

briefing

Iran

The Death Penalty

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CHRISTIAN
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I. Executive Summary

Iran executes more people per year than any other country in the world except China.¹

From 1 January to 8 July 2011 the number of executions documented in Iran totalled 361.² However, the Iranian Government does not announce many executions, therefore the true figure is difficult to determine. It is generally believed, however, that true figures are far higher than those recorded. These current figures, if projected for twelve months, would produce a notional annual total for 2011 of 619 executions, which would exceed the total for any previous year. Most recently, from 3 to 8 September, 2011, fourteen prisoners were reportedly hanged in Orumieh, Kerman, Ahwaz, and Qazvin.³

The known executions in 2010 included five women and one juvenile offender. Death sentences were imposed for sexual offences, political actions, espionage, and drug smuggling, as well as for armed robbery, and murder. Notable death sentences in 2010 were also meted out to individuals convicted of apostasy (abandoning Islam), insulting the sanctity of Islam, enmity against God (*moharebeh*), and creating pornographic internet sites. However, some of these death sentences have not yet been implemented. At the end of 2010 at least seventeen members of Iran's Kurdish minority, including one woman, were on death row awaiting execution for alleged political offences, after unfair trials for *moharebeh*.⁴

More than 4,000 Afghans are thought to be in Iranian jails, the majority of them for drug-related offences, facing the death penalty.⁵ Concern for Afghan prisoners grew in March 2010 following the visit of a group of Afghan MPs to Iran. Following this visit, Afghan MP Taj Mohammed Mojahed said that officials from the Iranian Supreme Court had told them that 5,630 Afghans were in prison, with more than 3,000 sentenced to death.

Of current concern is the case of Pastor Yousef Nadarkhani, an Iranian house church leader who is facing the death penalty for apostasy. Having been imprisoned since 2009, his final hearing is due on 25 September 2011 and observers are increasingly worried that the death penalty may be implemented immediately after this hearing as an "example" to other persons who have abandoned Islam.⁶ International intervention is urgently needed on his behalf. The Islamic Republic of Iran must be reminded of its obligations under international law to protect, as stated in the Universal Declaration of Human Rights, the right of everyone to "freedom of thought, conscience and religion" for all of its citizens including "freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."⁷

¹ See Appendix I for death penalty statistics in Iran from 1999- 2010. According to Amnesty International, no official statistics are available for China, however it is believed there are thousands of executions each year.

² Iran Human Rights Documentation Centre, 'Chart of Executions by the Islamic Republic of Iran'. These statistics from the Iran Human Rights Documentation Centre include information from official and semi-official sources and other sources such as the Campaign for the Defence of Iranian Nations' Political Prisoners, International Campaign for Human Rights in Iran, HRANA, RAHANA, Mukrian News, Pars Daily News, Khorasan News, and Jaras Ahvaz News.

³ See: http://www.mohabatnews.com/index.php?option=com_content&view=article&id=2822:iran-14-executions-and-mass-arrests&catid=35:inside-iran&Itemid=278.

⁴ Amnesty International, 'Death Sentences and Executions 2010', p.28.

⁵ Amnesty International press release, 9 May 2010, 'Secrecy surrounding executions in Iran must end'.

⁶ For full details on Pastor Nadarkhani's case, see section 5.1.3.

⁷ Article 19, The Universal Declaration of Human Rights.

2. CSW Recommendations

CSW urges the Iranian Government to:

- Uphold the rights of ethnic and religious minorities in accordance with constitutional provisions for them and end judicial intimidation and punishment of individuals who exercise their right to freedom of thought, conscience, religion and belief. Iran must also issue an invitation to the Special Rapporteur on freedom of religion and belief to investigate the case of Pastor Nadarkani, the plight of the Bahá'í community, and recent curtailing of religious freedom in the country;
- Clarify the role and scope of Shari'a Law, address ongoing tensions with the standards set by international law and undertake to abide in full by international treaties and covenants to which it is signatory, most notably the ICCPR and the CRC;
- Withdraw its blanket reservation to the CRC, under which any clause deemed contrary to Islamic law is currently disregarded;
- Institute within its legal codes a prohibition against the death sentence being imposed on anyone who was under eighteen at the time the crime was committed for which he or she is convicted, in line with its obligations under the ICCPR;
- Abandon the sentence and practice of execution by stoning, as it constitutes cruel, inhuman and degrading treatment under the ICCPR;
- Cease its practice of holding persons without charge; those detained should be charged and allowed access to legal representation and contact with their family, or be swiftly released;
- Review the Bill for the amendment of the Penal Code, ensuring that any clauses stipulating the death penalty for the offences of apostasy, witchcraft or heresy are removed before the legislation is passed;
- Make publically available, a draft of the Bill for the Amendment of the Penal Code;
- Issue an invitation to the UN Special Rapporteur on extrajudicial, summary, and arbitrary executions and should agree to take action according to his recommendations;
- Issue an invitation to Mr Ahmed Shaheed, the recently appointed UN Special Rapporteur on human rights in Iran.

3. Legal Framework for the Death Penalty

Under Iran's Islamic Penal Code (IPC) of 1991, punishments for criminal offences are divided into five types:

1. **Hodood:** are crimes against the divine will whose punishment types and scope have been determined by the *Shari'a* (Islamic jurisprudence) and cannot be commuted or pardoned;
2. **Qesas:** retributive 'eye-for-eye' punishment meted out for a range of offences;
3. **Ddiyeh:** (referred to as blood money) is financial compensation as determined by *Shari'a* and paid to the victim or his/her survivors;
4. **Ta'zirat:** discretionary punishments that have not been determined by *Shari'a*; judges have the power to decide them. They may include imprisonment, lashing, fines, etc;
5. **Deterrent punishments:** punishments determined by the state, e.g. imprisonment, fines, closure of business, deprivation of social rights, exile and other punishments.

The death penalty is meted out mostly under the *hodood* section and the *qesas* section in the case of murder, as well as once under the *ta'zirat* section for 'cursing the prophet'. However, the Iranian legal system distinguishes also between punishments considered to be the sole 'right of Allah' and those considered to be the 'right of the people.' An example of the 'right of people' is *qesas* or retributive punishment. Under the law the Supreme Leader may grant amnesty if a crime violated the 'right of Allah' in cases that do not fall under *hodood* punishments, but he cannot grant amnesty if the 'right of people' has been violated⁸.

Iranian civil law is derived chiefly from *Shari'a* Law (an uncodified body of jurisprudence derived from the precepts of the Qur'an and the *Sunnah* and the opinions of religious scholars), and also makes room for the Shi'a concept of 'Guardianship of the Jurist'. This concept holds that Islam gives a *faqih* (jurist) or *fuqaha* (jurists) custodianship over people. The idea of custodianship or guardianship as rule was advanced by Ayatollah Khomeini, the founder of the Islamic Republic of Iran. As a result, the constitution of Iran calls for a *faqih*, or *Vali-ye faqih* (Guardian Jurist), to serve as the Supreme Leader of the government, on the basis that society should be run by the individual who is most knowledgeable about *Shari'a* Law.

