



# Joint written statement to the 16th session of the UN Human Rights Council (28 February – 25 March 2011)

submitted by Amnesty International, Human Rights Watch,  
and Reporters sans frontières

## Iran: The international community must act to save hundreds at risk of execution

February 2011

AI Index: MDE 13/018/2011

---

The international community and the UN Human Rights Council need to act to stop a wave of executions currently underway in Iran from escalating further.

At least 86 individuals have been executed since the start of 2011, according to reports from official sources or state-run media. The true number of executions may be even higher, as there are credible reports that executions are taking place in some prisons which are not announced officially.

The Iranian Judiciary and other relevant bodies should immediately order and implement a moratorium on all death penalty cases.

At least ten of those executed in January 2011 had been convicted of “enmity against God” (*moharebeh*) for a variety of alleged offences including armed robbery, or for political activities such as participating in demonstrations, or for their alleged links to opposition groups.

Sixty-seven others had been convicted of drug trafficking. The increase in such executions follows the passing of an amended anti-narcotics law, drafted by the Expediency Council and approved by Supreme Leader Ayatollah Ali Khamenei, which came into force in late December 2010. Officials have also

February 2011

vowed to step up enforcement measures against drug trafficking. In October 2010, the Prosecutor General announced that all those sentenced to death for drug trafficking would have their cases reviewed by his office.

Another prisoner executed in January, Zahra Bahrami, a woman with dual Dutch-Iranian nationality, had initially been arrested for participating in a demonstration. She was later sentenced to death after being charged with drug trafficking while her lawyer was unable to get access to her. She had no right to appeal as her sentence was confirmed by the Prosecutor General. Despite the intervention of the Dutch authorities and calls by the European Union not to execute her, authorities executed her without warning. They did not allow her to meet with her lawyer or provide the legally required 48 hours' notice prior to her execution.

The Iranian authorities have for years arrested and tried their opponents on politically motivated criminal charges such as possession of alcohol or drugs and illegal possession of arms. Lawyers and journalists have served long prison sentences after conviction on such trumped up charges.

These grave human rights violations are facilitated by the fact that the judiciary has essentially no control over security forces' searches and that lawyers are routinely denied access to their clients and their files.

The recent executions also raise fears for the lives of two men, Saeed Malekpour and Vahid Asghari, believed to have been sentenced to death by Revolutionary Courts following separate unfair trials in which they were accused of "spreading corruption on earth".

On 30 January 2011, the Tehran Prosecutor, Abbas Ja'fari Dowlatabadi, announced that the death sentences of two unnamed "administrators of obscene websites" had been sent to the Supreme Court for review. Human rights activists in Iran believe that he was referring to Saeed Malekpour and Vahid Asghari.

Saeed Malekpour, a 35-year-old web designer and permanent resident of Canada, was sentenced to death at the end of November 2010 for creating "pornographic" internet sites and "insulting the sanctity of Islam". Prior to his arrest during a family visit to Iran in 2008, he had created a programme

enabling photos to be uploaded online which had then been used to post pornographic images without his knowledge. He is alleged to have been tortured while being held for more than a year in solitary confinement in Evin Prison.

Vahid Asghari, a 24-year-old information technology student enrolled at university in India, has also been detained since 2008 and reportedly tortured. He is believed to have been tried in late 2010, but the result of his trial has never been officially announced. The Tehran Prosecutor's 30 January announcement raises fears that he has also been sentenced to death.

There is also concern surrounding the case of Yousef Nadarkhani. Authorities arrested Yousef Nadarkhani, a pastor in a 400-member church in northern Iran, in October 2009. He was sentenced to death in September 2010 for "apostasy from Islam", on the basis of religious rulings by Shi'a clerics, including Ayatollah Khomeini, the founder of the Islamic Republic of Iran. No offence of "apostasy" is defined under Iran's Penal Code, His sentence is currently under appeal before the Supreme Court.

On 26 January 2011, the authorities announced that Sayed Ali Gharabat had been executed for "corruption on earth" and apostasy in Karoun Prison, Ahvaz, after, according to them, he had falsely claimed to have contacted the Twelfth Imam. Twelver Shi'a Muslims believe that the Twelfth Imam is currently in hiding and will return to earth.

Freedom of religion and belief is guaranteed by the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, and includes the right to change one's religion.

The Islamic Republic of Iran carries out the second highest number of executions annually after China. The hundreds, if not thousands, of prisoners currently on death row may include more than 140 juveniles who were under the age of 18 at the time they committed their alleged offence. The execution of juvenile offenders is strictly prohibited under international law.

### **Background:**

Since 1979, Iran has executed thousands of men, women and even children for a variety of alleged offences.

Article 6 (2) of the ICCPR states: “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.”

Iran has not signed the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and has voted against successive resolutions by the UN General Assembly calling for a moratorium on the use of the death penalty, most recently in December 2010.

Human rights organizations have for many years documented a pattern of human rights violations during detention and trial against those accused of offences carrying the death penalty. These violations include psychological and physical pressure, often amounting to torture, to force prisoners to “confess” to alleged crimes, the use of extended solitary confinement, and denial of access to lawyers.

In addition, many are tried before Revolutionary Courts held behind closed doors, despite a requirement under Article 168 of Iranian Constitution that trials for “political” and “press” offences should be held openly.

In many cases, such as Zahra Bahrami’s, lawyers of those sentenced to death are only informed of their clients’ executions after they have taken place, despite the legal requirement that 48 hours’ notice be given.

There is no convincing evidence that the death penalty is effective in reducing crime.

## **Recommendations**

Amnesty International, Human Rights Watch and Reporters Without Borders International call on the Human Rights Council to:

- Demand an immediate moratorium on executions in Iran;
- Urge the Iranian authorities to commute all death sentences, particularly those of any juvenile offenders whose execution is strictly prohibited under international law;
- Call on the Iranian authorities to ensure that all trials for offences for which the death penalty may be imposed fully meet international standards for fair trial; in particular, convicted drug offenders must be given the right to appeal against their conviction and sentence to a higher tribunal, in line with Iranian legislation which states that all death sentences should be subject to appeal;
- Call on the Iranian authorities to review Iranian legislation with a view to progressively restricting the number of offences for which the death penalty may be applied and to ensure that no offence may be punishable by death which does not meet the definition of “most serious crimes”; and
- Take robust action during the current session to address the human rights situation in Iran, including by ensuring that a Special Rapporteur is appointed with a mandate to investigate and report to the Human Rights Council and the UN General Assembly on the human rights situation in Iran.