

# NO TO DEATH PENALTY

**Special Report on the World Day Against the Death Penalty**

## **Statistics on the Executions in Iran from 2021 ,10 October - 2020 ,10 October**

### **Introduction**

**An overview of execution statistics in the past year**

**Execution statistics divided by month**

**Officially announced executions vs secret  
executions**

**Charges of executed prisoners**

**Statistical comparison divided by the cities wherein  
the sentences carried out**

**Execution of women**

**Execution of children**

**Execution of political and ideological prisoners**

**Vicious cycle of executions**

**The legal status of qassameh (oath) ceremony in  
criminal law**

**Families living with the nightmare of the gallows**

**Breathing in Confinement  
The Prisoners' Rights League in Iran  
October 10, 2021**

# On the occasion of the World Day Against the Death Penalty

Statistics on the Executions in Iran from  
October 10, 2020 - October 10, 2021

Breathing in Confinement

The Prisoners' Rights League in Iran October 10, 2021

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**Prisoners' Rights League in Iran**

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## Introduction

Writing about execution in Iran is not limited to the International Day Against the Death Penalty. The day, however, is an opportunity for Iranian human rights activists, as well as the opponents of the death penalty, to raise their voices against execution. The occasion also is a good time to present comprehensive statistics about the executions in Iran to the international community as well as international human rights authorities to increase their sensitivity to the inhumane practice of execution, and also to make them determined to take decisive action against the Iranian government.

Executions in the government of the Islamic Republic which began soon after the 1979 revolution, have continued to this very day. In fact, carrying out the executions is a means of repression applied by the dictatorial regime in Iran. The government of the Islamic Republic uses the death penalty to guarantee its survival. The massacre of political prisoners in the summer of 1988, was an example of using executions for this purpose.

After the appointment of Ebrahim Raisi to the position of president, addressing the issue of the death penalty has become even more important than before. This is because Ebrahim Raisi was a member of "Death the Committee" in the massacre of political and ideological prisoners in the summer of 1988 and played a key role in the executions. A massacre which as per international law is an act of genocide and crime against humanity.

The impunity over the past four decades has allowed the Islamic Republic authorities to appoint the human rights violators as well as the genocide perpetrators to the key government positions, without being accountable.

Unfortunately, the international community and human rights authorities did not react to the presidency of Ebrahim Raisi as was expected. The passivity, which is in fact, seen by the rulers of Iran as an implicit affirmation.

This year, World Day Against the Death Penalty, coincides with the trial of one of the perpetrators of the 1988 massacre, in a Swedish court. Hamid Nouri (Abbasi) is accused of having played a key role in enforcing and expediting the death sentences in the summer of 1988. A massacre which began in late July, following Khomeini's fatwa for killing the imprisoned dissidents, and continued into the fall of the same year. The testimony of former prisoners who had seen Hamid Nouri (Abbasi) in Gohardasht and Evin prisons and had been tortured by him, is a qualitative step in proving the

crimes of genocide and the killing of innocent prisoners. In addition, the testimonies also pave the path toward the prosecution of other human rights violators and, raise the sensitivity of the international community to the massacre of political prisoners in 1988.

The trial of Hamid Nouri (Abbasi) is unique of its kind, as the Swedish Criminal Court is trying one of the officials of the current ruling government of Iran. This trial sends a strong message to the other authorities of the Islamic Republic, that they will not have international impunity.

Despite their political and economic relations with the Islamic Republic, the international community and human rights entities have a duty to recognize the right of the Iranian people to life and to form a fact-finding committee to clarify the dimensions of the 1988 genocide. This can be the first important and necessary step against the "execution machine" of the Islamic Republic, which erects gallows in various prisons on a daily basis.

Executions of political and ideological prisoners are taking place in various prisons in Iran. Throughout the four decades of its rule, the Islamic Republic has shown that it cannot tolerate the views of its opponents and that it confronts them in the harshest possible way. Similarly, executions of ethnic minorities have also dramatically increased.

In recent years the international pressure has prompted the Iranian government to amend the death penalty laws for drug-related charges. This amendment has led to a reduction in the number of death sentences. However, according to the Islamic Penal Code, many charges are punished by death. And many prisoners have been executed according to these sentences or are currently on death row. The prisoners accused of charges such as murder, rape, corruption on earth, moharebeh, and even drug-related offenses continue to face the death penalty.

The execution of child offenders is another horrific act of the Islamic Republic that has continued despite the widespread protests from the international community. Arresting the defendants who were under 18 at the time of the alleged crime, holding them in prison under the death penalty until they reach the legal age for execution, and finally hanging them is a cruel and inhumane practice. The Iranian government seeks to justify this action by using extra-judicial ways.

Throughout these years, to make the world informed of what is going on in Iranian prisons, the human rights activists have tried to disclose as many executions as possible, as well as the unfair trials for the sentenced to death prisoners, and the number of death row inmates. These have never been easy under the repressive regime of the



Islamic republic, where the least activity of this kind involves detention, torture, harsh sentences, or even execution.

Many families of those executed, especially the families of non-political prisoners, are threatened and harassed by the government to the point that they decline to even talk about it. In addition, considering the lack of an independent and fair judiciary, prisoners on death row and their families remain silent for fear that if they speak up, the sentence is being carried out.

The forthcoming report presents statistics on executions in Iran from October 10, 2020, to October 10, 2021. It is an attempt by human rights activists in the Prisoners' Rights League in Iran to disclose as many executions as possible carried out in Iran. However, we believe that the real figures are much higher than this.

With Ebrahim Raisi as President and Gholamhossein Mohseni Ejei as chief of the judiciary, we call on the international community, to approach the death sentences in Iran in a more serious way and to take targeted and decisive action to prevent the executions in Iran.

