Qassameh is a way to prove a crime (murder or injury) in the Islamic jurisprudence (fiqh) which is practiced in Iran. Qassameh, which means “sworn oath”, is based on swearing an oath on the Quran by a certain number of people and is performed when the judge decides that there is not enough evidence of guilt to prove the crime but the judge still thinks that the defendant is most probably guilty. It must be noted that the people who swear in Qassameh are not usually direct witnesses to the crime.

Issuing an execution verdict without enough evidences, and just because the plaintiff's family thinks the defendant is guilty, is not acceptable in any kind of modern legal system and should be considered a violation of the Universal Declaration of Human Rights, especially Article 10.

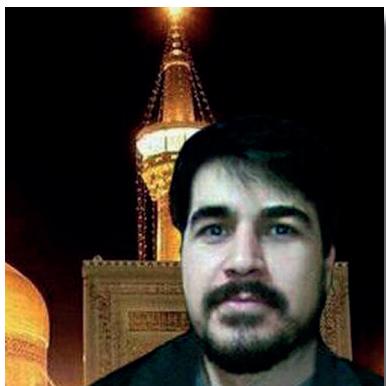
Mohammad Taghi Fazel, a Shia cleric and a member of the Assembly of Qom Seminary Scholars and Researchers, told IHR that Qassameh is not an unchangeable and holy order of God.

“It was a way to prove a crime in Arab society which existed even before the Prophet Mohammad”, he said, “Qassameh is not something that Islam directly ordered...”.

The Shia scholar insisted: “It does not mean that we should use Qassameh nowadays... Today, we should follow the science and the professionals' view to prove a crime.”

72 <https://www.iranhr.net/fa/articles/2897/>

MOJTABA GHIAVAND: NO CONFESSION, NO EVIDENCE, DENIED GUILT BUT EXECUTED SOLELY BASED ON “QASSAMEH”⁷³



Mojtaba Ghiasvand, the other prisoner who was hanged for murder charges while there was no hard evidence proving his guilt and his verdict was issued through Qassameh.

According to a source close to IHR, Mojtaba Ghiasvand was executed at Rajai Shahr Prison on Monday, October 30, 2017.

“A person was killed during a tribal dispute in Loshan (Gilan province, northern Iran) in 2008 and the victim’s family accused Mojtaba of murder. Mojtaba always claimed that he was in Tehran at the time of the dispute. He was sentenced to death without any hard evidence or even a confession”, one of Mojtaba’s cellmates told Iran Human rights (IHR).

Mojtaba’s brother has also told IHR that there was some kind of tribal dispute and since there was no hard evidence for the guilt of the defendant, dozens of the people from the plaintiffs’ tribe swore an oath on the Quran that they knew Mojtaba is the murderer. None of those 50 people were witnesses of the crime.

SALEH SHARIATI: JUVENILE SENTENCED TO DEATH BASED ON QASSAMEH



Four years ago, Saleh Shariati, then a 16-year-old boy, went to work at a farm along with his father. At the farm, one of the workers fell into a well and lost his life.

Saleh was arrested by the police. His father says that Saleh was under torture to confess and accept that he committed the crime. His trial was held but there was not enough evidence to convict Saleh, other than a confession under torture. Forensic medical examination did not provide any evidence on the victim’s body linking Saleh to the murder. The judges asked the plaintiff to gather more than 50 men from their family to swear an oath to the holy Quran that Saleh was the murderer. They did so and subsequently Saleh was convicted of murder and sentenced to *qisas* death penalty.

The Supreme Court vacated the judgment but the Court once again used Qassameh (swearing an oath) and once again issued a death sentence in February 2018. Saleh, now 20, is being held at the Adel Abad Prison of Shiraz awaiting execution⁷⁴.

⁷³ <https://iranhr.net/en/articles/3210/>

⁷⁴ <http://www.bbc.com/persian/iran-43185108>

JUVENILES

Iran remains one of the few countries sentencing juveniles to death and it executes more juvenile offenders than any other country in the world. In violation of the Convention on the Rights of the Child (CRC), which Iran has ratified, the Iranian authorities executed at least five juvenile offenders in 2017. According to IHR's reports, at least 55 juvenile offenders were executed between 2008 and 2018 in Iran. Amnesty International recently reported the execution of 85 juvenile offenders between 2005 and 2018⁷⁵. According to the same report, at least 80 juvenile offenders are on death row in Iranian prisons. However, the actual number is significantly higher as there is no information about juvenile offenders in many Iranian prisons.

LEGISLATION

The new Islamic Penal Code (IPC) adopted in 2013 explicitly defines the “age of criminal responsibility” for children as the age of maturity under shari'a law, meaning that girls over nine lunar years of age and boys over fifteen lunar years of age are eligible for execution if convicted of “crimes against God” (such as apostasy) or “retribution crimes” (such as “intentional murder”)⁷⁶. Article 91 of the IPC says that juvenile offenders under the age of 18 who commit hodoud or qisas offences may not be sentenced to death if the judge determines the offender lacked “adequate mental maturity and the ability to reason” based on forensic evidence⁷⁷. This article allows judges to assess a juvenile offender’s mental maturity at the time of the offence and, potentially, to impose an alternative punishment to the death penalty on the basis of the outcome. In 2014, Iran’s Supreme Court confirmed that all juvenile offenders on death row could apply for retrial.

However, Article 91 is vaguely worded and inconsistently and arbitrarily applied. In 2017, IHR identified seven cases where the death sentences of juvenile offenders were converted based on Article 91. But according to IHR reports, at least five juvenile offenders were executed in 2017 and in January 2018 alone three juvenile executions were reported. The actual number might be higher. It seems that Article 91 has not led to a decrease in the number of juvenile executions. The Iranian authorities must change the law, unconditionally removing all death sentences for all offences committed under 18 years of age.

JUVENILE OFFENDERS EXECUTED IN 2017

According to reports received by IHR, at least five juvenile offenders were executed in 2017. The actual number might be even higher. Below are the details of the juveniles who were executed in 2017.

Arman Bahr Asemani⁷⁸, an offender who committed murder at the age of 15, was hanged on January 15, 2017, at the age of 20. He was born on February 10, 1997 and the crime took place in November 2012. He was executed at Kerman’s Shahab Prison.

Hassan Hassanzadeh⁷⁹, Hassan’s execution took place in the Iranian northeastern city of Tabriz on January 18, 2017. He was convicted of murder when he was 15 years old and was executed at the age of 18. IHR has not managed to confirm this execution through two independent sources.

Asghar⁸⁰ (last name unknown), another offender who committed the murder at the age of 16, was hanged at Karaj Central Prison (Nedamatgah) on May 23, 2017. His surname is not mentioned by the official media which covered the news. He committed the crime around 30 years ago but a couple of days before the previous execution day he managed to break out of jail along with another offender. After that, Asghar went to a small city, got married and started a new life. However, his real identity was finally revealed and once again he was moved to prison.

⁷⁵ <https://www.amnesty.org/en/latest/news/2018/01/iran-authorities-execute-man-in-exceptionally-cruel-circumstances/>

⁷⁶ Id., Art. 147, (2013); Human Rights Watch, Codifying Repression: An Assessment of Iran’s New Penal Code (Human Rights Watch, 2012), 21-22. The ages of 9 and 15 are based on the lunar calendar.

⁷⁷ Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General, ¶17, U.N. Doc. A/68/377 (Sept. 10, 2013); Iran Penal Code (2013), Art. 91

⁷⁸ <https://iranhr.net/en/articles/2778/>

⁷⁹ <https://www.hra-news.org/2017/irannews/a-9387/>

⁸⁰ <https://iranhr.net/fa/articles/2896/>

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He was 44 at the time of execution. Asghar was the only juvenile offender whose execution was announced by official Iranian media.

Kabir Dehghanzehi⁸¹, was 13 when he came from Pakistan to Iran to work as a driver assistant. The Iranian authorities seized them for smuggling narcotics with their truck. On July 15, 2017, he was hanged at Zahidan Central Prison for a drug-related offence when he was 21. Kabir was a Pakistani national.



