

Annual Report: Death Penalty in Iran 2011



Iran Human Rights

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Introduction:

The execution wave that began after the June 2009 post-election protests in Iran continues with high frequency. According to the present report, the execution figure in 2011 is currently the highest since the beginning of 1990's. The Iranian authorities continue to execute several hundred prisoners each year in the pretext of fighting drug-trafficking. Among those executed for drug trafficking in 2011 are alone mothers with dependent children who were subjected to unfair trials and executed; and those whose families were unable to afford the expenses for their funeral.

What distinguishes the 2011 report from previous years is the dramatic increase in the number of public executions. The number of executions carried out publicly in 2011 in Iran is more than three times higher than the average in the previous years.

There is no indication that the Iranian authorities' execution machine will slow down in 2012. In the first two weeks of January 2012, an average of 3-4 people have been executed in Iran every day. By the end of January 2012, 11 executions have been carried out publicly.

At the same time, Iranian authorities are threatening to execute more people for other "crimes". The Iranian Supreme Court has recently approved the death sentence of Iranian-born Canadian Permanent Resident Saeed Malekpour for operating "obscene" websites. He is now at imminent danger of execution. Iranian pastor Yousef Nadarkhani, who converted to Christianity at the age of 19 and who was sentenced to death for Apostasy in 2010, might also be in danger of execution. There is serious concern that approval of the new Islamic Penal Code (IPC) by the Guardian Council might lead to more death penalties for Apostasy. Iran Human Rights is also concerned about reports indicating Kurdish political prisoners Zanyar and Loghman Moradi might be in danger of execution. There are indications that Sakineh Mohammadi Ashtiani- the 43-year-old mother of two whose stoning death sentence was stopped as a result of a worldwide campaign- might be in danger of execution as well. Recently, an Iranian judge indicated that the stoning verdict for Sakineh Mohammadi Ashtiani can be converted to death by hanging.

Commenting on the 2011 report, Mahmood Amiry-Moghaddam, the spokesperson of IHR said: "There is little doubt that the Iranian authorities use the death penalty as a political mean. The dramatic increase in the number of executions shows that the Iranian regime is more than ever dependent on spreading fear to prolong its survival. The death penalty and public executions are the Iranian regime's most important instrument for creating fear in the society." He added: "We urge the international community to put sustainable focus on the human rights violations and particularly on the death penalty in Iran, and take further steps to stop the Iranian regime's execution machine.

The figures included in the 2011 report are mainly based on information announced by the Iranian authorities. However, some figures are based on reports from reliable, unofficial sources. IHR has concluded that in the past two years, the number of executions not announced by the official Iranian sources is much higher than previously anticipated. A significant portion of the unofficial figures included in this report were prepared with the help of individuals in Iran who, despite all the risks, provided invaluable information for the purpose of creating a more realistic report. IHR must emphasize that the actual number of executions in Iran is probably much higher than the figures included in its annual reports.

Sources

The present report uses the Iranian authorities as its main source. 62% of the executions reported here are based on the news published by state-run media news agencies and newspapers and the statements made by high-ranking officials within the Iranian judiciary. Like last year, IHR has received reports on large numbers of executions that have not been announced by official Iranian sources. Many cases are directly communicated to IHR (though a direct witness, family member, lawyer, or key sources within the Judiciary) or reached us through other human rights organizations. The annual report only includes non-official cases which have been confirmed by at least two different independent sources.

Iran Human Rights

Death Penalty in Iran in 2011

Some facts:

- At least **676** people were executed according to IHR's annual report 2011
- **416** of the 676 executions (**62%**) were announced by the **Iranian authorities**
- **65 executions** were carried out in public. This is the highest number of public executions in more than 10 years.
- At least **4 juvenile offenders** were among those executed in Iran in 2011
- At least **15 women** were executed in 2011. Executions of 13 of these women were not announced by the Iranian authorities
- **3 young men** were executed convicted of **sodomy**
- One man was executed convicted of "**apostasy**"
- More than **80%** of those executed were convicted of drug trafficking
- Only **9%** of those officially executed for drug charges were fully identified
- IHR has received reports of **secret** or "**un-announced**" executions in more than **15 different Iranian prisons**
- More than **70** additional executions reported to IHR, are **not included** in the annual report due to difficulties in confirming some of the details