4. Legal Obligations under International Treaties

While *Shari'a* is enshrined as the highest legal authority in Iran, the nation also has obligations under international law, some of which are fundamentally at odds with some of the precepts of *Shari'a*. With regards to the death penalty, this tension emerges particularly in discrepancies between understandings of the age of maturity and full criminal responsibility, and with some of *Shari'a*-sanctioned methods used for execution.

Iran signed the International Covenant on Civil and Political Rights (ICCPR) in 1968 and ratified it in 1975 without reservation. It should be noted that this ratification took place under the regime of the Shah before the Islamic Revolution. Article 7 of the ICCPR prohibits "cruel, inhuman or degrading treatment or punishment" and execution by stoning is widely viewed as constituting cruel, inhuman and degrading punishment. However, Iran regularly executes convicted criminals by stoning and in this regard violates its international obligations.⁹

⁸ International Federation for Human Rights, 'Iran/Death Penalty: A State Terror Policy', April 2009 p.10.

⁹ See section 8.1. for information and analysis.

The Convention on the Rights of the Child (CRC) was ratified in 1994, but with a reservation which stated that "the government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic laws". This reservation provoked objections in the ensuing months from various nations due to the lack of precision as to which articles of the Convention Iran did not intend to uphold. The undefined reservation gives Iran the power to disregard any of the articles if it deems them to conflict with Shari'a Law.¹⁰ Article 37a of the CRC states that "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below the age of 18". Article 9(5) of the ICCPR also states that "the sentence of death shall not be imposed for crimes committed by persons below the age of 18." However, Iran regularly executes persons for crimes committed as minors, thereby violating its obligations under international law.¹¹

Iran ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1968. Iran ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1975. However, Iran is not a signatory to the Convention against Torture (CAT), or the Convention on the Elimination of Discrimination against Women (CEDAW).

5. Crimes Punishable by the Death Penalty in Iran

5.1. Apostasy

5.1.1. Apostasy and Islam

The Qur'an and the Prophet Mohammed's *Sunnah* are the prime authoritative sources of Islamic law. The *Sunnah* consists of the combined reported sayings or actions of Mohammed, his closest family and first adherents as they are written down in the *Hadith* literature. There is debate amongst Islamic scholars over whether or not the Qur'an directly stipulates the death penalty for apostasy. Some scholars point to certain disputed Qur'anic passages to justify such a penalty. There are undeniably, however, numerous *ahadith*¹² (sayings of Muhammad) in the *Sunnah* that appear to condone this punishment. For example: Sahih al-Bukhari, 9:84:57 reads 'Whoever changed his Islamic religion, then kill him'.¹³ Apostasy was one of the few crimes for which Mohammed (as recorded in the Hadith) sanctioned the killing of a Muslim.

The dominant Islamic view of apostasy as "treason" - a political crime, rather than simply a religious and moral transgression - has its roots in Islamic doctrines of communal identity. Within Islam the unity of the Muslim body of believers is of paramount importance, with allegiance to the Islamic community, or *Umma*, mandatory for every Muslim. This requires a degree of surrender of one's individual identity and opinions for the greater good of the community and demands the conformity of behaviour among all members, resulting in strict limits on individual expression. Criticism of Islam is seen as a threat to the unity of the state body, whose very identity is built around its religious and cultural cohesiveness. The rejection of Islam is thus seen as a rejection of the whole Islamic community and of the Islamic state. No matter what a convert's intentions, in rejecting Islam they are often seen as

¹⁰ Article 19 of the Vienna Convention on the Law of Treaties (VCLT) states that, "A state may, when signing, ratifying, accepting, approving, or acceding to a treaty, formulate a reservation, unless...the reservation is incompatible with the object and purpose of the treaty." Iran's reservation of the CRC is regarded as invalid because of its lack of precision, which enables Iran to ignore the whole object and purpose of the CRC.

¹¹ See Section 7 for information and analysis.

¹² The 'Hadith' or 'traditions' are a collection of deeds and saying of Muhammad, collated in six volumes known as sahih. These collections are regarded as next to the Qur'an in value as a source for Islamic belief and practice.

¹³ [Sahih al-Bukhari, 9:84:57.](#)

having defiled their community and its honour, which should be defended at all costs.¹⁴ Apostasy is therefore deemed to be not just a matter of personal choice, but a disgraceful act of betrayal of the family and of treason against the state.

Thus in accepted Islamic usage “apostate” is the term for a Muslim (man or woman) who was born into a Muslim family and adopts another religion. It may also apply to someone who had become a Muslim and then later leaves Islam. The rejection of any of the individual principles of Islam, or the discarding of the faith as a whole, amount to apostasy. An apostate is one who has known ‘the true faith’, however briefly, but has abandoned it and become ‘a renegade’. For this offence, says Islam scholar Lewis, “there is no human forgiveness and, according to the overwhelming majority of jurists the renegade must be put to death – that is, if male.”¹⁵

5.1.2. Apostasy within the current law of Iran

Iran’s Press Law (1985) states in article 26 that “anybody who insults Islam and its sanctities by means of the press, amounting to apostasy, shall receive the sentence for apostasy.” However, the current applicable IPC of Iran does not specifically define apostasy, nor does it stipulate a consistent punishment. It can therefore be said that apostasy is not codified as a crime within Iran’s civil law. Nevertheless, two legal provisions have created a situation where judges may choose to sentence a convicted apostate to death, despite this punishment not being codified within civil law. Firstly, Article 12 declares Islam as the country’s official religion, with Ja’fari Shi’ism as the chosen doctrine. The four mainstream Sunni Islamic *fiqh* (schools of Islamic jurisprudence), Hanafi, Shaf’i, Maliki, and Hanbali, are granted “full respect”. All of these schools of Shari’a agree on capital punishment for the male apostate.¹⁶

Secondly, Article 214 of the Criminal Procedure Code of Iran has given judges a free hand to sentence religious offenders to death. Article 214 of the Criminal Procedure Code incorporates the provisions of Article 167 of the Iranian Constitution, which states that “A judge shall be required to try to find out the verdict of every lawsuit in codified laws; if he fails to find out, he shall render a verdict on the matter under consideration based on authentic sources of authoritative Fatwas.”¹⁷ Judges have invoked Article 214 to mete out the death sentence in apostasy cases on the basis of the views held by Ayatollah Khomeini, the founder of the Islamic State of Iran. Under the current penal code, however, judges can choose to mete out lesser punishments for apostates and other religious offenders such as hard labour or imprisonment.