Alireza Tajiki, a juvenile offender who was arrested at the age of 15 on rape and murder charges, was hanged at Shiraz's Adel Abad Prison on August 10, 2017. He was 21 at the time of execution which was carried out despite the lack of an investigation into the many discrepancies in his case and the lack of due process⁸².

Asma Jahangir, the late UN Special Rapporteur on the situation of human rights in Iran, had expressed outrage at the execution of Alireza "despite repeated interventions by UN human rights experts", who noted that "*Mr. Tajiki had reportedly been tortured and had not received a fair trial.*" "*I am distressed in the extreme to learn that this execution has gone ahead despite twice being postponed on previous scheduled dates*", said the Special Rapporteur⁸³.

POURIA TABAEI: JUVENILE OFFENDER IN DANGER OF EXECUTION⁸⁴



According to a close source, Pouria Tabaei, who was only 16 at the time of committing the crime, is currently on death row at Rajai Shahr Prison. He was born on July 17, 1992 and committed the crime on July 17, 2009. Neither Branch 113 of the Criminal Court of Tehran - which issued Tabaei's sentence - nor the Supreme Court agreed to review Pouria's case according to Article 91 of the IPC. According to some reports, Pouria Tabaei is scheduled to be executed during the first week of March 2018.

LIST OF JUVENILE OFFENDERS EXECUTED IN 2017

	Date	Name	Age*	Charge	Place	Source	Comment
1	1/15/2017	Arman BahrAsemani	16	Murder	Kerman	HRANA	Unofficial
2	1/18/2017	Hasan HasanZade	15	Murder	E. Azerbaijan-Tabriz	HRANA	Unofficial
3	5/23/2017	Asghar	16	Murder	Alborz- Karaj	Jam-e-Jam	Official
4	7/15/2017	Kabir Dehghanzehi	13	Drug trafficking	Sistan-Baluchestan-Zahedan	TBAC	Unofficial
5	8/10/2017	Alireza Tajiki	15	Murder-Rape	Fars- Shiraz	IHR	Official

* Age at the time of committing the offence

81 <https://iranhr.net/fa/articles/2976/>

82 <https://iranhr.net/en/articles/3009/>

83 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21958&LangID=E>

84 <https://iranhr.net/en/articles/3226/>

WOMEN

According to reports gathered by IHR, at least 10 women were executed in 2017 in Iran. Only one of the executions was announced by official sources.

Four of the women executed in 2017 had been sentenced to death for drug-related charges and six others for murder.

The identities of the women have not been revealed, even for the officially announced case. In the latter case, the Chief Prosecutor of Zanjan province gave the first letters of the offender's name as N.A.

According to the prosecutor, the woman was in a relationship out of marriage and killed her husband with the help of her lover.

SOME FACTS ABOUT THE WOMEN EXECUTED IN 2017

- 10 executions but only one announced by the authorities
- Four women were executed for drug-related charges
- Six women were executed for murder charges

A list of the nine women executed in 2017, along with more information, can be found in Table 1.

LIST OF WOMEN EXECUTED IN 2017

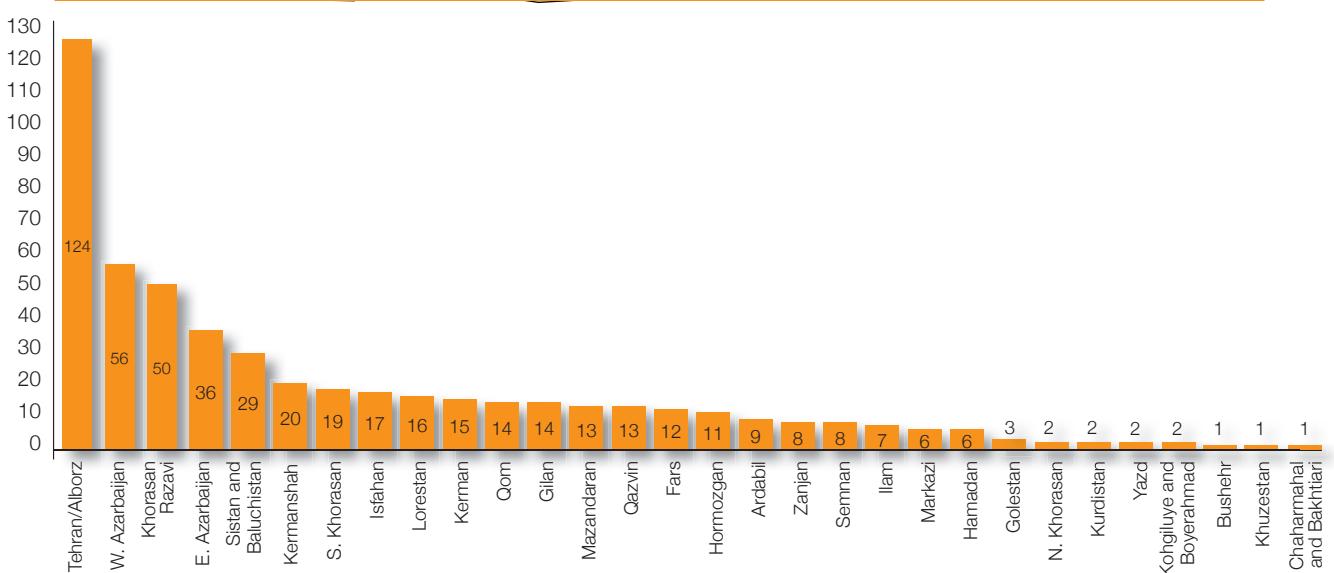
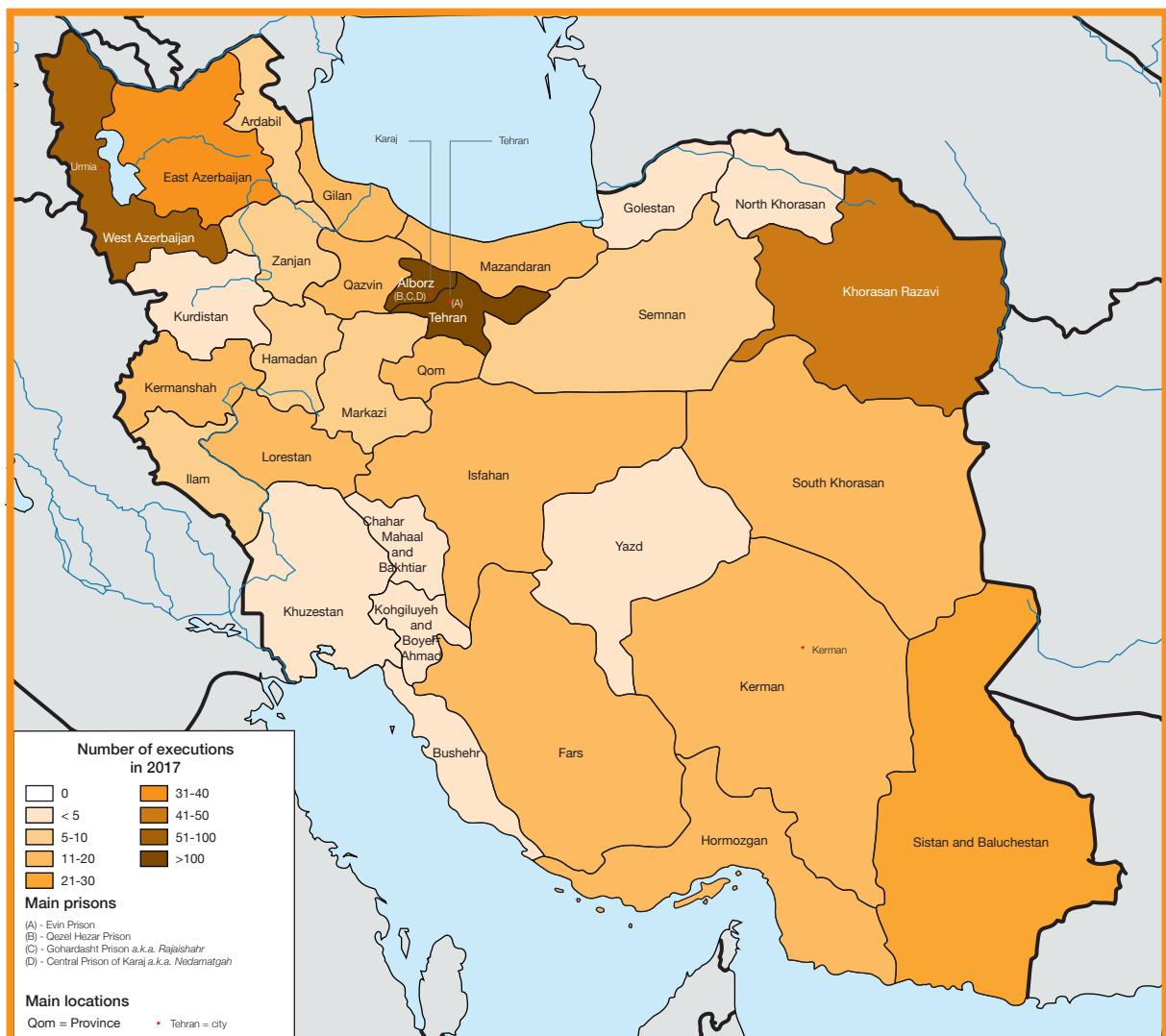
	Date	Name	Age	Charge	Place	Source	Comments
1	9/19/2017	N. A.	Unknown	Murder	Zanjan-Zanjan	Mehr News	Official
2	1/14/2017	Unknown	Unknown	Drug trafficking	Alborz- Nedamatgah Markazi Karaj	IHR	Unofficial
3	1/14/2017	Unknown	Unknown	Drug trafficking	Alborz- Nedamatgah Markazi Karaj	IHR	Unofficial
4	3/4/2017	Unknown	Unknown	Murder	Gilan- Rasht	IHR	Unofficial
5	3/4/2017	Unknown	Unknown	Murder	Gilan- Rasht	IHR	Unofficial
6	5/3/2017	Unknown	Unknown	Murder	Alborz- Rajaei Shahr Karaj	IHR	Unofficial
7	5/3/2017	Unknown	Unknown	Murder	Alborz- Rajaei Shahr Karaj	IHR	Unofficial
8	7/1/2017	Unknown	Unknown	Drug trafficking	Gilan- Rasht	IHR	Unofficial
9	7/26/2017	Unknown	Unknown	Drug trafficking	W. Azerbaijan- Urmia	IHR	Unofficial
10	7/26/2017	Unknown	25	Murder	Mazandaran- Babol	HRANA	Unofficial