2011: The highest number of annual executions in the past 11 years

Sources: Amnesty International (AI) and Iran Human Rights (IHR):

- 2000: 165 (AI)
- 2001: 75 (AI)
- 2002: 316 (AI)
- 2003: 154 (AI)
- 2004: 108 (AI)
- 2005: 94 (AI)
- 2006: 177 (AI)
- 2007: 317 (AI)
- 2008: 350 (IHR), (346; AI)
- 2009: 402 (IHR), (388; AI)

- 2010: 546 (IHR) (adjusted to 646)*
- 2011: 676 (IHR) : Official: 416 non-official: 260

* 100 of the 140 executions in the province of South Khorasan (Birjand) that were confirmed by the Iranian officials have been added to the 2010 numbers

Monthly overview of the reported and confirmed executions in 2011:



*: 40 executions in January and February 2011 in South Khorasan are not shown on this diagram.

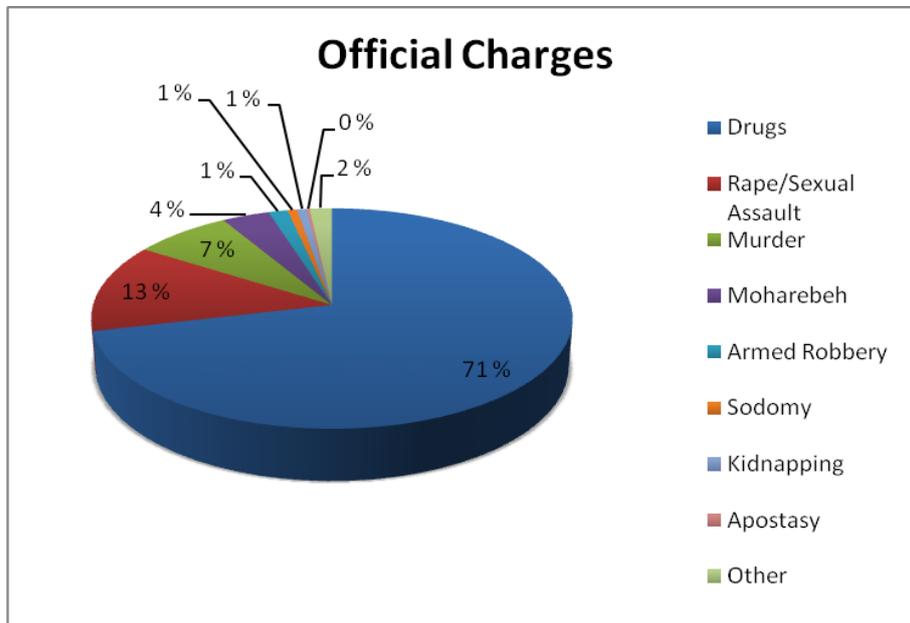
** 13 executions in Mashhad’s Vakilabad prison in the period of March to June are not shown in the diagram

*** The holy month of Ramadan

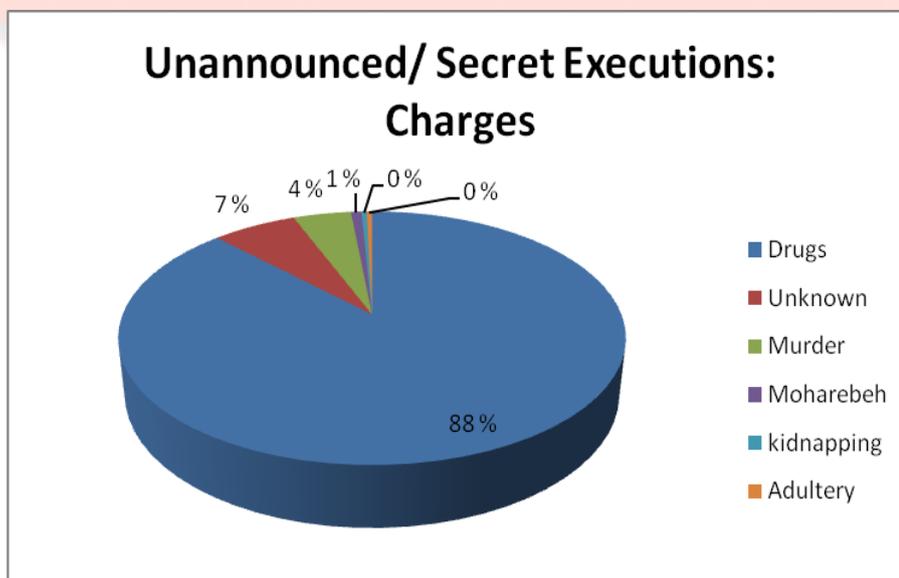
Many reports on the secret or un-announced executions in the last four months of 2011 have still not been confirmed and are therefore not included in this diagram.