5.1.3. Application of the death penalty for apostasy

Christians

The death penalty has rarely been meted out specifically for apostasy in Iran, and has hardly ever been put into effect in the last two decades. In 1990, the Reverend Hossein Soodmand of the Assemblies of God (AOG) denomination, who converted to Christianity from Islam in 1966, was hanged in prison in Mashad on charges of apostasy and operating an illegal Christian bookshop. It is not entirely clear whether at the time of his hanging, Pastor Soodmand had been convicted of the charges or sentenced to death by a judge. If there was no conviction and sentencing, the Reverend’s death should be considered an extra-judicial execution within prison, rather than the implementation of a legal sentence. Pastor Mehdi Dibaj of the AOG was condemned to death for apostasy in December 1993. He was released three weeks later after a strong international outcry, only to be found murdered

¹⁴ CSW, ‘No Place to Call Home: Experiences of Apostates from Islam’, 2008, pp.61-62.

¹⁵ Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror*, 2003, p.41.

¹⁶ CSW, ‘No Place to Call Home: Experiences of Apostates from Islam’, 2008, pp.45.

¹⁷ The Constitution of the Islamic Republic of Iran 1979 (last amended 1989), Islamic Consultative Assembly Public Relations Department.

six months later. In 2005, another AOG pastor, Hamid Pourmand,¹⁸ was charged with apostasy and was facing a possible death penalty. However, in the end he was not sentenced to death. Pastor Behnam Irani of the evangelical Church of Iran denomination was arrested in April 2010 whilst conducting a church service and was released on bail, but tried on 16 January 2011 on charges of apostasy and 'action against the order'. However, he was found guilty of 'action against the order' only and sentenced to one year in prison.

Thirty-four-year-old Pastor Yousef Nadarkhani of the Church of Iran is the most recent Christian in Iran to receive a death sentence for apostasy. He was arrested in October 2009, and was tried and found guilty on 22 September 2010 at the 11th Circuit Criminal Court of Appeals for the Gilan Province, at which time a death sentence was delivered verbally in court. Written confirmation of the death sentence was received over one month later on 13 November 2010. The pastor's lawyer filed an appeal on 5 December 2010. However, following a six-month wait for a hearing, news came from the Supreme Court that this appeal had been unsuccessful. The Supreme Court ruling requested that the lower court in Rasht investigate whether Pastor Nadarkhani was practicing as a Muslim after the age of maturity (fifteen) prior to becoming a Christian at the age of nineteen,¹⁹ in order to determine whether the charge of apostasy was applicable or not. The ruling also included provision for pardon should Pastor Nadarkhani renounce his faith.

A hearing on Pastor Nadarkhani's case has been scheduled for 25 September 2011. If the court rules that he did in fact practise as a Muslim before converting to Christianity, the charges and sentence will stand. According to the International Campaign for Human Rights in Iran, during his trial of September 2010 Pastor Nadarkhani had claimed he had never followed Islam after the age of maturity and therefore could not be convicted of abandoning Islam.²⁰ It is unclear how officials will be able to investigate further Pastor Nadarkhani's religious beliefs after the age of fifteen, since his parents are dead. Ultimately, the Supreme Court's ruling has given local judges a free hand to decide whether to acquit or execute Pastor Nadarkhani. There are increasing fears that he may be executed soon after the commencement of the hearing as an "example" to others.

Pastor Nadarkhani's lawyer, the prominent human rights defender Mohammad Ali Dadkhah, a founding member of the Defenders of Human Rights Centre (DHRC), is also now facing legal difficulties.²¹

Despite the relative rarity of executions for the crime of apostasy, it should be noted that converts from Islam to another religion or to atheism are often persecuted in other ways as a result of their abandonment of Islam, charged with other crimes (often related to the vague concept of *mofsed-e fel-arz*- 'disruption of the moral order'), in attempts by the regime to terrorise minority communities and disrupt their activities.

Bahá'ís

The early years of the revolution saw particularly intense persecution of the Bahá'í minority, with many dismissed from public sector jobs, many facing a suspension of their pension rights and the execution of more than 200 individuals.

¹⁸ Pastor Hamid had converted to Christianity in 1980 and was a colonel in the army. Though acquitted of apostasy, he was convicted of violating military law because he had allegedly kept his Christian faith hidden from his superiors. Pursuant to the law, only Muslims can become officers in the Iranian armed forces. The man was sentenced to three years imprisonment and his pension rights were revoked.

¹⁹ Compass Direct News, Newsflash "Pastor in Iran Awaits Decision on Execution", 28 July 2011.

²⁰ See: <http://www.iranhumanrights.org/2010/12/khanjani-nadarkhani-apostasy/>.

²¹ See page 15 of this report for details on Mr Dadkhah's legal difficulties.

Zabihullah Mahrami, a mid-ranking civil servant, was arrested in 1995 after renouncing an alleged previous conversion from the Bahá'í faith to Islam. At his first appearance at the Revolutionary Court in Yazd, Mahrami admitted that he had attended Bahá'í meetings and festivals. Instead of moving immediately to a criminal trial, the court, decided that it would seek to guide Mahrami back to Islam. When this did not work, he was charged with apostasy and insulting Islam and, on 2 January 1996, was found guilty as charged. The judge stated that his conduct was “a clear insult to the beliefs of one billion Muslims,” and sentenced him to death. In addition, as he had no Muslim heirs and his Bahá'í family was ineligible to inherit, all of his property was confiscated by the state.

When the verdict was passed to the Supreme Court for approval, it ruled that the Revolutionary Court was not the appropriate tribunal to address a case of this nature and that instead the case should be tried in a civil court. However, authorities did not comply with the Supreme Court ruling and, instead, introduced new charges of espionage. Mahrami was brought before a revolutionary court again and, in February 1997, the head of the court announced that he had been sentenced to death. His sentence was later commuted to life imprisonment. In 2005 he was found dead in his cell: the cause of his death is not known. Mr Mahrami had no known health concerns.²²

In another case, two Bahá'ís, Kayvan Khalajabadi and Bahman Mithaqi, who were originally detained without charge in April 1989, were brought to trial in November 1993 on charges of “engaging in Bahá'í activities” and sentenced to death on 23 November 1993 by the Revolutionary Court of Karaj. The verdict was confirmed by the Supreme Court in February 1996. In 2001, however, the chief of the judicial branch reduced their sentences to fifteen years in prison for “association with Bahá'í institutions.” Both men were released on 7 February 2004, having served out their full sentences.²³

The last Bahá'í to be executed by the state in Iran was Ruhullah Rawhani. Mr Rawhani was arrested September 1997 (having been arrested previously in 1984 and 1994) and placed in solitary confinement in Mashad, accused of converting a woman to the Bahá'í faith. No charges or sentence was announced, but the night before his execution in July 1998, someone from the Iranian Intelligence Department telephoned a Bahá'í in Mashhad stating that Mr Rawhani was to be executed the next day. Mr Rawhani's family was summoned to collect his body afterwards, and was required to complete the burial within one hour, under the supervision of government intelligence agents.