GEOGRAPHIC DISTRIBUTION OF EXECUTIONS

Executions were carried out in all but one of the 31 provinces of Iran in 2017. The following maps show the geographic distribution of the executions. The first map shows the total number of executions while the second map shows the number of executions per capita for each province. As in previous years, the prisons of Karaj which house prisoners from the Tehran and Karaj provinces were the sites of the highest number of executions, followed by Urmia Central Prison located in West Azerbaijan. As mentioned at the beginning of the report, more than 79% of the executions included in the 2017 report were either carried out secretly or not announced by official Iranian sources. In the following sections we will provide more details about the unannounced or secret executions.

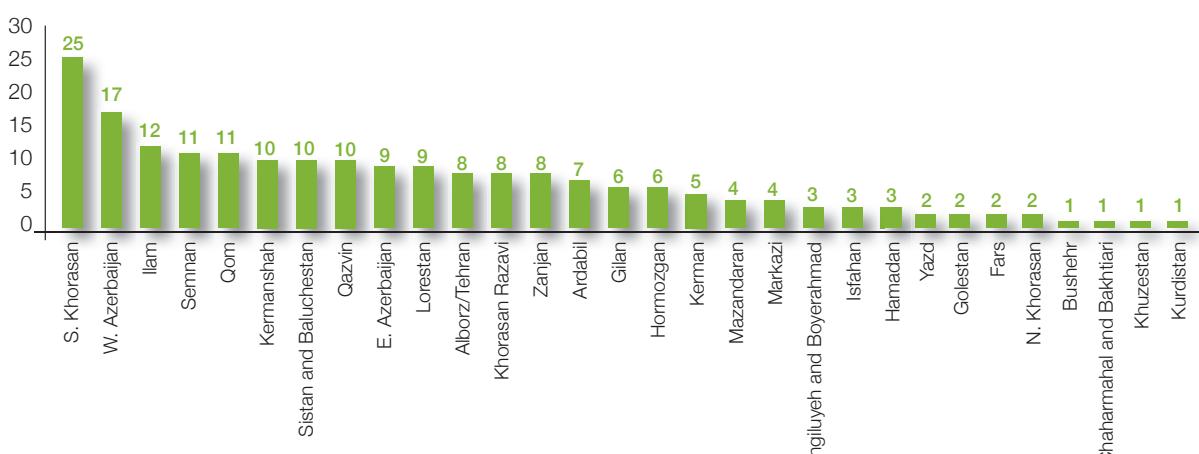
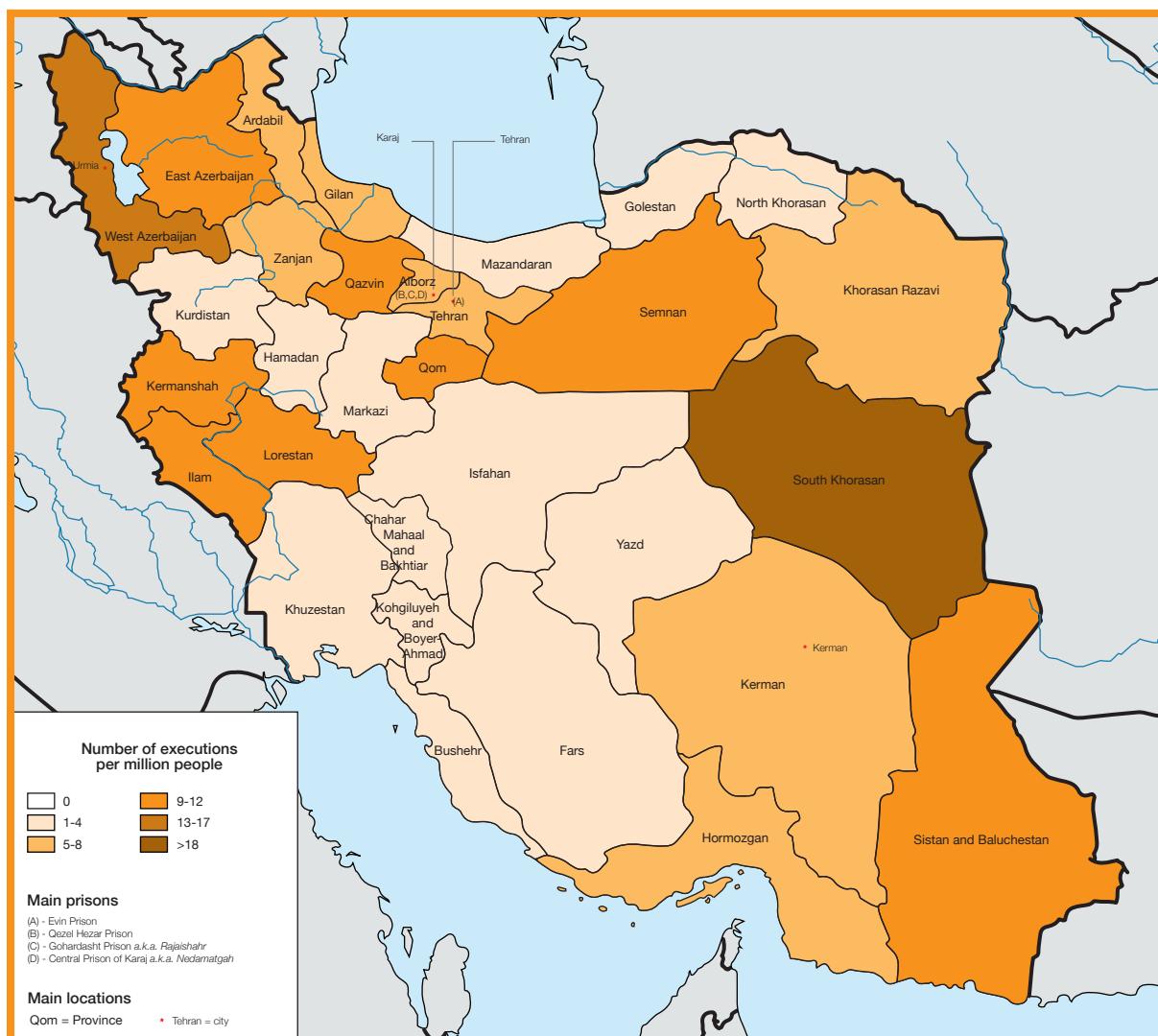
GEOGRAPHIC DISTRIBUTION OF ALL EXECUTIONS BY NUMBER

Prisons in Karaj where death row prisoners from Tehran and Alborz provinces are held, followed by West Azerbaijan and Khorasan Razavi, were the sites of highest number of executions in 2017.



