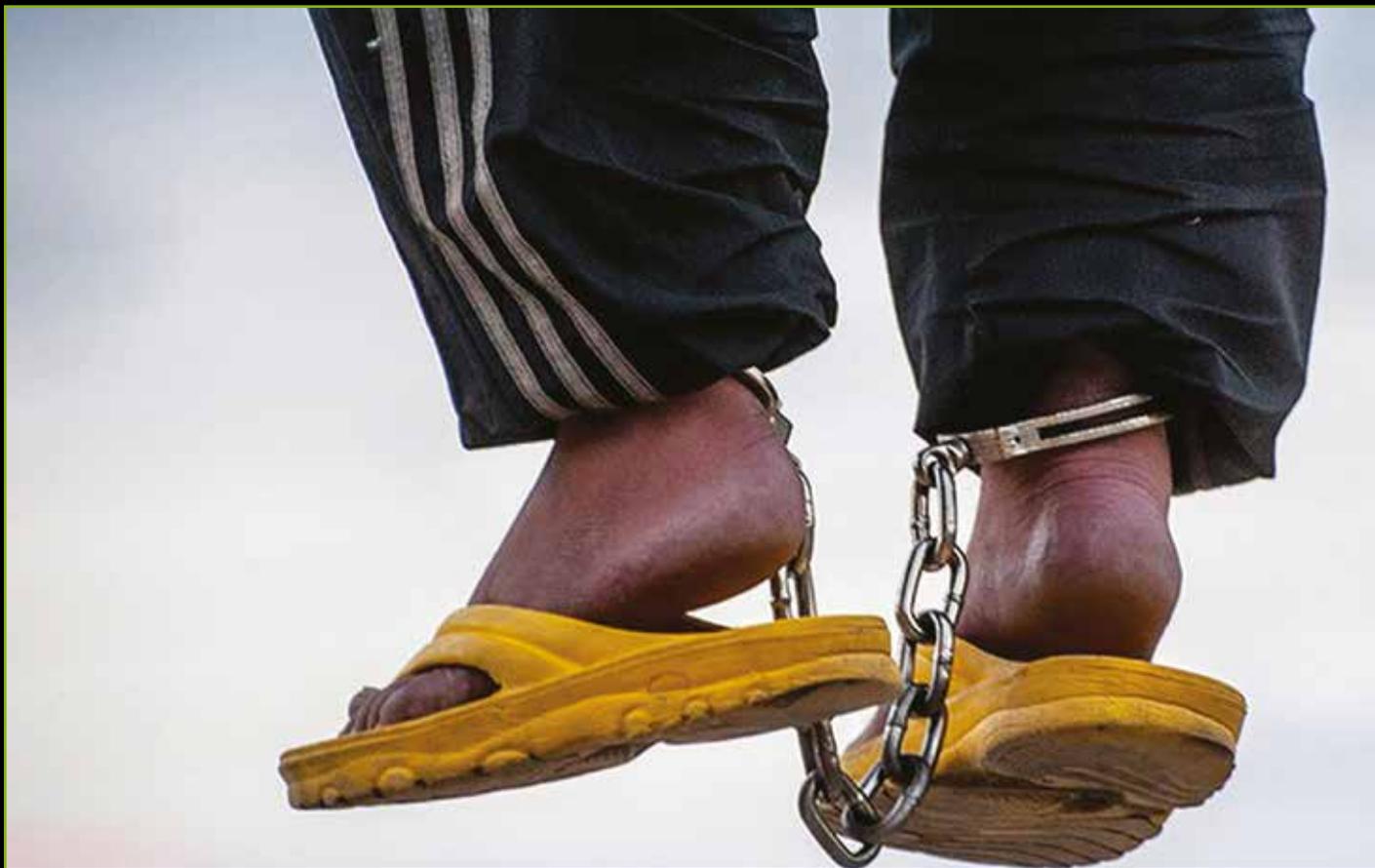


# ANNUAL REPORT ON THE DEATH PENALTY IN IRAN 2016



## PREFACE

The 9<sup>th</sup> annual report by Iran Human Rights (IHR) on the death penalty provides an assessment and analysis of the death penalty trends in 2016 in the Islamic Republic of Iran.

The report sets out the number of executions in 2016, the trend compared to previous years, charges, geographic distribution and a monthly breakdown of executions. Lists of the women and juvenile offenders executed in 2016 are also included in tables at the end of the report. Drug-related executions, the status of the cooperation between the United Nations Office for Drugs and Crime (UNODC) and Iran in fighting drugs and the ongoing debate inside Iran, and the new legislation proposed by the Iranian Parliament, Majles, will be briefly reviewed. We will also look into whether Hassan Rouhani's presidential period, which will end in June 2017, has had any impact on the issue of the death penalty.

The issue of due process will be discussed. Revolutionary Courts have received much attention as regards the mass executions in the 1980s. In this report, we will provide data which, in particular, sheds light on the role of the Revolutionary Courts in recent executions.

The report also looks into the abolitionist movement inside Iran. As in last year's report, we provide the number of "forgiveness" cases, where the family of murder victims chose forgiveness instead of retribution, and compare those to the trends for death sentences in murder cases.

Like our previous reports, the 2016 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 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 aren't included in this report due to a lack of sufficient details or an inability to confirm cases through two different sources. However, we believe that this report gives the most complete and realistic figures possible under the present circumstances.

---

## ANNUAL 2016 REPORT AT A GLANCE

- 530 people were executed in 2016 (45% decrease compared to 2015)
  - 232 executions (44%) were announced by official sources
  - 340 (64%) of the death sentences implemented in 2016 were issued by the Revolutionary Courts
  - 296 (56%) were executed for drug-related charges
  - 33 executions were conducted in public spaces
  - At least 5 juvenile offenders were among those executed
  - At least 9 women were executed
  - 142 people were executed for murder
  - 251 people were forgiven by the families of the murder victims
- 

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

Since 2011, Iran Human Rights (IHR)<sup>1</sup> and ECPM (Together Against the Death Penalty)<sup>2</sup> have been working together for the international release and circulation of the annual reports on the death penalty in Iran.

We thank Elizabeth Zitrin (President of the World Coalition Against the Death penalty) and Daniel Dolan (Reprieve) for their contributions.

Lay-out : Olivier Dechaud (ECPM)

Copy-editor: Morag Young

Printing : Imprim'ad hoc

© IRH, ECPM, 2017

<sup>1</sup> <http://iranhr.net/en/>

<sup>2</sup> <http://www.abolition.fr>, but also <http://www.ecpm.org>

## INTRODUCTION

The 9<sup>th</sup> annual report by Iran Human Rights (IHR) and ECPM on the death penalty in Iran shows that in 2016 at least 530 people were executed in the Islamic Republic of Iran. Although this number is significantly lower than the annual execution numbers from the past five years, Iran remained the country with the highest number of executions per capita.

Commenting on the relative decrease in the 2016 execution figures, Mahmood Amiry-Moghaddam, IHR's Director and spokesperson, said: "We welcome any reduction in the use of the death penalty. But, unfortunately, there are no indications that the relative decrease in the number of the executions in 2016 was due to a change in the Islamic Republic of Iran's policy. Our reports show that the Iranian authorities have executed at least 140 people in the first two months of 2017 alone."

In violation of its international obligations, Iran continued to execute juvenile offenders in 2016. According to our report, at least five juvenile offenders were executed in 2016 in Iran. Two of the juvenile offenders were reportedly sentenced to death for drug offences. Iranian authorities also carried out public executions and other barbaric punishments such as amputations, and blinding of eyes. According to IHR's reports, 33 people were hanged in public spaces, in front of hundreds of citizens including children.

This 2016 annual report is being published only a few months before the end of Hassan Rouhani's first presidential period. A review of Mr. Rouhani's 3.5 years as President shows that, despite good diplomatic relations and dialogue with the EU, the number of executions under his presidency was significantly higher than the annual executions under the previous two periods under Ahmadinejad.

To launch the 2016 annual report on the death penalty in Iran, **Iran Human Rights (IHR) and ECPM** call on Iran's European dialogue partners to push for a moratorium on use of the death penalty in Iran and for major reforms in the country's judicial system which does not meet minimum international standards.

**The report focuses particularly on the role of the Revolutionary Courts as a major source of arbitrariness and violations of due process in the Iranian judicial system.** The Revolutionary Courts are responsible for the vast majority of the death sentences issued and carried out over the last 37 years in Iran. According to IHR's 2016 report, at least 64% of all executions in 2016 and more than 3,200 executions since 2010 have been based on death sentences issued by the Revolutionary Courts. The Revolutionary Courts are less transparent than the Public Courts and Revolutionary Court judges are known for abusing their legal powers. Trials lasting less than 15 minutes, lack of access to a chosen lawyer, and sentences based on confessions extracted under torture are the hallmarks of the Revolutionary Courts.

Revolutionary Courts also play a key role in the crackdown against human rights defenders and the abolitionist movement. In 2016 the Revolutionary Court in Tehran sentenced the human rights defenders Narges Mohammadi and Atena Daemi to 10 years and seven years in prison respectively for their activities against the death penalty.

*On the issue of the lack of due process, Mahmood Amiry-Moghaddam said: "A sustainable reduction in use of the death penalty is impossible as long as there is no due process. 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."*

*ECPM's Executive Director, Raphaël Chenul-Hazan, said: "We call on every democratic State and all Iran's European partners to make serious efforts to reduce the death penalty in Iran, and to include human rights, especially the situation of the death penalty in Iran, in their bilateral and multilateral dialogues. A good outcome can only be achieved through constant and permanent pressure in the dialogue with Iran."*

IHR and ECPM also call on the Iranian authorities to release Narges Mohammadi and Atena Daemi immediately. These human rights groups also call for an end to the crackdown on civil society and the prosecution of peaceful civilian activists.

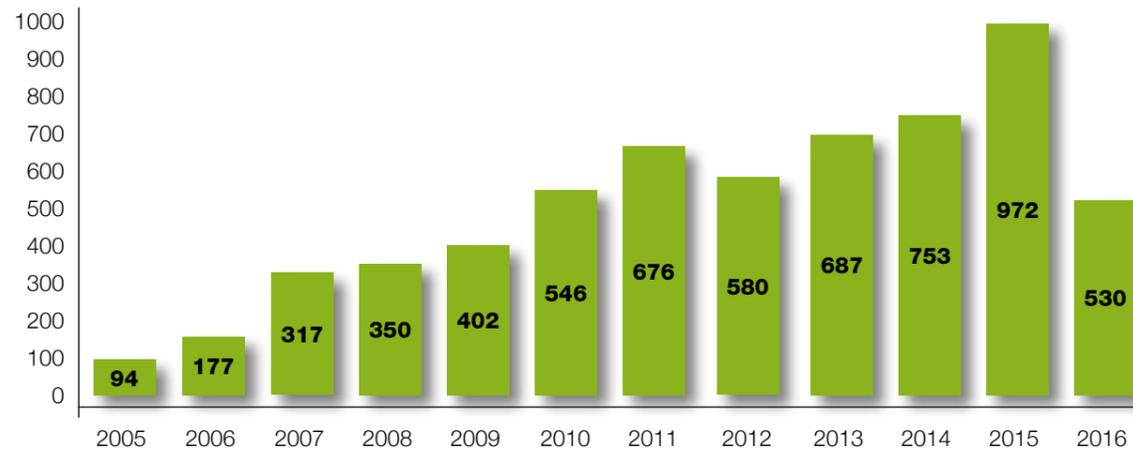
## SOURCES

The Iranian authorities do not announce all the executions implemented. Over the last five years, on average only 40% of all executions have been announced by the official Iranian media. 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 NGOs 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, some of the execution reports IHR has received could not be verified. Therefore, these cases are not included in the present report.

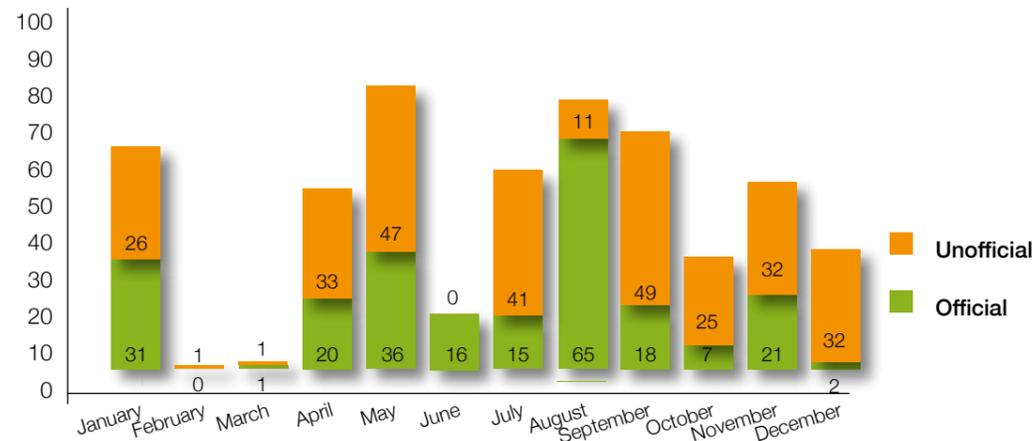
## FACTS AND FIGURES

### SIGNIFICANT DECREASE COMPARED TO THE LAST 5 YEARS



The number of executions in 2016 was lower than the last 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 nine years are based on the IHR reports. The 2015 number is updated as IHR has confirmed three additional executions in this year.