Charges:

Diagrams showing relative frequency of charges used by the Iranian authorities



Charges for the executions not announced by the authorities



Drug trafficking:

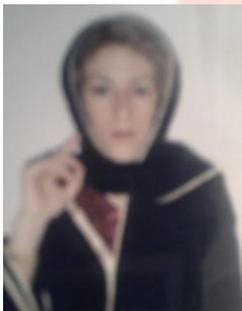
As in previous years drug trafficking was the most frequently used charge against those who were executed in 2011 in Iran. 81% of those executed in 2011 (71% of the official and 88% of the unofficial cases) in Iran were convicted of drug trafficking and sentenced to death by the revolutionary courts. The trials were conducted behind closed doors and it is not known whether the prisoners had

access to an attorney or not. Since more than 80% (91% of the official and 81% of the unofficial cases) of those executed for drug-related charges are not identified by surname, it is not possible to confirm the charges. In 2011, there was at least one person primarily arrested and sentenced to death for participating in anti-regime protests, but executed for the conviction of drug trafficking (see Case 2, below). IHR cannot rule out that there might be other similar cases among those executed for drug trafficking.

The figures presented in this report are in line with the report published by Amnesty International in December 2011 (Amnesty International report: Addicted to death).

IHR has received reports indicating that many of those executed convicted of drug trafficking have not been subjected to fair trials.

CASE 1: Executed for drug trafficking: Three women- Leila Hayati, Hourieh Sabahi and Roghieh Khalaji- and two men- Mostafa Ahmadi and Ghanbar Shojaei- were arrested in January 2009 and charged with possession and the trafficking of narcotic drugs. They had no access to an attorney during their interrogations and were tried and sentenced to death by branch 2 of the Hamedan Revolutionary Court. They had no right to appeal. Leila Hayati was executed on September 28 while the four others were executed on October 8. None of the executions were announced by the official Iranian sources.



Laila Hayati (29) alone mother of an 8 year old boy was arrested in 2009 because she had introduced someone who wanted to buy drug to a drug dealer. She was later convicted of selling 7 kg of drugs and despite her denial and the fact that her poor economic situation couldn't imply that she was able to buy and sell that quantity of drugs, she was sentenced to death. Before the execution she told the prosecutor: "you know that I am being executed innocent". Leila neither cried nor begged for her life.

Hourieh Sabahi, 35, was an alone mother of five children (one of them is disabled) when she was arrested. And Roghieh Khalaji, 32, was an alone mother of a 12-year-old son and a 10-year-old daughter. Hourieh's family were not even able to pay for the funeral after her execution. These are only some examples among the several hundred people who were executed for "drug trafficking".

Case 2: Arrested after a protest demonstration but executed for drug trafficking

Zahra Bahrami, a dual Iranian-Dutch national was arrested in December 2009 in the aftermath of a protest demonstration related to the disputed presidential election earlier that year. She was reportedly beaten and held for months without access to an attorney and her family, and sentenced to death for Moharebeh through connection with the banned opposition organization "Anjoman-e-Padeshahi-e Iran". But, later, she was charged with keeping drugs and sentenced to death. She was hanged on January 28, 2011 in Tehran's Evin prison convicted of drug trafficking.