## **An overview of the executions carried out in the past year (October 10, 2020 - October 10, 2021)**

**At least 181 prisoners were executed on murder charges**

**At least 105 prisoners were executed on drug charges**

**At least 16 prisoners were executed on political charges**

**At least 10 prisoners were executed for rape**

**At least 3 prisoners were executed for corruption on earth**

**And 1 prisoner was executed on unknown charge**

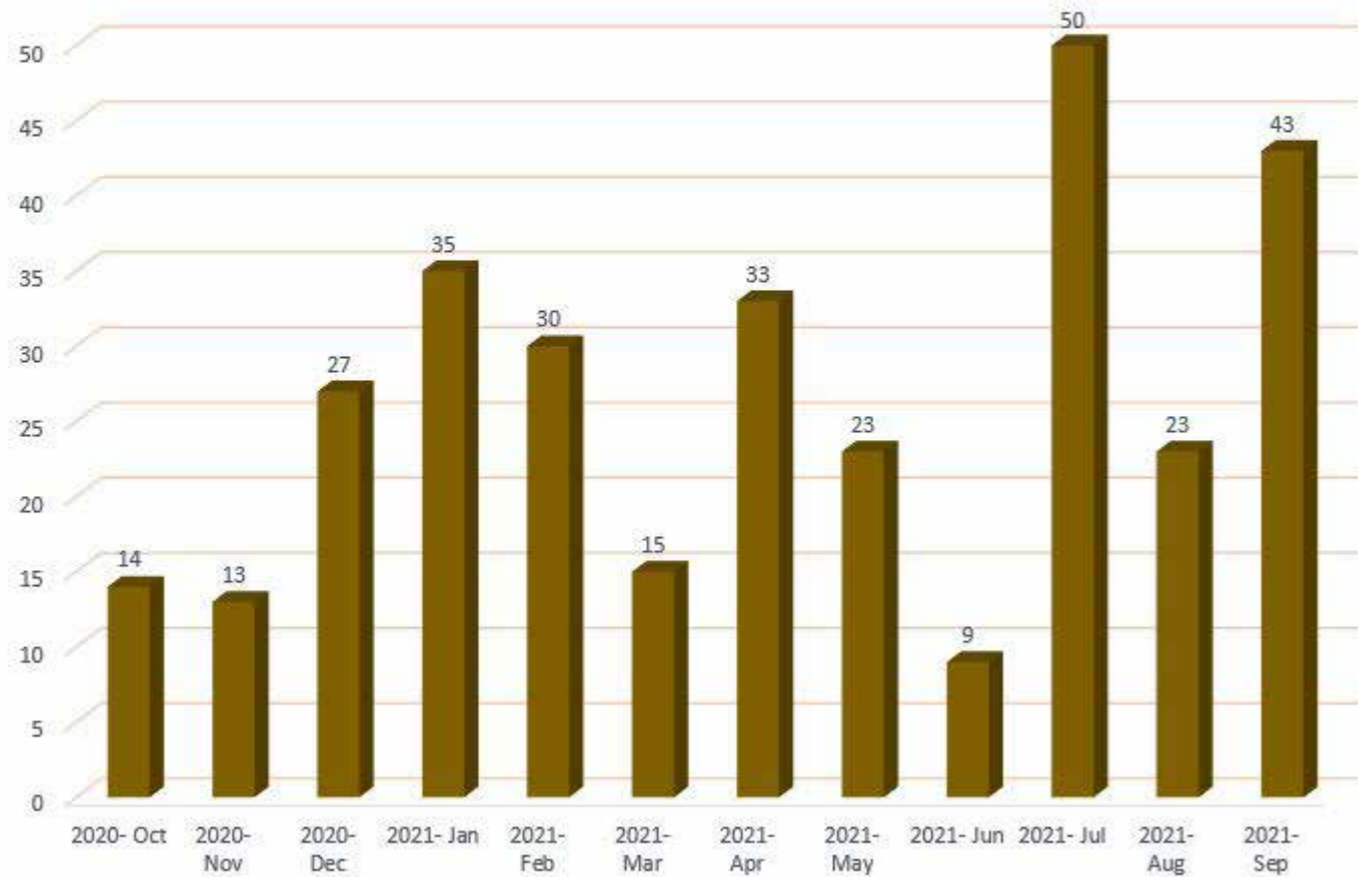


## Execution statistics divided by month

The chart below shows the number of executions carried out in the past year, divided by month.

The rise in the number of executions in the month of July comes just after the presidential election and the appointment of Ibrahim Raisi in the position of president. While the number of executions had dramatically dropped shortly before the presidential election.

Execution statistics divided by month

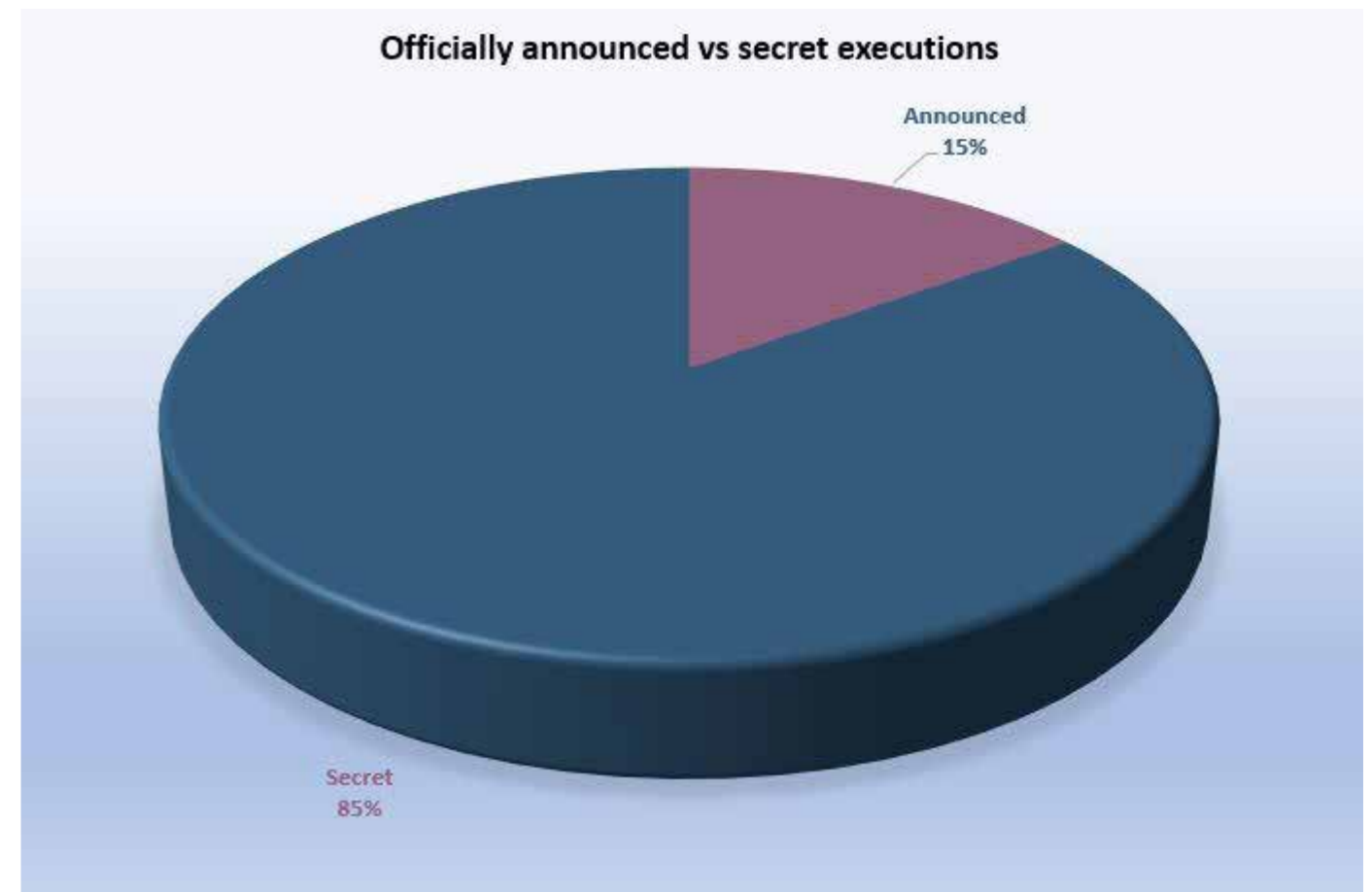


## Officially announced executions versus secret executions

To avoid accountability to international bodies, the Islamic Republic has always sought to conceal the number of executions. The officially announced figures are much lower than the actual number of executions. According to the Statistic Center of the Prisoners' Rights League in Iran, out of 316 executions carried out in the past year, only 48 have been officially published in the state media. And the remaining 268, have been disclosed by human rights activists.