The killing of Mr Rawhani was the first official execution of a Bahá'í since 18 March 1992, when 52-year-old Bahman Samandari was secretly executed in Tehran's Evin prison. Mr Samandari was also executed with no advance notice and in the absence of due process. A businessman from a distinguished Bahá'í family, Mr Samandari was buried secretly on 20 March 1992, and his family was not notified until 5 April 1992.²⁴

Muslims

There have been a few reports of apostasy convictions and death sentences handed down and carried out in recent years to Muslims. According to a 21 December 2008 report, a man by the name of Alireza Payghan, who claimed to be the 12th Imam of the Shi'ite, was sentenced to death on a conviction for apostasy, and executed in Qom on 18 December 2008. Another man by the name of Darvish also claimed to be the 12th Imam, and was executed in Qom in 2007.²⁵ On 26 January 2011, Seyyed Ali Gharabat was executed in

²² See: <http://news.bahai.org/story/415>.

²³ See: http://question.bahai.org/003_4.php.

²⁴ See: <http://www.onecountry.org/e102/e10207as.htm>.

²⁵ International Federation for Human Rights: “Iran/Death Penalty: A State Terror Policy” April 2009

Khuzestan for 'corruption on earth' and apostasy after he claimed to be God. This execution was officially announced by Khuzestan Province Justice.²⁶

5.1.4. The Bill for the amendment of the Islamic Penal Code

In November 2007, the Iranian judiciary submitted a new bill for a permanent legislation. The Bill for the amendment of the Islamic Penal Code was passed in its first reading by the parliament [the *majlis*] in September 2008, and was handed on to the Council of Guardians.

Apostasy

Article 225 of the new bill provides the first concrete definition of the offence of apostasy in Iranian civil law. An apostate is defined as any Muslim who denies Islam and converts to infidelity. There are two types of apostates: an 'innate apostate' is a person born to Muslim parents and therefore a Muslim who leaves his/her first religion. A 'parental apostate' is a person born to non-Muslim parents who converts to Islam after the age of maturity (fifteen) and later denies Islam. The punishment for men is stipulated as death in both cases, though the latter shall be given three days to repent, and if he does so, shall escape death. For female apostates the penalty is life imprisonment in both cases.²⁷ According to a statement by the Institute on Religion and Public Policy (IRPP), for the first time in Iranian history the proposed amendment to the penal code would demand the death penalty for all male apostates, without alternative punishments being available; apostasy would *solely* be punishable by death.²⁸

Heresy and Witchcraft

Article 225 of the amendment Bill also defines the crimes of heresy and witchcraft and, for the first time, stipulates the death sentence for those convicted of these crimes. Anybody who commits heresy by claiming to be a prophet is to be condemned to death under the new bill and any Muslim who devises a heresy and creates a sect that is detrimental to Islam, shall be considered an apostate and thus subject to the death sentence. This provision seems to be directed at followers of the Bahá'í religious minority, who have suffered ongoing persecution since the 1979 revolution. Witchcraft also carries the death sentence for convicted Muslims under the new bill. "Any Muslim that is involved with witchcraft and promotes it within society as a profession or a sect shall be condemned to death."²⁹

This provision regarding witchcraft could eventually impact the cases of close allies of the current Iranian president, if implemented. In May 2011, at the height of tension between President Ahmedinijad and Supreme Leader Ayatollah Khamanei, close allies of the president were accused of using supernatural powers to further his policies. The president's chief of staff, Esfandiar Rahim Mashaei, amongst others, was arrested and charged with being a "magician" and invoking djinns (spirits).

In June 2009 a decision was reportedly made by the Iranian Government's Parliamentary Committee to remove the article stipulating the death penalty for apostasy from the amendment Bill, since it was 'not in the interests of the regime'. The withdrawal of the death penalty from this Bill has not been officially confirmed, nor has a copy of the newly-worded version of the Bill been made publically available, thus verification of the removal of the death penalty clause has not been possible. It is not yet clear whether the amendment without the death penalty has been approved in all its stages and has become law. At best knowledge, no version of the Bill has yet been passed and implemented. However, there is a chance that the Bill has been passed without publicity, and may in fact include the death penalty clause.

²⁶ See: http://iranhrdc.org/files/pdf_en/Executions/Executions-in-Iran-9-7-2011.pdf p.4.

²⁷ International Federation for Human Rights: "Iran/Death Penalty: A State Terror Policy" April 2009 p.17

²⁸ Compass Direct News Press Release February 8th 2008, quoting statement February 5th by the Institute on Religion and Public Policy (IRPP).

²⁹ International Federation for Human Rights, 'Iran/Death Penalty: A State Terror Policy', April 2009 p.18.

5.2. Cursing the prophet or Blasphemy

This section is the closest that the current applicable IPC comes to specifically addressing apostasy, although the wording of the law is rather vague and allows for extensive interpretation. “Anybody who insults the sanctities of Islam and/or any of the grand prophets or the infallible imams shall be executed if the case is considered to be cursing of the prophet...” (Article 513).

5.3. Political and Armed Offences

Section seven of the *Hodood* chapter of the IPC deals with two key concepts: *moharebeh* (usually translated as ‘enmity against God’ or ‘waging war on God and people’) and *mofsed-e fel-arz* (usually translated as ‘spreading corruption on earth’, ‘offences against the moral order’ or ‘activities against the order’). Article 183 of the IPC provides the following definition: “Anybody who takes up arms to create fear and to divest people of their freedom and security is deemed to be *mohareb* and *mofsed-e fel-arz*.” Anybody convicted of these offences may be sentenced to death at the behest of the ruling judge. The provisions of the law are not confined to armed activities alone, however. The terms are generally used as catchall indictments of political dissent, but are also often falsely applied to people deemed to have committed religious transgressions.

Members of ethnic and religious minorities are regularly convicted under Article 183. In March 2008, Iranian Member of Parliament, Hossein Ali Shahryari, stated that 700 people were awaiting execution in Sistan and Balochistan provinces, many of them Baloch political prisoners³⁰. This staggering number of death sentences seems to be evidence of intense repression taking place against this ethnic minority. Two Sunni religious workers were hanged in Zahedan jail in April 2008 after having confessed, under extreme torture, to resistance activities against the Iranian regime³¹. Tehran accused them of supporting the armed Baloch nationalist groups. However, the evidence against them was purely circumstantial and the conduct of their trials was seriously flawed. Three more Baloch rights campaigners were executed in Zahedan prison on 24 August 2008.