### MONTHLY BREAKDOWN OF EXECUTIONS IN 2016

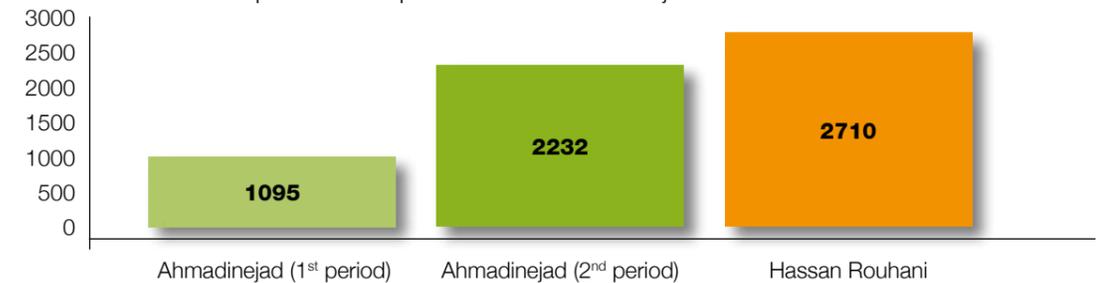


The monthly breakdown of executions shows that in February and March the execution numbers were one and two respectively. This could be attributed to the Parliamentary (Majlis) elections on February 26 and the Iranian new year "Nowrouz" on March 21. The holy month of Ramadan this year was between June 6 and July 5. IHR recorded 6 executions in Ramadan 2016, explaining the relatively low execution figures in the month of June. 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 and the Muslim holy month of Ramadan<sup>1</sup>. With 83 and 76 monthly executions, the months of May (2.7 daily executions) and October (2.5 daily executions) were the bloodiest months in 2016.

<sup>1</sup> <https://iranhr.net/en/articles/982/>

### LEGACY OF HASSAN ROUHANI'S FIRST PRESIDENTIAL PERIOD: DIALOGUE WITH THE WEST AND MORE DEATH PENALTY IN IRAN

This 2016 annual report is being published only a few months before the end of Hassan Rouhani's first presidential period. A review of Mr. Rouhani's 3.5 years as President shows that the number of executions under his presidency was significantly higher than annual executions under the previous two periods under Ahmadinejad.



The figures above show the reported execution numbers during the presidency of Mahmoud Ahmadinejad (first round from June 2005 to June 2009 and second round from July 2009 to June 2013) and 3.5 years of the presidency of Hassan Rouhani (July 2013 to December 2016). 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.

Despite the excellent diplomatic relations between Iran and the EU after the election of Hassan Rouhani in 2013, the issue of the death penalty has not been on the agenda of the bilateral dialogue between EU and Iran. This might be why no specific reforms or changes in the policy with regard to the death penalty were applied during Rouhani's period. The EU has admitted that human rights and the issue of the death penalty were not on the agenda prior to 2016, and that 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 dialogue.<sup>1</sup> The EU also mentioned in its October 2016 report on Iran-EU relations that the "EU 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"<sup>2</sup>.

### PUBLIC EXECUTIONS



Photo: Ceshmeezad news website

Four prisoners were hanged on a beach on the island of Qeshm. Hundreds of ordinary citizens, including children, watched the public executions.

Despite continuous international criticism, the Iranian authorities continue public executions. Both the UN Secretary General and the Special Rapporteur on the human rights situation in Iran have called for a ban on the practice of public executions in Iran. In 2016, the Iranian authorities executed 33 people in public. These executions

<sup>1</sup> [http://europa.eu/rapid/press-release\\_MEMO-16-1368\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-1368_en.htm)

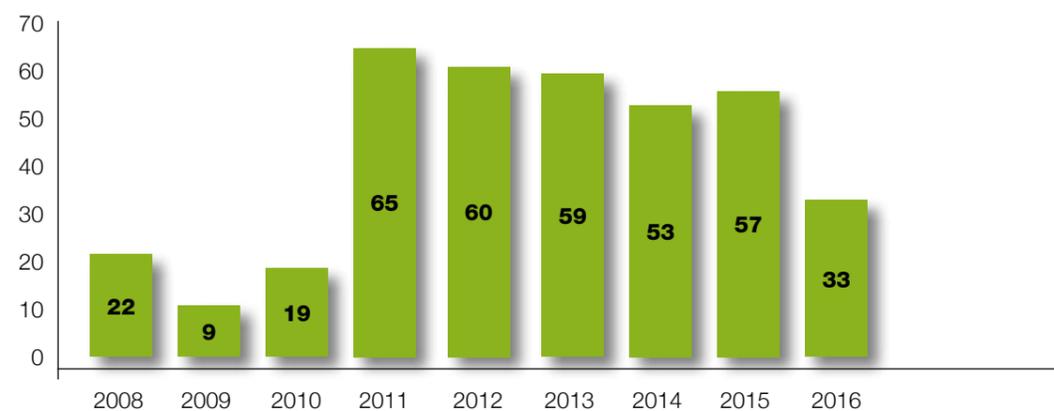
<sup>2</sup> EU strategy towards Iran after the nuclear agreement-EU Parliament text adopted 25 October 2016: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0402+0+DOC+XML+V0//EN>

were conducted by hanging and scheduled executions were often announced in advance in order to attract public attention.

Public executions have repeatedly been criticized by the UN. In his 2016 report to the General Assembly, the UN Secretary General expressed concern that “the practice of public executions continued, despite their dehumanizing, cruel, inhuman and degrading nature on the victims and on observers”<sup>1</sup>. During Iran’s second UPR, the Government did not accept the recommendations to abolish public executions.<sup>2</sup>

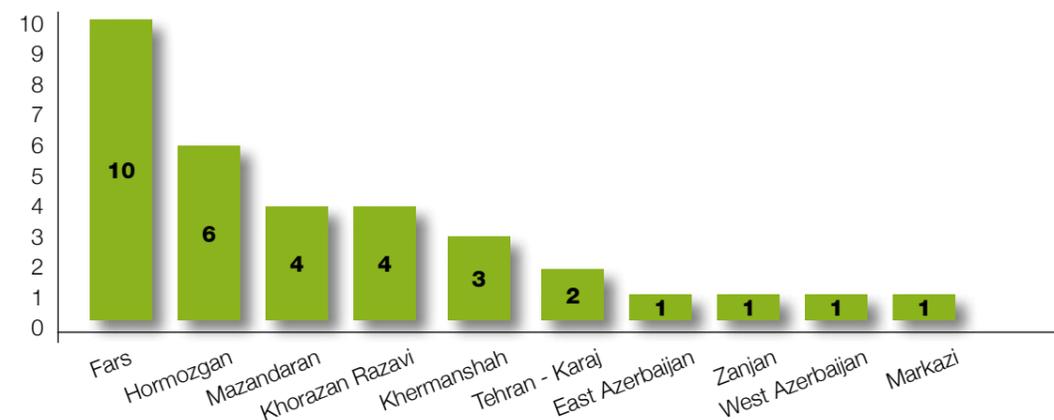
In the following sections we present the statistics and geographic distributions, and the official charges of those publicly executed. We also include some of the pictures published by the state-controlled Iranian media showing public executions in front of children.

### PUBLIC EXECUTIONS SINCE 2008



The diagram above shows public executions since 2008. The number of public executions in 2016 was significantly lower than the number in the last five years.

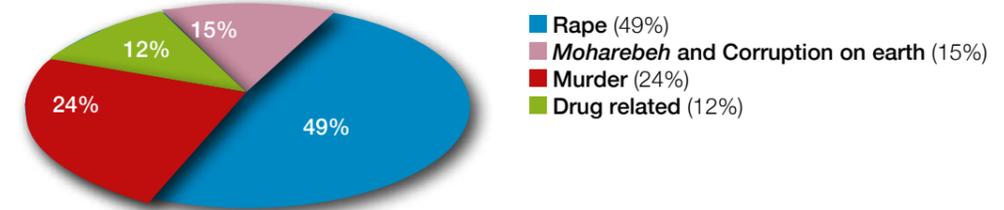
### GEOGRAPHIC DISTRIBUTION OF PUBLIC EXECUTIONS



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 2015.

<sup>1</sup> [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-26\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-26_en.doc)  
<sup>2</sup> UPR-info: Hungary, Norway and Germany called on a moratorium or immediate end on public executions

### OFFICIAL CHARGES FOR PUBLIC EXECUTIONS :



The majority of those executed in public were convicted of rape or sexual assault, followed by murder and Moharebeh (waging war against God). Four of those executed publicly were charged with drug offences.

### 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”<sup>1</sup>

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 in the

morning in front of dozens of citizens. Photos published by the state-controlled media in 2016 show children on several occasions.

Photos: Fararu news website



Children present at the scene of a public execution on May 17, 2016. A man identified as “Hamed” was publicly hanged at Mofateh Suare of Mashhad (Northeastern Iran), charged with Moharebeh for armed robbery. <sup>2</sup>

Photo: Tabnak website



Children watching the public execution of a 25 year old man at a city square in Shabestar (Northwestern Iran) on January 7, 2016.<sup>3</sup>

Photo: Amir Farzaneh, Young Journalists Club



A child is recording the public execution of two unidentified men in Mehrshahr (suburb of Karaj, west of Tehran) on July 17, 2016.

<sup>1</sup> <http://en.humanrights-iran.ir/news-22714.aspx>  
<sup>2</sup> <https://iranhr.net/fa/articles/2525/>  
<sup>3</sup> <https://iranhr.net/en/articles/2420/>

### FOOTBALL STADIUM AS THE PLACE OF EXECUTION

On September 22, a young man identified as “Saeed T.” was publicly hanged in the “Martyrs Football Stadium” in the city of Neyriz (Southern Iran). Dozens, among them children, watched the public execution. This is not the first time the Iranian authorities have used a sports arena for public executions. In a letter to FIFA, ECPM raised the issue and called for FIFA’s condemnation of using football stadium as places of execution. In response to ECPM’s letter, the General Secretary of FIFA responded in an official letter: “We have taken note of this incident with concern. Let me assure you that FIFA condemns any such action which by its nature fundamentally violates the dignity inherent to every human being. In this regard, I am committed to raising this topic in my future exchanges with the Iran Football Federation”. (See Appendix 2 for the whole letter).



### PUBLIC BOYCOTT OF A PUBLIC EXECUTION

On August 10, an unidentified man was hanged publicly in the town of Ravansar charged with assassinating the Revolutionary Court prosecutor of Kermanshah two years ago. According to local sources, the citizens of Ravansar boycotted the public execution following a call by civil society groups. It was mainly officials who were present at the execution.



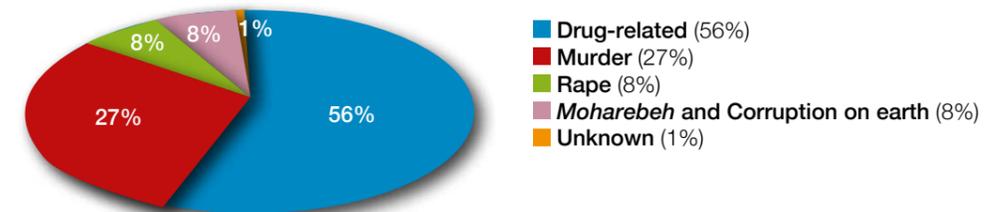
(Photo: local website Sarabravansar.ir)

## 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 offences<sup>1</sup>. Many of the charges are not considered the most serious crimes and therefore do not meet the ICCPR minimum standards.<sup>2</sup>

An overview of the new Islamic Penal Code (IPC) and offences punishable by death was provided in the 2013 annual report.<sup>3</sup>

### EXECUTIONS IN 2016 BASED ON CHARGES



The chart above shows what charges were used for executions in 2016. Drug offences accounted for the majority of executions in 2016. In 2016, the Iranian Judiciary’s High Council of Human Rights stated in a report that 93% of all executions are based on drug-related charges<sup>4</sup>. This is not true. Drug offences counted for 48% of executions in 2013, 49% in 2014, 66% in 2015 and 56% in 2016. As in the previous three years, murder charges were the second most common charge used for the implemented death sentences. Moharebeh and corruption on earth were used for a wide range of charges ranging from economic corruption, kidnapping and armed robbery to political and ideological affiliation.

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.

Some charges, such as murder and rape, are tried by Criminal Courts while Moharebeh, Corruption on earth and drug charges are processed by the Revolutionary Courts. In order to better understand the extent of due process violations in cases tried by the Revolutionary Courts, in the following section we will provide a short background to these courts followed by an overview of 2016 executions for drug offences and Moharebeh. Finally, we will look at the death penalty trends for murder cases. At the end of the document (Appendix 1) we will present an overview of how due process and the rule of law are violated by the Islamic Republic of Iran.