In fact, more than 85% of executions have been kept secret. These secret executions have been disclosed by human rights activists in Iran taking a serious risk. There are undoubtedly still a large number of executions that have remained unknown.

Officially announced vs secret executions





In their recent reports, Javid Rehman, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as António Guterres, the Secretary-General of the United Nations, have referred to the systematic continuation of executions in Iran, and have called on the Iranian government to take steps to abolish the death penalty.

The chart below shows the number of officially announced executions compared to the executions disclosed by human rights activists divided by month.

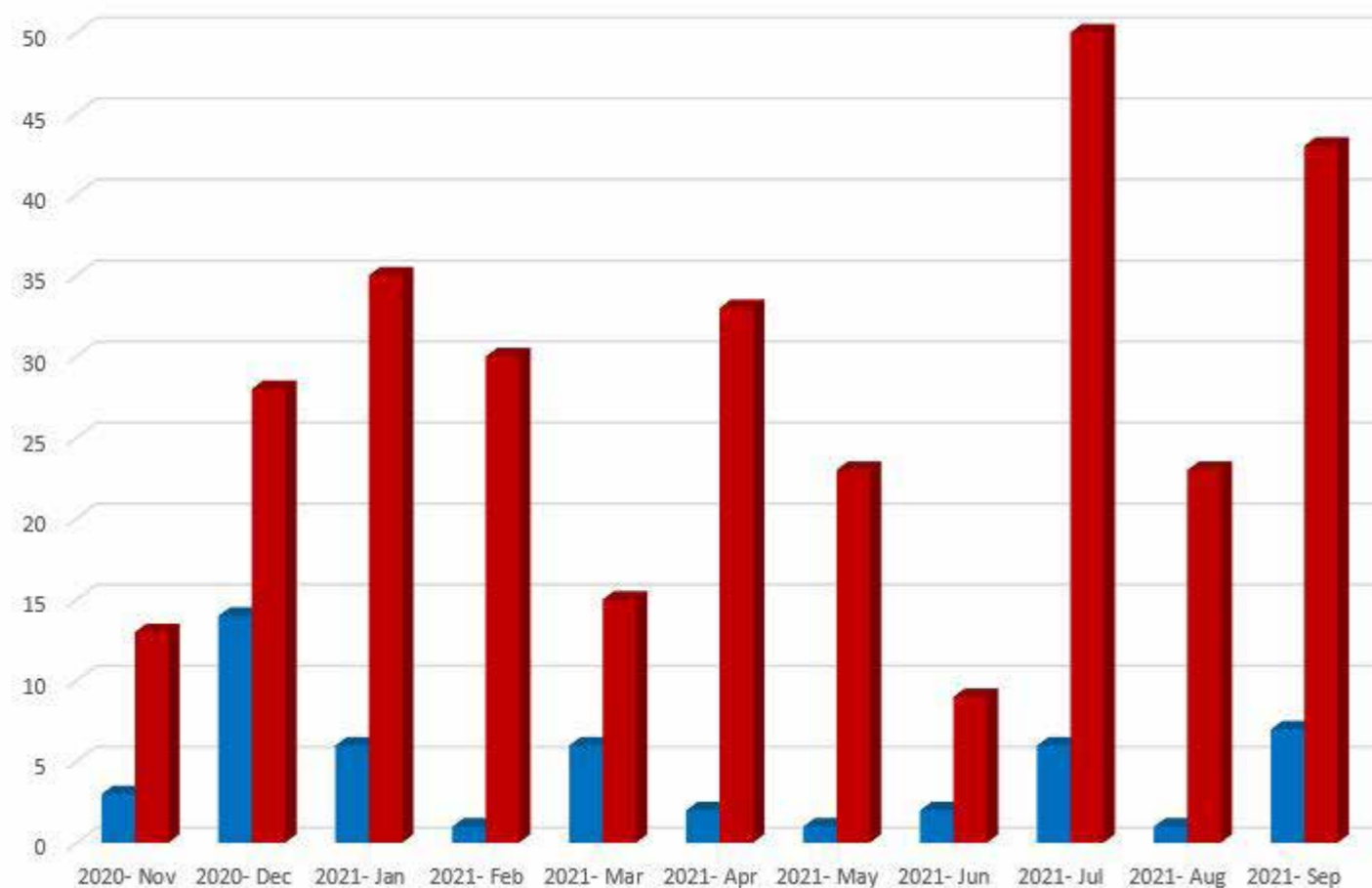
As it can be seen, the number of officially announced executions is far less than the figures disclosed by the human rights activists.

Of the 30 executions carried out in February, only one was reported in the state media. Similarly, in April, out of the 33 executions, only two were officially announced, and the remaining 31 were published by human rights activists.

Due to the secrecy of the executions, the real number of executions has never

### Officially announced vs Announced by the activists

Officially announced executions compared to the executions disclosed by human rights activists divided by month



## Statistical comparison of the charges against the executed prisoners over the past one year

Over the past year (October 10, 2020 - October 10, 2021), the executed prisoners have been hanged on various charges. Murder, drug trafficking, moharebeh, adultery, and corruption on earth are among the charges which have been punished by death sentence.

Over the past year, 57% (181) of executed prisoners have been charged with murder. Considering the lack of transparency in the interrogation and trial process, the accuracy of the accusations cannot be verified. In the Penal Code of the Islamic Republic, the death sentence for those accused of murder is known as retribution or “qissas”. In issuing the retribution sentence, the judicial authorities try to personalize the punishment by involving the victim's family. Whereas the legal article regarding the retribution sentence states: "The retribution is carried out at the request of the blood owners, following the process of authorization and permission of either the Supreme Leader or his representative."

The need for the permission of the highest government official for the executions shows that the will of the government is behind the death sentences.

The sentence of retribution is issued if considering the evidence, the judge is convinced that the accused is a murderer. In the absence of sufficient evidence, however, judicial authorities use the oath or “qassameh” ceremony as proof of the crime. Qassameh ceremony is being held in the lack of sufficient evidence to prove the murder, where 50 men from the victim's family or relatives, swear an oath that the suspect is guilty of murder.

During the past year, given the lack of sufficient evidence, and as the defendants did not confess to the murder despite enduring severe torture, three prisoners were executed, based on the “qasthesameh” ceremony.

Qassameh is not only inconsistent with the principles of human rights as well as the presumption of innocence, but even with the principles of a fair trial in customary law. As the retribution sentence is issued without the certainty of the accusing guilty. And the sentence is passed simply by resorting to the easiest possible method and of course, in the most extra-judicial way. In a separate section in this report, we have discussed the intrinsic contradictions of the

“qassameh” ceremony and its place in the Islamic Penal Code.

After the murder, drug-related charges have the highest execution rate. Despite the passage of an amendment to the Penal Code for drug-related offenses in 2017, executions on this charge are still ongoing in Iranian prisons. While even some of the MPs also have acknowledged that the death penalty for drug crimes is damaging and ruining families.