Execution for sodomy:

Six young men were executed in Ahvaz on September 5. The state run Iranian news agency ISNA reported that three of those executed were sentenced to death by the Ahvaz evolution court, convicted of "unlawful" acts and acts against Sharia, based on the articles 108 and 110 of the Iranian Islamic penal code. Articles 108 and 110 of the Iranian Islamic Penal code are part of the chapter covering the punishment of "Hadd" for "sodomy". Article 108 says: "sodomy" (or Lavat) is sexual intercourse between men", and article 110 says: "Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing". The spokesperson of Iran Human Rights (IHR), Mahmood Amiry-Moghaddam, said: "(these) executions for sodomy might be among the rare cases were the Iranian authorities admit to having executed men convicted of homosexual acts". He added: "Iranian authorities normally present such cases as rape, but rape as not been mentioned in this case".

There have been some changes made in the new IPC recently approved by the Guardian Council. The term "homosexual" is presented as a charge in the new law for men who engage in same-sex relations. Previously it was only used for women.

Punishment for homosexuality is flogging or death under Iran-s new Islamic Penal Code:

Article 233: the person who played an active role (in sodomy) will be flogged 100 times if the sex was consensual and he was not married, but the one who played a passive role will be sentenced to death regardless of his marriage status. If the active part is none Muslim and the passive part Muslim, both will be sentenced to death.

Articles 236-237: Homosexual acts (except for sodomy) will be punished with 31 -99 lashes (both for men and women)

Article 238: Homosexual relationship between women where there is contact between their sexual organs will be punished with 100 lashes

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Moharebeh:

Moharebeh (war against God) is a term commonly used by the Iranian authorities for those who are either involved in armed struggle against the authorities or have connections with such groups. Some of those who were convicted of Moharebeh through connection with the banned opposition groups are named below:

- Jafar Kazemi and Mohammad Ali Haj Aghaei: Both convicted of Moharebeh through connections with the banned organization Mojahedin-e-Khalgh (MEK/MKO). They had allegedly visited their children who were staying at Camp Ashraf, participated in the post-election protest demonstrations and sent pictures and reports of the demonstrations to MKO sources outside the country. They were executed in Tehran's Evin prison on January 24.

- Hussein Khezri, convicted of Moharebeh through membership in the banned Kurdish organization PJAK. E was executed on January 15. in the prison of Urmia
- Farhad Tarom was executed for membership in the Kurdish Democratic Party on January 26. in the prison of Urmia

Apostasy:



According to the Iranian state media one man identified as "Ali Ghorabat" also known as "Saed", **was hanged on January 26 convicted of apostasy for "claiming to have contact with the God and the 12th Shiite Imam"**. He was executed on in the Karoun prison of Ahvaz. According to some sources the man was a former commandor of the Islamic Revolution Guard Corps who had been critical to the Islamic Republic.

The sentence of Apostasy in Sharia is death, but Apostasy is not explicitly mentioned in the new IPC. The new law makes it easier for judges to issue the death penalty for Apostasy because the new article 220 states: "If the present law is silent about any of the "hodoud" cases, the judge is referred to article 167 of the Constitution." Article 167 of the Constitution states: "The Judge is bound to attempt to rule on each case, on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of official Islamic sources and authentic fatwa." The reference to article 167 was previously made in the Civil code but now it is also included in the Penal Law.

Executions of minor offenders:

Iran **continues** executions of juvenile offenders in 2011. At least four people were convicted of offences they had allegedly committed when they were under the age of 18. Two of them were under 18 years of age at the time they were executed. Two other juvenile offenders were executed in 2011 according to unofficial sources but **their** IHR hasn't confirmed their age yet.

Iran has ratified UN convention on the rights of the child which bans death penalty for the offences committed at under 18 years of age. But according to the Iranian Islamic penal the minimum criminal age is 9 years for girls and 15 years for boys. In the new IPC that was recently ratified by the Guardian Council some changes have been made with regards to death penalty for juveniles. However, according to the **article 90** of the new law a death sentence may still be applied for a juvenile who has reached "maturity", if he or she has committed crimes that are considered to be "claims of God" and therefore have mandatory sentences (such as sodomy, rape, theft, fornication, apostasy and consumption of alcohol for the forth time).

1. **Alireza Molla-Soltani (17):** Convicted of murder, Alireza Molla-Soltani was hanged publicly on September 21, 2011 when he was still 17 years old.