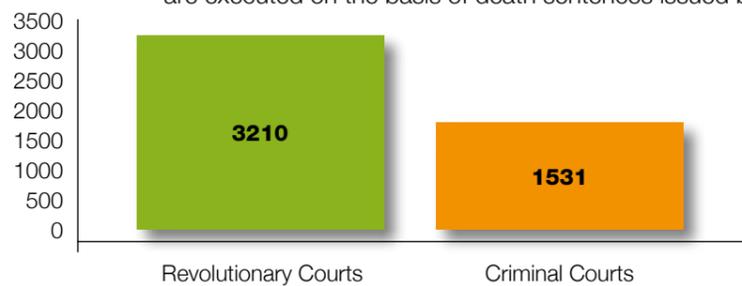
1 United Nations, *Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary-General*, U.N. Doc. A/68/377, Sept. 10, 2013, ¶ 14.; see also Iran Human Rights and Together Against the Death Penalty, *Annual Report on the Death Penalty in Iran – 2013*, 15-18.  
 2 Article 6, International Covenant on Civil and Political Rights.  
 3 *Annual Report on the Death Penalty in Iran – 2013*, 10-13  
 4 <http://www.mizanonline.ir/fa/print/211004>

## REVOLUTIONARY COURTS

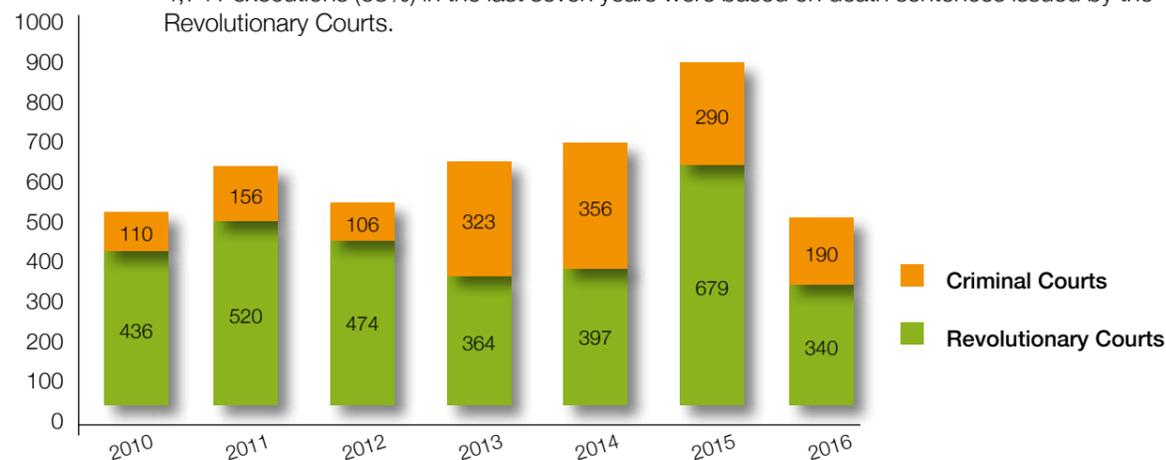
The Revolutionary Courts were established in 1979 by the first Supreme leader, Ayatollah Khomeini. They were temporary courts designed to deal with the officials of the former regime. However, more than 37 years later they continue to operate. These courts are responsible for the vast majority of the death sentences issued and carried out over the last 37 years in Iran<sup>1</sup>. The Revolutionary Courts are less transparent than the Public Courts (both criminal and civil) and Revolutionary Court judges are known for greater abuse of their legal powers than other judges<sup>2</sup>. Revolutionary Court judges often deny access to legal representation during the investigation phase and prevent lawyers from accessing client files on the basis of confidentiality, or the fact that the lawyers have insufficient “qualifications” to review certain files. Trials lasting only a few minutes, no jury, no defence lawyers and death sentences based on no evidence other than confessions extracted under torture are the hallmarks of the Revolutionary Courts. 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.

### REVOLUTIONARY COURTS RESPONSIBLE FOR THE MAJORITY OF EXECUTIONS

Revolutionary Courts are most well known for the summary executions of the political opposition in the 1980s. 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 the IHR reports since 2010 and shows that 3,210 of the 4,741 executions (68%) in the last seven years were based on death sentences issued by the Revolutionary Courts.



At least 340 of the 530 executions in 2016 (64%) were based on death sentences issued by the Revolutionary Courts. Numbers for the previous six years are presented in the diagram above.

<sup>1</sup> Inside Iran's Revolutionary Courts, BBC News, 2015, <http://www.bbc.com/news/magazine-34550377>  
<sup>2</sup> 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>

## MOHAREBEH, CORRUPTION ON EARTH AND REBELLION

Due to their vague definition, the charges of “Moharebeh” (waging war against God) and “Ifsad 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 LAW<sup>1</sup>

Article 279 of the new 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 in particular in cases where a death sentence would otherwise be difficult to justify based on other charges and available evidence.

### EXECUTIONS FOR MOHAREBEH AND CORRUPTION ON EARTH IN 2016

In 2016, at least 44 people were executed under Moharebeh and Corruption on earth charges. 29 of them were reportedly executed for their political or ideological affiliation. Notably, all those executed for political and ideological affiliations belonged to ethnic and/or religious minorities.

### SOME FACTS ABOUT THOSE EXECUTED FOR MOHAREBEH AND CORRUPTION ON EARTH CHARGES:

- 29 charged with membership of militant or banned political groups
- 26 of the 29 executed for membership of banned groups were Kurds and 3 were Ahwazi Arabs
- 1 person was executed charged with espionage
- 14 were charged with armed robbery or other violent acts

### EXECUTION OF 25 SUNNI KURDISH PRISONERS: CONFESSION UNDER TORTURE AND TRIALS LASTING MINUTES BY THE REVOLUTIONARY COURTS



On August 2, 2016, **Shahram Ahmadi** (picture) and 24 other Kurdish prisoners of the Sunni faith were executed, charged with cooperation with militant Sunni groups. IHR has credible information that many of these prisoners had been subjected to torture to extract forced confessions. The death sentences were issued by the Revolutionary Courts after trials lasting less than 15 minutes and without any possibility of defense<sup>2</sup>. The prisoners were hanged without having a chance to see their families for the last time.<sup>3</sup> The Iranian authorities confirmed 20 of the executions.<sup>4</sup>

<sup>1</sup> Iran Human Rights Documentation Center, July 2013: New Islamic Penal Code  
<sup>2</sup> <https://www.amnesty.org/en/documents/mde13/2952/2015/en/>  
<sup>3</sup> <https://iranhr.net/en/articles/2601/>  
<sup>4</sup> <http://www.iribnews.ir/fa/print/1238593>

**SHAHRAM AMIRI: NUCLEAR SCIENTIST CHARGED WITH ESPIONAGE**



On August 3, 2016 the Iranian nuclear scientist Shahram Amiri was executed, according to reports by the London-based Manoto TV and BBC Persian. Marziyeh Amiri, the mother of Shahram Amiri, told BBC Persian that she met with her son the day before he was executed. The Iranian authorities confirmed the execution of Shahram Amiri on August 7. The spokesperson of the Iranian Judiciary, Gholamhossein Mohseni Ejehe'i, said in a press conference that Mr. Amiri was executed for espionage charges. According to Shahram Amiri's father<sup>1</sup>, Shahram was held under difficult conditions while in prison and did not have a fair judicial process. Mr. Amiri was

a nuclear researcher at Malek Ashtar University of Technology and worked for Iran's Atomic Energy Organization. Mr. Amiri disappeared during a pilgrimage to Mecca in 2009. Months later, he appeared in the United States and in July 2010 he returned to Iran. He received a hero's welcome in Tehran and was portrayed as someone who had fled American captivity. The Iranian media extensively covered his return and a deputy foreign minister greeted him at the airport, but later he was arrested and sentenced to 10 years in prison. It is not known why he was executed despite the reports of his 10 years prison sentence.<sup>2</sup>

**THREE AHWAZI ARABS EXECUTED AFTER UNFAIR TRIALS BY THE REVOLUTIONARY COURT**



On August 17, 2017, Iranian authorities executed three Ahwazi Arabs identified as Ghais Obidawi, 25 at time of arrest; Ahmad Obidawi, 20 at time of arrest; and Sajjad Balawi 26 years old. According to Ahwazi human rights activists, Ghais, Ahmad and Sajjad were reportedly sentenced to death after they were unlawfully arrested and subjected to an unfair trial. They were among 20 people who were arrested by the Iranian authorities

after bullets were shot at a tent belonging to Iranian security guards inside. Most of the detainees were eventually released but the Ahwaz Revolutionary Court sentenced three of the defendants to death and four others to long prison terms.<sup>3</sup>

**MOHAMMAD ABDOLLAHI: EXECUTED FOR MEMBERSHIP OF A BANNED KURDISH OPPOSITION GROUP**



On August 9, 2016, the Iranian authorities executed five prisoners in Urmia Prison, including four prisoners sentenced to death for drug offences and one, identified as Mohammad Abdollahi, a political prisoner who was sentenced to death for Moharebeh (enmity against God). Mohammad Abdollahi was reportedly not involved in any armed or violent acts and was charged with Moharebeh solely on the accusation that he was a "supporter of a Kurdish opposition group". Mohammad Abdollahi, 35, was sentenced to death by Branch 1 of the Mahabad Revolutionary Court and his death sentence was confirmed by Iran's Supreme Court. After the execution, his body was not handed to the family.<sup>4</sup>

1 <http://www.bbc.com/news/world-middle-east-34743486>  
2 <https://iranhr.net/en/articles/2606/>  
3 <https://iranhr.net/en/articles/2618/>  
4 <https://iranhr.net/en/articles/2609/>

**DRUG-RELATED CHARGES**



Source: Tasnim newswebsite, August 2016

Drug offences count for more than 50% of executions in Iran and the majority of the death sentences issued 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 crime.<sup>1</sup> Trials at the Revolutionary Courts are often very short and there is little the lawyer can do. In addition, most of those executed for drug offences belong to marginalized groups in the Iranian society.

This last point has been emphasized by several Iranian officials, including Mohammad Bagher Olfat (pictured), one of the deputies of the Head of the Judiciary, who told an Iranian

news agency: "It is important to note that the individuals who are being executed are not the main drug traffickers, because the main drug traffickers are not involved in the shipment of drugs. Normally, carriage of the drugs is left for a cheap price to individuals who do not have sufficient financial income".<sup>2</sup>

**THE CURRENT ANTI-NARCOTICS LAW AND THE NEW BILL PROPOSED BY PARLIAMENT**

The current Anti-Narcotics Law requires the death penalty for the fourth conviction for drug-related offences in several instances including: 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 on third conviction); smuggling into Iran, dealing, producing, distributing and exporting more than 30 grams of heroin, morphine, cocaine or their derivatives.

In December 2015, the official Iranian media announced that 70 members of Iran's Parliament signed a proposal for a change in legislation in order to end the death penalty for drug offences<sup>3</sup>. After the Parliamentary elections in early 2016, the call for a change was followed up and in October 2016 the Iranian media announced that 150 of the 290 members of Parliament (Majlis) has signed the bill. At that time, Deputy Jalil Rahimi-Jahanabadi, a member of the Majlis Legal and Judicial Committee, told the Iranian Students News Agency (ISNA): "In essence, we are proposing to add an amendment to the current law for fighting drugs to say the death penalty would apply only if certain conditions were met, such as carrying and using a gun, or being an international drug kingpin, or having a commuted death sentence and repeating the crime".<sup>4</sup> Although the details of the new proposal have not been published, based on the information in the Iranian media if the new bill is approved the death penalty will be removed for some drug offences unless offenders were armed while carrying drugs or if they had been imprisoned for more than 10 years, if the case is related to organized crime, or in cases where larger amount of drugs are involved.<sup>5</sup>

However, it is not clear whether the new bill will be approved by the powerful Guardian Council which has to approve all new laws. It is not clear either where the Expediency Council stands in this matter. Iran's Expediency Council has amended the country's anti-drug-trafficking law several times: in 1988, 1994 and 2001. The last amendment decreed that being in the possession of more than 30 grams of crystal meth was the same as the possession of heroin,

1 <https://www.hrw.org/news/2015/12/16/iran-bid-end-drug-offense-executions>  
2 <https://iranhr.net/en/articles/2635/>  
3 ISNA, December 8, 2015: Life imprisonment instead of death penalty for drug offences  
4 <http://iran-times.com/majlis-majority-seeks-to-reduce-executions/>  
5 <http://theiranproject.com/blog/2017/03/13/iran-conditions-death-penalty-drug-offenses/>

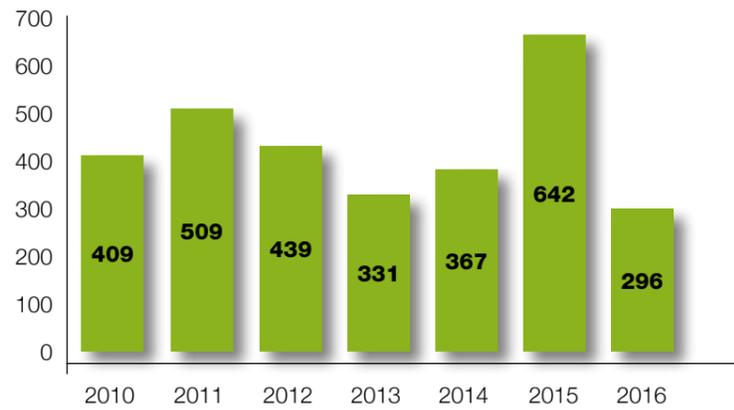
and was punishable by the death penalty.<sup>1</sup> The Judiciary has also sent mixed signals regarding the new bill. In October 2016, Ayatollah Sadegh Amoli-Larijani told the Iranian media that: "Executions are not necessarily desirable, but narcotics are a great detriment to society and also shatter families. We have no choice but to confront the issue quickly, swiftly, firmly, and decisively. We want prosecutors in the country not to hesitate in implementing the (death) sentences," said Amoli Larijani. "We should not wait three years (before carrying out the execution sentences), until the prisoner learns how to pray in order to get amnesty...It is offensive to say that the death penalty is ineffective. If it wasn't for the strictness of the Judiciary, the situation would be much worse."<sup>2</sup>

In addition, even if the bill is passed and approved there is no guarantee that it will lead to a significant reduction in the number of drug-related executions. The bill doesn't address the issue of due process at all. As mentioned earlier in this section, lack of due process is probably the biggest reason for the high number of drug-related executions in Iran as a large number of the death sentences for drug charges are solely based on confessions extracted under torture. Another factor determining the fate of Iran's drug-related death penalty policy is the international pressure. So, international pressure from Iran's dialogue partners, the EU in particular, must be even more focused on the issue of the death penalty and specific demands must be raised with regards to the issue of due process and the dissolving of the Revolutionary Courts.