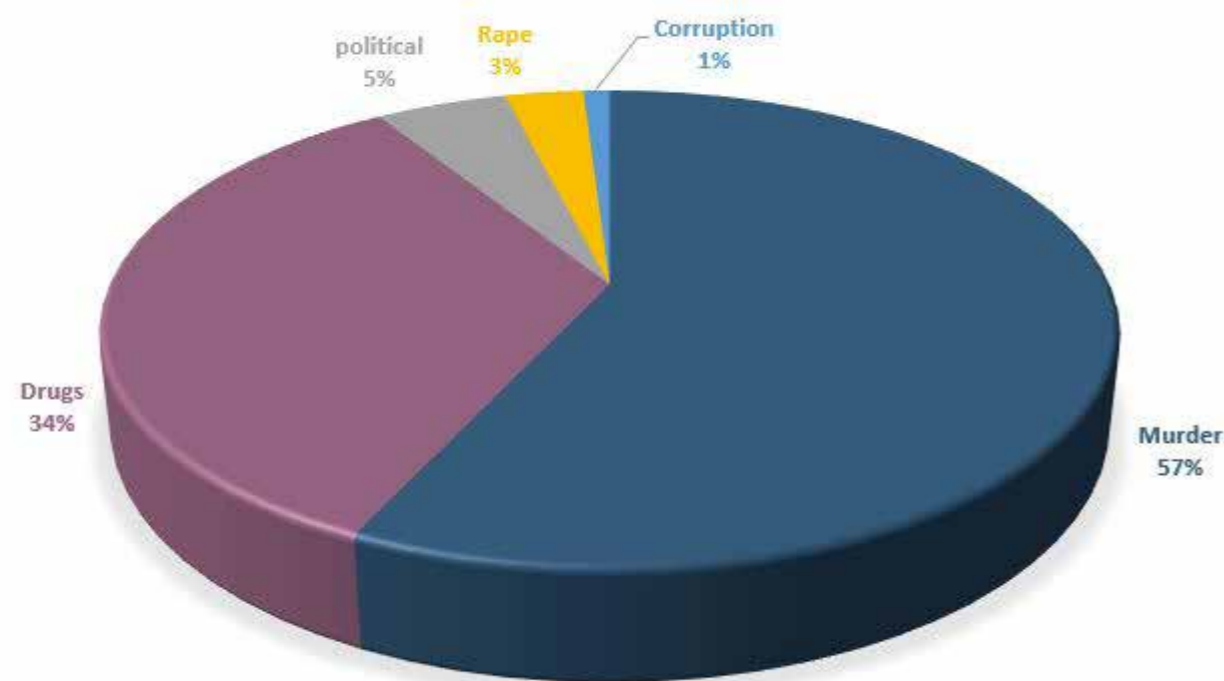
Many prisoners have also been executed over the past year for opposing the government and for having views and beliefs different from that of the government. During the past year, at least 16 political and ideological prisoners were executed in Iran.

Two prisoners, Yousef Mehrad and Seyyed Sadrullah Fazeli Zare have been sentenced to death in Arak Prison for what officials in the Islamic Republic called "blasphemy." They were notified of their death sentence on April 22, 2021, in Arak Prison.

In one case, ten months after a prisoner named "Khedr Ghavidel" was executed in Urmia Prison on drug-related charges, the Supreme Court ruled that the death sentence had to be overturned. The prisoner had been executed while the trial was not fully completed, and the Supreme Court had not yet ruled on the matter.

The death sentence of Khezr Ghavidel was carried out in September 2020, and on July 5, 2021, the ruling was overturned by the Supreme Court. He had been arrested in 2011 on drug-related charges.

The number of executions divided by charge



Khezr Ghavidel, who was executed in Urmia Prison in September 2020 on drug charges.