In July 2009 the official IRNA news agency³² reported that Abdulhamid Rigi, the brother of Abdulmalik Rigi, leader of the Sunni militant group known as Jundallah (Soldiers of God) had been sentenced to death and was scheduled to be hanged, along with the thirteen members of the Sunni Muslim rebel group. According to the state radio, the executions took place in the city of Zahedan, 930 miles southeast of Tehran, and the scene of some of the deadliest attacks blamed on Jundallah, which has carried out bombings, kidnappings and killings in the area in recent years. On 20 December 2010, the authorities hanged eleven members of Jundallah, which claimed to have conducted the devastating suicide bombing of a Shiite mourning procession the previous week.³³

In Iran, apostates often face trial before the Revolutionary Courts on accusations of *moharebeh* and *mofsed-e fel-arz*. In April 2006, an Iranian church leader was arrested on charges of working against the Islamic Government of Iran and conspiracy to overthrow it. If convicted, he faced the death penalty. He was later released on bail.³⁴ Eleven Christians from Bandar Anzali were accused of *moharebeh* and *mofsed-e fel-arz* in April 2011. The charges related to their involvement in a house church, and to taking communion wine. The group was acquitted in May 2011. In September 2011, five Christians from Shiraz, members

³⁰ The Guardian Newspaper, ‘Iran’s War on Sunni Muslims’ by [Peter Tatchell](#), 16 October 2008.

³¹ The Guardian Newspaper, ‘Iran’s War on Sunni Muslims’ by [Peter Tatchell](#), 16 October 2008.

³² See: www.telegraph.co.uk/news/worldnews/middleeast/iran/: ‘Iran hangs 13 members of rebel Sunni Muslim Group’, 14 July 2009.

³³ See: www.bbc.co.uk/news/world-middle-east-12039745

³⁴ CSW, ‘No Place to Call Home: Experiences of Apostates from Islam’, 2008, p.47.

of the Church of Iran evangelical denomination, heard that their sentence of one year in prison for *moharebeh* and *mofsed-e fel-arz* had been upheld by an appeals court. They are also facing charges of blasphemy, but their hearings have repeatedly been postponed due to a lack of evidence.

5.4. Theft

Theft is punishable by death on the fourth conviction, provided that the person convicted has received the due punishment in the first three instances. Under this law the punishment for the first offence is amputation of four fingers of the right hand, for the second offence amputation of the left foot, for the third time life imprisonment, and for the fourth time, execution.

5.5. Murder

Murder is punishable under a section of the IPC headlined *qesas*. The Iranian legal system considers murder to be a matter between private parties and therefore does not refer to its punishment as the 'death penalty' or execution. Theoretically it is not the state but the survivors of the victim or 'heirs of the blood' who impose retribution on the culprit. In practice, in *qesas* cases the judicial authorities execute the murderer if the family of the victim demands execution of the murderer. Survivors of a murder victim may alternatively decide to withdraw their demand for execution of the murderer in exchange for financial compensation (*diyeh*).

5.6. Drug-Related Offences

The Law for Amendment of the Anti-Narcotics Law & Annexation of Other Articles to It (November 1997) prescribes the death sentence for drug-related offences in several instances. These include:

- Planting poppies, coca or cannabis with intention to produce drugs, on the fourth conviction;
- Smuggling more than five kilograms of opium, cannabis into Iran;
- Buying, keeping, carrying or hiding more than five kilos of opium and other drugs;
- Smuggling into Iran, dealing, producing, distributing and exporting more than 30 grams of heroin, morphine, cocaine or their derivatives, on the third conviction.

From December 2010 to early September 2011, at least 260 individuals are thought to have been executed for drug trafficking in Iran, making it the offence that produces the highest number of executions.³⁵

Converts from Islam have been known to be arrested on false criminal charges, such as drug-related offences. The US State Department reported in 2006 that the authorities arrested Issa Motamedi Mojdehi, a Muslim convert to Christianity following his attempt to register his son as a Christian. A charge of drug trafficking was brought against him, which Christians said was an attempt to punish him for his conversion.³⁶ This charge could have resulted in the death penalty.

³⁵ See: http://iranhrdc.org/files/pdf_en/Executions/Executions-in-Iran-9-7-2011.pdf.

³⁶ US State Department: International Religious Freedom Report 2007, Iran. Released by the Bureau of Democracy, Human Rights and Labour: <http://www.state.gov/g/drl/rls/irf/2007/90210.htm>.

5.7. Disruption of public services and public safety

The Law for Punishment of Disrupters of Oil Industry, the Law for Punishment of Disrupters of Water, Electricity and Telecommunication Facilities, the Law for Punishment of Disrupters of Flight Security, the Law for Punishment of Offences concerning Railways and the Law for Increase of Punishment for Arms Smuggling also stipulate the death sentence.

5.8. Sexual Crimes

5.8.1. Fornication and Rape

Article 63 of the IPC defines fornication as sexual intercourse between persons not married to each other. Fornication is initially punishable by 100 lashes. However a man or a woman who has been convicted for fornication several times is to be killed on the fourth count, provided that s/he has been convicted and received the lashing penalty in the previous three instances (Article 90). However Article 82 of the IPC specifies that the death penalty shall be meted out to fornicators without exception in the following cases: incest, fornication with stepmother (the man shall be killed), fornication of a non-Muslim with a Muslim woman (the man shall be killed), and rape (the rapist shall be killed).

5.8.2. Adultery

In the case of sexual intercourse between married men with single or married women, or married women with single or married men, the punishment stipulated by the IPC is the stoning of the married person. The single party in such a relationship would usually be sentenced to 100 lashes for fornication.

5.8.3. Same sex relations

The penalty for anal sex involving penetration is death for both parties provided that they are adults, mature and of free will (Articles 109 and 111). If same sex relations without penetration occur between a non-Muslim and a Muslim as a passive partner, the former shall be killed (Note to Article 121).

In early September 2011, three men were hanged in the south-western city of Ahvaz, the capital of Iran's Khuzestan province after being found guilty of charges related to homosexuality.³⁷ It is believed that the execution of the three men is the first time for many years that any Iranians have been given death sentences on the basis of their sexuality; the Iranian authorities often present such cases as rape, being unwilling to admit to the wider world that homosexuality exists in Iran.

5.8.4. Obscene audio-visual products

The Law for Punishment of Persons with Unauthorised Activities in Audio-Visual Operations, passed in January 2008, prescribes punishment for the producers of obscene products intended for sexual abuse and for those who use such products to blackmail others. Offenders are prescribed the same punishment as for rape. Consequently all those offences can be punished by the death penalty.

³⁷ See: http://www.mohabatnews.com/index.php?option=com_content&view=article&id=2788:iran-executes-three-men-on-homosexuality-charges&catid=35:inside-iran&Itemid=278.

