

The Death Penalty in Iran and Fair Trial Guarantees



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Iran's death penalty and fair trial guarantees

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❖ **Introduction:**

There has become a debate about the maintenance of death penalty or its abolishment, as the majority of countries, especially the European countries, have agreed to abolish it, while there are countries that have applied this penalty in serious crimes, but there are a few countries that still apply it in many crimes in large number every year, including Iran that sets a record in the death penalty.

Iran applies the death penalty in various crimes, including murder, apostasy, sexual crimes like rape, enmity, and corruption on earth, which includes committing crimes against the health and physical integrity of the society's members, or any crime against the interior and external security of the country, spreading lies, arson attack, vandalism, causing serious damage to the safety of the people, or public and private property, or spreading corruption, also Iran applies the death penalty against crimes that aren't stipulated in its laws, such as drugs trafficking.

In addition, Iran is one of the countries that apply the death penalty to children under the age of 18, despite its signature to the convention on child's rights, as well as most of the death penalties that either Iran applies on children or citizens, lack to the basis of fair and equitable trial, and violate human rights.

Therefore, the report aims to show Iran's violation of the citizen's right to life through the application of the death penalty, with its violation of international conventions and covenants related to human rights, as well as the lack of fair and equitable guarantees, including a set of cases during the years 2021- 2022.

The report will explain the definition of the death penalty, the position of the international covenants and conventions on the right to life and the application of the death penalty, and to clarify the attitude of various countries on it, including Iran according to its national laws, the cases in which the death penalty is applied, and procedures for carrying out the death penalty in accordance with the Iranian law.

Finally, the report will state a set of executions that Iran has applied to a group of various crimes such as: premeditated murder, drugs, enmity, joining armed groups, in addition to show another group of cases against whom death sentences have been issued, but haven't yet been carried out, because of the recent protests that Iran has witnessed since September 2022.

❖ **Definition of the death penalty:**

The death sentence differs from the other physical penalties because it affects the most important human right, which is the right to life, so, **there are several definitions to the death penalty, including:**

1. The life's loss of the convicted person, which is in terms of the criminal policy, an eradication penalty that leads to the exclusion of the accused in an irreversible manner.
2. The life's loss of the convicted person by one of the means prescribed by law, such as hanging, shooting, beheading, electrocution, or poison gas...etc.
3. Taking the life of the convicted person by a means determined by law after issuing the death sentence from a competent court against him, due to committing a serious crime stipulated by the law.
4. Corporal penalty inflicts the person on his body and causes physical pain.

There is a comprehensive definition to the death penalty, which is: a physical punishment imposed by a competent authority on the convicted person, resulting in the death of the perpetrator who has committed a serious crime stipulated by the law, by a means determined by the law after issuing a sentence by the competent court, with the aim of deterrence and the achievement of the principle of equality between the crime and the punishment.

Hence, there are a set of elements constituting the death penalty, which are:

- Physical penalty, as it is a painful punishment that inflicts the body of the convicted person.
- It applies on the convicted person, as it does not extend to anyone except the perpetrator.
- It is issued by a competent authority.
- It should lead to the death of the convicted person.
- The crime must be serious and stipulated by the law, as it should not issue in ordinary crimes.
- It must be applied by a legal determined means, as the means differ according to the different countries and regimes.
- Its aim is to achieve deterrence and equality.

That is, the death penalty is issued by a competent authority, through a fair and impartial trial, and the accused has the right to defend himself freely and without fear or coercion.

❖ **A fair and equitable trial as a basis before issuing a death sentence:**

The right to a fair trial is one of the fundamental human rights, so, the international community has developed a set of ethics and principles in order to guarantee this right, which aim to protect the individual's rights from the moment of his arresting till his trial.