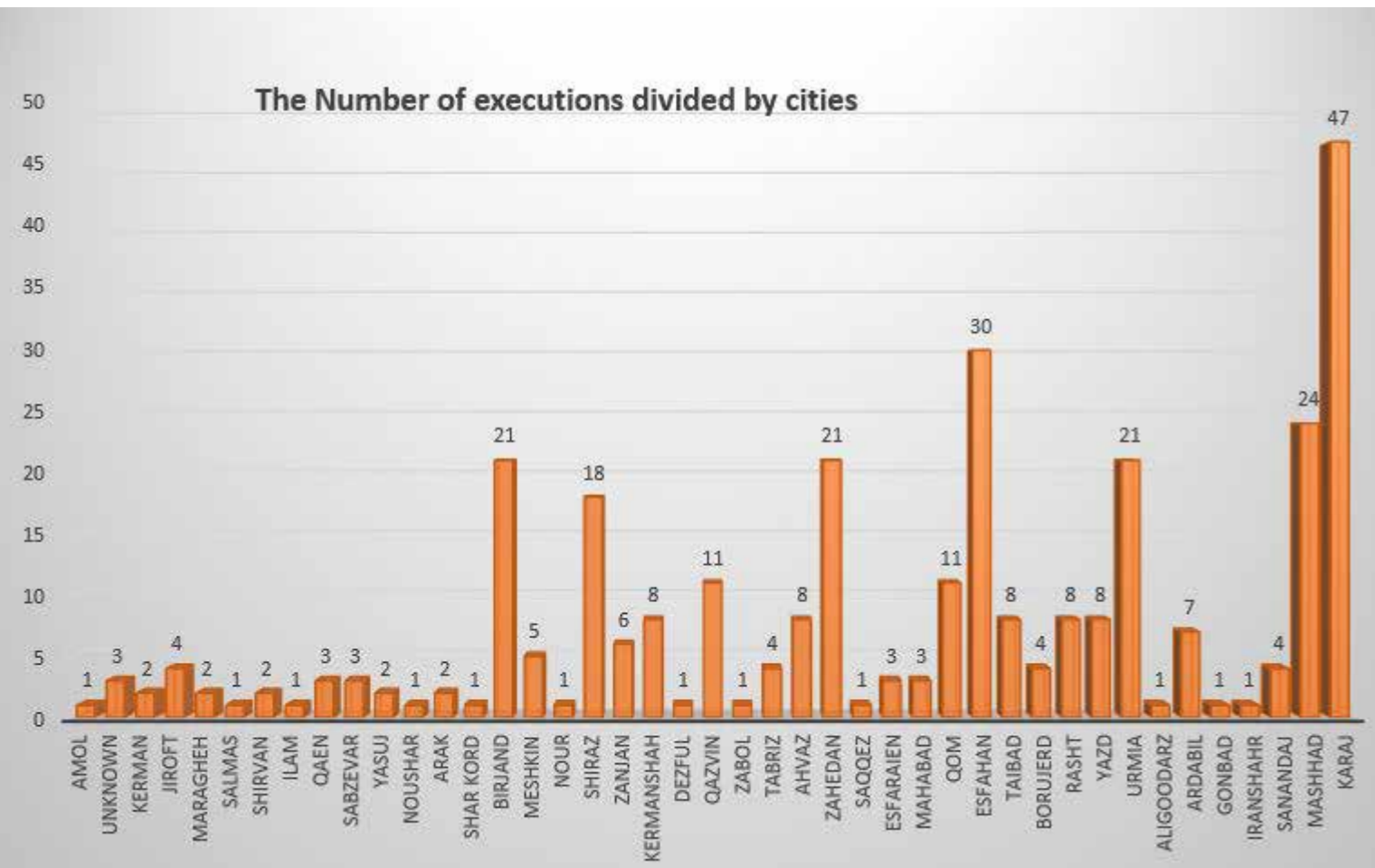
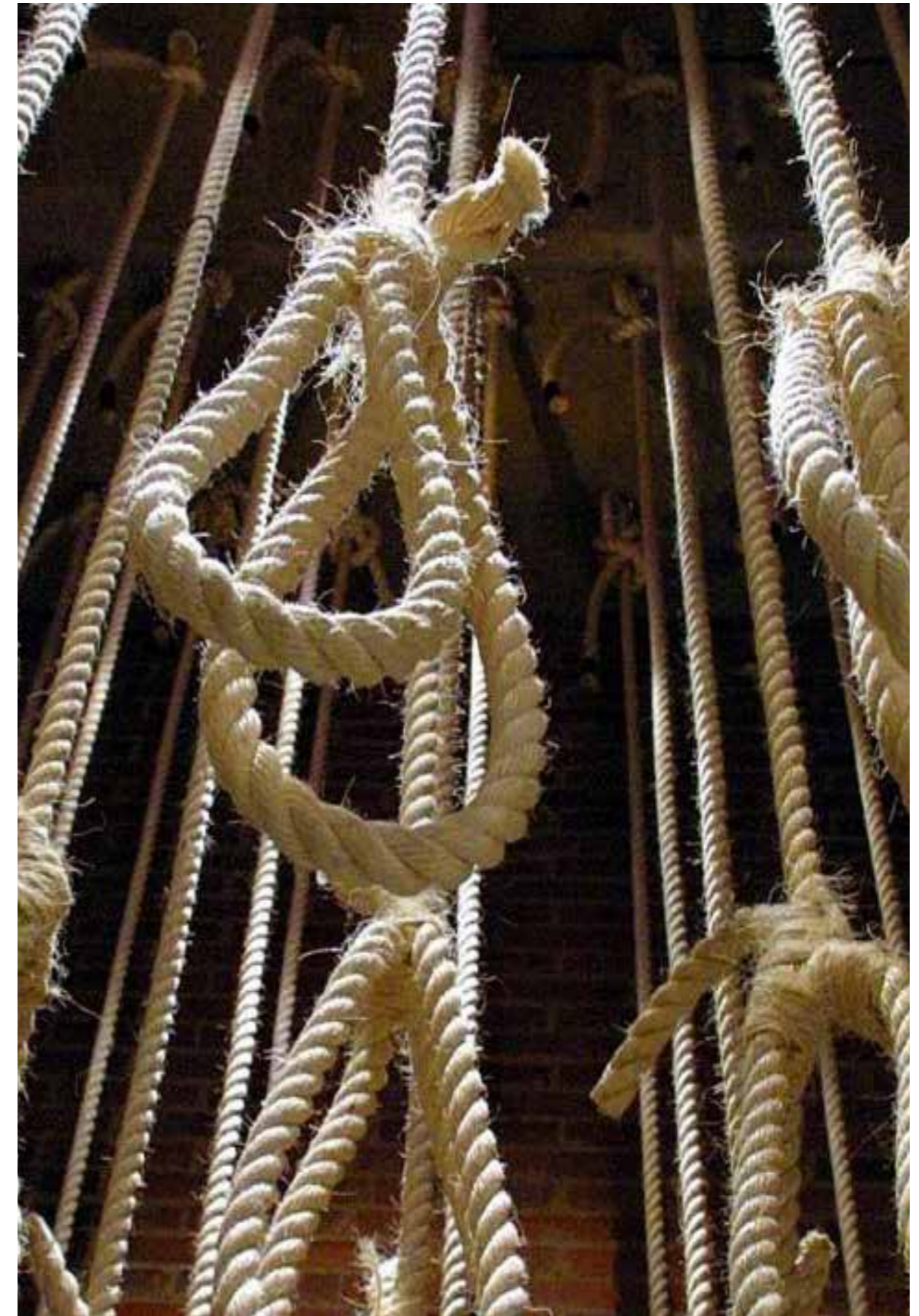


## Statistical comparison of the executions divided by the cities wherein the executions took place

In the past year, death sentences have been carried out in the prisons of at least 44 cities in Iran. The city of Karaj had the highest number of executions with 47 death sentences were carried out in this city. Rajai Shahr Prison and Karaj Central Prison are where all the executions of Alborz and Tehran Province take place. The sentenced to death prisoners from various prisons such as Greater Tehran, Qarchak and Kachuei are transferred to be hung in one of these prisons.

Rajai Shahr Prison in Karaj is one of the most notorious prisons in Iran, where, according to witnesses, executions are carried out each and every Wednesday.

The cities of Isfahan, Mashhad, Zahedan, Birjand, and Shiraz are among the other cities where the number of executions is high.





# Execution of women

At least 12 women have been executed in Iran in the past one year.

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Within this one-year period (October 10, 2020, to October 2021), at least 12 women were executed in various prisons in Iran, most of whom were charged with murder.

In the absence of a protective law, women in Iran are subjected to various forms of violence. The law of the Islamic Republic is one of the most misogynistic laws in the world wherein there is no protection for women against harassment or violence. A woman in Iran is denied the right to child custody, divorce, traveling, or having a job, as these rights have all been granted to her husband, father, or guardian.

For divorce, women must go through a very difficult and exhausting process, with legal obstacles for their divorce petition to be approved by the court. This process is far more difficult for women detained in detention centers or prisons.

The torture that women detainees endure is beyond imagination. Physical and sexual assault and even rape are among the most common forms of harassment women face from security agents, investigators, and interrogators.

Women have no way to prove their innocence as the process of trial is completely against them.

In this report, we briefly describe the stories of some women who were executed in the past year.

**Shamsi Pirostavan - Execution in Qazvin Central Prison**

About 7-8 years ago, Shamsi and her husband were arrested on drug-related charges on Qazvin-Karaj highway and were sentenced to death in the court of first instance. In 2018, while in prison, at the insistence of her family, Shamsi divorced her husband Yousef. She was executed on May 31, 2021 in Qazvin Central Prison.

**Zahra Esmaili, 42, mother of two children, executed in Rajai Shahr prison**



Zahra was hanged on the morning of February 17, 2021, for the murder of her husband. Alireza Zamani, Zahra's husband, was one of the director generals of the Ministry of Intelligence who had repeatedly committed violence against Zahra. According to Zahra's relatives, in her death certificate, the cause of death was stated as cardiac arrest. As of February 17, 2021, 16 other prisoners were hanged right in front of Zahra, which caused her death due to a heart attack, yet the executioners hanged her lifeless body.

**Maryam (Masoumeh) Karimi, was executed in Rasht prison**



On March 15, 2021, Maryam (Masoumeh) Karimi, who had been sentenced to death for the murder of her husband, was executed in Rasht Central Prison after the victim's family refused to pardon her. According to informed sources, "Maryam's death sentence was carried out by her daughter."