NUMBER OF EXECUTIONS PER CAPITA⁸⁵

In 2017, Iran had six executions carried out per million people. The provinces of South Khorasan and West Azerbaijan have the highest execution rate with 26 and 17 executions per million people (1 per 40,000 and 1 per 59,000 inhabitants) respectively. The actual numbers are provided in Table 3 at the end of this report.



85 Based on amar.org.ir, retrieved 18.02.2018

SECRET AND UNANNOUNCED EXECUTIONS

Approximately 79% of all executions included in the 2017 report, i.e. 406 executions, were not announced by the authorities. This is significantly higher than in 2016 when 298 of 533 executions were not announced by official sources. Some of these executions were carried out secretly, without the family or the lawyer being informed, and some have simply not been announced by the official media. Only unofficial reports with a sufficient amount of information have been included in this report. The actual numbers are believed to be much higher. In 2017, IHR received reports of secret or unannounced executions from 31 different locations across the country.

DOCUMENTATION OF UNANNOUNCED EXECUTIONS

IHR's network inside the country received information about many executions which are not announced by the official media. Confirming these reports is a challenging task as the media is either directly controlled or under strong scrutiny by the authorities. Reporting human rights violations to human rights organizations is regarded as a crime and the people involved face criminal charges. Despite this, every year IHR manages to confirm several hundred cases of executions which are not announced by the authorities. In many cases, information about executions is verified by two or more independent sources. In some cases, IHR receives pictures which can document the execution⁸⁶. In many cases, pictures, along with the names of the prisoners, were sent to IHR. Some of these pictures are shown below.

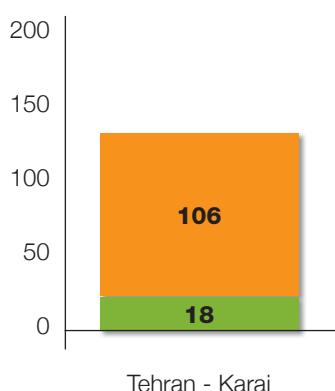


GEOGRAPHIC DISTRIBUTION OF ANNOUNCED AND UNANNOUNCED/SECRET EXECUTIONS

As in previous years, the big prisons in the Karaj/Tehran area were the sites of the highest number of both officially announced and unannounced executions. More details are provided in the following section.

⁸⁶ <https://iranhr.net/en/articles/2634/>

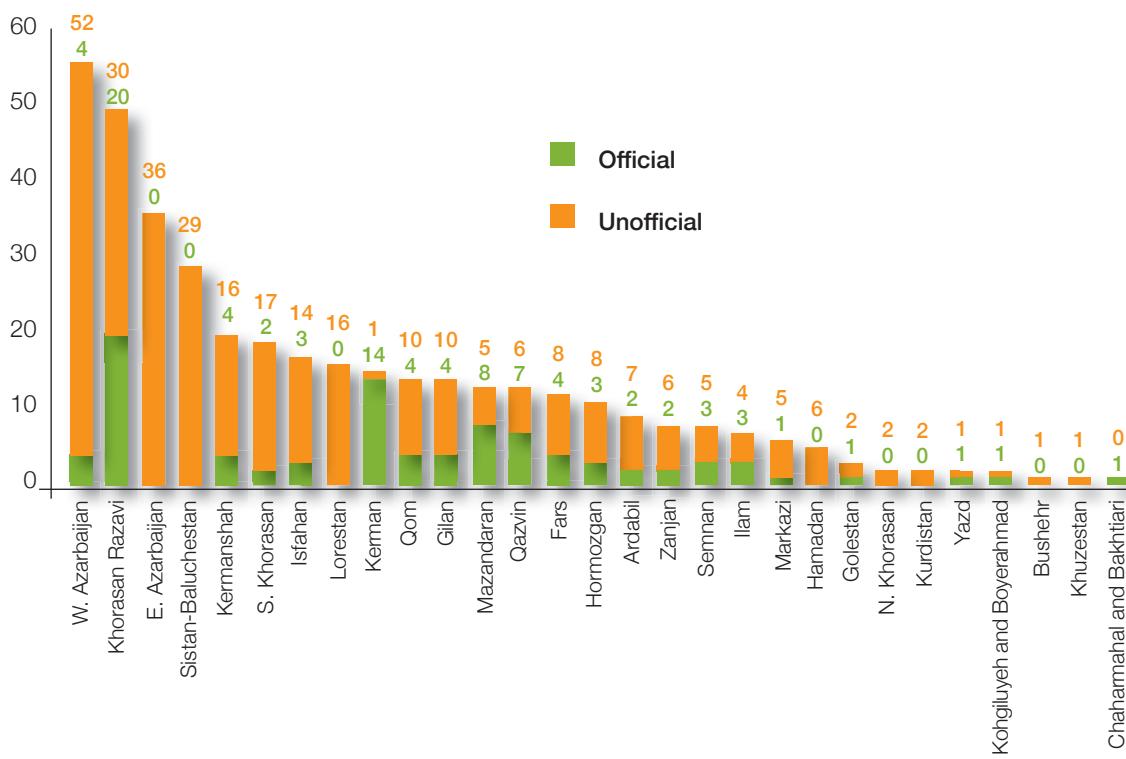
EXECUTIONS IN THE KARAJ/TEHRAN AREAS



The diagram shows the official (green) and unofficial/unannounced (yellow) executions in the three prisons of Karaj (Alborz province) which house prisoners from the provinces of Tehran and Alborz. However, there are also prisoners from the rest of the country in these prisons. These include the prisons of Ghezelhesar, Rajaishahr and the Central Prison of Karaj (also called Nedamatgah). All three prisons are located in Alborz Province. Prisoners at Ghezelhesar prison⁸⁷ and Nedamatgah are mainly convicted of drug offences while in Rajaishahr⁸⁸ the largest number belongs to those convicted of murder and sentenced to *qisas*. Most of the executions carried out in the abovementioned prisons in 2017 were not announced by official sources.

GEOGRAPHIC DISTRIBUTION OF EXECUTIONS IN THE REST OF THE COUNTRY

The diagram below shows the geographical distribution of the official (green) and unofficial/unannounced (yellow) executions in other parts of Iran, excluding the Tehran/Karaj area. The prisons in the provinces of West Azerbaijan (northwest), Khorasan Razavi (northeast), East Azerbaijan (northwest) and Sistan and Baluchestan (southeast) had the highest number of executions.