**DRUG-RELATED EXECUTIONS**

At least 296 people were executed for drug-related charges in 2016. This counts for more than 56% of all executions carried out in that year. The number is lower than the annual executions for drug offences in the last six years. But as mentioned in previous sections, there is no indication that the relative reduction is due to a change in Iran's death penalty policy. In the following sections we will set out the execution trends and geographic distribution of drug-related executions. Finally, we will provide an update on the cooperation between the United Nations' Office for Drugs and Crime (UNODC) and the Iranian authorities in fighting drug trafficking.

**DRUG-RELATED EXECUTIONS 2010-2016**

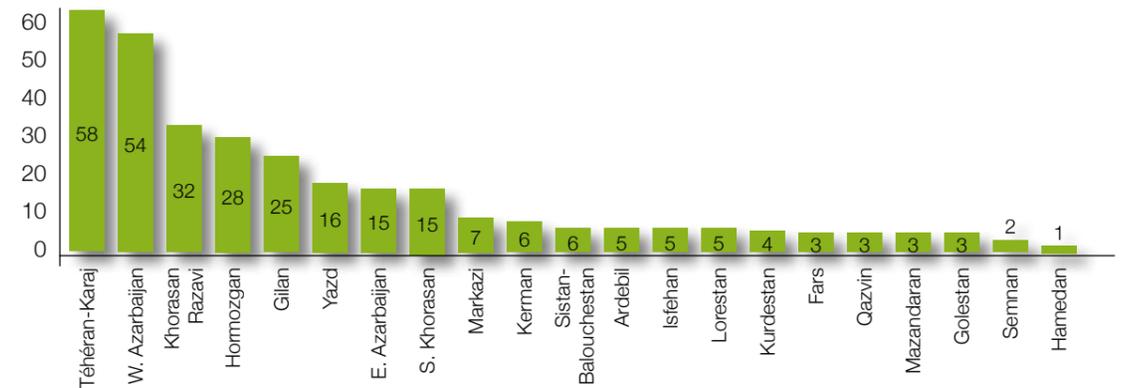


More than 2,990 people were executed for drug offences between 2010 and 2016. The numbers for 2016 are lower than the average of the last six years. However, Iran remains the country with the highest number of drug-related execution per capita. \*The number for 2015 is updated due to confirmation of three new execution cases in that year.

1 <https://iranwire.com/en/features/1534>  
2 <https://iranhr.net/en/articles/2665/>

**GEOGRAPHIC DISTRIBUTION OF DRUG-RELATED EXECUTIONS IN 2016**

The geographic distribution of drug-related executions is visualized in the map below. More details are provided in the diagram.



The prisons of Karaj, in particular Ghezelhesar, where prisoners from the Tehran/Karaj area are held, had the highest number of drug-related executions. The most significant decrease compared to 2015, was also observed in the prisons of Karaj. In 2015 at least 231 people were executed in the prisons of Karaj. As in the previous year, the Central Prison of Urmia (northwestern border) also had a high number of drug-related executions. Most of the executions were not announced by the official media.

## UNODC COOPERATION WITH IRAN

The United Nations Office for Drugs and Crime (UNODC) has cooperated with Iran in the fight against drug-trafficking in recent decades. Several European States have provided millions of dollars worth of support through UNODC to counter-narcotics forces in Iran.

With a growing number of drug-related executions, cooperation between the UNODC and Iran has come under criticism as 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.

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 "the donations are leading to executions".<sup>1</sup> The United Kingdom subsequently did the same, citing "the exact same concerns" as Denmark.<sup>2</sup> 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".<sup>3</sup>

In 2014, the international charity Reprieve published the results of a two-year investigation which linked UNODC "supply reduction" programmes to more than 3,000 executions in Iran.<sup>4</sup> Based on Reprieve's findings, abolitionist Governments have provided more than \$14.9 million to aggressive law enforcement operations in Iran which have directly led to death sentences.<sup>5</sup> This funding has gone towards training for anti-narcotics agencies, the establishment of border offices where drug mules are frequently arrested, and equipment used for pursuing alleged drug carriers (including body scanners, sniffer dogs and night vision goggles).

In recent years, several human rights groups, including IHR, ECPM, Reprieve, Harm Reduction International, Human Rights Watch and Amnesty International, have urged UNODC to freeze counter-narcotics funding to Iran and make it conditional on a moratorium on the death penalty for drug offences.<sup>6</sup>

In February 2015, the UNODC Executive Director Yury Fedotov gave a speech in Tehran noting that "no country can compete with Iran when it comes to the amount of narcotics discovered and seized".<sup>7</sup> According to Reprieve's investigations, UNODC continued to fund operations by the Iranian drug police in 2015 through its Iran Country Programme 2010-15, and also through its Regional Programme for Afghanistan and the Neighbouring Countries. Both programmes have claimed among their "successes" seizures of an amount where those arrested will have faced the death penalty.<sup>8</sup>

In early 2015, Reprieve uncovered a formal UN evaluation of UNODC's Iranian operations, which warned of a potential "funding crisis" if donors withdrew support due to human rights concerns. The document suggested that the human rights policy UNODC published in 2012<sup>9</sup> – which calls for a "temporary freeze or withdrawal" in funding if drug offenders are executed – has been neither "promoted or implemented" in Iran. It also noted that "no action" had been taken to prevent death sentences and executions as a result of the UNODC's work.<sup>10</sup>

In October 2015, the European Parliament passed a resolution by a majority of 569 to 38 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,

1 The Copenhagen Post, 9 April 2013: Denmark ends Iranian drug crime support  
2 Clegg, Nick, 2013. Writing to Maya Foa of Reprieve. [Letter] (Personal Communication 17 December)  
3 <http://www.rte.ie/news/2013/1108/485366-ireland-anti-drug-iran/>  
4 Reprieve – European Aid for Executions, December 2014  
5 Reprieve – European Aid for Executions, December 2014  
6 <https://www.hrw.org/news/2014/12/17/un-freeze-funding-iran-counter-narcotics-efforts>  
7 <http://www.theguardian.com/world/2015/mar/19/un-fund-iran-anti-drugs-programme-executions-unodc-death-penalty>  
8 <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/12106299/EU-aid-cash-linked-to-death-penalty-in-iran.html>  
9 [https://www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Human\\_rights\\_position\\_paper\\_2012.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Human_rights_position_paper_2012.pdf)  
10 UNODC, 2014 Independent mid-term In-depth Evaluation of the UNODC Country Programme for the Islamic Republic of Iran (2011-2014), pp. 31-32 (Held on file at Reprieve).

including to UNODC counter-narcotics programmes, may not facilitate law enforcement operations that lead to death sentences and the execution of those arrested".<sup>1</sup>

Despite these warnings, in December 2015 Mr. Fedotov announced a new \$20 million funding settlement for anti-drug operations in the country – a deal which represents a doubling in the agency's support for Iranian counter-narcotics efforts.<sup>2</sup> The UNODC's new Iran Country Programme is expected to run between 2015 and 2019. The UNODC has not disclosed who will donate to the project or what human rights safeguards will be imposed to prevent it facilitating drug-related executions.

In June 2016, the Guardian reported that Reprieve had secured written commitments from a number of individual EU member states – including the UK, Italy, Germany, Austria, and Sweden – that they would not provide counter-narcotics assistance to Iran.<sup>3</sup> However, in September 2016 a senior UNODC official was reported by Iranian media to have told Director General of Iran's Anti-Narcotics Headquarters that: "(the) European Union has positive evaluation of Iran's performance in the anti-narcotics fight" and that "(the) European Commission is eager to earmark new funds to Iran for the purpose".<sup>4</sup>

Following these comments, nine human rights organizations, including IHR, Reprieve and Human Rights Watch, coordinated an open letter to Federica Mogherini calling for urgent clarification of the EU's position. The EU failed to respond to this letter but an EU spokesperson told the Independent newspaper in December 2016 that: "We do not comment on comments neither on reported comments. No decisions on new funding have been taken on the matter. We are in a stage of launching a dialogue with the Iranian authorities. Any EU-Iran cooperation on the fight against drugs is done in a manner fully consistent with the respect of human rights."<sup>5</sup>

In October 2016, the European Parliament passed a resolution stressing that any EU drug assistance must not be allowed to contribute to executions, noting that the Parliament called on the Commission to "ensure that any technical or other assistance offered to Iran is not used to commit human rights violations".

Although the issue of funding of UNODC cooperation with Iran has not yet been clarified, there are several UNODC reports indicating ongoing cooperation between certain EU countries such as Italy with Iran through regional cooperation including Iran and its neighboring countries.<sup>6</sup> The cooperation between Italy and Iran was a result of a memorandum of understanding between the Italian and Iranian Foreign Ministers in New York and includes border management and training of the police forces in Iran and Afghanistan.<sup>7</sup>

On 27 February 2017, ministers, heads of drug control agencies and senior officials from 33 countries, as well as senior representatives from seven International and regional organizations, met in Tehran at the "International Conference on Cooperation against Illicit Drugs and Related Organized Crime". The Conference was inaugurated by Abdolreza Rahmani Fazli, Minister of the Interior and Secretary-General of the Drug Control Headquarters of Iran, and Yury Fedotov, Under-Secretary-General, Executive Director of the UNODC. In the conclusions of the conference, there was no mention of any measures to limit the use of the death penalty for drug offences.<sup>8</sup>

IHR and ECPM call once again on the UNODC to cease its law enforcement cooperation against drug-trafficking and make future support conditional on a moratorium on the death penalty for drug offences.

1 European Parliament resolution of 8 October 2015 on the death penalty  
2 <http://www.unodc.org/unodc/en/speeches/2015/remarks-at-the-high-level-meeting-of-partners-for-afghanistan-and-neighbouring-countries.html>  
3 Iran under pressure to abolish death penalty for drug trafficking, *The Guardian*, 28 June 2016, <https://www.theguardian.com/world/2016/jun/28/iran-under-pressure-abolish-death-penalty-drug-trafficking>  
4 Iran a forerunner in combatting narcotics, <http://www.iran-daily.com/News/168541.html>  
5 EU urged to clarify if states are funding mass-executions in Iran. The Independent 4 December 2016, <http://www.independent.co.uk/news/world/middle-east/eu-funding-could-be-linked-to-mass-executions-in-iran-a7453041.html>  
6 <https://www.unodc.org/islamicrepublicofiran/en/unodc-coordinating-joint-cooperation-of-iran-and-italy-for-training-of-afghan-counter-narcotics-police-officer.html>  
7 <https://www.unodc.org/islamicrepublicofiran/en/strengthening-border-management-and-interdiction-capacities-of-afghan-police.html>  
8 [http://www.unodc.org/documents/frontpage/1804Conference\\_Conclusions\\_Tehran.pdf](http://www.unodc.org/documents/frontpage/1804Conference_Conclusions_Tehran.pdf)

**QISAS**



Qisas refers to retribution in kind. The qisas death sentence has 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 on 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 religion.<sup>1</sup> 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.

On September 30, a man identified as “Mehdi N.” was hanged publicly two weeks after his arrest. He was charged with murder and rape. Such a short time between the arrest and execution of an individual indicates lack of due process which, according to reports by IHR, is not uncommon in Iran. IHR suspects “Mehdi N.” may have not received a fair trial or the chance to defend himself.<sup>2</sup>

**QISAS LAW: THE RED LINE NOT TO BE CROSSED  
IN DIALOGUE WITH THE EU**



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. In October 2016, commenting on the bilateral dialogue between Iran and the EU on human rights, the Head of the Judiciary, Ayatollah Sadeq Amoli Larijani (picture, PressTV) questioned Western criticism of Iran’s application of Sharia law and Islamic penal law, including qisas: “You are rejecting Qisas and Diyya. This amounts to rejecting the rights of our people. Who has given you the right to dictate your ideology and method of life on the whole world?”, Ayatollah Amoli-Larijani said.<sup>3</sup> 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”.

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”.