The international convention and covenants have stipulated the elements of the fair trial, as the international Declaration of Human Rights stipulates in Article no. 10, that every person on a full equality with others has the right to have his case heard fairly and publicly by an independent and impartial court to adjudicate his rights and duties in any criminal charge against him. Then the international Covenant on Civil and Political rights in Article no. 14 stipulates that all people are equal in front of the judiciary, and have the right to adjudicate in any criminal charge against them, or their rights and obligations in any civil case to have his case heard fairly and publicly by a competent, independent and impartial court established by the law.

Standards and guarantees of a fair and equitable trial in international covenants:

1. The right not to be subjected to arbitrary arrest and detention.
2. The right to inform every one of the reasons for his arrest and the charges against him.
3. The right to appoint a lawyer, and the accused to defend himself or through his lawyer, and if he does not have a lawyer, the judge shall appoint a lawyer for him on his own initiative.
4. The right to inform the family of the accused of the news of his arrest.
5. The right to non-pre-trial detention.
6. The right not to be tortured and the right to investigate allegations of torture.
7. Innocence, as any person accused of a crime shall be considered innocent until proven guilty by law.
8. The right to a public trial, as the trial should be public because secret courts violate human rights by depriving the accused of the supervisory and justice.
9. The right to discuss witnesses, as the accused has the right to examine witnesses by himself or by others.
10. The right to be assisted by an interpreter at all stages of judicial proceedings if he does not understand or speak the language used in court.

11. The right not to be retried on the same charge, as he may not be convicted of a charge of which he was previously acquitted.
12. Prohibition of retroactive application of the law.
13. The right to appeal, as every person convicted of a crime has the right to resort to a higher court.

❖ **The death penalty and the right to life in international and regional conventions and covenants:**

The international community has initiated on issuing conventions and charters either globally or regionally, within the framework of explicitly abolishing the death penalty or preserving the right to life, as the implementation of the death punishment will prevent the individual from enjoying his right to life.

1. **The Universal Declaration on Human Rights on 10 December 1948:**

Article 3 of the Declaration stipulates that: “everyone has the right to life, liberty and security”, also Article 5 denounces any form of deprivation of life by stipulating that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishments.

The Declaration indicated to the guarantees for enjoying with the right of life. However, it did not set out an explicit position on the issue of execution.

2. **The International Convention on Civil and Political Rights on 23 March 1976:**

Article 6 of the Convention stipulates in the first paragraph that the right to life is inherent to everyone, which the law should protect.

In addition, the second paragraph of the same article stipulates: in countries that have not abolished the death penalty, only the most serious crimes may be sentenced in accordance with the legislation in force at the time of the commission of the crime and by a final judgement issued by a competent court.

In the fourth paragraph of the same article, every person sentenced to death has the right to seek pardon or commutation of the sentence, and a general or special pardon or commutation may be granted in all cases.

The fifth paragraph of the same article indicated that it is not permissible to impose the death penalty on a crime committed by a person under the age of 18 and the death penalty is not carried out on pregnant women.

The International Covenant on Civil and Political Rights did not mention the abolition of the death penalty, but rather shrank it to the most serious crimes and surrounded it with a set of restrictions to reduce it as possible.

3. **Second Optional Protocol to the International Convention on Civil and Political Rights, related to the abolition of the death penalty:**

This protocol prohibits the application of the death punishment, but allows derogation from it in time of war for extremely serious crimes of a military nature, and countries should declare their reservation upon accession to the protocol and not after, as well as the number of states acceding to the protocol in 2020 reached 88 countries.

4. **European Convention on Human Rights on 4 November 1950:**

Article 2 of the European Convention on Human Rights states that the human right to life is protected by the law and no one may be deliberately executed except in execution of a court judgment convicting him of a crime for which the law requires the imposition of such a penalty.

5. **American Convention on Human Rights 1969:**

Article 4 of the Convention refers to the right to life and everyone has the right to a respectable life protected by law from the moment of conception. In countries that have not abolished the death penalty, the death penalty may be imposed only for the most serious crimes and by virtue of a final judgement rendered by a competent court and in accordance with a law providing for such punishment and in force before the commission of the crime, and the death penalty may not be applied to crimes for which it is not currently punishable.