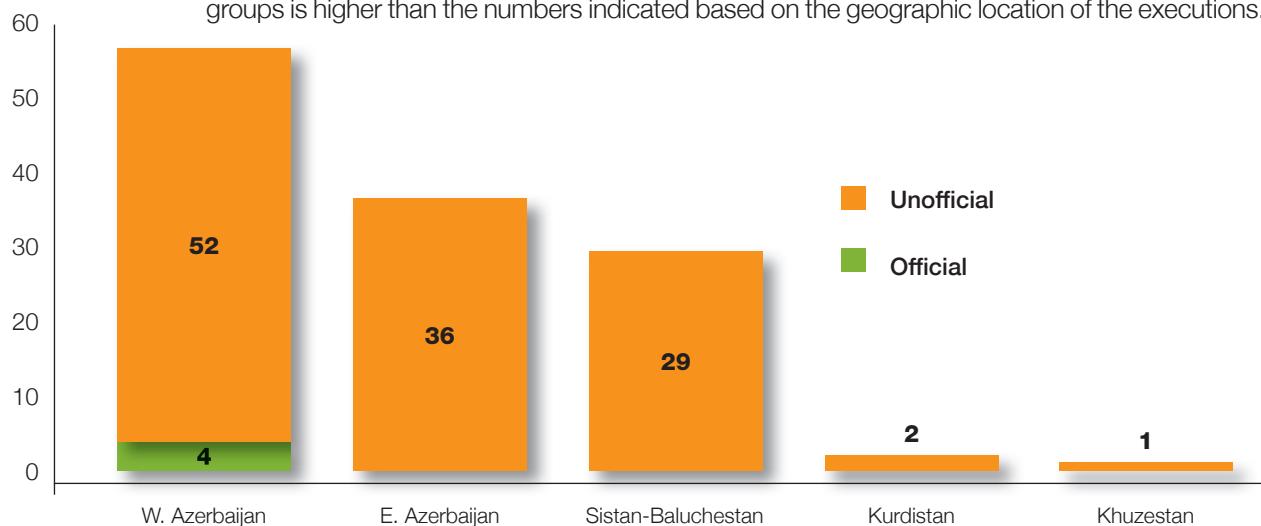
EXECUTIONS IN THE ETHNIC REGIONS

As in the last three years, most of the executions conducted in the ethnic regions of Iran in 2017 were not announced by official Iranian media. Specifically, 120 of the 124 executions IHR has managed to confirm in the provinces of East and West Azerbaijan, Kurdistan, Baluchestan and Khuzestan, were not announced by official Iranian sources. Prisoners executed at the prisons

⁸⁷ <http://iranhr.net/en/articles/1204/>

⁸⁸ <http://iranhr.net/en/articles/1190/>

of the ethnic regions are normally local prisoners. For instance, the prisoners executed at Urmia Central prison (W. Azerbaijan) are mainly Kurdish and those executed at Zahedan Prison (Sistan-Baluchestan) are mainly Baluchis. However, some of the prisoners belonging to ethnic groups are executed in other provinces of Iran. Thus, the actual number of prisoners belonging to ethnic groups is higher than the numbers indicated based on the geographic location of the executions.



Prisons in the ethnic regions of Iran had a high percentage of unannounced or secret executions. In 2017, about 97% of all executions in the ethnic regions of Iran (the provinces of West and East Azerbaijan, Baluchestan and Kurdistan) were not announced by the official media.

In December 2017, a Baluchi prisoner identified as Abdolmajid Hassanzehi was hanged publicly in Isfahan. He was charged with armed drug trafficking⁸⁹. Photo: Rokna.ir

SOME FACTS ABOUT SECRET OR UNANNOUNCED EXECUTIONS IN 2017

- At least 406 (78% of the total) executions were not announced by official Iranian sources
- 93% of drug-related executions were not announced by official sources (214 of 231)
- Drug offences counted for the charges in 53% of unannounced executions
- Murder charges counted for 43% of unannounced executions
- Executions of women and foreign citizens (mainly Afghani and Pakistani) were mainly not announced

⁸⁹ Iran Human Rights, December 13, 2017

CRACKDOWN ON ABOLITIONIST ACTIVISTS

The Iranian authorities' crackdown on abolitionist civil society continued in 2017 through increased pressure on imprisoned activists and notably Atena Daemi and Narges Mohammadi.

These prisoners have been sentenced to prison for anti-death penalty activities amongst other charges.

NARGES MOHAMMADI: MORE THAN 1,000 DAYS IN PRISON WITHOUT FURLough



Narges Mohammadi, a distinguished human rights defender, supporter of the anti-death penalty campaign Legam (Step by Step to Abolish the Death Penalty) and Vice-President of the Centre for Human Rights Defenders in Iran, was sentenced by a Revolutionary Court in Tehran for charges related to her human rights activities.

10 years of her sentence was on the charge of "*founding an illegal group*" for her involvement with the campaign LEGAM (Step by Step to Abolish the Death Penalty). She has also received a five-year sentence for "*gathering and colluding to commit crimes against national security*", and one additional year for "*spreading propaganda against the system*".⁹⁰

In February 2018, she wrote an open letter to Sadeq Amoli Larijani, the head of the Judicial System of Iran, and protested against the influence of security organizations on the Iranian courts.

"On September 15 and November 8, [2017], I wrote two letters and asked to leave [from prison]. On 25 December, I was summoned to talk to the so-called case specialist who was the interrogator. On January 31, 2018, the assistant prosecutor said that the interrogator was from the Ministry of Intelligence and he rejected my request after the meeting." Mohammadi wrote, "issuing three unjust verdicts following three unjust trials (to 22 years jail term which combined into 16 years under Article 134 [of the Islamic Penal Code]), 1,000 days without leave in prison, three times in solitary confinement and illegal transfer to Zanjan prison, all were under the influence of security organizations. Nevertheless, the interrogator's influence shows the lack of independency in the Judiciary system."

Narges was barred from talking to her children on the phone.⁹¹

According to Amnesty International, "*Narges Mohammadi requires ongoing specialized medical care for serious health concerns which she cannot receive in prison and the authorities have refused to transfer her to a hospital outside Tehran's Evin prison where she is serving her sentence.*"⁹²

90 <https://iranhr.net/en/articles/2904/>

91 <http://news.gooya.com/2018/02/---63.php>

92 Amnesty International report on Iranian human rights defenders, October 12, 2017

ATENA DAEMI: SENTENCED TO SEVEN YEARS IN PRISON BY THE REVOLUTIONARY COURT



A photo of Atena Daemi and Golrok Ebrahimi Iraee, taken before their recent imprisonment. Source: Private.

Atena Daemi has been sentenced to seven years in prison for peacefully defending human rights, including: writing posts on Facebook criticizing the authorities' execution record; painting anti-death penalty slogans on walls; distributing anti-death penalty leaflets; participating in a peaceful protest against the 2014 execution of a young Iranian woman called Reyhaneh Jabbari; visiting the graves of those killed during the protests following the 2009 presidential election; and sending information about abuses

against political prisoners to human rights groups based outside Iran. In the court verdict issued against her in April 2015, these peaceful activities were cited by Branch 28 of the Revolutionary Court in Tehran as evidence of "*gathering and colluding to commit crimes against national security*", "*spreading propaganda against the system*" and "*insulting the Supreme Leader*".

Branch 28 of the Revolutionary Court in Tehran sentenced her to 14 years in prison after a grossly unfair trial in March 2015 that lasted no more than 15 minutes. In September 2016, Branch 36 of the Court of Appeal in Tehran reduced the sentence to seven years⁹³.

Atena has been serving her sentence at Tehran's Evin Prison since November 2016. According to reports, in January 2018 Atena and another jailed human rights defender, Golrok Ebrahimi Iraee, were beaten by several prison guards and transferred to Gharchak Prison in Varamin (outside Tehran). On February 3, 2018, Atena Daemi and Golrok Ebrahimi Iraee announced that they were starting a hunger strike in protest against their transfer to Varamin's Qarchak Prison. As of February 15, 2018, Atena Daemi and Golrok Ebrahimi Iraee are still on hunger strike and both defenders are suffering from fragile health conditions⁹⁴.

