



Iranian youth association in Switzerland

We are a Human Rights association of Iranian youth based in Switzerland. Our main work consists of defending the rights of the youth in Iran and to raise awareness for the problems they have to face in their every day life. One of our particular concerns is the legal treatment that minors are confronted with when committing a crime. The rising number of child executions in Iran has drawn our attention and as a Human Rights association we see it our duty to try our best to counteract the death sentence for children. In the following you will find an extensive report on death sentence, as well on public hangings and some other topics that are related to these subjects.

Report to UN Universal Periodic Review

Where are Iranian human rights? March 2019

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Introduction

The use of capital punishment and cruel and inhuman treatment, including floggings, amputations, forced blinding, throwing from a height and the other systematic violations of the Iranian people rights have been exercised in Iran in the last 40 years, exposing the authorities' utterly brutal sense of justice.

Many are routinely flogged in Iran every year. These cruel and inhuman punishments are a shocking assault on human dignity and violate the absolute international prohibition on torture and other ill-treatment, which highlights a problematic justice system that legalizes brutality.

In fact, [capital punishment](#) is a legal penalty in [Iran](#). Crimes punishable by death include [murder](#); [rape](#); [child molestation](#); [sodomy](#); [drug trafficking](#); [armed robbery](#); [kidnapping](#); [terrorism](#); [burglary](#); [pedophilia](#); [homosexuality](#); [incestuous relations](#); [fornication](#); prohibited [sexual relations](#); [sexual misconduct](#); [prostitution](#). plotting to overthrow the Islamic regime; [political dissidence](#); [sabotage](#); [arson](#); [rebellion](#); [apostasy](#); [adultery](#); [blasphemy](#); [extortion](#); [counterfeiting](#); [smuggling](#); disrupting production; recidivist consumption of [alcohol](#); producing or preparing food, drink, cosmetics or sanitary items that lead to death when consumed or used; producing and publishing [pornography](#); using pornographic materials to solicit sex; recidivist false accusation of capital sexual offenses causing execution of an innocent person; recidivist [theft](#); certain military offenses (e.g. cowardice, assisting the enemy); "[waging war against God](#)"; "[spreading corruption on Earth](#)"; [espionage](#) and [treason](#). Iran carried out at least 977 executions in 2015, at least 567 executions in 2016, and at least 507 executions in 2017, 273 in 2018. [1].

In this report, we focus on the three major issues that have the most negative impact on the well-being of the Iranian society, preventing the right to development of Iranian people and society more than any other violations that are taking place on daily bases by the Islamic Republic of Iran (IRI). These are death sentences, amputations and floggings.

Government Policy behind cruel and degrading treatment

Public hanging and capital punishment encourage more violence in society and has a negative impact on its people. The use of capital punishment is implemented by the IRI Government to control, intimidate and terrorize the public so they give up their demands for freedom and human rights.

Iranian authorities have demonstrated their willingness to use the death penalty as means to intimidate civil society and to counteract public protests. Execution of the Gonabadi dervish Mohammad Salas [3] as a response to the weeks-long protests by the Gonabadi dervish community; execution of the Kurdish political prisoners Zanyar Moradi, Loghman Moradi and Ramin Hossein Panahi, as a mean to intimidate the growing Kurdish civil movements; and threatening the striking truck drivers and shopkeepers with death penalty, are just a few examples of how the [Iranian](#) authorities use the death penalty as an instrument for oppressing people.

In addressing criticism of the practice, the head of the Iranian Judiciary's Human Rights Council Mohammad Javad Larijani told the United Nations Human Rights Council, in 2010, that Iran does not consider **such punishments to be torture and that they are culturally justified.** [4]

Recently as 30 May 2018, Hujjat al-Islam Hussein Sadeghi's, the leader of the National Patience stated: "Physical punishment is much more effective than prison and we have to defend the use of lashing in Islam; dialogue about human rights will derail us from our path" [5]

The Head of the Yazd Province Judiciary Gholamhossein Heydari said at a Crime and Social Ills Prevention Conference: "This punishment was carried out publicly in order to teach a lesson to criminals", the semi-official Iranian Student's News Agency (ISNA) reported on 13 November 2012. [6]

The torture and ill-treatment of the Iranian people have no consistency with the crime committed. It seems instead that the government has policies for the use of torture and ill-treatment as a tool for intimidation to maintain societal order. In fact, Iran is one of the few countries in the world that has not ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

Death Sentence and Public hangings in Iran

IRI has a long history of death sentence and public hangings. The government has authorized the killings of its citizens by either hangings, forced disappearances, stoning or shootings. These inhuman acts have been staged both publicly and behind closed doors.

The Iranian government seems committed to continue public hangings and shows no sign of change in cooperation with the international community. Hangings take place in prisons across the entire country on weekly basis especially in Gohar- dasht Prison in Karaj mostly on Wednesday mornings. In 2018, there has been a reduction in executions [2] partly because of international pressure. This reduction is also due to a decline in the number of drug-related executions, following enforcement of new amendments to the Anti-Narcotic law which aim at restricting the use of the death penalty for such offenses. People accused of other crimes considered serious by IRI are still sentenced to death and executed. It is noteworthy that Iran still executes more people per capita than any other country in the world.

