

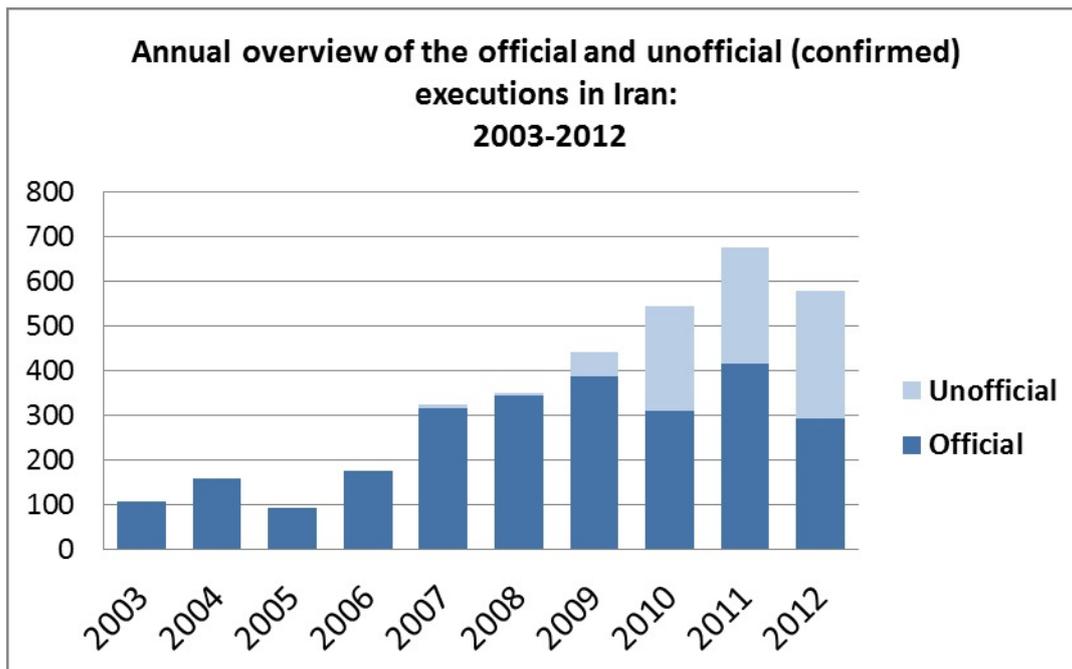
**The death penalty in Iran: Fighting crime or an instrument to spread fear?**

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After China, Iran is the country with the highest number of executions. According to reports from human rights NGOs, several hundred people are executed in Iran every year. However, there are credible indications that the actual number of executions is much higher than reported. According to the Iranian penal law, charges such as drug trafficking, murder, rape, kidnapping, treason, espionage, Moharebeh (armed struggle against the authorities), terrorism, sodomy and adultery are all offences that carry the death penalty. Although most of those executed in Iran are convicted of common crimes such as murder, rape and possession and trafficking of narcotic drugs, a meaningful correlation has been shown between political events and the number of executions. Moreover, Iran is the country with the *highest number of public executions*. Critics believe the Iranian authorities use the death penalty as an instrument to spread fear in society. This article gives an overview of execution trends in recent years and touches upon a few other aspects of the death penalty in Iran. Although Iran still practices the death penalty for juvenile offenders, homosexual acts, apostasy and stoning for adultery, these issues will not be discussed here.

**Execution reports**

An overview of published reports on the death penalty in the last 10 years in Iran shows an increasing trend towards executions.<sup>1</sup> These reports are mainly based on cases announced by the Iranian authorities and since the authorities do not announce all executions, there is uncertainty about the actual number of death sentences carried out each year in Iran. However, in the last three years, an increasing number of unannounced executions have been confirmed by human rights NGOs. This can only partly explain the increase in the number of executions in Iran. A look at the official number of executions confirms the increasing trend (see Figure 1 below).