93 <http://www.amnestyusa.org/get-involved/take-action-now/urgent-action-update-anti-death-penalty-activist-violently-arrested-iran-ua-12715>

94 Statement on Atena Daemi and Golrok Iraee- Frontline Defenders, February 7, 2018

RECOMMENDATIONS

Iran Human Rights (IHR) and ECPM (Ensemble contre la peine de mort) call on the:

INTERNATIONAL COMMUNITY TO:

- Support the mandate of the Special Rapporteur on human rights in Iran, including support to renewal of the mandate
- Strongly encourage Iran to respect its international obligations including the ICCPR and the Convention on the Rights of the Child by putting an immediate end to public executions, abolishing death penalty for offenses that do not qualify as “*most serious crimes*”, by removing mandatory death sentences from the Penal Code, by putting an end to sentences and executions of persons who were under the age of 18 at the age of the crime for which they have been sentenced, and by ensuring due process
- Encourage Iran to continue to reform the national legislation in order to limit death penalty to crimes that meet Iran’s international treaty obligation and to go towards the abolition of the death penalty
- Determine bilateral and international funding and cooperation for the achievement of clear results, in terms of compliance with human rights standards
- Ensure that any investment, funding, trade, cooperation program in Iran is not used to participate in, facilitate or help the commission of executions, or any other violation of human rights law
- Call for the immediate release of all human rights defenders and anti-death penalty activists including Narges Mohammadi and Atena Daemi who were sentenced to long prison terms for peaceful activities against the death penalty
- Advocate for a moratorium on use of the death penalty and for major reforms within the country’s judicial system which does not meet minimum international standards, including by bringing an end to the existence of the Revolutionary Courts
- Encourage Iran to ratify the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to ICCPR (OP2)

IRANIAN AUTHORITIES TO:

- Implement and fully respect the provisions of its international human rights obligations
- Schedule a country visit by the Special Rapporteur on human rights in Iran
- Provide access to the Special Rapporteur on extrajudicial, summary and arbitrary executions, to the Special Rapporteur on torture, to the Special Rapporteur on the independence of judges and lawyers and to other Special Rapporteurs who have requested a visit to the country, in line with Iran’s standing invitation to all Special Procedures extended on 24 July 2002
- Publish (or communicate to the UN) the list of all juvenile offenders currently on death row
- Communicate to the UN the list of all prisoners on the death row for drug offences
- Show complete transparency regarding the implemented death sentences and number of executions
- Cease the criminalization of human rights advocacy on the issue of death penalty and allow and facilitate a public and open debate about the question of the death penalty in Iran
- Continue to reform national legislation in order to reduce the number of crimes and move towards abolition of the death penalty
- Release all imprisoned human rights defenders and anti-death penalty activists
- Ensure access by the UNODC, which has been cooperating with the Iranian authorities in fighting drugs, to the list of all death row prisoners for drug offences and allow UNODC to participate in monitoring and evaluating the process
- Ratify the International Convention against torture and the OP2

APPENDIX 1: ARTICLES IN THE IRANIAN ANTI-NARCOTICS LAW THAT PERMITS THE DEATH PENALTY

Article 2

Anyone who cultivates poppies, coca and/or cannabis for the purpose of producing narcotic drugs or industrial non-medical psychotropic drugs shall be sentenced, in addition to his crops being destroyed, to the following punishments according to the amount of his or her cultivation:

- a) First offense, a fine in the amount of ten million to a hundred million Rials.
- b) Second offense, a fine in the amount of fifty million to five hundred million Rials in cash, plus thirty to seventy lashes.
- c) Third offense, a fine in the amount of one hundred million to one billion Rials in cash, plus one to seventy lashes together with two to five years of imprisonment.
- d) Fourth offense, death penalty.

Article 4

Anybody who smuggles in or out, produces, distributes, deals in or puts on sale bhang, Indian hemp-juice, grass, opium and opium juice, residue (shireh), other forms of opiate, and/or other types of narcotics or industrial non-medical psychotropic drugs, a list of which is approved by the Iranian Parliament, shall be sentenced to the following punishments, taking into account the quantity of said materials:

- a) Up to fifty grams, a fine in the amount of up to four million Rials in cash and up to fifty lashes.
- b) More than fifty grams and up to five hundred grams, a fine in the amount of four to fifty million Rials in cash, plus twenty to seventy-four lashes as well as up to three years of imprisonment if the court finds it necessary.
- c) More than five hundred grams and up to five kilograms, a fine in the amount of fifty million Rials up to two hundred million Rials in cash, plus fifty to seventy-four lashes and three to fifteen years of imprisonment.
- d) More than five kilograms, death penalty and confiscation of properties associated with criminal activity.

(The amount of drugs that is punished by execution changed from five kilograms to fifty kilograms in 2017; see article 45)

Article 8

Anyone who imports, produces, cultivates, distributes, exports, deals in, keeps or stores, conceals and/or carries (or transports) heroin, morphine, cocaine and/or other chemical derivatives of morphine and cocaine or Lysergic Acid Diethylamide (LSD), Methylenedioxymethamphetamine (MDMA or ecstasy), gamma-hydroxybutyric acid (GHB), Flunitrazepam, Amphetamine, Methamphetamine (crystal meth), and/or other narcotics or industrial non-medical psychotropic drugs, a list of which is approved by the Iranian Parliament, shall be sentenced to the following punishments, taking into account the amount of said drugs:

- a) Up to five centigrams, a fine in the amount of five hundred thousand to one million Rials in cash, plus twenty to fifty lashes.
- b) More than five centigrams and up to one gram, a fine in the amount of two million to six million Rials in cash, plus thirty to seventy lashes.
- c) More than one gram and up to four grams, a fine in the amount of eight million to twenty million Rials in cash, plus two to five years of imprisonment and thirty to seventy lashes.
- d) More than four grams and up to fifteen grams, a fine in the amount of twenty million to forty million Rials in cash, plus five to eight years of imprisonment and thirty to seventy-four lashes.

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- e) More than fifteen and up to thirty grams, a fine in the amount of forty million to sixty million Rials in cash, plus ten to fifteen years of imprisonment and thirty to seventy-four lashes.
- f) More than thirty grams, death penalty and confiscation of property.

(The amount of drugs that is punished by execution changed in 2017; see article 45)

Note: If it is established that the perpetrator of the crime under paragraph (f) of this Article has committed it for the first time and has not succeeded in distributing or selling the drugs and the amount of drugs does not exceed one hundred grams or, according to the quality and route of transportation, he or she has not determined to distribute/sell them inside the country, the court shall sentence him or her to life imprisonment and confiscation of his or her family. In all above cases, if the accused is an employee of the government or government-affiliated companies and establishments, he or she shall be sentenced in addition to the punishments mentioned in this article, to permanent dismissal from governmental services.

Article 11

Armed smuggling of narcotic drugs, the subject matter of this law, is punished by execution. If deemed appropriate, the execution shall be carried out on the premises of the offender and in public.

Article 18

In cases where a perpetrator hires or employs someone to commit the aforementioned crimes, and/or organize and manage their business, or financially support or invest in their business, and the punishment for the perpetrator is life imprisonment, that person will be punished by execution and confiscation of the properties associated with the criminal activity. In other cases, s/he will receive maximum punishment. The boss or leader of the operation will be punished by execution.

Article 35

Anyone who forces children and juveniles under the age of 18 or mentally incapacitated persons to use drugs and/or commit any of the aforementioned crimes in any way and/or forces someone else to use narcotics or psychotropic drugs by any means and/or forcibly injects drugs into his/her body and/or drugs them in any way will receive one and a half times the maximum punishment for the relevant crime and in case of life imprisonment, they will be sentenced to execution and forfeiture of the properties associated with criminal activity. In case of other actions such as persuasion, the perpetrator of the crime will be charged as an accomplice.

Article 45

Drug Bill Reform Measure

Single Article. An Article, titled Article 45, has been incorporated into the Law for Combating Illicit Drugs enacted on October 25, 1988 and its subsequent amendments, and the title of the existing Article 45 was changed to Article 46.

Article 45.

Perpetrators of crimes which carry execution or life imprisonment sentences under this law shall be charged with Mofsed fel-Arz ("One who spreads corruption on earth") and sentenced to death and forfeiture of the properties associated with narcotics and psychotropic drugs provided that one of the following conditions is met. Otherwise, those who are "*subject to the death penalty*" shall be sentenced to first degree imprisonment of up to thirty years and a first degree fine of twice the minimum amount, and those who are "*subject to life imprisonment*" shall be sentenced to second degree imprisonment and fine. In each case the individual shall be sentenced to forfeiture of the properties associated with narcotics and psychotropic drug. Conditions:

(a) The accomplice or at least one of the accomplices draws his/her weapon during the commission of the crime or carries a firearm or hunting weapon in order to engage law enforcement agents.