6. Legal Process

Under the Law of Appeals and the Code of Criminal Procedures, all death sentences are subject to appeal, which must be lodged within 20 days of the verdict³⁸. If a sentence is confirmed on appeal, the case is sent to the Supreme Court for consideration. Officially, if fault is found with the conviction, the case can be returned to a lower court for retrial, as has been the case with Pastor Nadarkhani. If the Supreme Court confirms the death sentence, the verdict is sent to the Head of Judiciary who reviews it and has the power to issue a stay of execution. The Supreme Leader also has the power to grant pardons or commute sentences on the recommendations of the Head of Judiciary, but not in *Hodood* cases. These processes, however, do not in practice offer much protection against unjust death sentences. For many types of crime punishable by death there is only limited possibility of pardon or commutation and for some crimes there is none, particularly for those who have not confessed to their alleged crime.

The criminal justice system in Iran offers little protection for human rights. Those detained for suspected political crimes tend to receive grossly unfair trials in which they often face vaguely worded charges, which do not amount to any recognisable offences. Under Iranian law, the accused has no right to legal representation prior to being formally charged. Frequently convictions are made in the absence of defence lawyers, on the basis of confessions or other information allegedly obtained under torture in pre-trial detention. Courts often accept such confessions as evidence without investigating how they are obtained³⁹.

Detainees are often held for lengthy periods of time prior to trial, where they are at grave risk of being subjected to torture or other ill-treatment. Prisoners held for suspected political crimes in particular are often held incommunicado. A Christian detainee, Farshid Fathi, who has been imprisoned since December 2010, is held in the political wing of Evin prison and has been incommunicado for much of his detention. A group of four Christians arrested in Hamadan in September 2010 were also held in solitary confinement and incommunicado for 44 days before being taken to prison, and did not receive any charges for many months. Trials are generally unfair and detainees are systematically denied access to a lawyer until investigations have been completed, which may take some months. According to Freedom House, juveniles imprisoned on death row were frequently denied access to a lawyer.⁴⁰ Proceedings, especially those held outside Tehran, are often summary, lasting only a few minutes.⁴¹

Too often executions take place in secret, and without warning or notice to the person convicted or their family. This has been the case with many executions of members of the Bahá'í faith, and was also the case with Pastor Soodmand, who was hanged in prison in 1990. In August 2010, a Nigerian was reportedly executed in secret at Vakilabad prison, along with 60 others. In December 2010, a man sentenced to death twelve months earlier was suddenly executed without warning. In January 2010 two men were hanged following unfair trials in which they were convicted of *moharebeh*, (enmity against God). The two men's lawyers were not informed of the men's executions.⁴² Mrs Adiva Mirza Soleiman Kalimi, a Jewish Iranian, and her husband, Varoujan Petrosian, an Armenian Iranian, were secretly executed in Evin prison at dawn on 14 March 2011 on unknown charges along with one

³⁸ Amnesty International, 'Iran: End Executions by Stoning', January 2008, p.6.

³⁹ Amnesty International Annual Report 2011, Iran: Unfair Trials, p.173.

⁴⁰ Human Rights Council, Universal Periodic Review of the Islamic Republic of Iran: Summary of Stakeholders Submissions, 30 November 2009 (Ref.A/HRC/WG.6/7/IRN/3) p.5, no.25.

⁴¹ Amnesty International, Death Sentences and Executions 2010, p.26.

⁴² Amnesty International, Death Sentences and Executions 2010, p.27.

other woman and two men whose identities remain unknown. It is still unknown with what those prisoners were charged.⁴³

Two former Christian prisoners, Mariam Rostampur and Marzieh Esmaeilabad who were held in the notorious Evin Prison, Tehran, for nine months have reported that whilst they were imprisoned they witnessed the sudden and unexpected executions of other prisoners. These executions occurred without any warning or notice given to those who were executed and presumably without prior notice being given to relatives or lawyers.

Several lawyers who spoke out against the sentences and the executions of their clients faced reprisals, including imprisonment. Mohammed Olyaeifard was detained on 1 May 2010 on charges of “propaganda against the system” He was given a one year jail term. Lawyer Khalil Bahramian, who spoke out against the execution of his clients in February 2010 was sentenced to eighteen months imprisonment following his conviction for “insulting the Head of the Judiciary” and “acting against state security”.⁴⁴

Family members of executed persons also face persecution and are often not given the bodies of their relatives for burial. For example, when the victim’s families of Mrs Adiva Mirza Soleiman Kalimi and Varoujan Petrosian requested the return the bodies of their loved ones for burial according to their cultural and religious customs, they were allegedly threatened by the agents of the Ministry of Intelligence.⁴⁵ Some families have been forced to pay officials a charge for the rope used to hang their relatives in order to receive the bodies for burial. Those lawyers that bravely defend members of religious or ethnic minorities as they face the death penalty also face the risk of persecution. Mohammed Ali Dadkhah, who is currently defending Pastor Nadarkhani, has also defended many ethnic and religious minorities and political dissidents in court cases over the past three decades, and has faced various legal difficulties as a result. Most recently, on 21 May 2011, Mr Dadkhah was sentenced by Branch 15 of the Islamic Revolutionary Court on 3 July to nine years in prison, a ten year ban from teaching in universities, a ten year ban from practicing as an attorney, US\$300 in fines, and five lashes. The charges leveled against Dadkhah’s were “cooperation in the soft overthrow of the regime”; “propaganda against the regime”; “interviews with some media outlets”; “distortion of members of the regime”; “dark portrayal of the state of cultural heritage” and “compiling the book ‘Writing and Reporting’”, which was published by the DHRC.

7. Child Executions

The execution of persons who were under the age of eighteen at the time of offence constitutes one of the major breaches of Iran’s commitments under international treaties. Since 1990, Iran is known to have executed 24 people who were under the age of 18 when they committed the offence for which they were convicted⁴⁶. This means that Iran has executed roughly half the total number of juveniles executed globally during the 1990s and 2000s. Furthermore, Amnesty International has compiled a list of more than 140 people sentenced to death in recent years in Iran for crimes allegedly committed when they were under the age of eighteen, however, it has proved difficult to monitor their subsequent fate.⁴⁷ At the end of 2010, at least 140 juvenile offenders remained on death row.⁴⁸

⁴³ See: http://mohabatnews.com/index.php?option=com_content&view=article&id=1463:secret-execution-of-a-jewish-armenian-couple-in-tehrans-evin-prison&catid=36:iranian-christians&Itemid=279.

⁴⁴ Amnesty International, ‘Death Sentences and Executions 2010’, p. 29

⁴⁵ See: http://mohabatnews.com/index.php?option=com_content&view=article&id=1463:secret-execution-of-a-jewish-armenian-couple-in-tehrans-evin-prison&catid=36:iranian-christians&Itemid=279.

⁴⁶ See: www.amnesty.org.uk/Content.asp?CategoryID=11461.