**Figure 1:** Chart showing the execution trends between 2003 and 2012 based on annual reports published by Amnesty International (2003-2007) and Iran Human Rights (2008-2012). The unofficial numbers represent the confirmed executions not announced by the Iranian authorities.

**Public executions**

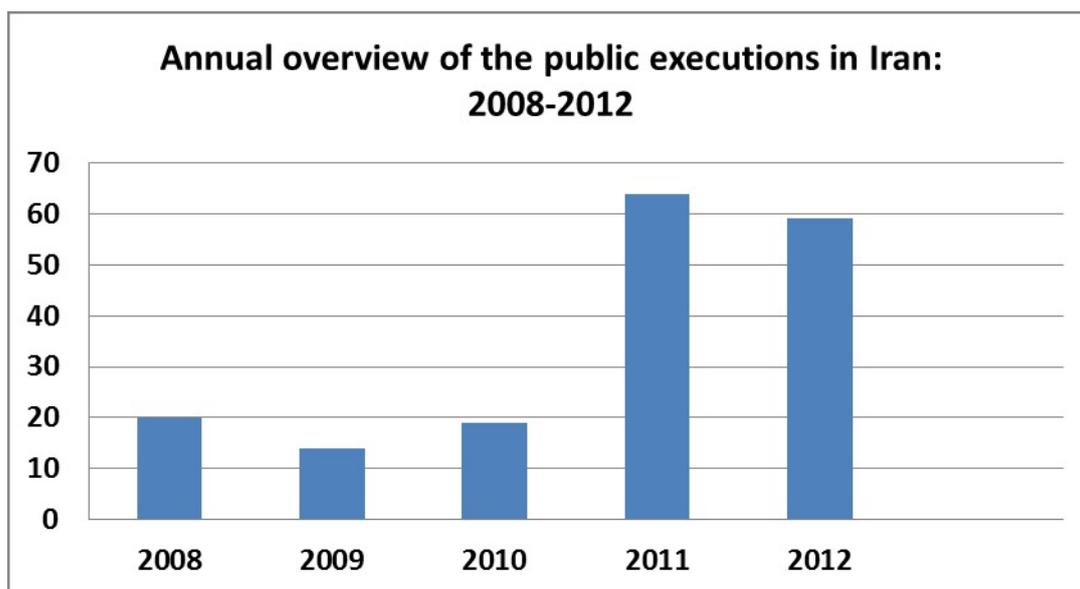
As mentioned, Iran is the country with the highest number of public executions. Public executions are often carried out in the morning in the central parts of cities, using cranes.<sup>2</sup> The prisoner is pulled up by the crane leading to death by suffocation. Sometimes it takes up to 15 minutes until death occurs. This type of

<sup>1</sup> March 2013 report by Dr. Ahmed Shaheed, UN Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/special-rapporteur-s-february-2013-report-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran/> and Iran Human Rights, Annual Report on the Death Penalty in Iran 2012, April 2013, <http://iranhr.net/spip.php?article2740>  
<sup>2</sup> Iran Human Rights, Three prisoners Hanged Publicly in western Iran - Two Prisoners Hanged in the Prison- At Least 24 Executions in the Last 12 Days, September 2013, <http://iranhr.net/spip.php?article2878>

execution is known as prolonged suffocation by human rights groups. It is a humiliating punishment and is recognised as torture. Pictures of children watching public executions have led to international outrage.<sup>3</sup>

Big cities such as Shiraz, Tehran, Karaj and Isfahan have the highest number of public executions according to reports published in the last three years. Fars Province, where Shiraz is the capital, has been the province with the highest number of public executions in Iran. In 2012, 28 out of 60 public executions were carried out in this province.<sup>4</sup>

Following increased international attention, in January 2008 the Iranian Judiciary issued an order asking judges to limit the number of public executions.<sup>5</sup> According to this order all public executions had to be specially approved by the head of the Judiciary. This led to a decrease in the number of public executions in 2008 and 2009. But since the post-election protests in 2009 the number of public executions has been increasing. The number of public executions in 2011 and 2012 was more than three times higher than in 2009 (see Figure 2 below). The trend continues in 2013 as the public execution figures by September 2013 are higher than the whole year of 2012.