The death penalty may not be reinstated to countries that have abolished it, and in no case may the death penalty be imposed for political crimes or ordinary crimes attached to it, and the death penalty may not be applied to persons under 18 years of age at the time of the commission of the crime, over seventy years of age or pregnant women.

Every individual sentenced to death has the right to request a special or general pardon or commutation of the sentence, and the death penalty may not be applied as long as the request is under study.

6. **Arab Charter on Human Rights 2004:**

The Arab Charter on Human Rights stipulates that states parties shall protect everyone on their territory from torture or cruel, degrading, inhuman or degrading treatment and shall take effective measures to prevent this.

Article 7 of the Charter provides additional guarantees for pregnant women and nursing mothers, so that execution is prohibited until after pregnancy has elapsed and two years have elapsed since birth, and persons under 18 may not be sentenced to death unless the legislation in force at the time of the commission of the crime provides otherwise.

7. African Charter on Human and Peoples' Rights, 1981:

Article 4 provides for the protection of the right to life, so that the sanctity of the human being may not be violated, and the right to respect for his life and the physical and moral integrity of his person, and he may not be arbitrarily deprived of this right.

8. Convention on the Rights of the Child in 1989:

In the beginning, the Convention defined a child as any human being under the age of eighteen, and the Convention stipulated in Article 37 that the State shall ensure that any child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and shall not impose the death penalty or life imprisonment for crimes committed by persons under the age of eighteen years.

No child shall be deprived of liberty unlawfully or arbitrarily, and the child shall be arrested, detained or imprisoned in accordance with the law and may only be exercised as a measure of last resort and for the shortest appropriate period of time.

❖ States' position on the death penalty:

States varied between retaining the death penalty or applying it only for the most serious crimes, and those that refuse the death penalty in all crimes without exception because this punishment violates the most important human rights, which is the right to life that is the basis of equality between all human beings.

1) States that abolishes the death penalty until 2018:

There are about 106 countries that have abolished the death penalty in all crimes, and most of them are European countries because they believe that this penalty is incompatible with the humanitarian, as well as the life imprisonment has become the maximum penalty for crimes that previously punishable by death.

In addition, there are 8 countries that have abolished the death penalty for ordinary crimes, and have applied it for the exceptional crimes such as: the crimes that are subjected to the military law, and these countries are: Brazil, Israel, Peru, Chile, El-Salvador, Burkina Faso and Kazakhstan.

Also, there are about 28 countries that do not apply the death penalty, so, the totally number of the countries that have abolished the punishment in the law or do not apply it in practice is 142 countries.

2) States that retain the death penalty until 2018:

About 56 states have retained the death penalty for ordinary crimes, and are based on the phenomenon of increasing crimes and deterrent nature of the punishment, as this penalty is a deterrent to criminals, a guarantee to the victims' rights and the security and order in the society, as well as Iran is the second country to implement executions after China.

❖ **Iran between international conventions and national laws in its application of the death penalty:**

Iran is still among the countries that apply the death penalty, and is considered as one of the 3 countries that has a track record of executions, which makes it receive reactions from the international community, as well as Iran is one of the few countries that has implemented the death penalty against the juvenile offenders.

• **From where is the death penalty derived in the Iranian law?**

The death penalty is derived in the Iranian law from Qur'an, Sunnah, Islamic traditions and the sources of Shiite jurisprudence.

The sentences of death are related to the legal limit or ta'zir, as Islam is the main reference not the judiciary, while ta'zir is the opposite of the legal limit, which is determined by the Islamic government.

The accused sentenced to death in cases of armed struggle are sentenced to the legal limit, while those sentenced to death in cases of drugs trafficking are sentenced to ta'zir.