Photo : Armin Karami

FARS NEWS AGENCY

The state-run Fars news agency reported that, before he was hanged from a crane, Alireza was crying loudly and asking for forgiveness while calling for his mother and some religious figures.

Alireza Molla-Soltani was born in December 1993. He was still a minor at the time of the execution. *After the execution, Ali Rezwanmanesh, the representative of the Judiciary present at the scene of execution, told news reporters that "Alireza was not a minor, according to Sharia, since in the Sharia the lunar calendar is used and the years are shorter."*

2. **A. N. :** Convicted of rape and murder in 2008 when he was 17 years old. Hanged publicly together with three others in Bandar Abbas on April 21. Source: Iranian media
3. **H. B.:** Involved in the same case as A.N., was 17 years old at the time committing the offence. Hanged publicly together with three others in Bandar Abbas on April 21. Source: Iranian media
4. **Hamid Hashemi (16):** Belonging to the Arab minority in Ahwaz, was according to Ahwaz news executed in the prison of Ahwaz together with five others allegedly because of participating in a protest. Unofficial source
5. **Vahid M.:** Executed for drug trafficking on September 18 according to the state run ISNA news agency. Full name: Vahid Moslemi, Afghan citizen who according to the rights group "Human Rights and Democracy Activists in Iran" (HRADI) was a juvenile when arrested (age not yet confirmed by IHR)
6. **Mohammad N.:** Executed together with Vahid M. and 20 other prisoners on September 18 (ISNA). Full name: Mohammad Nourozi, Afghan citizen and juvenile when he was arrested according to HRADI (age not yet confirmed by IHR).

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Women:

Execution of only three of the (at least) 15 women who were executed in 2011 has been reported by the Iranian authorities. The other executions have been reported to us through reliable unofficial sources. This trend might indicate that the Iranian authorities do not announce execution of the women prisoners in order to avoid international attention since the international opinion seems to be more sensitive to execution of women..

1. Zahra Bahrami: Executed on January 28 in Tehran's Evin prison. Iranian-Dutch citizen. Charge: drug trafficking. Originally arrested in connection with anti-regime protests and sentenced to death for Moharebeh. (Source: Iranian state media)
2. NOT IDENTIFIED: Executed on February 28 in the prison of Urmia. Charge: drug trafficking (Source: HRANA)
3. NOT IDENTIFIED: Executed on February 28 in the prison of Urmia. Charge: drug trafficking (Source: HRANA)
4. Adiva Mirza Soleiman: Executed on March 14 in Tehran. Jewish. Charge: Unknown (Source: HRANA)
5. NOT IDENTIFIED: Executed on March 14 in Tehran. . Charge: Unknown (Source: HRANA)
6. NOT IDENTIFIED: Executed on May 24 in Vakilabad prison of Mashhad. Charge: drug trafficking (Source: ICHR)
7. NOT IDENTIFIED: Executed on May 24 in Vakilabad prison of Mashhad . Charge: drug trafficking (Source: ICHR)
8. NOT IDENTIFIED: Executed on May 24 in Vakilabad prison of Mashhad. Charge: drug trafficking (Source: ICHR)
9. Begam N.: Executed on July 20 in the prison of Rafsanjan. Charge: drug trafficking. (Source: ISNA, Iranian state media)
10. Leila Hayati: 29 year old, executed on September 28 in Hamedan. Charge: drug trafficking. (Source: IHR)
11. S. M. B.: Executed on October 3 in Rasht. Charge: Adultery, allegedly sentenced to death by stoning, but hanged. (Source: IHR, further details are being investigated)
12. Roghiyeh Khalaj: 32 year old, executed on October 5 in Hamedan. Charge: drug trafficking. (Source: IHR)
13. Horiyeh Sabahi: 35 year old, executed on October 5 in Hamedan. Charge: drug trafficking. (Source: IHR)
14. NOT IDENTIFIED: Executed on November 29 in the prison of Kermanshah. Charge: drug trafficking. (Source: Fars news agency, Iranian state media)

15. Nahid A.: Executed on December 24 in the prison of Urmia. Charge: drug trafficking. (Source: Mukrian news agency)

Public executions:

In 2011 Iranian authorities carried out a record number of at least 65 public executions. Six of these executions have not been reported by the Iranian authorities.