**Figure 2:** Public executions in the period 2008-2012. The numbers in 2011 and 2012 are three times larger than the annual numbers in the previous three years.

### Secret executions

As mentioned above, an increasing number of secret or unannounced executions have been reported in the past 4 years. The figures increased dramatically in 2010 when secret mass-executions were exposed in the Vakilabad Prison of Mashhad.<sup>6</sup> Given the widespread censorship, lack of transparency in the Iranian Judicial system and crackdown on civil institutions, it is very difficult to verify many of the execution reports. Despite this fact, Iran Human Rights (IHR) has managed to verify secret executions in 15 different prisons in the past two years. Secret or unannounced executions accounted for 49% of all confirmed executions reported in the Iran Human Rights Annual Report on the Death Penalty 2012. It is assumed that the number of secret or unannounced executions is much higher than reported.<sup>7</sup>

Most secret executions documented in the last 3 years have taken place in the Vakilabad Prison of Mashhad. These executions were first revealed by the late Ahmad Ghabel, the reformist scholar who was imprisoned

<sup>3</sup> Iran Human Rights, Children watching public executions in Iran: Iran Human Rights urges the international community to act immediately, October 2001, <http://iranhr.net/spip.php?article2319>

<sup>4</sup> Iran Human Rights, Nine Prisoners Executed in Shiraz (Southern Iran) Today- Six Executions Carried Out in Public, April 2013, <http://iranhr.net/spip.php?article2747>

<sup>5</sup> Ebtekarnews.com, Important circulars communicated to the Head of Judiciary and Judges of the Court, January 2008, <http://www.ebtekarnews.com/Ebtekar/News.aspx?NID=27494>

<sup>6</sup> Dubai, Iran's secret mass executions stir alarm, Al Arabiya, October 2010, <http://www.alarabiya.net/articles/2010/10/31/124378.html> and Amnesty International, Iran carrying out 'killing spree' of alleged drugs offenders, December 2011, <http://www.amnesty.ie/news/iran-carrying-out-%E2%80%98killing-sprees%E2%80%99-alleged-drugs-offenders>

<sup>7</sup> International Campaign for Human Rights in Iran, Iran's Secret Hangings: Mass Unannounced Executions in Mashhad's Vakilabad Prison, January 2012, <http://www.iranhumanrights.org/2012/01/irans-secret-hangings/> and Iran Human Rights, 200 Death Row Prisoners Waiting to be Executed in Hormozgan (Southern Iran)- 14 Unannounced Executions in Hormozgan Prisons, June 2013, <http://iranhr.net/spip.php?article2799>

after the post-election protests in 2009.<sup>8</sup> Later, confirmed reports identified several mass executions in the summer of 2010, where 50-70 prisoners were executed at a time. In meetings with foreign diplomats the Iranian authorities confirmed one such mass execution which had taken place in August 2010, where 63 prisoners were executed in one day.<sup>9</sup>

Most of the executed were convicted of drug related charges. The executions were kept secret from the prisoners' lawyers and their families. The prisoners themselves were only informed of their pending executions a short time prior to them taking place. Moreover, a few hours prior to the executions, prison phone lines were cut and no visits were allowed.