⁴⁷ Amnesty International: “The Slow Death of the Death Penalty”: 28 March 2011.p.29

As defined by Islamic codes, and as designated in the Iranian Civil Code, the age of maturity in Iran is fifteen for boys and nine for girls.⁴⁹ Thus at fifteen and nine respectively, boys and girls cease to be considered 'minors' and can be held criminally responsible. In contrast, under international law, maturity is understood to have been reached at the age of eighteen. Due to the Islamic definition of maturity, the conviction and execution of juveniles is far more likely to occur in Iran than in non-Islamic countries. Article 82 of the Iranian Criminal Code explicitly states that the penalties for adultery are applicable "regardless of the age...of the culprit". Under Article 513 of the Iranian Criminal Code, the penalty of execution is applicable to anyone who denounces the Prophet, regardless of the age of the person convicted.

A sixteen-year-old girl, Ateqeh Rajabi was reported to have been executed by hanging on 15 August 2004 in the city centre of Neka in the Northern province of Mazandaran, for "acts incompatible with chastity."⁵⁰ Later the authorities said that she was "mentally incompetent". During the trial she had no access to legal help. Her sentence was reportedly imposed by a clerical judge in a lower court who severely criticised her dress and clothing. He was apparently incensed by her protestations against the misogyny and injustice of the Islamic judicial system. The judge was reported to have personally put the noose around her neck before the hanging.

In 2006, an eighteen-year-old man, identified only as Mohammed was sentenced to death by Branch 71 of the Tehran Criminal Court for a murder he committed in August 2003, aged sixteen.⁵¹ He had reportedly originally been tried by the Children's Court and sentenced to five years imprisonment and payment of blood money. However the family of the victim is reported to have complained, and he was subsequently tried in the Criminal Court at age eighteen and sentenced to death. The Islamic Republic News Agency (IRNA) reported in February 2006 that a judge in Tehran's Appeal Court stated that Iran would continue to sentence child offenders to death without considering other options.⁵²

Ebrahim Hamidi, aged sixteen, was arrested in the suburbs of Tabriz in East Azerbaijan province in 2008, after a fight with members of another family. Three of his friends, who were involved in the incident, were also arrested. Later the four were accused of homosexual assault, however, the other three young men were cleared of all charges after being told by officials that they would be freed if they testified against Hamidi. By 2010, aged eighteen, Hamidi alone was facing execution on charges of homosexuality, originally without legal representation. Hamidi is said to have confessed to homosexual charges under torture. In addition, the alleged victim has admitted that he had been under pressure from his parents to make false accusations⁵³. Hamidi, who protests he is not homosexual, was sentenced to death for *Lavat* – Sodomy – on the basis of "judge's knowledge", a legal category that allows for subjective judicial rulings where there is no conclusive evidence. Later in the case Hamidi was represented by human rights lawyer Mohammed Mostafaei, who has since been forced to flee Iran because of severe danger to his person for giving information on death penalty cases to the international media.

Mohammed Reza Haddadi was sentenced to death in 2004, for a murder he allegedly committed when he was fifteen. He was first scheduled for execution in October 2008, then

⁴⁸ Amnesty International Annual Report 2011, 'Iran: Death Penalty', p. 175.

⁴⁹ Article 49, Iranian Criminal Code, 1990.

⁵⁰ Reported by Safa Haeri in Paris 27 August 2004: IPS.

⁵¹ Iran Students Correspondence Association, and news agency Fars.

⁵² Amnesty International Press Release, 'Iran: Worrying Trends in the use of the death Penalty', 28 February 2006, <http://www.amnesty.org.au/news/comments/234/>.

⁵³ The Guardian Weekly, 'Innocent 18-year-old faces Death in Iran', 13 August 2010, p.12.

in May, July and December 2009. In July 2010, his family were told to visit him for the last time before his execution in Shiraz, but this was again postponed. Facing repeated executions, stayed only at the last minute, qualifies as a form of psychological torture.

8. Methods of Execution

8.1. Stoning

Death by stoning is authorised in Article 83 of the IPC, which prescribes this punishment for offences of adultery committed by a married man or woman. Adultery can be proved by the testimony of an eyewitness, the confession of a defendant, or by “Judge’s knowledge”, a loophole which allows the judge to make decisions without factual, written, or verbal evidence.

Death by stoning is justified in Islam by reference to the authority of Mohammed. It is asserted that many *Hadith*, including Sahih Bukhari, give proof that stoning was ordered and practiced by Mohammed, for example: “The Jew brought to the Prophet a man and a woman from amongst them who have committed (adultery) illegal sexual intercourse. He ordered both of them to be stoned (to death), near the place of offering the funeral prayers beside the mosque.”⁵⁴ Some scholars have found as many as 35 examples of stoning in these *Hadith* writings.

The IPC is specific about the manner of execution and types of stones used. Article 102 states that men will be buried up to their waists and women up to their breasts for the purposes of execution by stoning. Article 104 states that the stones used should be “not large enough to kill the person by one or two strikes, nor should they be so small that they could not be defined as stones.” This makes it clear that the purpose of stoning is to inflict a slow and painful death.⁵⁵ As such, this method of execution clearly constitutes cruel and inhuman and degrading treatment or punishment as outlined in Article 7 of the ICCPR. However, the Iranian authorities deny this. In September 2007, the Secretary General of Iran’s Human Rights Headquarters and Deputy Head of the Judiciary, Mohammed Javad Larijani, stated that “stoning is neither torture nor an incongruous punishment” and added that it is less severe than other types of execution “because in stoning the defendant has a chance to survive.”

In Iran, executions by stoning have always been few in comparison with executions by other methods. However, in 1986 at least eight people were stoned to death. Among them was a woman who, in April 1986 was first given 100 lashes before being stoned to death in Qom. In 1995, Amnesty International received reports that as many as ten people may have been stoned to death. In May 2001, an unnamed woman and Maryam Ayoubi were reported to have been stoned to death, with a further two stonings reported in 2002. There appears to have been a moratorium on stoning after 2002; however, in May 2006 Abbas H. and Mahboubeh M. were reported to have been executed by stoning in Mashad. Reports suggest that these men took over twenty minutes to die.⁵⁶

The majority of those stoned to death are women. In 2008, of the eleven people awaiting death by stoning, nine were women. Many were sentenced after grossly unfair trials.⁵⁷

⁵⁴ Hadith Sahih Bukhari: Volume 2, Book 23, Number 413: Narrated 'Abdullah bin 'Umar.

⁵⁵ Amnesty International Report, 'Iran End Executions by Stoning', January 2008, MDE13/01/2008, p.3.

⁵⁶ Amnesty International Report, 'Iran End Executions by Stoning', January 2008, MDE13/01/2008, p.9.

⁵⁷ Amnesty International press release, 'Campaign to End Stoning in Iran', 15 January 2008.

Research by the Guardian newspaper found twelve women and three men on death row in 2010 awaiting execution by stoning.⁵⁸

Women are not treated equally with men under the law, and are particularly vulnerable to unfair trials because their higher rate of illiteracy makes them more likely to sign confessions to crimes they did not commit. Moreover, women from ethnic minorities (such as Kurds) are less likely to be able to speak Farsi than men, so they often do not understand what is happening during the legal process.