• **The most prominent Iranian crimes for which the death penalty is imposed: -**

There are 4 main types of crimes in Iran punishable by death:-

- a) **Premeditated murder:** - The penalty is retribution or death unless the relatives of the murdered person and his guardian pardon the murderer, and the Islamic government cannot intervene regarding retribution in premeditated murder, but it is all in the hands of the victim's family and guardian.
- b) Sexual crimes such as rape: The government decides the most severe penalty in the laws of the Islamic Republic of Iran, which is the death penalty.
- c) Ruling on apostasy and insulting the Prophet: The government decides on the most severe punishment in the laws of the Islamic Republic of Iran, which is death.
- d) Crimes such as corruption on earth and enmity: Iranian law defines the charge of corruption on earth as: "any person who commits a crime on a large scale against the health and physical integrity of members of society,

or any crimes against the internal or external security of the country, or spreads lies, causes disruption in the country's economy, arsonists, sabotage, spreads or manufactures toxic, dangerous, microbial and lethal substances, establishes houses for the dissemination of corruption, fornication and prostitution, or cooperates in matters that lead to a major breach of public order, insecurity or serious damage to the physical integrity of public or private property, or causing widespread corruption, indecency and prostitution".

The enmity is the armed war against the Islamic Government, and the government prescribes the most severe penalty for these crimes according to the laws of the Islamic Republic of Iran, which is the death penalty.

- **Cases in which the death penalty has been implemented temporarily:**

The death punishment in Iran is suspended for the children under 18 years and the pregnant women, but without the sentence, as if a child commits a crime and the prescribed penalty is death. Therefore, the implementation of punishment will be postponed until reaching the legal age, then the sentence will carry out, while the death sentence of pregnant woman is suspended until her delivery, and up to a maximum of two years, provided that the child needs to breastfeed at the discretion of the doctor, and then the death penalty is carried out.

- **Crimes for which the death penalty has been abolished in Iran:**

A large number of the death sentences in Iran are associated with the punishment of the defendants in cases of drugs, although they have no legal basis.

In 2017, with the aim of reducing the international pressure because of implementing a large number of death sentences, the Iranian judiciary abolished the death penalty against those convicted in drugs cases, and then the Islamic Consultative Assembly amended the Anti-Drug Law in order to abolish the execution of those involved in cases of smuggler, except the gang leader who involved in drug trafficking by using weapons in smuggling and trafficking, or those who exploit children under 18 years in these operations.

- **The difference between arbitrary execution and intentional killing:**

- **Arbitrary execution or extrajudicial executions:** the government issues a verdict without a court order and does not take account to the rules and procedures carried out by the court and does not respect the rights of the accused, including the right of defense, and the government executes individuals in public in order to impose its hegemony and authority.

- **Premeditated murder:** - The death sentence is carried out in secret and against people accused of intentionally killing other individuals, so the death sentence is executed by order of the court, and the rules and judicial procedures and the rights of the accused are observed until the moment of execution.
- **International conventions and covenants recognizing the right to life signed by Iran:**
 - Iran is a state party to the International Covenant on Civil and Political Rights.
 - Iran voted in favor of the Universal Declaration of Human Rights along with 48 other countries and a member of the Organization of Islamic Cooperation since 1969.
 - Iran signed the Convention on the Rights of the Child on 13 July 1994.

❖ **Procedures for implementing the death penalty in Iran:**

Before executing the death penalty, it passes through many stages, in the beginning, the court of first instance hears the case, and if it imposed the death penalty, it can be appealed to another court, and if the court of appeal upholds the sentence of the court of first instance, the case is referred to the supreme court in order to express its opinion on the implementation of the procedure.

If the case is related to retribution, it must be referred to the Supreme Leader "Wali al-Faqih" in the Republic of Iran in order to carry out the death sentence, and after obtaining his permission, the final approval of the Chief Justice must be given as the official executor of the punishment in Iran and after his approval, the sentence shall enter into force unless the victim's family and guardian pardon the perpetrator.