It is believed that several hundred prisoners were executed from February to October 2010. At least 226 secret executions were confirmed by more than one source and names of more than 100 of those executed were published later that year.<sup>10</sup> There were many Afghan citizens and some foreign citizens from Ghana and Nigeria among those executed. The embassies of Ghana and Nigeria later confirmed the execution of their citizens.<sup>11</sup>

The secret mass executions at Vakilabad were halted for a time after they received international attention<sup>12</sup>. In 2011 there were 133 reported executions in this prison.<sup>13</sup> But the executions resumed again in October 2012 and continued until at least February 2013.<sup>14</sup> During this period most of those executed had been sentenced to death for drug related charges. According to confirmed reports, during this period, executions have taken place twice a week normally on Wednesdays and Sundays, and each time at least 10 prisoners have been executed. Several reports indicate that there have been large numbers of Afghan prisoners among those executed in this period. It is estimated that at least 500 prisoners were executed across Iran in the period October 2012 to February 2013.<sup>15</sup>

### **Executions for drug related charges**

Drug related charges followed by rape, Moharebeh (see below) and murder are the major charges for which death sentences are imposed by the Iranian judiciary. However, drug related charges account for the majority of executions. Between 70-80% of all executions in the past 3 years have been related to drug charges.<sup>16</sup> Being the transit route between Afghanistan and Europe, drug trafficking and drug abuse is a major problem in Iran. Iranian penal law has strict rules for drug convicts. Possession of 30 grams of drugs such as heroin, morphine, cocaine, LSD, methamphetamine or similar drugs, carries the death penalty. And the death sentence issued for drug related charges cannot be appealed. Besides, the United Nations Office on Drugs and Crime ('UNODC') cooperates with Iran in fighting drug trafficking.<sup>17</sup> Iranian authorities have several times blamed the international war on drugs as the reason for high numbers of executions in the country. However, despite executing hundreds of people every year for drug related charges, there is no evidence to indicate that it has helped against drug trafficking. On the contrary, both drug trafficking and drug abuse have been on the increase in recent years.

Those sentenced to death in Iran for drug related charges are tried by the Revolutionary Courts behind closed doors. There are several reports of unfair trials, coerced confessions and torture. Besides, since the majority (about 70%) of those executed are not identified by name, one cannot rule out the possibility that some of those executed might have been held on other charges than claimed by the authorities. The Iranian-Dutch citizen Zahra Bahrami was arrested in connection with a protest in December 2009 and sentenced to death for Moharebeh (waging war against God) in 2010. Ten months later, while in

<sup>8</sup> International Campaign for Human Rights in Iran, Ahmad Ghabel Arrested For Revealing Vakilabad Mass Executions, Says Wife, September 2009, <http://www.iranhumanrights.org/2010/09/ghabel-arrested-vakilabad/>

<sup>9</sup> Amnesty International UK <http://www.amnesty.org.uk/press-releases/iran-new-report-reveals-surge-secret-executions-drugs-offences>

<sup>10</sup> Ibid.

<sup>11</sup> Enownow, Iran Executes Nigerian, Ghanaian Secretly, <http://www.enownow.com/news/printable.php?sno=7605> and The Nation, Iran executes Nigerian, Ghanaian, Nigeria Village Square, November 2010, <http://www.nigeriavillagesquare.com/forum/main-square/58978-iran-executes-nigerian-ghanaian.html>

<sup>12</sup> Amnesty International, Addicted to Death, December 2011, [http://www.amnesty.org.nz/files/Iranreport\\_Addictedtodeath\\_AmnestyInternational.pdf](http://www.amnesty.org.nz/files/Iranreport_Addictedtodeath_AmnestyInternational.pdf)

<sup>13</sup> Iran Human Rights, Secret Mass Executions Resume in Mashhad's Vakilabad Prison: Several Hundred Prisoners Possibly Executed In Past Four Months, February 2013, <http://iranhr.net/spip.php?article2707>

<sup>14</sup> Iran Human Rights, New Executions in Vakilabad- About 500 Executions in One Prison Since October 2012- IHR Urges the International Community to Intervene Immediately, February 2013, <http://iranhr.net/spip.php?article2729>