Executions between 2017- 2018

Since 2010- 2019 at least two persons have been executed on daily basis in Iran.

The recent report by the Iranian Human Rights [7] indicated that at least 273 people were executed in 2018 of which approximately 66% of all executions were not announced by the authorities. At least 24 people (7-8% of all executions) were executed for drug-related charges. None of the drug-related executions were announced by the official sources.

The total of at least 3,526 executions since 2010 have been based on death sentences issued by the Revolutionary Courts. The families of the murder victims forgave at least 272 death row prisoners in 2018 which shows that executions is not cultural, as some argue.

Executions for Murder Charges: Upon the research by the Iranian Human Rights Organization (IHR) At least 188 executions (66% of all executions) were for murder charges, 2018.

Political and so called Corruption on Earth executions: "Corruption on earth" is the second most frequent charge for the death penalty. Broadly defined, it can be applied to a wide range of offences, including political affiliation, cooperation with the so-called Islamic State and economic corruption [8].

Drug related executions: At least 24 people (7-8% of all executions) were executed for drug-related charges- 207 people less than in 2017. 232 less than the previous year.

Public Hanging, Women and Juvenile Offenders: 13 executions were conducted in public spaces during 2018, and at least six juvenile offenders and minimum five women were among those executed [9].

Amputation

Amputation is the removal of part or all of a body part enclosed by skin. Within the context of [Islam](#), it refers to the removal of the hands or feet. This, along with beheading, flogging, [stoning](#), and [crucifixion](#), is a prescribed punishment in [Islamic law](#) [13].

The use of amputation in Iran as a punishment for theft is not new, though many in the international community had hoped that the revised Islamic Penal Code, ratified in 2014, would remove the practice. While the new Penal Code did place certain restrictions on juvenile executions, it retained the practice of amputation as a legal form of punishment under domestic law.

According to [the Islamic Penal Code](#), "The punishment for theft is as follows: [under article 201] on the first occasion amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain. On the second occasion amputation of the left foot in such a manner that half of the sole and part of the place of anointing [during ablution]

remain. On the third occasion [the punishment] is life imprisonment. On the fourth occasion [the punishment] is execution even [Ed. if] [the fourth] theft was committed in prison.”

While amputation, flogging, and stoning to death are all legal punishments according to Iran’s Islamic Penal Code, they are considered torture, cruel and unusual punishment, and illegal under international human rights law.

According to Boroumand Foundation between 2007- 2017, the Islamic Republic of Iran issued at least 215 amputation sentences and **carried out 125 amputations, including at least six amputations in public** [14].

Case of amputation:

On Thursday 18 January 2018, the ISNA website has published an article and announced that the hand of a man named Ali- Kh has been amputated at the Mashhad Central prison for alleged crime of stealing sheep in 2012. He was kept for about 6 years in prison before he was subjected to hand amputation [15]. With the supervision of the implementation of the provisions of the judges, in central prison of Mashhad the hand of a 34-year-old was "guillotined".

Flogging

Flogging is a punishment in which the victim is hit repeatedly with a whip or stick. [16]

Cases of flogging

The workers of HEPCO Company Arak

In May last year the Branch 106 of Arak Criminal Court issued a total of 24 years imprisonment and a total of 1110 public lashing for the Fifteen workers of Hepco company Arak.

The names of those workers who have been subjected to public flogging in Arak are as followed: Majid Latifi, Behrouz Hassanvand, HamidReza Ahmadi, Amir Hoshangpour Farzanegan, Morteza Azizi, Hadi fazeli, Abolfazl Karimi, Farid Kodani, Majid Yahyaei, Amir Fatapour, Yasser Gholi, Amir Farid Afshar, Mehdi Abedi, Ali Maleki and Behrouz Valashajardi. [17]

The workers of Illam Refinery:

On 5 December 2018, 15 workers of Illam Refinery were sentenced to 74 lashes each and a total of 9 years imprisonment. They went on strike on May 2018 to protest against the lack of recruitment of indigenous workers and also the expulsion of 11 personnel at the front of Illam Refinery’s office in the city of Chawar.

These are the names of victims, which were sentenced to 74 lashes and 6 months imprisonment: Afshar Rashidi, Anvar Rashidi, Sadegh Rostami, Nader Khaki, Milad Doosti, Sadeq Kakakhani, Tawhid Ghaytasi, Saeed Ghaytasi, Amin Arkvazi, Hojat Esmaeli, Abbas Mozafari, Ali Kaka Khani, Mohammad Heidari, Ali Nejat Azami, and Mohammad Sahleh Ghaytasi. [18]

Public flogging

A public flogging took place on 10 July 2018 in Niazmand Square, Kashmar, Khorasan province, where the man, known just as M. R., was flogged 80 times on his back. Domestic media outlets posted a picture of a young man tied to a tree as he was flogged by a masked man, with a crowd of people watching from a distance [19].