1 Annual report on the death penalty in Iran - 2013, page 11.  
2 <https://iranhr.net/en/articles/2666/>  
3 <http://www.presstv.com/Detail/2016/08/04/478430/Iran-law-justice-human-rights-Europe>

**QISAS EXECUTIONS SINCE 2010**

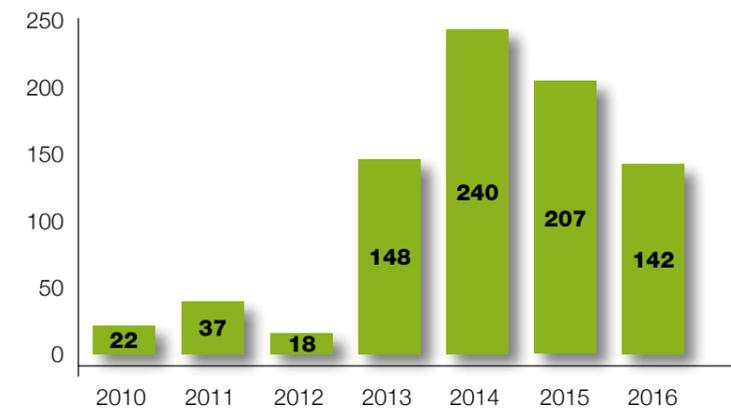


Diagram showing qisas executions in the past seven years. In 2016 the qisas executions showed a 30% decrease compared to 2015, but were still much higher than the years before 2013.

**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 death sentence or 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 Society,<sup>1</sup> 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 have been sympathetic in their coverage.<sup>2</sup>

In 2016, the families of murder victims who chose forgiveness or blood money for the murder convict outnumbered those who chose death penalty. For the sake of simplicity, we will use the term forgiveness in the following section, regardless of whether there has been a demand of 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 232 forgiveness cases in 2016. According to IHR reports, the number of implemented death sentences in 2016 was 142. The actual numbers for both forgiveness and qisas death sentences are believed to be higher.

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

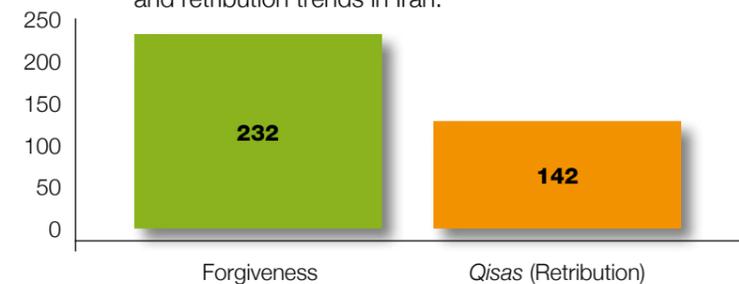
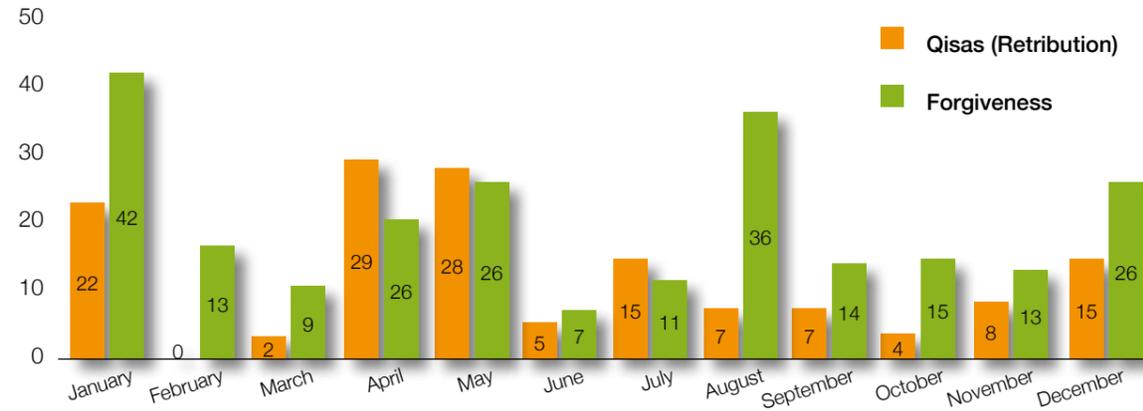


Diagram showing the number of implemented retribution death sentences and forgiveness cases in 2016. The number of forgiveness cases was 63% higher than the number of retribution executions, according to IHR reports.

1 <https://iranhr.net/en/articles/1229/>  
2 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>

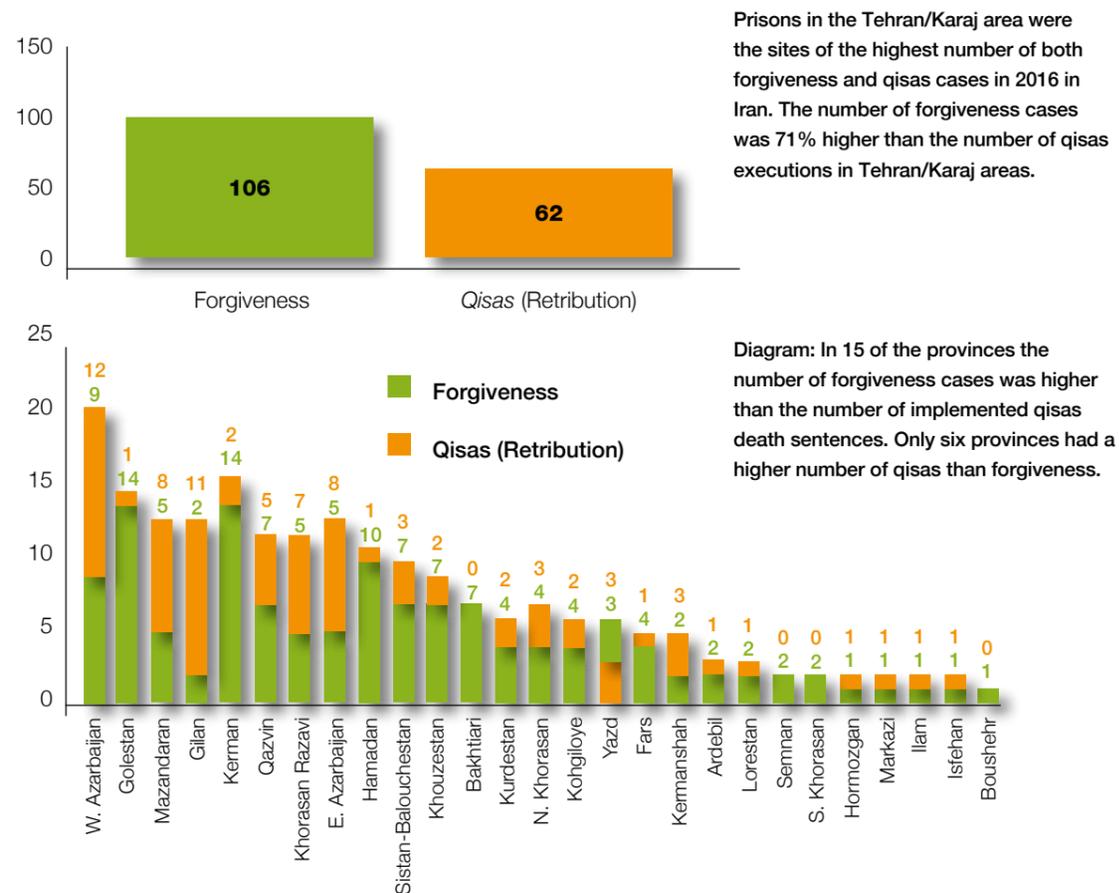
**QISAS (RETRIBUTION) AND FORGIVENESS: MONTHLY BREAKDOWN**

The diagram below shows the monthly breakdown of implemented qisas (retribution) death sentences compared to “forgiveness” cases. In nine out of 12 months, the number of forgiveness cases was higher than the qisas cases in 2016.



**QISAS AND FORGIVENESS: GEOGRAPHIC DISTRIBUTION**

In 2016 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 of the provinces, the number of forgiveness cases was higher than the qisas executions.



**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 2016. According to IHR’s annual reports, at least 50 juvenile offenders were executed between 2008 and 2016 in Iran. Amnesty International recently reported on the execution of 73 juvenile offenders between 2005 and 2015.<sup>1</sup> Between 80 and 160 individuals convicted as children were reportedly on death row as of December 2016.<sup>2</sup>

**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”).<sup>3</sup> 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 evidence.<sup>4</sup> 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 2016, IHR identified five cases where the death sentences of juvenile offenders were converted based on Article 91. The actual number might be higher.

**JUVENILE OFFENDERS EXECUTED IN 2016**

According to reports received by IHR, at least five juvenile offenders were executed in 2016. The actual number might be higher as IHR has received other unconfirmed reports on juvenile executions. These cases have not been included in this report due to a lack of sufficient details.

**Hooshang Zare<sup>5</sup>**

On January 13, Hooshang Zare was reportedly hanged in Adelabad prison of Shiraz. He was convicted of a murder he had allegedly committed in August 2014 when he was under 18 years of age.

**Khaled Kord and Moslem Abarian: Executed for drug offences<sup>6</sup>**



On January 25, two Baluchi prisoners identified as Khaled Kord and Moslem Abarian were hanged in the prison of Yazd (Central Iran). According to reports by the Baluch Campaign, these prisoners were arrested seven years earlier when they were 13 years old. A relative of Khaled Kordi confirmed to Iran Human Rights that both prisoners were under the age of 18 at the time of their arrests. The Iranian authorities carried out the executions without informing the family members of the prisoners. The two prisoners were reportedly riding a bus to work when they were arrested by the Iranian authorities

1 <https://www.amnesty.org/en/documents/mde13/3112/2016/en/>  
 2 Report of the Special Rapporteur on the situation of Iran, March 2017. <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/IR/Pages/SRIran.aspx>  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=E>  
 3 *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 years is according to the lunar calendar.  
 4 *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  
 5 <https://www.hra-news.org/2016/hranews/a-3294/>  
 6 <http://www.balochcampaign.info/?p=7163>

for drug offences. The relative told IHR that he believes Khaled and Moslem were innocent and the drugs were planted on them by someone else on the bus. Execution of juvenile offenders charged with drug-related crimes is contrary to the Iranian authorities' claim that the death penalty is only practiced for juveniles who have committed murder.

#### Mehdi Rajai<sup>1</sup>

On May 24, 2016, Mehdi Rajai was reportedly executed along with 11 other individuals for a homicide he allegedly committed when he was 16 years old. The execution was carried out in the Rajaishahr of Karaj (west of Tehran).

#### Hassan Afshar<sup>2</sup>

On July 18, Mr. Hassan Afshar, aged 19, was hanged in Arak's Prison, in Markazi Province, after his conviction in 2015 for allegedly raping another teenager. Hassan Afshar was sentenced to death only two months after his arrest, despite a commitment by the Office of the Head of the Judiciary that his case would be reviewed. He allegedly could not receive legal assistance and his family was reportedly not notified about his execution.

The cases above illustrate that Iran's differentiated criminal system, despite the recent changes in the ICP, does not provide a guarantee that child offenders will not be executed.

In a report submitted to the UN Committee for the Rights of Child, the Advocates for Human Rights and IHR emphasized that in order to comply with international law, Iran must stop executing juvenile offenders altogether and alter its definition of a child to include all offenders under the age of 18.<sup>3</sup>

## WOMEN

According to reports gathered by IHR, at least nine women were executed in 2016 in Iran. Only two of the executions were announced by official sources. All the women executed in 2016 had been sentenced to death for drug-related charges. Since more than 50% of those executed are only identified by their initials or not identified at all, there is a possibility that the number of women executed is higher than reported here.

### SOME FACTS ABOUT THE WOMEN EXECUTED IN 2016

- 9 executions but only 2 announced by the authorities
- All 9 were executed for drug-related charges

A list of the nine women executed in 2016, along with more information, can be found in Table 1.

## SECRET AND UNANNOUNCED EXECUTIONS

Approximately 56% of all executions included in this report, i.e. 298 executions, were not announced by the authorities. IHR has received reports about several hundred executions that have not been announced by official Iranian 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 2016, IHR received reports of secret or unannounced executions from 25 different prisons 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 are 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, IHR manages to confirm several hundred cases of executions which are not announced by the authorities. In many cases, the information about the executions is verified by two or more independent sources. In some cases, IHR received pictures which can document the execution. An example of such documentation is provided in this section.