<sup>15</sup> Iran Human Rights, Ibid

<sup>16</sup> Iran Human Rights Documentation Centre, Human Rights Groups Welcome Decision of Danish Government to Stop Funding IRI Anti-Drug Enforcement, April 2013, [http://www.iranhrdc.org/english/news/press-statements/1000000283-human-rights-groups-welcome-decision-of-danish-government-to-stop-funding-iri-anti-drug-enforcement.html#\\_UkWTqIzKOSo](http://www.iranhrdc.org/english/news/press-statements/1000000283-human-rights-groups-welcome-decision-of-danish-government-to-stop-funding-iri-anti-drug-enforcement.html#_UkWTqIzKOSo)

<sup>17</sup> Patrick Gallahue, Roxanne Saucier and Damon Barrett, Partners in Crime: International funding for drug control and gross violations of human rights, Harm Reduction International, June 2012, [http://www.ihra.net/files/2012/06/20/Partners\\_in\\_Crime\\_web1.pdf](http://www.ihra.net/files/2012/06/20/Partners_in_Crime_web1.pdf)

prison, she was sentenced to death for possession of narcotics and executed in January 2011 for the same charge.<sup>18</sup> Execution of prisoners for their political activities leads to much stronger international reactions than executions for drug related charges. Moreover, it is believed that UNODC cooperate with the Iranian authorities in their war against drug trafficking which gives legitimacy to these executions.<sup>19</sup>

In recent years, many human rights organisations have urged UNODC to halt its cooperation with Iran or condition further cooperation upon a halt in executions.<sup>20</sup> Denmark, one of the countries contributing to program one of UNODC-Iran<sup>21</sup> cooperation ceased all its funding to the UNODC project, in order to prevent involvement in the 'executions of several hundred people every year.'<sup>22</sup>

### Political executions

One of the charges used by the Iranian Judiciary to issue death sentences against political opponents is Moharebeh. The term Moharebeh is taken from Islamic scripts and means 'waging war against God'. The term was introduced in the Iranian penal law after the Islamic revolution in 1979 and the charge was used against those who were involved in armed struggle against the authorities. However the charge has also been used against the relatives of those involved in such activities or for political opposition members not involved in violent activities.<sup>23</sup> In recent years, there has been an over-representation of ethnic minority groups amongst those executed on charges of Moharebeh<sup>24</sup>. There have been several Kurdish, Arab and Baluchi prisoners sentenced to death on the charge of Moharebeh.<sup>25</sup> There are also several reports of torture and forced confessions in cases where the prisoner is sentenced to death for Moharebeh.<sup>26</sup>

### The relationship between the death penalty and political events in Iran

Iranian authorities claim that the large number of executions is meant to combat crime as more than 80% of those executed are charged with drug trafficking, rape or murder. However, human rights groups believe that the main purpose of the death penalty in Iran is to spread fear in society in order to avoid socio-political unrest and protests. Recently, Iran Human Rights published a short report studying the relationship between the number of executions and political events in Iran from 2007 to 2013.<sup>27</sup> Only executions that have been announced by authorities were included in this analysis. The analysis showed a meaningful correlation between the number of executions and political events in the country. For instance, the number of executions in Iran dropped significantly in the weeks leading up to Presidential or Parliamentary elections (when the international media is present in the country and the authorities encourage participation in the elections). But execution numbers peaked in the months before and after the elections, and prior to when protests were expected, or right after an uprising. Although most of the executions are for common criminal charges, it seems that the Iranian authorities choose the timing of executions in a coordinated and non-arbitrary manner. In general, execution numbers are high when authorities fear protests and low when the world's focus is on Iran.

### Extrajudicial executions

Reports on the death penalty in Iran do not include cases of people being shot to death by the Iranian security forces. Every year scores of people are killed on the western and eastern borders of Iran<sup>28</sup>. Many of those shot in the border areas are the so called 'Kolbar' or porters, who make their livelihood by transporting (smuggling) different items over the border.<sup>29</sup> There are reports of porters being shot to death with their

<sup>18</sup> Amnesty International, Zahra Bahrami, dual Dutch-Iranian national, latest victim of Iran's killing spree of alleged drugs offenders, January 2011, <http://www.amnesty.nl/nieuwsportaal/pers/zahra-bahrami-dual-dutch-iranian-national-latest-victim-irans-killing-sprees-alleg>