**Zeinab Khodamradi, 43, was executed in Sanandaj Prison**



Zeinab had mental illness and was hospitalized in a psychiatric ward before being arrested. She had been discharged from the hospital with the consent of her husband. It is said that she killed her child immediately after being discharged from the hospital. The blood owners had requested Zeinab's family for 700 million Tomans in exchange for pardoning her. However, the family was unable to pay the money, and Zeinab was executed in Sanandaj Prison on October 15, 2020, after spending five years in prison.

**Razieh, 33, executed in Mashhad Central Prison**



According to Rokna news agency, "Razieh", a 33-year-old woman, under economic and social pressures following separation from her second husband, and because of being unable to provide her children with proper care alone, killed her 4- and 8-year-old kids at midnight on February 12, 2017. Afterward, she wrote to her sister in two text messages: "I was not a good sister to you, forgive me..." and "Ask the father not to leave our bodies on the ground!" Razieh then sat next to her lifeless children and cut her wrist. However, she was taken to a hospital by her sister and survived. She was later arrested and sentenced to death, and her sentence was carried out on October 13, 2020, in Mashhad Central Prison.

## Execution of children

Iran is the only country in the world that still executes under 18 children. In their recent reports, Mr. Javaid Rehman, the Special Rapporteur on the situation of human rights in Iran, and Mr. Guterres, the Secretary-General of the United Nations, condemned the Islamic Republic for these executions. However, abolishing or suspending the death sentences for children by the Iranian government, requires the international community, to take strong and decisive actions.

**In a shameful act, from October 10, 2020, to October 10, 2021, at least five children were hanged by the order of the Iranian judiciary.**

Iran is a signatory to the International Covenant on Civil and Political Rights, as well as the Convention on the Rights of the Child based on which "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age."



**Ebrahim Shahbakhsh** was arrested at the age of 17 on drug-related charges and was later sentenced to death. He was executed in Isfahan prison at the age of 23 after spending six years in prison.

On July 23, 2021, the officials of Isfahan Prison called Ibrahim's family and asked them to go to the prison to pay their last visit.



**Abdullah Mohammadi** was executed in Yazd Prison on December 2, 2020. He was 16 years old at the time of his arrest and was held for two years in the Yazd Correctional Center, the detention center for child criminals. Afterward, he was transferred to Yazd Prison. Abdullah Mohammadi was imprisoned for murder, and the victim's family had demanded one billion tomans to pardon him. Abdullah's parents who failed to pay the ransom witnessed the execution of their son.



**Bahauddin Ghasemzadeh** is another child criminal who after spending ten years in prison, was executed along with his sick brother, in Urmia Prison in July 2021.

Bahauddin and his brother Davood were arrested in 2009 on charges of killing two people in a tribal conflict. He was 15 at the time of his arrest, and a year later in 2010, pleaded guilty to both murders in court. On the same day, after leaving the court, Bahauddin escaped from the agents and went to Iraqi Kurdistan. After his escape, security agents arrested his sister, mother, and other brother and transferred them to Urmia Prison, demanding Bahauddin's return in exchange for the release of his family and a month later, Bahauddin returned to the country. Meanwhile, having been severely beaten, his brother Davood Ghasemzadeh, had his vertebrae and spinal cord injured.

On the day before his execution, Amnesty International issued a statement, calling for his death sentence to be overturned. In its statement, Amnesty International also referred to the torture inflicted on him. Amnesty International wrote: "Part of the evidence for the conviction of Bahauddin Ghasemzadeh includes" confessions "which, according to him, were obtained from him under torture at Police Detention Center in Urmia. In addition, while under interrogation, Bahauddin had been denied the right to counsel.



On December 31, 2020, **Hassan Rezaei**, a child accused, was executed in Rasht Prison. He was arrested at the age of 16 on the charge of murder and was later sentenced to death. Hassan was held in prison under the death sentence for 12 years and had repeatedly experienced being transferred to solitary confinement in order to serve his death sentence.



**Sajjad Sanjari** was another child - defendant who was secretly executed in Dizelabad prison in Kermanshah on August 1, 2021. He was arrested in 2011 at the age of 15, on the charge of murder and was later sentenced to death.

He was executed secretly after ten years in prison without the knowledge of his family. On December 31, 2016, the spokesman for the UN High Commissioner for Human Rights called on the authorities of the Islamic Republic to stop the execution of Sajjad Sanjari, the juvenile accused of murder.



# Execution of political prisoners

Over the past one year, at least sixteen political prisoners have been executed in

## Hassan Dehvari and Elias Ghalandarzahi

The political prisoners, Hassan Dehvari and Elias Ghalandarzahi were sentenced to death by the Islamic Republic on the baseless accusation of "wickedness as well as committing terrorism." They both were executed on January 3, 2021, in Zahedan Prison. They previously had denied the charges, saying that they had been sentenced to death simply for their political



activities and their ethnic demands. They also added that they had been taken hostage, to force their family members to either return to the country or stop their activities.

The death sentences of Hassan Dehvari and Elias Ghalandarzahi were carried out while considering the legal problems with the trial, their lawyer, Mohammad Reza Faghihi, had demanded the "hasty execution" of his clients to be stopped.

A day before his clients' execution, in an interview with "Emtedad News", Mr. Faghihi said that given the legal problems with the trial, he had submitted a request for a retrial. "Hold on, I have requested for retrial," he said in the interview, addressing the judiciary officials. (Emtedad News - January 2, 2021)

The Ahwazi-Arab citizens, **Jassem Heydari, Ali Khasraji, Hossein Silawi, and Naser Khafajian**, were executed at dawn on Saturday, February 28, 2021. The four prisoners were tortured during their detention and did not have access to a lawyer during the trial. Amnesty International issued a statement calling on Iranian authorities to halt the execution of these political prisoners. Amnesty International wrote: "Three Ahwazi Arab death row prisoners – Ali Khasraji, Hossein Silawi, and Jassem Heidari – have sewn their lips together and have been on hunger strike since 23 January 2021 in Sheiban prison in Ahwaz, Khuzestan province, in protest at their prison conditions, denial of family visits, and the ongoing threat of execution. The fourth Ahwazi Arab prisoner, Naser Khafajian, has been forcibly disappeared since April 2020, putting him at risk of torture and secret execution."

The four political prisoners were on a hunger strike at the time of their execution.



The political prisoner, **Javid Dehghan Khold**, was hanged on January 30, 2021.

The UN High Commissioner for Human Rights had called on Iranian authorities to stop the execution of Javid Dehghan.

Amnesty International also, released a statement saying: "The Iranian authorities must immediately halt the execution of Javid Dehghan." In its statement, the organization highlighted "a shocking catalogue of fair trial violations throughout the investigation, trial and appeal stages."

Amnesty International said the court used confessions "in convicting and sentencing Javid Dehghan to death." (Amnesty International - January 28, 2021)

**Ruhollah Zam**, a journalist and administrator of the telegram channel "Amad News", was abducted by security forces in his travel to Iraq, and was later sentenced to death in an unfair trial. Mr. Zam was secretly executed on December 9, 2020, without being granted the right to appeal.



Three Sunni prisoners, **Hamid Rastbala, Kabir Saadat Jahani, and Mohammad Ali Arayesh**, were secretly and suddenly executed in Vakilabad Prison in Mashhad on charges of "Baghy" (armed rebellion against the Islamic ruler), through membership in the 'Salafi group of Al-Furqan Party', and membership in the 'Sunni National Solidarity Front of Iran'. The three executed prisoners were all from Golestan province.