On August 27, 2016, IHR reported on the execution of 12 prisoners<sup>1</sup> for drug offences in Karaj Central Prison (Nedamatgah). These executions were not announced by the authorities. A local source in Iran provided IHR with photos of the bodies of these prisoners (pictured) after they were hanged to death. The photos were reportedly taken before the bodies of the prisoners were returned to their families. Signs of the rope are evident on the necks of the prisoners.<sup>2</sup>



<sup>1</sup> <https://iranhr.net/en/articles/2537/>

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2016/08/iran-hanging-of-teenager-shows-brazen-disregard-for-international-law/>

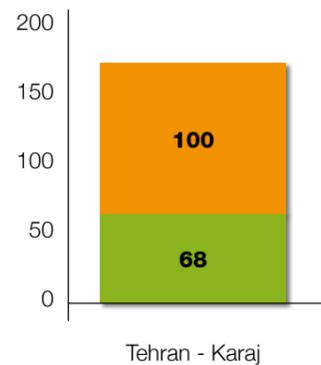
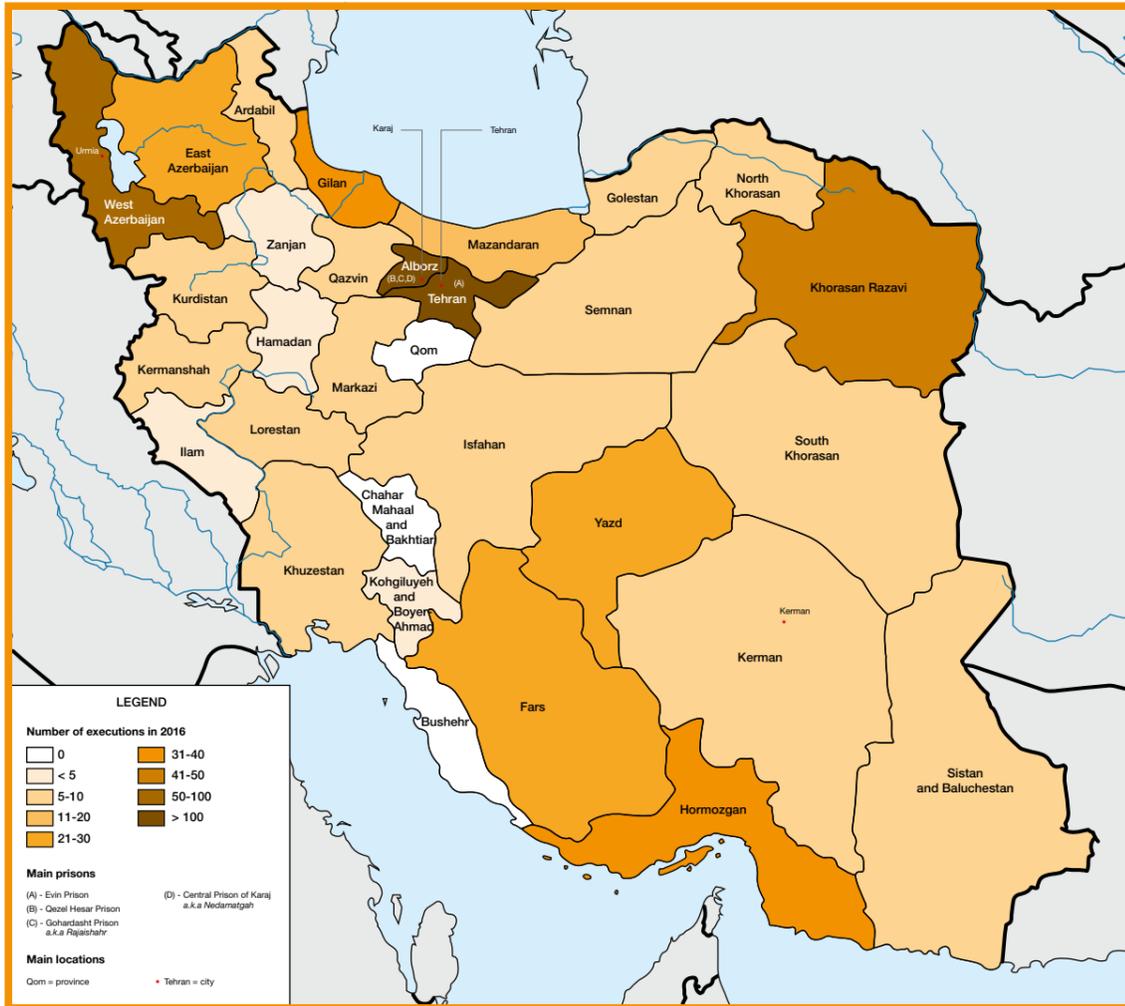
<sup>3</sup> [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_22615\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_22615_E.pdf)

<sup>1</sup> <https://iranhr.net/en/articles/2634/>

<sup>2</sup> <https://iranhr.net/en/articles/2637/>

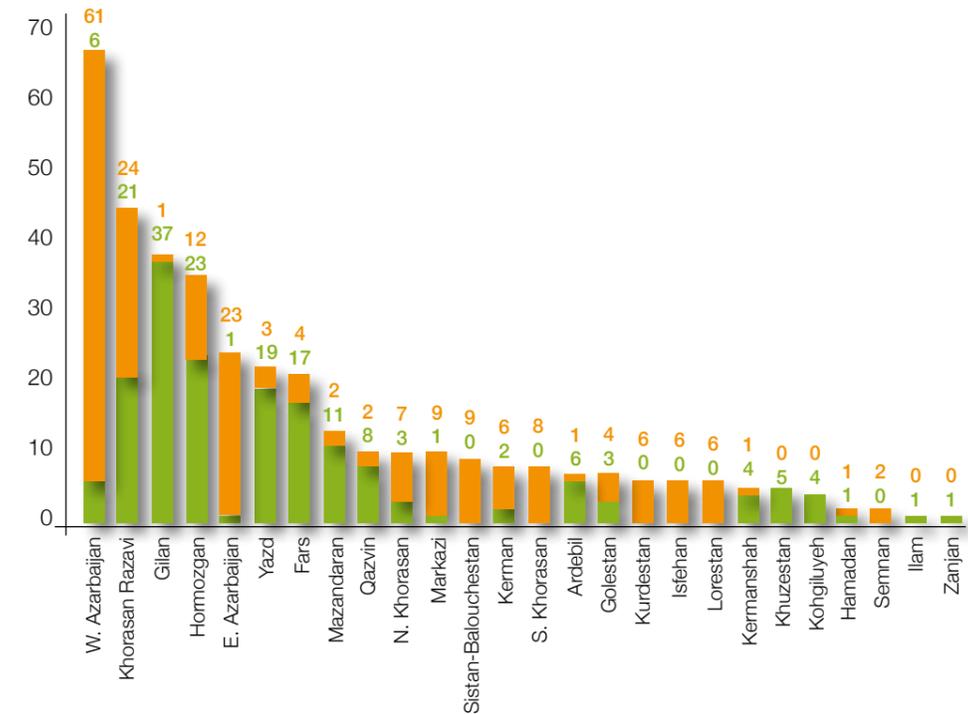
## GEOGRAPHIC DISTRIBUTION OF ALL EXECUTIONS

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. The geographical distribution of all executions is visualized in the map below. More details are provided in the following section.

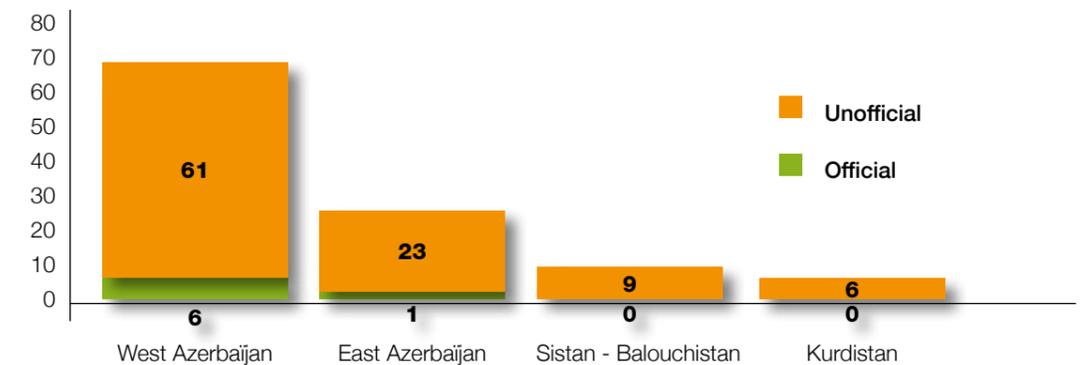


The diagram (left) shows the official (green) and unofficial/unannounced (yellow) executions in the prisons of Tehran/Karaj area. Ghezelhesar and Rajaishahr prisons in Karaj were the sites of highest number of both officially announced and unannounced executions in 2016. All prisoners at Ghezelhesar prison<sup>1</sup> were convicted of drug offences while in Rajaishahr<sup>2</sup> the largest numbers involved murder/qisas charges. The majority of executions were not announced by the authorities. Besides these two prisons, significant number of prisoners were executed in the Central prison of Karaj, also called «Nedamatgah». Also here the prisoners were mainly charged with drug offences<sup>3</sup>.

1 <https://iranhr.net/en/articles/2674/>  
2 <https://iranhr.net/en/articles/2535/>  
3 <https://iranhr.net/en/articles/2634/>



The diagram above shows the geographical distribution of the official (green) and unofficial/unannounced (yellow) executions in other parts of Iran excluding the Tehran/Karaj area. Prisons in the provinces of West Azarbaijan (northwest), Khorasan Razavi (southwest), Gilan (north) and Hormozgan (south) had the highest number of executions. Gilan province had the highest number of officially announced executions while West Azarbaijan had the highest number of unannounced executions.



As in the last year, prisons in the ethnic regions of Iran had a high percentage of unannounced or secret executions. About 90% of all executions in the ethnic regions of Iran, the provinces of West and East Azarbaijan, Baluchistan and Kurdistan, were not announced by the official media.

## SOME FACTS ABOUT THE SECRET OR UNANNOUNCED EXECUTIONS IN 2016:

- At least 298 (56%) executions were not announced by official Iranian sources
- Drug offences counted for the charges in 72% of unannounced executions
- Executions of women and foreign citizens (mainly Afghan) were mainly not announced

## EXECUTION OF FOREIGN CITIZENS

Afghan citizens count for the majority of foreign citizens executed in Iran. Following Afghan civil society protests about the arbitrary execution of Afghans in Iran in recent years<sup>1</sup>, the Iranian authorities announce the execution of Afghan citizens to a much lesser degree than before.

In 2016, IHR published a report about the execution of three Turkish citizens which had taken place in April 2015.<sup>2</sup> These prisoners were sentenced to death by the Revolutionary Court for drug-related charges. The Iranian authorities had kept the information about these prisoners secret. However, the Turkish Government, which was aware of the Turkish prisoners on death row, didn't show any public reaction to the execution of its citizens. The executions took place 11 days after the visit by the Turkish President, Recep Tayyip Erdoğan, to Tehran.<sup>3</sup>



**Mehmet Yilmaz** (pictured) is one of the three Turks who were executed at the Vakilabad prison of Mashhad in April 2015. He was a truck driver and had been arrested four years earlier while he was transporting carpets from Afghanistan. One of Mehmet's children, Michael, told Iran Human Rights:

«An Iranian had planted a bag containing 26 kilograms of opium in my dad's truck and then left. This individual had arranged with my dad to be picked up again at the Neyshabur city pit stop. However, this individual was arrested in Neyshabur by the Iranian authorities. The Iranian authorities showed up at Neyshabur pit stop and informed my dad that they had caught the owner of the bag. They told my dad not to worry, that he's a guest in Iran, and asked him to go with them to give a statement. However, the authorities ended up executing both my dad and the owner of the bag. Until the last moment, my dad and his friends were expecting to be sent back to Turkey because the Iranian authorities had told them not to worry and that they would be returned to Turkey soon.»

## CRACKDOWN ON THE ABOLITIONIST ACTIVISTS

The Iranian authorities' crackdown on abolitionist civil society reached a peak in 2016 when the authorities sentenced two human rights defenders for their peaceful anti-death penalty activities. It is common practice for the Revolutionary Courts to use vague "national security" against human rights defenders. However, in these cases they explicitly referenced anti-death penalty activities among the charges. IHR has expressed concern that the crackdown will increase as we move towards the Presidential elections in June 2017.<sup>1</sup>

### NARGES MOHAMMADI: SENTENCED TO 10 YEARS IN PRISON FOR HER ANTI-DEATH PENALTY ACTIVITIES



Narges Mohammadi, a distinguished human rights defender, a 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 the Revolutionary Court in Tehran for charges related to her human rights work. The verdict was communicated to her lawyer on May 17. The court sentenced her to 10 years' imprisonment on the charge of "founding an illegal group" for her involvement with the campaign LEGAM (Step by Step to

Abolish the Death Penalty). She 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". The court used as "evidence" interviews she gave to international media and her March 2014 meeting with the European Union's then High Representative for Foreign Affairs and Security Policy, Catherine Ashton. Her sentence was upheld by the Appeal Court in September 2016.<sup>2</sup> She has to serve at least 10 further years in prison on the most serious charge of "founding an illegal group". This is under provisions in Iran's 2013 Penal Code which stipulate that those convicted of multiple charges serve the lengthiest single sentence.