<sup>19</sup> Human Rights Watch, Iran: Donors should reassess anti-drug funding, August 2012, <http://www.hrw.org/news/2012/08/21/iran-donors-should-reassess-anti-drug-funding>

<sup>20</sup> Iran Human Rights, Human rights groups urge UN to cease anti-drug trafficking funding until Iranian authorities renounce use of death penalty for drug-related offences, October 2012, <http://iranhr.net/spip.php?article2593>

<sup>21</sup> Please see <http://www.unodc.org/islamicrepublicofiran/en/country-programme-sub-prog1.html>

<sup>22</sup> Iran Human Rights, Denmark Stops Aid to Iran's Fight Against Drug Trafficking, April 2013, <http://iranhr.net/spip.php?article2743>

<sup>23</sup> Iran Human Rights, Execution of a journalist and civil society activist in Zahedan- Yaqub Mehrnehad (Mirnahad) and Abdolnaser Taheri were executed this morning, August 2008, <http://iranhr.net/spip.php?article576> and Human Rights Watch, Iran: Stop Execution of Ahwazi Arab Political Prisoners, January 2013, <http://www.hrw.org/news/2013/01/24/iran-stop-execution-ahwazi-arab-political-prisoners>

<sup>24</sup> Iran Human Rights, Annual Report on the Death Penalty in Iran 2012, April 2013, <http://iranhr.net/spip.php?article2740>

<sup>25</sup> FIDH, Iran / death penalty A state terror policy-Special edition for the 4th World Congress against the death penalty, March 2010, <http://www.fidh.org/Iran-death-penalty-A-state-terror> and Human Rights Watch, World Report 2012- Iran, January 2012, <http://www.hrw.org/world-report-2012/world-report-2012-iran> and Iran Human Rights, Annual Report on the Death Penalty in Iran 2012, March 2013, [http://www.iranhr.net/IMG/pdf/Rapport\\_iran\\_2012-GB-250313-BD.pdf](http://www.iranhr.net/IMG/pdf/Rapport_iran_2012-GB-250313-BD.pdf)

<sup>26</sup> Iran Human Rights, Report of the Special Rapporteur on the situation of the human rights in Iran: UN Special Rapporteur: Kurdish death row prisoners Zanyar and Loghman Moradi were tortured and threatened with rape, March 2012, <http://iranhr.net/spip.php?article2443>

<sup>27</sup> Iran Human Rights, Iran Human Rights Analysis: Relationship between political events and the death penalty trends in Iran, July 2013, <http://www.iranhr.net/spip.php?article2831>

<sup>28</sup> Annual Report on the Death Penalty in Iran 2012, April 2013, <http://www.iranhr.net/spip.php?article2740>

<sup>29</sup> Rojhelat, The May 2013 report by The Kurdish Human Rights Association in Europe,

hands tied. Little attention has been given to this issue in the media. The issue of extrajudicial killings on the Iranian sides of the borders must be made known to the countries which contribute to the UNODC programme on border cooperation between Iran and its neighbouring countries.

### **Can international pressure help?**

Although executions have been increasing over the past decade in Iran, there are clear indications that pressure and focus by the international community can help limit the use of the death penalty. There are several individuals whose executions have been halted or death sentences removed as a result of such international pressure. Moreover, international reactions have led to some modest changes in the Iranian penal code. The international community has mainly focused on death penalty cases against women, children and political opponents, and it is in these areas where the number of executions has declined. The overall increase in executions in Iran is tied closely to an increase in the number of death sentences attributed to drug-related charges. The lack of international reactions to these executions, and especially the cooperation between the international community (UNODC) and Iranian authorities might contribute to this increasing trend. What is needed is sustained international focus and reactions to all cases of the death penalty, as well as conditioning UNODC cooperation on the removal of death sentences for drug related charges.