The death sentence for the prisoner of conscience, **Abdolhamid Mirblouch Zehi**, was carried out at dawn on December 26, 2020, in Zahedan Prison, while his lawyer announced that his request for retrial had been registered. He had been charged with shooting two Revolutionary Guards officers to death. Two days before his execution, Mustafa Nili, Abdolhamid's lawyer, had announced that the retrial would be held.

Nili wrote on his Twitter account that the request for retrial had been registered in the judicial system and is about to be referred to the court.





## The vicious cycle of execution

*Written by a former prisoner of Rajai Shahr Prison in Karaj*

On Wednesdays, the atmosphere in the prison was totally different. It was a mixture of fear and hope. Fear that your friend, your confidant, and cellmate, with whom you have lived bittersweet memories under a shared roof for years, might never return. And hope, as he might have been able to obtain the pity of the prosecutor as well as the plaintiffs, right in front of the gallows. Or he might have managed to postpone the execution date owing to the plaintiffs a compensation.

I have met a prisoner named Uncle Ali, who after spending 17 years in prison, was taken to be hanged. Uncle Ali, from Islamshahr, had been sentenced to death by noose for the murder of his wife, and his plaintiffs were his children. His face wrinkles and his gray hair indicated 17 years of suffering in prison. He always used to set aside a small amount of his rice rations for the pigeons. Every evening, sparrows and pigeons waited impatiently for him on the barbed wires over the 8-meter walls. Every afternoon, Uncle Ali, short in stature, wearing Shirazi trousers, plastic slippers, and a blue t-shirt which was given to the prisoners every few months would take a bowl of rice to the corner of the prison yard to feed his pigeons. Watching the pigeons eating, and afterward, fluttering their wings and flying towards the sky would always make him delighted. He spoke to them in his heart, and he always said that the doves would inform him from beyond the walls. After all, he had been rejected by his children for years and had no visitors or anyone to call. Years ago, following an illness, he lost his only sister, who visited him at least once every few months, after fighting with her husband for willing to visit her “murderer brother”. Thereafter, the doves, and sparrows, were his only companions. It was a Wednesday when he left and never returned. His plaintiffs were his two daughters, who insisted on his retribution after 17 years.

Alireza, a 27–28-year-old athlete, from an affluent area of Tehran, was very handsome. Because of being from a wealthy family, he was always well-dressed,



and besides, so kind to never forget his poor fellow prisoners. He also had been sentenced to retribution (death) by noose for the murder of his fiancé at the age of 20. On a Monday, he was summoned to the Sub- eight (the office of prison guards), where the guards attacked him, handcuffed and shackled him, drew a black tarpaulin bag over his head, beat him with a baton, dragged him on the ground and took him to the solitary confinement in ward 5. The horror, fear, and astonishment of all the savagery of the prison guards, struck me dumb while my knees were shaking. They took him away in the blink of an eye. It was then when I found out why the prisoners whose execution date were approaching, avoided going to Sub- eight and tried to keep themselves out of sight of the guards or having contact with them. Alireza also was taken to the execution hall on Wednesday and never returned...

Hamid was a blacksmith from the Afsarieh neighborhood in Tehran. In order for his son to be exempted from military service, he had formally divorced his wife so that his son could take custody of his mother and be exempted from military service. After his son's exemption, Hamid's wife refused to remarry him and had met another man. Hamid killed his wife after learning what had happened. Once, in the middle of the summer, I saw him crouched in the corner of the prison yard. He was praying and asking God to forgive his sin. Because of severe diabetes, he had lost his sight and did not recognize me until I was very close to him, but I could hear him sobbing and grunting. His only son

had pardoned him, but his ex-wife's father and brothers insisted on his execution. His son had repeatedly begged his grandparents to forgive his father, telling them: “I had lost my mother, please let my father live.” But they refused to consent and demanded retribution. The only thing that could make Hamid happy was his son. Before his execution, which he felt was approaching, he sold all his belongings including his mirror, refrigerator, carpet, etc., and sent the money to his son. Hamid also left on a Wednesday and never returned ...

In Rajai Shahr Prison, the execution time was on Wednesday morning. If a prisoner who had been taken for the execution, would return to the ward by the census

time on Wednesday morning, it meant that he had temporarily escaped death. And if he wouldn't, it meant that he had been hanged. Every Wednesday, there was a mourning ceremony in prison. A piece of black cloth was hung on the wall of the executed prisoner's room, with the recitation of the Qur'an for the deceased to be forgiven. His roommate and friends mourned for him, cooked Halva, and served dates. For this purpose, the prison shop was always full of dates, flour, oil, and sugar. The Wednesday in prison was a really strange day. The execution hall was perhaps less than 200 meters far from where the prisoners lived. A short distance, which for the prisoners meant the distance between life and death. Prisoners whose execution was imminent were dying every moment. They felt crushed and despondent or sometimes were angry and aggressive.

Unfortunately, in the absence of fair and transparent trials, the judicial system in Iran, disregarding the structural and social conditions which create crime, tries to bury the problem instead of solving it. Their solution is issuing death sentences and continuing the repression and oppression. Whereas the experiences of many countries, including Iran, have shown that the death penalty has not reduced crime. Rather, it has only led to a vicious cycle of violence committed by the government.

The death penalty is an inhumane punishment that has nothing to do with human society. Every democratic and freedom-loving human being must oppose the violation of the right to life, and work for the abolition of the death penalty in Iran as well as in the world. Defending the right to life, fighting for the moralization and rationalization of criminal law is a step towards a democratized society. Every human being must actively work to abolish the death penalty as well as the other violations of fundamental human rights.

## The legal status of Qassameh (oath) ceremony in criminal law

*Written by a lawyer*

October 10 is the International Day Against the Death Penalty, which as in the past, our efforts are to achieve the goal of abolishing it.

Over the last 6 months (since the beginning of the new Shamsi year), at least 146 prisoners have been executed in Iran. The figure, however, does not include the secret executions. In the past 6 months, the highest number of executions was carried out for premeditated murder, with 68 qisas (death) sentences were issued for murder cases.

One of the proofs of the crime, which was cited in some of the verdicts, was Qassameh (oath) ceremony. In addition to the previous cases, a few days ago in Kermanshah, a prisoner was executed after serving 13 years in prison, who had been sentenced to death solely based on the qassameh ceremony.

In this article, we briefly explain the problems with qassameh ceremony, a special type of oath used as proof of a crime in murder cases, which has been described in detail in Articles 312 - 346 of the Islamic Penal Code:

1- The judgment in criminal cases, must be based on the presumption of innocence. This means that everyone is innocent unless proven guilty. Article 37 of the Islamic Republic's Constitution also stipulates this essential principle. However, the Islamic Penal Code's approach in proving murder is different. In this law article, there is a term called "Lowth", which refers to the cases where there is not sufficient evidence to prove the crime, but there is suspicion based on some incriminating evidence. Therefore, despite the lack of sufficient evidence, at the judge's discretion, 50 men from the victim's family and relatives, swear an oath that the suspect is guilty of murder. And the defendant exclusively based on their oath will receive retribution (death) penalty. It is noteworthy that according to Article 340 of the Islamic Penal Code: "It is not necessary for the people taking the oath to have witnessed the crime, as their knowledge on what they say suffices." The judge also does not need to know about their knowledge origin, and the knowledge of the person taking the oath is valid as long as there is no valid reason to the contrary. It is worth mentioning that those who take the oath, may never have seen the accused and witnessed the murder, yet just based on their oath, the accused receives the retribution sentence. Obviously, in a country where some people sell their body organs for a living, a



wealthy plaintiff can easily gather enough witnesses for this purpose.