Sakineh Mohammadi Ashtiani's case has featured most prominently in the Western media after she was sentenced to death by stoning in 2006. She speaks Azerbaijani Turkic and little Farsi. Although she told the court her confession was false and had been forced out of her, three judges convicted her under the "knowledge of the judge" clause, used where there is no clear evidence. In May 2007, the Supreme Court confirmed her sentence. She remains in Tabriz Central prison, denied visits by her children and lawyer since August 2010. Her son and lawyer were arrested and are also held in prison. International protests, such as the Stop Stoning Forever Campaign, have delayed her execution, but have not changed the verdict or the sentence.⁵⁹

Stop Stoning Forever has succeeded in helping to save at least five people from stoning. However campaigners often face harassment and intimidation by the authorities. Asieh Amini, Shadi Sadr, and Mahboobeh Abbasgholizadeh of the Stop Stoning Forever Campaign were among 33 women activists arrested in Tehran while protesting in March 2007 about the trial of five women's rights activists.

8.2. Other Methods

Executions can take place by a variety of other methods. Hanging is the most common in Iran. In *Hodood* cases, crucifixion and cross amputation are legal forms of execution.⁶⁰ The Encyclopaedia of Islam states that execution of an apostate "should be by the sword".⁶¹

9. Public Executions

Many executions take place in public places in Iran and there has been a sharp rise in public executions in 2011. Public executions in Iran are usually by hanging and are carried out by cranes which lift the condemned person by noose around the neck. Such executions are advertised in advance to attract an audience. Sometimes guards will take the condemned on the top of open buses with ropes draped around their necks. The victims are then hanged from overhead bridges as the vehicle drives away. One human rights activist, Fazel Hawramy, affirms that at such executions, "thousands of people are watching as if it were a football match. People are shouting and cheering. But what is most shocking is the participation of children in this barbaric spectacle."⁶²

⁵⁸ Guardian newspaper, 'Sakineh Mohammadi Ashtiani will not be stoned to death - for the time being', 12 July 2010.

⁵⁹ Founded in 2006, the campaign seeks to locate attorneys to defend cases of those facing death by stoning and to use activism and publicity to see convicts freed with an eye towards abolishing stoning altogether.

⁶⁰ Amnesty International press release, 'Iran: Worrying trends in the use of the death penalty' 28 February 2006.

⁶¹ Encyclopaedia of Islam, New edition; Volume VII, p.635.

⁶² Fazel Hawramy; Amnesty International press release, 'Iran Public Execution Outrages Human Rights groups', July 2011.

One commentator has pointed to an important factor evident in the recent wave of public executions: “the one goal that critics of the Islamic Republic believe to be the true reason for the crackdown: the dominance (of society) by fear. Almost all of the executions have been carried out through hangings. Videos of the whole process are then broadcast over the internet. The quality of many of these videos and the restricted areas that they have been shot from, leave almost no doubt that they have been filmed by state-authorized cameramen and released intentionally. Although it might seem that the current Iranian government has been at least periodically ‘successful’ in its latest series of crackdowns aimed at boosting control over society through the primitive method of spreading fear, psychological studies along with sociological evidence cast doubt on the ultimate effect of such methods. A society that is heavily exposed to violence gradually turns less vulnerable and more resistant toward (state) aggression, thus giving way to the establishment of a new behaviour norm... the normalization of violence.”⁶³

10. UN Recommendations to Iran on the Death Penalty and Executions

Iran was reviewed under the UN Universal Periodic Review (UPR) process in February 2010.

During the Periodic Review⁶⁴, ten countries expressed concern about Iran’s increasing use of the death penalty, including the numbers of executions, the use of the death penalty for minors, the offences for which it was applicable, and the use of execution by stoning.

Iran expressed its support for several Recommendations made in the UPR by member states, including the recommendation to respect at least minimum standards of the ICCPR and CRC concerning the death penalty, and the recommendation to reconsider the inclusion of apostasy, witchcraft, and heresy as capital offences in its revised penal code. Iran also promised to consider the abolition of the death penalty for crimes committed by persons under the age of eighteen, execution by stoning, and the removal of its blanket reservation to the CRC.

The UN Secretary General’s Report to the General Assembly in September criticised the continuing high level of executions in Iran, particularly for political offences, as well as public executions, the continuing execution of juvenile offenders and the use of stoning as a method of execution. In December 2010, the General Assembly passed a resolution on the situation of human rights in the Islamic Republic of Iran, which expressed concern at the continuing high incidences of and dramatic increase in executions - including public executions, the absence of internationally recognized safeguards, the continued executions of juvenile offenders, the imposition of the death penalty for crimes that lack a precise and explicit definition - including *moharebeh* (enmity against God) - or for crimes that do not qualify as the most serious crimes; the use of stoning and suspension strangulation as a methods of execution. Iran voted against the UN General Assembly Resolution in December which called for a moratorium on the use of the death penalty.

The UN Special Rapporteur on extrajudicial, summary and arbitrary executions has stated⁶⁵ that all defendants facing the imposition of capital punishment must benefit from the services

⁶³ Niusha Boghrati, Worldpress.org correspondent, <http://worldpress.org/Mideast/2956.cf>, 9 October, 2007.

⁶⁴ UN Human Rights Council: Fourteenth Session: Report on the Working Group on the Universal Periodic Review: Islamic Republic of Iran: 15 March 2010: A/HRC/14/12.

⁶⁵ Amnesty International press release, ‘Iran: Worrying Trends in the Use of the Death Penalty’, 28 February 2006.

of a competent defence counsel at every stage of the proceedings, and not just after charges have been preferred.

In late October 2011, Iran will be reviewed by the Human Rights Committee on its obligations under the ICCPR.

II. Appendix I - Statistical Records of Official Executions in Iran: 1999 to 2010⁶⁶

1999	165
2000	75
2001	139
2002	113
2003	108
2004	159
2005	94
2006	177
2007	335
2008	346
2009	388
2010	252

It is to be noted that these figures are the only ones available. It is generally believed, however, that the true totals are far higher. For instance, it is believed that the true death toll in 2010 may have been in excess of 550 when unofficial executions for drug and other offences are included.⁶⁷ Difficulties in determining accurate figures arise from Iran's failure to publish official figures and the large number of secret executions. Human rights organisations have to confine themselves to monitoring those newspapers which record the executions, though not all executions are reported and occasionally newspapers are banned from reporting them. Information about executions in remote areas of the country is especially hard to collect.⁶⁸

⁶⁶ Statistics quoted from Amnesty International Annual Reports 2000 to 2011.

⁶⁷ Amnesty International Annual Report 2011, 'Iran: Death Penalty', p.175.

⁶⁸ International Federation for Human Rights, 'Iran/Death Penalty: A State Terror Policy', April 2009, p.8.