Most of those hanged publicly were convicted of Rape/sexual assaults (30 of 66), followed by murder (16), Moharebeh/armed robbery (10), drug trafficking (6) and kidnapping (1). In at least 2 of the public hangings, the execution was carried out by a civilian (as qesas, or retribution)

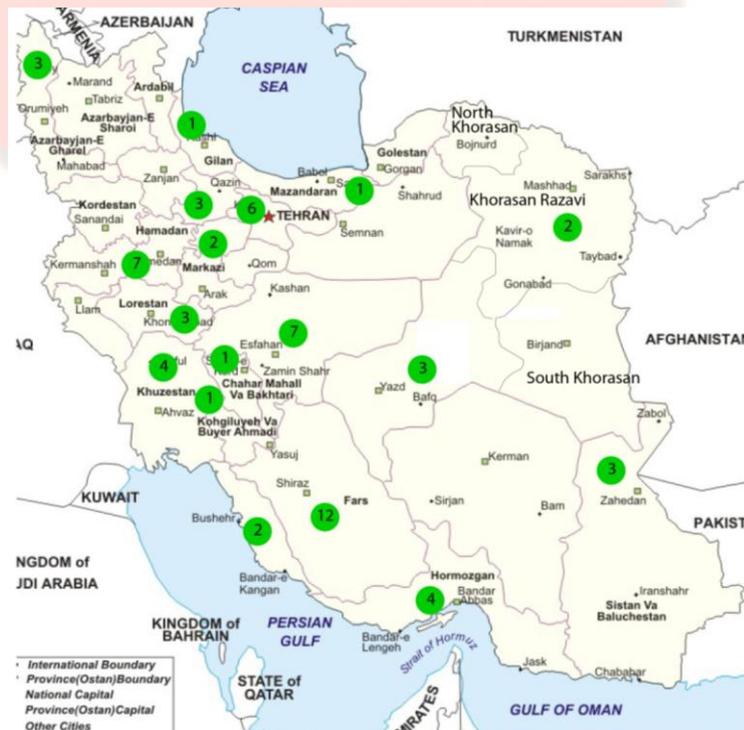


A young boy was used to draw the chair Mehdi Faraji (convicted of murder) was standing on and carried out the execution. The picture shows the boy (arrow) while conducting the execution

*Syed Salman Zaker member of the Parliament's Justice Committee:
"Giving people the right to implement Qesas (retribution) is the ultimate democracy" ISNA, December 4, 2011*

Geographical distribution of the public hanging:

In 2011 public hangings were conducted in all corners of Iran. The provinces of Fars (where Shiraz is the capital) with 12 public hangings followed by Isfahan (7), Kermanshah (7) and Tehran/Alborz (6) were the provinces with the highest number of public executions



Province	Public hanging
Fars (South)	12
Isfahan (Center)	7
Kermanshah (West)	7
Tehran/Alborz (Capital)	6
Khuzestan * (Southwest)	4
Hormozgan (South)	4
Qazvin (West)	3
W. Azarbaijan * (Northwest)	3
Lorestan (West)	3
Baluchestan (Southeast)	3
Yazd (Center)	3
Bushehr (South)	2
Khorasan Raz (Northeast)	2
Markazi (Center)	2
Bakhtiari (West)	1
Koh. Boy- Yasouj (West)	1
Gilan (North)	1
Mazandaran (North)	1
Total:	65



The Azadi (Liberty) Square in Kermanshah (Western Iran) was the site of seven public executions in 2011. This picture is from a public execution in July where three young men were hanged.

*Executions not reported by the official sources

Children watching the public executions:

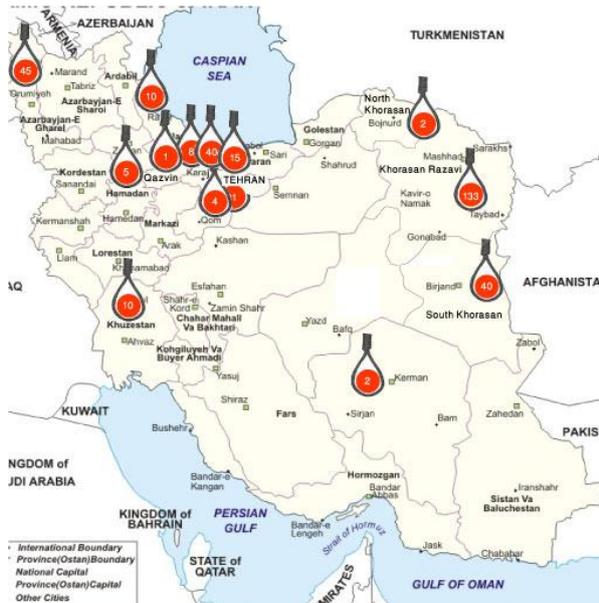


A child is watching a public execution in Iran in Khomeinishahr in October 2011. IHR has urged the international community and the United Nations to put a ban on the public executions.

Reports of secret/non-official executions

In 2011 IHR received a large number of reports about executions not reported by the Iranian authorities. Execution reports from more than 15 different prisons throughout Iran have been confirmed. IHR has received reports of more than 70 other executions that haven't been included in the present reports. These cases are in the process of being confirmed.

List of the prisons where secret/un-announced executions have been reported and confirmed:



PRISON	Executions
Vakilabad (Mahhad)	133
Urmia	45
Birjand	40
Ghezelhesar (Karaj)	25
Evin (Tehran)	15
Rajaei Shahr (Karaj)	8
Rasht	10
Ahvaz	10
Hamedan	5
Qom	4
Kerman	2
Boroujerd	2
Qazvin	1
Varamin (Khorin)	1

Some of the unofficial executions are not announced by official media, but the lawyers and family members of the prisoners were notified prior to the execution. In other cases, executions are categorized as “secret” since neither the lawyers or family members were informed before the execution took place.

IHR received reports in 2010 of 60-70 executions carried out in Birjand prison. Due to the lack of details surrounding their cases, those executions were not included in the annual report. However, In June 2011, Mohammad Bagher Bagheri, a provincial Justice Ministry official in the South Khorasan province, said 140 drug smugglers had been executed in the province in the past Iranian year (21 March 2010 to 20 March 2011; Mehr News agency, 25. June 2011). IHR has received credible reports about three episodes of executions in Birjand prison in the period from January 2011 to March 2011. Two of these episodes have been confirmed by Iran's Prosecutor General Mohseni Ejei (Fars news agency 31. January 2011; Siasat-e-rooz, 28. February 2011). Based on the available information IHR has included 100 of the 140 Birjand executions in the 2010 annual report (causing the annual number to increase from 546 to 646). Additionally, 40 of the executions are included in the 2011 annual report.

The primary sources for the other un-announced executions have been Iran Human Rights (IHR), Human Rights and Democracy Activists in Iran (HRDAI), International Campaign for the Human Rights (ICHR), Human Rights Activists News Agency (HRANA), Mukrian news agency, Ahwaz news, RAHANA and Association for Defence of Azerbaijani Political Prisoners in Iran (ADAPP). IHR has only included the cases that have been confirmed by two independent sources, in its annual report.

IRAN HUMAN RIGHTS

Iran Human Rights (IHR) is a non-profit, human rights organization with members inside and outside Iran. It is a non partisan and politically independent organization with its base in Oslo, Norway. IHR has active and supporting members in Iran, USA, Canada, Japan and several European countries. The organization started as a network of Iranian and non-Iranian human rights defenders in 2005. Its official news web site (www.iranhr.net) was initiated in 2007.

IHR-International is the main body of the organization while there are several sections of the organization formed or in the process of forming in different countries.

Reporting about the death penalty in Iran has been the main focus of the website. IHR's aim has been to create an abolitionist movement in Iran by increasing awareness about the death penalty.

In recent years the number of executions in Iran has been rising and there are now a growing number of human rights defenders, groups and even political organizations giving attention to the death penalty.

In 2009, Iran Human Rights became a member of the World Coalition against Death Penalty (WCADP) and is one of the twenty elected members of its steering committee.

Mahmood Amiry-Moghaddam is the co-founder and the international spokesperson of Iran Human Rights. Any questions regarding the report or other related news can be made by e-mail to mail@iranhr.net , or by phone to +47 91742177

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