2- In all lawsuits, the principle is that the onus of proof lies with the plaintiff. The oath ceremony, however, is an exception to this principle, where the accused is asked to provide evidence of his innocence. In another word, in a clear violation of the presumption of innocence, the defendant must prove his innocence. Consequently, where the accused fails to prove his innocence, the plaintiff is asked to hold a “qassameh” ceremony as proof of his claim, based on which the accused will be sentenced to qisas (death).

The “qassameh” ceremony is not only inconsistent with the principles of human rights as well as the presumption of innocence, but also with the principles of a fair trial. As the retribution (qisas) sentence, is issued without the certainty of the accused is guilty. The sentence is passed simply by resorting to the easiest possible method, and this is in clear contradiction even with the rules of Islamic jurisprudence (fiqh), where it is essential that in case of the slightest doubt in proving the crime, the punishment shall not be imposed. Then how could this level of simplification be justified in such an important issue as retribution? What it could be called if not a crime against the suspect as well as a flagrant violation of the right to life? A horrific practice that has led to the execution of many innocent prisoners during the rule of the Islamic Republic.

In addition, in today's developed world, there are highly accurate and evidence-based methods to prove a crime. Therefore, adopting and insisting on the use of such a method lacks any logical justification and only reveals the nature of a repressive regime for which taking people's lives is a tool to show its power and prove its authority.

Finally, many articles of the Islamic Penal Code emphasize the inequality of Muslim and non-Muslim citizens. The same discrimination applies to the articles related to the “qassameh” ceremony. In fact, the foundation of the Criminal Procedure Code in Iran, as well as the Islamic Penal Code is based on the inequality between Muslims and non-Muslims, and of course between men and women. Religious discrimination and the difference in the validity of the oath of men and women also apply to the law article of “qassameh”.

## Families living with the nightmare of the gallows

*Written by a social researcher*

### Introduction

Three years ago, Zanyar Moradi wrote in a letter: "Nine years have passed. I have spent 9 years, day and night under the inhumane sentence of death. For a long period of time, I have always felt a few meters of rope with a few wooden timbers right by my side. Repeatedly in my dreams, I even have seen myself being hung. I have been thinking day and night about the gallows and the noose that is going to be thrown over my neck."

Reading Zanyar's letter raises many questions in the mind. Among them, how does receiving a death sentence feel? How does it feel being on a death row? What do the sentenced to death prisoners experience in their last moments of life?

Besides the important issues such as the quality of the trials and investigations, in the cases leading to death sentence; the number of death sentences; and the type of crimes punished by death; it seems that the experiences of the convicts, as well as their feelings about death sentence, is one of the most important aspects of the death penalty which needs to be addressed.

International human rights organizations consider the right to life as one of the basic human rights. The human rights activists and some families who have experienced the execution of their loved ones have criticized and opposed the death penalty for its inconsistencies with the right to life. However, from the author's point of view, research can be used to support these criticisms.

Opponents and critics of the death penalty in their various analyzes and reports have emphasized the inhumane nature of the death penalty. And the reports of events such as "death of a prisoner following a heart attack before the execution" draw more attention to what a prisoner on a death row experiences.

Therefore, the forthcoming research has been done to describe the difficult time the under-execution prisoners spend. However, access to prisoners on death row is virtually impossible due to various security barriers. For this reason, it was decided to focus on the views of the family members of the executed prisoners and their experiences through interviews.

### Characteristics of the executed prisoners

If you search the keyword of execution on the internet, you will find many pictures of the executed prisoners for various crimes. However, access to the information



from many families witnessing the execution, especially political executions, was hampered by security threats and pressures. So, only a few people were interviewed, and they were asked to describe their thoughts and experiences. The executed relatives of the interviewees were single men between the ages of 24 – 35, who had been sentenced to death for murder or drug related charges, and their executions were carried out in Amol, Isfahan and Evin prisons in the past 2 months to 4 years.

The experiences of the family members of the executed prisoners  
 What was commonly experienced by all witnesses to the executions was their long-lasting grief, which as they said, was much longer than other types of deaths. According to witnesses, after a few years, the families are still grieving the loss of their children and have not yet accepted their death. They attribute this to the "innocence" of those executed. One witness said: "God gives life, and only he must take it," and "mourning for young man, who despite his young age did not receive any pity or mercy, will not be forgotten."  
 In short, death by execution was unacceptable to them.  
 In recent years, however, the nature of crimes has been used by the government as a mean to justify the death penalty. The government has tried to instill the notion that the death row inmates are harmful to the society. However, the witnesses did not believe this. They said that those executed "helped the poor" and "Let alone the family, after execution, the whole neighborhood were sad." Families also believed that having a "high potential" to play a role in society has been implicated in their tendency to commit crimes.

In addition, witnesses believed that "the execution was really horrible and inhumane." Even, in cases such as murder where the execution is demanded by the plaintiffs, the families of the executed prisoners still blame the government as well as the law which supports the death penalty: "The culprit is the law of our bullshit government."  
 According to families, the reason for the law supports the death penalty, is basically the worthlessness of human lives in the rule of the Islamic Republic. "Every day, the youth of this country, either guilty or innocent, are being executed," they said. They also referred to the death penalty as an uncivilized and outdated law: "Execution and stoning take place only in Iran and Afghanistan."

In summary, according to the witnesses every human being, criminal or else, has the right to life and others, plaintiffs or the lawmakers, cannot make decisions about

human life. Furthermore, having committed serious crimes such as murder or drug trafficking, does not justify the violation of the perpetrators' human rights. As social conditions such as poverty and unemployment are the basis for committing a crime, it is not fair to blame only the criminals.  
 There are also cases where, an innocent prisoner has been executed only because of "having confessed to a crime".  
 Finally, regarding the horrible time, the sentenced to death prisoners spend before being executed, we can mention the experience of an under-execution prisoner who was recently saved from the death penalty. He had witnessed in prison the "fear", "regret" and "sadness" of those who had been sentenced to death. He referred to the deep damage that the death sentence has inflicted on himself. So much so that although he was still alive, death had overshadowed his life. He said: "Every moment you are expecting the execution." He continued "you repeatedly experience your death, living with nightmare of the noose and the Gallows".

The human rights principles regarding the death penalty can be summarized as: "Committing a crime is a big mistake. However, the bigger mistake is to execute a human being and to take his life."

Although this article was intended to address the difficult time that the death row inmates and their families experience as well as their struggle with the nightmare of the gallows, the situation which forced the author to interview only the families of non-political prisoners was a reminder of the fact that the perpetrators of the serious crimes are themselves victims of poor social and economic conditions. Finally, what needs to be emphasized is that the right to life must be respected for all.





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