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



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 years.<sup>3</sup>

1 <http://www.aljazeera.com/indepth/features/2013/06/201366102037670360.html>  
[http://news.bbc.co.uk/2/hi/south\\_asia/8679336.stm](http://news.bbc.co.uk/2/hi/south_asia/8679336.stm)

2 <https://iranhr.net/en/articles/2682/>

3 Iran executed three Turks days after the visit of Erdogan to Iran, *The Guardian* 28 October 2016, <https://www.theguardian.com/world/2016/oct/28/iran-executed-three-turks-days-after-visit-of-president-erdogan>

1 <https://iranhr.net/en/articles/2712/>

2 <https://www.amnesty.org/en/latest/news/2016/05/iran16-year-sentence-against-critically-ill-human-rights-defender-signals-all-out-repression/>

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

## RECOMMENDATIONS TO:

### THE EU AND IRAN'S INTERNATIONAL DIALOGUE PARTNERS

- Put a moratorium on use of the death penalty, especially the death penalty for juvenile offenders, the death penalty for drug offences and public executions, at the top of the agenda in the talks with Iran
- Push for serious reforms in the Iranian judicial system, including dismantlement of the Revolutionary Courts
- Demand the immediate release of Narges Mohammadi, Atena Daemi and other prisoners of conscience
- Make all funding to the UNODC international programs that fight against international drug trafficking conditional on a moratorium on death sentences for drug offences

### THE IRANIAN AUTHORITIES

- Impose a moratorium on the death penalty for drug offences while they are considering a new revision of the Anti-drug law.
- Stop the practice of public executions
- Remove all death sentences issued for offences committed when under 18 years of age
- Immediately release Narges Mohammadi, Atena Daemi and other prisoners of conscience
- Give all prisoners access to lawyers selected by themselves
- Dissolve the Revolutionary Courts
- Stop the persecution of lawyers

## TABLE 1: LIST OF WOMEN EXECUTED IN 2016

	Date	Name	Age	Charge	Place	Source	Comments
1	5/1/2016	Zahra Nemati	Unknown	Drug Trafficking	E. Azerbaijan-Tabriz	KHN	Unofficial
2	14/4/2016	Amene Rezaeian	43	Drug Trafficking	Khorasan Razavi-Kashmar	KHN	Unofficial
3	14/4/2016	Unknown	Unknown	Drug Trafficking	South Khorasan-Birjand	HRANA	Unofficial
4	14/4/2016	Unknown	Unknown	Drug Trafficking	South Khorasan-Birjand	HRANA	Unofficial
5	8/5/2016	Unknown	Unknown	Drug Trafficking	Esfahan-Dastgerd	Iran News A	Unofficial
6	1/6/2016	Unknown	Unknown	Drug Trafficking	Qazvin	ISNA	Official
7	17/7/2016	Unknown	Unknown	Drug Trafficking	Alborz-Ghezelhesar	HRANA	Unofficial
8	25/8/2016	Unknown	Unknown	Drug Trafficking	Yazd- Yazd	Rokna	Official
9	29/9/2016	Molouk Nouri	Unknown	Drug Trafficking	W. Azerbaijan-Urmia	HRANA	Unofficial

## TABLE 2: LIST OF JUVENILE OFFENDERS EXECUTED IN 2016

	Date	Name	Age	Charge	Place	Source	Comment
1	13/1/2016	Hoshang Zare	17 at the time of the offence	Murder	Fars- AdelAbad Shiraz	HRANA	Unofficial
4	25/1/2016	Khaled Kordi	13 at the time of the offence	Drug Trafficking	Yazd- Yazd	TBAC	Unofficial
5	25/1/2016	Moslem Abarian	13 at the time of the offence	Drug Trafficking	Yazd- Yazd	TBAC	Unofficial
2	24/5/2016	Mehdi Rajaei	17 at the time of the offence	Drug Trafficking	Alborz-Ghezelhesar	IHR	Unofficial
3	18/7/2016	Hasan Afshar	17 at the time of the offence	Rape	Markazi- Arak	Amnesty	Unofficial

# APPENDIX 1: DUE PROCESS AND RULE OF LAW IN IRAN<sup>1</sup>

Due process and the rule of law are among the preconditions for protection and promotion of human rights. In a society where rule of law plays a pivotal role in its judiciary, the government facilitates all individuals, regardless of gender, ethnicity or belief, to enjoy equal rights. Equality before the law, an independent and impartial judiciary, including judges, prosecutors and lawyers who are able to defend citizens and their rights without fear of persecution or harassment, are essential elements of due process and the rule of law. In Iran, however, due process is violated in at least the following ways:

## Articles of Iranian law

- The arbitrary approach of the judiciary to the implementation of laws, often violating even the most basic elements of the Islamic Republic Constitution
- Lack of independent judges and impartial prosecutors
- The lack of transparent and/or open court sessions
- Lack of equal legal rights for all citizens

Accordingly, many citizens are sentenced based on forced confessions and lack of access to independent lawyers. In fact, many lawyers in Iran continue to face harassment, prosecution, fines and even prison sentences for defending their clients. Examples include Abdolfattah Soltani<sup>2</sup> and Nasrin Sotoudeh<sup>3</sup>. Subsequently, it may be ascertained that lack of due process is one of the most important obstacles for any improvement in the situation of the human rights in Iran, rendering this matter a top priority in any attempt to reform the country's approach to human rights.

In this review we will briefly mention a few of the important aspects of the violation of due process in law and practice in Iran. We will also examine what parts of Iran's international obligations and the present Iranian constitution guarantee due process and rule of law, and which parts of the constitution violate it. We will further look at how due process is violated in practice. Finally we will provide some recommendations for the Iranian authorities and Iran's international partners on how to proceed in order to promote due process and the rule of law in the country.

## DOES THE IRANIAN CONSTITUTION PROTECT DUE PROCESS?

Following the Constitutional Revolution of 1906-11, Iran became the first country in the region to adopt a modern-style constitution. During the decades immediately before the Islamic revolution of 1979, the Iranian Constitution accommodated several articles that protect due process and the rule of law. These articles also exist in the Constitution adopted after the establishment of the Islamic Republic. Some of the articles that directly or indirectly promote due process of law include: 24, 27, 34 to 38, 156, 159, 165 and 166 of the Islamic Republic Constitution. For instance Article 35 grants the right to a lawyer, Article 156 underlines the independence of the judiciary stating: "Judiciary shall be an independent power that protects individual and social rights", and Article 38 bans all forms of torture and forced confessions.<sup>4</sup> In addition to joining the Universal Declaration of Human Rights in its law, Iran has ratified several international conventions promoting the rule of law such as the International Covenant on Civil and Political Rights (ICCPR)<sup>5</sup>. These instruments underline equal legal rights for all individuals regardless of sex, ethnicity, opinion or belief and ban many forms of discrimination.

1 This is a slightly modified version of the article written by Mahmood Amiry-Moghaddam (Iran Human Rights) and Tahirih Danesh (Foreign Policy Center); [http://www.ihrr.org/ihrr\\_article/dueprocess-en\\_introduction-due-process-and-rule-of-law/](http://www.ihrr.org/ihrr_article/dueprocess-en_introduction-due-process-and-rule-of-law/)  
 2 Associated Press in Berlin, Iranian human rights lawyer jailed for 13 years, *The Guardian*, June 2012, <http://www.theguardian.com/world/2012/jun/13/iranian-human-rights-lawyer-jailed>  
 3 Human Rights Watch, Iran: Lawyers' defence work repaid with loss of freedom, October 2010, <http://www.hrw.org/news/2010/10/01/iran-lawyers-defence-work-repaid-loss-freedom>  
 4 Comparative Constitutions Project, Iran (Islamic Republic of)'s Constitution of 1979 with Amendments through 1989 (English Translation), April 2016, [http://www.constituteproject.org/constitution/Iran\\_1989.pdf?lang=en](http://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en)  
 5 UN Human Rights-Office of the High Commissioner, International Covenant on Civil and Political Rights, December 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

In addition, the ICCPR includes several relevant articles such as Article 14 which underlines the right to a fair trial and due process of law. Article 14 specifically mentions the importance of an impartial judicial system, access to a lawyer and a fair trial, and not compelling individuals to testify against themselves or to confess guilt.

## VIOLATION OF DUE PROCESS ACCORDING TO THE LAW

Despite the articles of the Islamic Republic Constitution and Iran's international obligations mentioned above, several additions to the Constitution after the Islamic Revolution of 1979 violate due process. These articles are in complete contradiction to the previously mentioned articles of the Constitution and Iran's international obligations. These articles, discussed below, undermine the independence and impartiality of the judicial system, the equality of all citizens before the law, as well as the right to a free and fair trial.

## CITIZENS ARE NOT EQUAL BEFORE THE LAW

An important precondition for due process and the rule of law in any country is that of equal legal rights for all citizens. This is not the case in Iran where discriminatory laws and practices are among the most significant obstacles to due process and rule of law in the country. Iran's Constitution, Civil Code and Penal Code have several discriminatory articles where people are discriminated based on gender and religion. Men have more rights than women, Muslims have more rights than non-Muslims and Shia Muslims have more rights than Sunnis. To mention some examples: a woman's testimony is valued as half that of a man's testimony in Court. A woman cannot become a judge or have an important position in the Judiciary. According to Article 12 of the Constitution these positions are only for men who belong to the Twelver J'afari school of Shi'ite Islam. A Muslim who murders a non-Muslim has a lighter punishment than vice versa. A full list of discriminatory laws in Iran can be found elsewhere<sup>1</sup>. In this way, half of the population who are women, in addition to all members of religious minorities (including Muslims who do not follow the Twelver Ja'fari Shi'ite Islam), have fewer legal rights than men. In addition, the age of criminal responsibility is 9 lunar years for girls (8 years 9 months) and 15 lunar years (14 years 7 months) for boys. This is both discrimination based on gender and a clear violation of the Convention on the Rights of the Child (CRC) which Iran has ratified.

## LACK OF IMPARTIALITY AND INDEPENDENCE OF THE JUDICIARY

According to Article 157 of the Islamic Republic Constitution, the Head of the Judiciary who is the highest authority within the judicial system, is directly appointed and supervised by the Supreme Leader, who under the Constitution is the Head of State and has the country's highest political power. The Head of the Judiciary must be a Mojtabeh (a man with the highest level of expertise in Shi'ite Islamic jurisprudence). This in itself undermines the impartiality and independence of the judiciary. The Head of the Judiciary also appoints the Prosecutor General and the Head of the Supreme Court, both of whom must also be Mojtabeh.

## JUDGES

Judges are appointed by the Head of the Judiciary based on their beliefs, political position and allegiance to the establishment. The Head of the judiciary has also the power to dismiss judges based on his judgement. This gives little room for judges to act independently as their employment is in the hands of the Head of the Judiciary whose position is directly controlled by the Supreme Leader.

In addition, according to the Islamic Penal Code, when confessions or testimony by eyewitnesses are missing in a case, the judge can make a decision based on his exclusive opinion, without any reference to laws and codes<sup>2</sup>. This phenomenon is known as 'knowledge of the judge', or *elm-e qazi*<sup>3</sup>. The law requires that rulings based on a judge's 'knowledge' derive from evidence, including circumstantial evidence, and not merely personal belief that the defendant is guilty of

1 Please see: FIDH, Discrimination against religious minorities in Iran, August 2003, <http://www.fidh.org/IMG/pdf/ir0108a.pdf> and Women's Forum Against Fundamentalism in Iran, Official Laws Against Women in Iran, 2005, <http://www.wfafi.org/laws.pdf>  
 2 Human Rights Watch, 2012, Codifying repression: An assessment of Iran's new penal code, [http://www.hrw.org/sites/default/files/reports/iran0812webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/iran0812webwcover_0.pdf)  
 3 International Journal of Social Sciences and Education, Volume 5, Issue 2, 2015: Changes in Personal Knowledge of the Judge with Emphasis on Islamic Punishment Law, Akram Asghari and Syed Ali Asghar Mosavi Rokni

the crime<sup>1</sup>. However, there have been cases where 'knowledge of the judge' has been applied rather arbitrarily. These patterns throughout the judiciary lead to a culture of impunity that results in serious violations of human rights. For instance, in December 2007, Makwan Moloudzadeh was executed for sodomy charges based on the 'knowledge of the judge'.<sup>2</sup>

### SPECIAL COURTS

After the 1979 revolution, several 'Special Courts' were established in Iran. The legality of these courts continues to be disputed and many experts believe that they are not constitutional. 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, more than 37 years later they continue to operate. All cases regarded as security-related, such as cases involving political and civil activists, and others allegedly involved in corruption and drugs-related charges are processed by the Revolutionary Courts. These courts are responsible for the vast majority of the death sentences issued and carried out over the last 37 years in Iran. The Revolutionary Courts are less transparent than the Public Courts (both criminal and civil) and Revolutionary Court judges are known for the abuse of their legal powers more than other judges<sup>3</sup>. Revolutionary Court judges often deny access to legal representation during the investigation phase and prevent lawyers from accessing client files on the basis of confidentiality or that the lawyers have insufficient 'qualifications' to review certain files.

The Special Clerical Court was also established in an ad hoc manner lacking any basis in the Constitution. This court is not a subset of the judicial system and deals with crimes committed primarily by the clergy. As it functions independently under the direct supervision of the Supreme Leader, it does not follow the official Procedural Code.

In addition, other 'special courts' operate within the judicial system of Iran, without having a legal basis. Special courts are branches of the public courts but are designed to deal with certain groups such as the special courts for media or for government employees. The very existence of these courts lacks legal justification and is a violation of the equality of all citizens before the law.