According to the Talyei, the Public Prosecutor of Kashmar, M. R. consumed alcohol during a wedding where an argument caused a fight that resulted in the death of a 17-year-old. The public prosecutor has conceded that M.R. was not involved in the murder and that the flogging sentence was only for drinking alcohol [20].

Iran's International Obligations

The Islamic Republic of Iran must respect The Right to Life of its citizens, The Right to Liberty and Security, Protection against Torture and Cruel, Inhuman, and Degrading Treatment, The Right to Privacy, Right to a "Fair Hearing", Codification of Criminal Laws, Non-Discrimination and Fundamental Rights, Freedom of Expression, Assembly, and Association.

Recommendations

- Ratify the UN Convention against torture.
- Remove any and all references to the **death penalty** in the penal code and abolish its use.
- Abolish the death penalty completely and immediately for **child offenders**, including those charged with categories of crimes for which death sentences can still be issued by courts (i.e. "crimes against God" or "retribution crimes").
- Abolish vague or overly broad crimes such as **"enmity against God" or "sowing corruption"**.
- Remove the death penalty for offenses, beginning with **crimes not considered "most serious" under international law**, including "publishing lies," "damaging the economy of the country", "drug possession and trafficking" and "operat[ing] or managing centers of corruption or prostitution".
- Remove all provisions that allow for punishments that amount to torture or cruel and degrading treatment, including **stoning, flogging, blinding, and amputation**.
- Abolish the vague security laws under the penal code entitled **"Offenses against the National and International Security of the Country"** (the "Security Laws") and other legislation that permits the government to arbitrarily suppress and punish individuals for peaceful political expression, in breach of its international legal obligations, on grounds that "national security" is being endangered, including the following provisions:
 - Article 498 of the Security Laws, which criminalizes the establishment of any group that aims to **"disrupt national security"**;
 - Article 500, which sets a sentence of three months to one year of imprisonment for anyone found guilty of **"propaganda against the order of the Islamic Republic of Iran or propaganda for the benefit of groups or institutions against the order"**;
 - Article 610, which designates **"gathering or colluding against the domestic or international security** of the nation or commissioning such acts" as a crime punishable from two to five years of imprisonment;
 - Article 618, which criminalizes **"disrupting the order and comfort and calm of the general public or preventing people from work"** and allows for a sentence of three months to one year, and up to 74 lashes;
 - Article 513 of the penal code, which criminalizes any **"insults" to any of the "Islamic sanctities"** or holy figures in Islam and carries a punishment of one to five years, and in some instances may carry a death penalty;
 - Article 514, which criminalizes any **"insults" directed at the late Supreme Leader** of the Islamic Republic of Iran, Ayatollah Khomeini, or the current Leader, Ayatollah Khamenei, and authorizes a sentence of up to six months to two years in prison.
- Remove all provisions that criminalize **"insults" against religious figures and government leaders**.

Footnotes:

[1] https://en.wikipedia.org/wiki/Capital_punishment_in_Iran

[2] <https://undocs.org/A/HRC/40/67>

[3] <https://www.amnesty.org/en/latest/news/2018/06/iran-sufi-bus-driver-executed/>

[4] <https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code>

[5] <https://www.tasnimnews.com/fa/news/1397/03/09/1738526/>

- [6] https://www.iranhumanrights.org/2012/11/amputation_yazd/
- [7] <https://iranians.global/iran-human-rights-article-iran-annual-report-on-the-death-penalty-2018/>
- [8] <https://www.euronews.com/2019/02/26/iran-executed-273-people-in-2018-says-human-rights-group>
- [9] <https://iranians.global/iran-human-rights-article-iran-annual-report-on-the-death-penalty-2018/>
- [10] <http://www.fanousnews.com/fa/news/104214/>
- [11] <http://www.irna.ir/fars/fa/News/83165521>
- [12] <https://www.lgbtqnation.com/2019/01/man-publicly-executed-crime-gay-sex/>
- [13] https://wikiislam.net/wiki/Amputation_in_Islam
- [14] <https://irannewswire.org/40-year-legacy-of-the-islamic-republic-of-iran-execution-and-death/>,
- [14, 2] <https://www.boroumandfoundation.org/library>
- [15- 1] <https://www.isna.ir/news/96102815192/>
- [15- 2] <https://themediainexpress.com/2017/04/30/iran-sentence-of-execution-can-include-amputation/>
- [15-3] <https://www.amnesty.org/en/latest/news/2018/01/iran-authorities-amputate-a-mans-hand-in-shocking-act-of-cruelty/>
- [16] <https://www.thefreedictionary.com/flogged>
- [17] <https://www.hra-news.org/2018/hranews/a-17612/>
- [18- 1] <https://hengaw.net/fa/news/>
- [18- 2] <https://iran-hrm.com/index.php/2018/07/12/amnesty-international-condemns-the-flogging-of-young-man-for-drinking-alcohol-as-a-child/>
- [19] <https://www.tasnimnews.com/fa/news/1397/04/22/1774641/>
- [20] http://mehr.org/Islamic_Penal_Code_of_Iran.pdf