For the purposes of this paragraph, weapon refers to a cold weapon (knife etc.) and weapons and ammunitions mentioned by the Punishment of Smuggling of Weapons and Ammunition and Possessors of Weapons and Ammunitions Act enacted on August 29, 2011.

(b) The perpetrator is a leader (as described in Article 130 of the Islamic Penal Code enacted on April 21, 2013), financial supporter or investor and/or has exploited children or juveniles under the age of 18 or mentally incapacitated persons for the commission of the crime.

(c) The perpetrator has previously been sentenced to execution or life imprisonment or imprisonment for more than fifteen years for drug offenses subject to this law.

(d) The perpetrator has committed crimes described in Article 4 of this law, provided that they involve more than fifty kilograms, involving more than two kilograms of substances mentioned in Article 8 of this law, or involving other offences described in Article 8 provided that the amount is more than three kilograms. This paragraph will be implemented if the perpetrators, defendants, and criminals, who have been sentenced before this law takes effect meet one of the conditions of (a), (b), or (c).

Note: The perpetrator of offences that, based on this law, are punishable by a term of imprisonment of more than five years, may not benefit from suspension of punishment, conditional release, or other forms of clemency, except for amnesty by the Supreme Leader mentioned in paragraph (k) of article 110 of the Constitution, provided that the minimum legal penalty is issued pursuant to the exception of the Note to Article 38 of this law, and if more than the minimum legal penalty is issued, after serving the minimum sentence the court may suspend the sentence for five to ten years.

The above law, including the single Article, was enacted on Wednesday October 4, 2017 by the Iranian Parliament and was approved by the Guardian Council on October 18, 2017.

APPENDIX 2: CIRCULAR BY THE HEAD OF THE JUDICIARY ON IMPLEMENTATION OF THE NEW AMENDMENT TO THE ANTI-NARCOTICS LAW

۴۸۲۴۴،۱ ~
شماره:
تاریخ: ۹۷/۰۱/۱۶
پیوست:
طبقه‌بندی:

بسم الله الرحمن الرحيم



بخشنامه به کلیه مراجع قضایی کشور

در اجرای قانون الحق یک ماده به قانون مبارزه با مواد مخدر مصوب ۱۳۹۶/۷/۱۲ مجلس شورای اسلامی و ضرورت تسريع در اجرای آن در مواردی که احکام سابق الصدور مشمول تخفیف مجازات می‌شوند، توجه مراجع قضایی را به موارد ذیل جلب می‌نماید:

۱- منظور از قانون در این بخشنامه، قانون مبارزه با مواد مخدر مصوب ۱۳۶۷ مجمع تشخیص مصلحت نظام با اصلاحات و الحالات بعدی و منظور از ماده واحد نیز قانون الحق یک ماده به قانون مبارزه با مواد مخدر مصوب ۱۳۹۶/۷/۱۲ مجلس شورای اسلامی است.

۲- قصاص احکام کفری مکلفند در اسرع وقت کلیه پرونده‌های مشمول بند (ب) ماده (۱۰) قانون مجازات اسلامی مصوب ۱۳۹۲ را با اولویت محکومان به اعدام، ضمن توافق اجرا، مورد بررسی قرار دهند و چنانچه اجرای ماده واحد موجب تخفیف مجازات محکومان می‌گردد، مراتب را طی شرحی به همراه پرونده به شعبه دادگاه انقلاب صادر کننده حکم قطعی یا جانشین آن ارسال نمایند. در صورتی که محکوم علیه رأساً تقاضای تخفیف نماید، قاضی اجرای احکام نیز مکلف است درخواست وی را به همراه پرونده به دادگاه ارسال کند.

تبصره - منظور از دادگاه صادر کننده حکم قطعی، دادگاه انقلاب صادر کننده حکم است اعم از اینکه حکم پس از انقاض مهلت قانونی، قطعی شده یا حسب مورد به تایید رییس یا شعبه دیوانعالی کشور و یا دادستان کل کشور رسیده باشد.

۳- زندانیان مشمول این ماده می‌توانند تقاضای خود را به رییس زندان مربوط تحويل دهند. در این صورت، رییس زندان مکلف است در اسرع وقت درخواست آنان را عیناً به دادسرای مجری حکم ارسال کند. قاضی اجرای احکام موظف است درخواست را به انضمام پرونده برای رسیدگی به دادگاه صادر کننده حکم قطعی ارسال نماید.

Islamic Republic of Iran
Head of the Judiciary
Number: 900/48244/100
Date: January 6, 2018

Directive to all judicial authorities nationwide:

In the implementation of the Law of the Annexation of An Article to the Counter Narcotics Law, approved by the Iranian Parliament on October 4, 2017, and the necessity of expediting its implementation in cases where formerly issued rulings are eligible for a reduced sentence, judicial authorities must pay attention to the following:

1. The "Law" in this circular refers to the Counter Narcotics Law approved in 1989 by the Expediency Council, along with its subsequent amendments and extensions, and the "single article" refers to the addition of an article to the Counter Narcotics Law, approved by the Iranian Parliament on October 4, 2017.
2. Judges responsible for enforcing penal sentences are required to expeditiously halt the executions and review all cases referred to in article (10) (b) of the Islamic Penal Code of 2014, with priority for those sentenced to death, and where the implementation of the "single article" would reduce the punishment of the convicted individuals, to submit the case in a statement together with the case file to the branch of the Revolutionary Court that originally issued the final decree or its successor. Where the convicted individual independently requests the sentence reduction, the Enforcement Unit Judge is obligated to submit his/her request along with the case file to the court.

Note: "The court that originally issued the final decree," refers to the Revolutionary Court branch that issued the sentence, whether the sentence was finalized after the moratorium had expired, or whether, depending on the case, it was confirmed by the Head, or a Supreme Court branch, or the Prosecutor General.

3. Prisoners covered by this Article may submit their request to the Head Warden of their prison. In this case, the Head Warden must submit the received request in its entirety to the enforcing court as soon as possible. The Enforcement Unit Judge must forward the request along with the case file for review to the court that originally issued the final decree.
4. The court that originally issued the final decree must examine the submitted case file as soon as possible, and if it deems the case under article (10) (b) of the Islamic Penal Code, to take action to issue a revised verdict based on sentence reduction. Otherwise, the court will reject the request for sentence reduction, providing the reasons, and the case file is returned to the relevant authority. The court's decision is final.
5. The exclusion from paragraph (b) (10) of the Islamic Penal Code for those sentenced to death or life imprisonment before the Single Article is implemented must be reflected in the case through minutes signed by the Enforcement Unit Judge and confirmed by the prosecutor, and enforcing the execution without it is prohibited.
6. The use of children and adolescents under eighteen years of age or insane persons for committing the offense referred to in paragraph (b) of the single article includes those who commit the offenses in question by using those persons as a means of committing a crime, as stipulated in Article 128 of the Penal Code of the Islamic Republic of Iran approved in 2014, or cases such as hiring or recruiting mature individuals under the age of 18.
7. According to paragraph (d) of the single article, the importation, exportation, shipping, manufacturing, making, distribution, sale or offering for sale of more than 50 kg of narcotics,

ANNUAL REPORT ON THE DEATH PENALTY IN IRAN 2017

subject of Article 4, or more than 2 kg of narcotics, subject of Article 8, and purchase, keeping, hiding, or carrying more than 3 kilograms of narcotics, subject of Article 8, will result in the death penalty.

8. Individuals who prior to the single article's enforcement date have committed the offenses listed in the first paragraph of this article with the amount of narcotics in excess of the amount specified in clause (d) and who do not meet the conditions stipulated in clauses (a), (b) and (c) of this article, will be eligible for the reduced sentence listed in the article.

9. Enforcing Article 10 of the Islamic Penal Code, in the cases of individuals who have committed the crimes listed in this article prior to this single article's effective date, and whose cases have not yet led to a sentence, and the application of the single article will be in their favor, the court is required to issue its ruling by complying with this article. Where the sentence has been issued and it is under consideration at an appeals court, the Supreme Court will overrule the verdict and forward the case file for review to a lateral court.