### LAWYERS AND BAR ASSOCIATIONS

For many years, the Islamic Republic authorities have subjected Iranian human rights lawyers, their families and colleagues to persecution, intimidation, harassment, property confiscation and imprisonment. Lawyers representing human rights defenders are specifically targeted. Several lawyers have been sentenced to imprisonment, they often receive absurd fines of millions of rials that serve as a deterrent to accessing justice, and have been banned from practicing their profession or travelling abroad. Many have faced charges such as acting against national security. Lawyers who choose to defend prisoners facing security or political charges face significant risks and challenges, which in turn may influence how they defend their clients. Article 128 of the Criminal Code of Procedure for Public and Revolutionary Courts<sup>4</sup> provides the right to legal representation during the investigation phase, with one exception which gives the judges power to exclude lawyers for the purposes of confidentiality, the prevention of corruption and for national security crimes. More often than not, in cases processed by the Revolutionary Courts the judges abuse this exception. Almost all those sentenced for security-related charges (such as membership of banned opposition groups) and many of those arrested for drug-related offences are denied access to lawyers during the investigation phase. Furthermore, the Iranian Bar Association, an entity established as an independent body since 1954, was shut down after the Islamic Revolution. Once the Bar Association reopened, it had lost its independence and ability to defend a lawyer's union rights. Lawyers who want to run in the Bar Association's Board of Directors election, must be approved by a Disciplinary Court of Advocates, under the supervision of the Judiciary. This means that lawyers who have been critical of the authorities can be banned from potential membership of the Board of Directors. This is a clear violation of Articles 19 and 22 of the

1 Article 210, New Islamic Penal Code

2 Iran Human Rights, 6 December 2007: Makwan Moloudzadeh was executed for an alleged crime committed when he was 13 years old, December 2007, <http://iranhr.net/en/articles/57/>

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

4 European Country of Origin Network, Iran-National Laws, <http://www.ecoi.net/iran/nationallaw>

ICCPR ratified by Iran. These trends point to the fact that in Iran lawyers do not enjoy the right to freely exercise their profession, and lack freedom of expression and freedom of association.

### VIOLATIONS OF THE PROCESS IN PRACTICE

In addition to the legal issues mentioned above, due process of law is violated arbitrarily and despite the law. There are many reports indicating the law enforcement authorities, including the judiciary and judges fail to follow the Islamic Republic's legal code. The use of torture, forced confessions, sham trials, trumped up charges and lack of access to legal representation even after the investigation phase occur in many cases handled by the Revolutionary Courts system. Furthermore, the lack of transparency and culture of impunity rampant throughout the Islamic Republic judiciary prevents access to official information, reports and figures regarding those held illegally or executed, particularly in marginal communities. Another cause of such violations is that the Islamic Republic legal system allows for a considerable range of heterogeneous charges to result in the death penalty, including sexual preferences, adultery, insulting the prophet, economic corruption and vague charges such as 'corruption on earth'. Article 286 of the Islamic Penal Code defines this as 'a person who commits a crime on an extensive level against the physical integrity of others, against the domestic or external security, spreads lies, disrupts the national economic system, undertakes arson and destruction, disseminates poisonous, microbiological and dangerous substances, establishes corruption and prostitution centres or assists in establishing them.' Article 286 does not offer concrete definitions for either the term 'crime' or the scope of 'extensive' and this therefore gives the judges more power to interpret the law at their own will.

### TORTURE AND FORCED CONFESSIONS

The Islamic Republic Constitution bans the use of torture in order to extract confessions. Article 38 of the Constitution states: 'All forms of torture for the purpose of extracting confessions or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law'<sup>1</sup>. However, testimonies from numerous witnesses, including televised confessions, show that torture and the acquisition of forced confessions are system-wide techniques employed throughout the Islamic Republic judiciary. In the years immediately following the 1979 Revolution it was believed that torture, including the sexual torture of minors<sup>2</sup>, to extract forced confessions were mainly used against people affiliated with the banned opposition groups. In recent years reports by international and Iranian human rights groups<sup>3</sup> show that torture and forced confession during the investigation phase is the rule and not the exception. Furthermore, this practice is not limited to cases involving political and security related charges. Almost all prisoners who are arrested for drug offences have been kept in solitary confinement and subjected to physical torture in the investigation phase following their detention, while being denied access to a lawyer. In many cases confessions given during detention have been the only evidence available for the judge to base his verdict upon. Torture is also used in other criminal cases involving rape or murder where there is not enough evidence against the suspect. In 2014 a man who had confessed to the crime but was absolved of all charges 48 hours before his execution was to be carried out, was asked as to why he had confessed to a murder he had not committed? He answered: "They beat me up so much that I thought if I falsely do not confess, I would die during the interrogation". Needless to say, he did not have access to a lawyer after his arrest.

### SHAM TRIALS

Articles 36 and 37 of the Iranian Constitution say that the 'passing and execution of a sentence must be only by a competent court and in accordance with law', and 'Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court'.<sup>4</sup>

1 Iran Online, Iran Constitution Section 3 Rights of the People, <http://www.iranonline.com/iran/iran-info/government/constitution-3.html>

2 For more details see: <http://www.irantribunal.com/index.php/en/sessions/court/402-judgment>

3 Iran Human Rights, 2052 Executions For Drug Offences in the Last Five years in Iran, March 2015, <http://iranhr.net/en/articles/1185/>

4 Iran Constitution [http://www.servat.unibe.ch/icl/ir00000\\_.html](http://www.servat.unibe.ch/icl/ir00000_.html)

However one does not need to refer back to the 1980s to see courts issuing death sentences after trials which lasted only 5 to 15 minutes.<sup>1</sup> In July 2016, 25 Sunni Kurds were executed, sentenced by the Revolutionary Court of Tehran for alleged cooperation with terrorist groups. According to several independent witness testimonies, and the lawyer of some of the prisoners, their trial did not last beyond 15 minutes. The notorious Judge Abolghasem Salavati of the Tehran Revolutionary Court sentenced them to death. Several members of the banned opposition groups, who have been executed during the last 5 years, had been sentenced by the Revolutionary Court in a similar manner.

Sham trials also include other charges, such as drug-related offences which are processed by the Revolutionary Courts. It seems that the Revolutionary Court judges more often abuse their powers and the trials by these Courts more often are sham.

### PEOPLE ARE NOT EQUAL

Although the Iranian Constitution says all citizens are equal before the law, in reality some citizens are 'more equal than others'. There are numerous examples of this in the history of the Islamic Republic. To illustrate this we mention two examples. In January 2013 two young men were hanged publicly who were charged with threatening a man with a knife and mugging him on the street few weeks earlier. The incident was caught on a monitoring camera and distributed on social media. The two young men were arrested and sentenced to death charged with 'moharebeh' (waging war against God) because Judge Salavati was of the opinion that what they did, especially because they were armed with a knife, had terrorised the public.<sup>2</sup> In 2015, Mahmood Karimi, a famous religious singer close to the Supreme Leader was involved in a car accident. He started arguing with the couple driving the other car and fired several shots at their car with his revolver. The incident received much media attention and the couple filed a complaint against him. However, the Iranian Judiciary dropped all charges against Mr Karimi and he didn't face any sanctions.<sup>3</sup> The public hanging of two young men for using a knife and dropped charges for a man close to the Supreme Leader using gunfire illustrates that the Judiciary doesn't treat people equally. The abovementioned case is not unique.

Due process is violated in Iran both by law, and despite the law. The lack of an independent judiciary whose politically appointed judges are allowed to abuse their power, limitations on the independence of lawyers, discriminatory laws against segments of the population and an arbitrary approach to implementation which has become the modus operandi throughout the Islamic Republic's law enforcement system, are all factors which must be changed in order to establish the rule of law and due process in Iran. Some of these changes seem more difficult than others. For instance, creating an independent judiciary is not possible without placing limitations on the legal powers of the Supreme Leader. This must of course be the ultimate goal of any reform. However any reference to the Supreme Leader's position is considered by the authorities as crossing a red line and will be associated with considerable risk to their safety and freedom. But campaigning for the removal of some of the discriminatory laws in the constitution, shutting down the Revolutionary Courts, giving more freedom and power to the Bar Association, pushing for more freedom of expression and assembly and ending arbitrary patterns and practices are among the issues that the Iranian civil society inside Iran and countries with bilateral dialogues with Iran can push for. Real improvements in the human rights situation are not possible without strengthening the rule of law. For instance, Iranian legislators have sent a new law amendment calling for the abolition of the death penalty for several drug offences. However, as long as the drug offenders have no access to legal representation after their arrest, are subjected to torture to extract false confessions and tried by the Revolutionary Court in sham trials, a change in the law will not necessarily lead to a reduction in the number of drug-related executions.

<sup>1</sup> Iran Human Rights, Iranian Official Confirms Execution of 20 Sunni Prisoners, August 2016, <http://iranhr.net/en/articles/2602/>  
<sup>2</sup> Iran Human Rights, Today: New Demonstration of Horror in Tehran; Two Men Hanged Publicly 35 Days After Being Arrested, One Man Hanged in Isfahan, January 2013, <http://iranhr.net/en/articles/922/>  
<sup>3</sup> Iran Pulse, Charges dropped against Iranian religious singer who shot at couple, Al Monitor, January 2014, <http://www.al-monitor.com/pulse/originals/2014/01/singer-shooting-charges-dropped.html>

## APPENDIX 2: RESPONSE OF FIFA ABOUT IRAN'S USE OF FOOTBALL STADIUM FOR PUBLIC EXECUTION





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 since 2010 registered as an international non-governmental organization based in Oslo, Norway. Struggle for abolition of the death penalty in Iran, defending the human rights defenders, raising the legal debate and promoting the rule of law are the core activities of IHR. Monitoring, reporting, advocacy and empowerment are IHR's main instruments in the struggle against human rights violations in general and death penalty in particular.

#### **BROAD NETWORK AMONG THE ABOLITIONIST MOVEMENT INSIDE AND OUTSIDE IRAN:**

IHR has a broad network inside Iran. Besides having supporters and collaborators among the civil society activists in the central parts of Iran, IHR has also a broad network in the ethnic regions which are often not in the focus of the main stream media. In addition IHR has a broad network of reporters within the Iranian prisons, Iranian lawyers and families of the death row prisoners. This enables IHR to be the primary source of many executions in different Iranian prisons. IHR is also part of the international abolitionist movement. IHR has been member of the World Coalition Against the Death Penalty (WCADP) since 2009 and member of its Steering Committee since 2011. IHR is also member of Impact Iran, a coalition of more than 13 Iranian human rights NGO. IHR's close collaboration with the 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 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 community<sup>1</sup>, media<sup>2,3</sup> and civil society.

**Limiting the use of the death penalty in Iran through international campaigns and advocacy:** IHR activities have contributed to saving 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 putting focus on all cases of the death penalty in a sustainable manner. By publication of news, reports, and interviews and since 2015 through its one hour long weekly TV program<sup>4</sup>, IHR has contributed significantly in education of the abolitionists and raising the national debate on the death penalty in Iran.

1 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/518/83/PDF/N1451883.pdf?OpenElement>  
 2 <http://europe.newsweek.com/state-executions-rise-two-day-iran-313562?rm=eu>  
 3 <http://www.dw.com/en/irans-death-penalty-stays-off-global-agenda/a-17705731>  
 4 <https://iranhr.net/fa/multimedia/#/all/all/1>



ECPM (Together Against the Death Penalty) is an organisation 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 mobilisation 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 organiser 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 organisations, 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 Gay Pride, the Fête de la Humanité, 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 organising training sessions and advocating at all political levels for their work to be supported.



A public execution in Mehrshahr (suburb of Karaj, west of Tehran) on July 17, 2016.  
Photo: Amir Farzaneh, Young Journalists Club

## TABLE OF CONTENTS



Mahmood Amiry-Moghaddam  
Founder and Spokesperson  
Iran Human Rights  
P.O.Box 2691 Solli  
0204 Oslo - Norway  
Tel: +47 91742177  
Email: mail@iranhr.net

[www.iranhr.net](http://www.iranhr.net)



Raphaël Chenuil-Hazan  
Executive director  
Email: rchenuil@abolition.fr  
69, rue Michelet  
93100 Montreuil - France  
Tel.: +33 1 57 63 03 57  
Fax: +33 1 57 63 89 25

[www.abolition.fr](http://www.abolition.fr)  
[www.ecpm.org](http://www.ecpm.org)

The organizations Iran Human Rights (IHR) and ECPM have been collaborating since 2011 for the international release and dissemination 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.

3	<b>Preface</b>
3	<b>Annual 2016 report at a glance</b>
4	<b>Introduction</b>
5	<b>Sources</b>
6	<b>Facts and Figures</b>
6	Significant decrease compared to the last 5 years
6	Monthly Breakdown of Executions in 2016
7	Legacy of Hassan Rouhani's first presidential period: Dialogue with the West and more death penalty in Iran
7	Public Executions
11	<b>Charges</b>
11	Executions in 2016 based on charges
12	Revolutionary Courts
13	Moharebeh, Corruption on Earth and Rebellion
15	Drug-related Charges
20	Qisas
23	<b>Juveniles</b>
23	Legislation
23	Juvenile offenders executed in 2016
24	<b>Women</b>
24	Some facts about the women executed in 2016
25	<b>Secret and Unannounced Executions</b>
25	Documentation of unannounced executions
26	Geographic Distribution of All Executions
27	Some facts about the secret or unannounced executions
28	Execution of Foreign Citizens
29	<b>Crackdown on the Abolitionist Activists</b>
29	<b>Narges Mohammadi</b> : Sentenced to 10 years in prison for her anti-death penalty activities
29	<b>Atena Daemi</b> : Sentenced to seven years in prison by the Revolutionary Court
30	<b>Recommendations to:</b>
30	The EU and Iran's international dialogue partners
30	The Iranian authorities
31	<b>Table 1</b> : List of women executed in 2016
31	<b>Table 2</b> : List of juveniles offenders executed in 2016
32	<b>Appendix 1</b> : Due Process and Rule of Law in Iran
37	<b>Appendix 2</b> : Response of FIFA about Iran's use of football stadium for public execution
38	Iran Human Rights
39	Ensemble contre la peine de mort