10. If those sentenced to death are subjects of the Supreme Leader's amnesty, and their sentence has been reduced to life imprisonment prior to the single article's effective date, they shall be subject to article 20 (b) of the Islamic Penal Code.

11. If the implementation of the single article reduces the sentences of individuals sentenced to life imprisonment to a second degree punishment, the abettors of the offense will also be subject to article 20 (b) of the Islamic Penal Code.

12. In executing the single article's clause, if a criminal offense is punishable by more than five years in prison, the court shall, in determining the penalty, be obliged to observe the following points:

A. It is forbidden to determine a penalty below the minimum legal punishment.

B. In the event that the minimum legal punishment for a crime is determined, except for the allowance provided for in article 38 of the law and where the Supreme Leader has granted amnesty, referred to in paragraph (11) of Article 100 of the Constitution, any such concession, such as suspension of punishment, conditional release, or punishment reduction subject of Article 443 of the Criminal Procedure Code is prohibited. If the penalty imposed exceeds the minimum punishment of a crime, the court may, after the minimum legal sentence for the crime is served, suspend all or part of the remaining sentence.

The responsibility for the implementation of this directive lies with the prosecutors and the heads of the judiciary in the jurisdictions, and the Prosecutor General supervises its proper implementation and will provide a report about the implementation of the said single article after three months to the Head of the Judiciary.

Sadegh Amoli Larijani
January 6, 2018

APPENDIX 3:

EXECUTIONS PER CAPITA IN EACH PROVINCE

Province	Population	Number of Executions	Executions Per One Million
S. Khorasan	768898	19	25
W. Azerbaijan	3265219	56	17
Ilam	580158	7	12
Semnan	702360	8	11
Qom	1292283	14	11
Kermanshah	1952434	20	10
Sistan and Baluchestan	2775014	29	10
Qazvin	1273761	13	10
E. Azerbaijan	3909652	36	9
Lorestan	1760649	16	9
Alborz/Tehran	15980037	124	8
Khorasan Razavi	6434501	50	8
Zanjan	1057461	8	8
Ardabil	1270420	9	7
Gilan	2530696	14	6
Hormozgan	1776415	11	6
Kerman	3164718	15	5
Mazandaran	3283582	13	4
Markazi	1429475	6	4
Kohgiluyeh and Boyerahmad	713052	2	3
Isfahan	5120850	17	3
Hamadan	1738234	6	3
Yazd	1138533	2	2
Golestan	1868819	3	2
Fars	4851274	12	2
N. Khorasan	863092	2	2
Bushehr	1163400	1	1
Chaharmahal and Bakhtiari	947763	1	1
Khuzestan	4710509	1	1
Kurdistan	1603011	2	1



Iran Human Rights (IHR) is a non-profit, politically independent organization with members and supporters inside and outside Iran. The organization started its work in 2005 and is registered as an international non-governmental organization based in Oslo, Norway.

Abolition of the death penalty in Iran as a step towards the universal abolition of the death penalty is the main goal of IHR.

IHR HAS A BROAD NETWORK AMONG THE ABOLITIONIST MOVEMENT INSIDE AND OUTSIDE IRAN:

Besides supporters and collaborators among the civil society activists in the central parts of Iran, IHR also has a wide network in the ethnic regions which are often not the focus of the mainstream media. In addition, IHR has a network of reporters within many Iranian prisons, and among Iranian lawyers and the families of death row prisoners. This enables IHR to be the primary source of many execution reports in different Iranian prisons. IHR has been member of the World Coalition Against the Death Penalty (WCADP) since 2009 and a member of its Steering Committee since 2011. IHR is also a member of Impact Iran, a coalition of more than 13 Iranian human rights NGOs. IHR's close collaboration with abolitionist networks inside and outside Iran makes it a unique actor in the struggle against the death penalty in the country with the highest number of executions per capita.

IHR's core activities include:

Fighting for abolition of the death penalty, through monitoring, reporting, empowerment of the abolitionist Iranian civil society and international advocacy

Promoting due process and rule of law, through raising the legal debate in Iran and encouraging legal reforms. IHR publishes a bi-weekly legal journal with contributions from Iranian lawyers, jurists, law students and religious scholars

Defending human rights defenders, by creating safer working conditions, giving voice to the imprisoned human rights defenders and supporting human rights defenders in danger

IHR's work in the past 12 years has contributed to:

Creating awareness about the situation of the death penalty in Iran: Through careful research and monitoring, and continuous reporting IHR has given a more realistic picture of the death penalty trends in Iran. IHR is regarded as a credible source of information and its annual reports are points of reference for the international community⁹⁵, the media⁹⁶, and civil society.

Limiting the use of the death penalty in Iran through international campaigns and advocacy: IHR activities have contributed to saving the lives of several death row prisoners through focused domestic and international campaigns.

Raising the national debate on the death penalty and empowerment and education of the abolitionist movement inside Iran: IHR was the first NGO focusing on all death penalty cases in a sustainable manner. By publishing news, reports and interviews, and since 2015 through its one-hour weekly TV program⁹⁷, IHR has contributed significantly to educating abolitionists and raising the national debate on the death penalty in Iran.

95 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/518/83/PDF/N1451883.pdf?OpenElement>

96 <http://europe.newsweek.com/state-executions-rise-two-day-iran-313562?rm=eu>

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97 <https://iranhr.net/fa/multimedia/#/all/all/1>



ECPM (Together Against the Death Penalty) is an organization working for a particular cause: universal abolition of the death penalty under all circumstances.

PROXIMITY TO PRISONERS SENTENCED TO DEATH

ECPM carries out and publishes judicial investigations into death row (in Morocco, Tunisia and the United States). Our publication *Investigation into Death Row in the DRC* received the French Republic's top Human Rights Prize.

ECPM supports the victims of the death penalty, prisoners and their families such as Serge Atlaoui and Hank Skinner. **ECPM** supports correspondence with prisoners sentenced to death.

ADVOCACY WITH THE HIGHEST AUTHORITIES

ECPM is the first NGO devoted to the struggle against the death penalty to have obtained ECOSOC status which guarantees it a presence and the possibility of advocating at the very heart of the UN system. **ECPM** initiated the creation of the World Coalition Against the Death Penalty in 2002 which today has more than 150 members – NGOs, bar associations, local bodies, unions – from across the world. Along with the World Coalition, **ECPM** leads advocacy and public mobilization campaigns with political decision-makers (European Union, African Commission on Human and Peoples' Rights, governments, etc.)

UNITING ABOLITIONISTS FROM ACROSS THE WORLD

ECPM is the founder and organizer of the World Congresses Against the Death Penalty. These events bring together more than 1,300 people representing the world abolitionist movement. Ministers, parliamentarians, diplomats, activists, civil society organizations, researchers and journalists come together every three years to strengthen their ties and draw up strategies for the future.

EDUCATION AND AWARENESS OF ABOLITION

ECPM works in schools to encourage young people to support the issue through drawing competitions, introductions to journalism and free class visits – with the participation of specialists, individuals previously sentenced to death or the families of prisoners sentenced to death. More than 10,000 middle and high school pupils have been involved since October 2009. **ECPM** raises awareness among the public of the situation of minorities and vulnerable groups by participating in international solidarity events, Cities for Life, the World Day Against the Death Penalty, World Human Rights Day, etc.

STRENGTHENING THE CAPACITIES OF LOCAL ACTORS AND TAKING ACTION WITH THEM

ECPM fights against the isolation of activists wherever the death penalty remains by supporting the formation of national and regional coalitions against the death penalty (Morocco, Tunisia, Central Africa, Asia, etc.), as well as the creation of networks of abolitionist parliamentarians and lawyers. **ECPM** encourages efficiency among its local partners by organizing training sessions and advocating at all political levels for their work to be supported.



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The organizations Iran Human Rights (IHR) and ECPM have been collaborating since 2011 for the international release and dissemination circulation of the annual report on the death penalty in Iran. IHR and ECPM see the death penalty as a benchmark for the human rights situation in the Islamic Republic of Iran.

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