If the death sentence is related to the legal limit or ta'zir, the convict can request a pardon, and if the commission accepts the petition, the execution of the sentence is suspended, and if it does not agree, the sentence has reached the final stage.

The judiciary is obliged to inform the convict's lawyer 48 hours before the execution of the sentence and to inform the accused's family and lawyer in retribution cases.

At all the aforementioned stages, the Supreme Leader or the Chief Justice, in accordance with the cases determined by law, and senior judicial officials may resume the trial and the execution shall be suspended until the trial resumes.

❖ **The application of the death penalty during the years 2021-2022:**

The report of the United Nations Special Rapporteur on Human Rights in Iran revealed that the number of executions are doubled in the first six months of 2022, compared to 2021, as from 1 January to 30 June 2022, there are at least 251 people were executed, including at least 6 women, in addition, in May, there are more than 55 people were executed, and that is the highest number of monthly executions since 2017.

Iranian human rights organizations assert that the Iranian regime's use of executions is a political use and aims to intimidate and further oppress citizens, which is confirmed in the report of the Special Rapporteur.

In the first 6 months of 2022, at least 80 people were executed for drug cases, and 25% of those executed in the same period were from the Baloch minority (it is the majority of the population in Balochistan province and Sistan in Iran, numbering 4 million, speaking several dialects, having a distinctive cultural identity, the majority of whom are Muslims and belong to the Hanafi Sunni sect), and the execution of 25 Kurdish citizens, and most of them are accused of premeditated murder.

In 2021, at least 330 people were executed, including at least 2 children at the time of the crime.

UN High Commissioner for Human Rights Volker Türk said on Tuesday (10 January 2023) that Iran was using the death penalty as a weapon to intimidate Iranian citizens and eliminate dissent and that executing protesters without due process amounts to state-sanctioned killing. H added: "The Iranian government was using criminal proceedings and the death penalty as a weapon to punish individuals who participate in protests and to instill fear in citizens in order to eliminate any dissent, in violation of international human rights law".

❖ **The philosophy of the death penalty in Iran:**

The goal of punishment in Iran is to terrorize society and suppress popular protests, and the execution takes place in the streets in front of the families and children.

Iran applies the death penalty to participants in demonstrations or women who refuse to wear the hijab, which is an inappropriate and unacceptable punishment.

The defendants are tried in quick virtual trials and they do not have the opportunity to defend themselves due to the short time of the virtual courts, and they miss the opportunity to meet and speak with their lawyers. This is not approved by all human rights conventions in the application of the death penalty based on speedy trials that lack all means of guarantees of a fair and equitable trial and the speedy application of the penalty.

❖ **Examples of Iranian execution cases:**

1) Executions related to the prevalent revolution in Iran since September 2022:

- a. **On 8 December 2022**, the death sentence was carried out on “Mohsen Shakary”, 23 years old, on charge of enmity, as he was accused of blocking the road, and wounding a member of Basij force, in connection with the demonstration that takes place in Iran. The Basij are a pro-government volunteer force, which was formed by the leader of the Islamic Revolution Ayatollah Ruh Khomeini in 1979, and became one of the arms of the revolutionary guards.

The Iranian human rights organization said that the authorities executed the protester after a sham trial that was not based on any legal procedures. In addition, the supreme court refused the defendant’s appeal and justified the verdict that his actions constituted enmity crime, as well as Mohsen’s body was buried after 24 hours from his execution in the presence of a few members of his family and security personnel.

The execution was carried out quickly while his family was awaiting the outcome of the appeal, and the director of the Human Rights Organization of Iran, Mahmoud al-Amiri, said that Shakari was executed after a hasty and unfair trial in the absence of a lawyer. ⁽¹⁾

- b. **On 12 December 2022**, the 23-year-old citizen “Majid Reda Rahnord”, was publicly executed on charges of murdering two members of the Basij, who are (Daniel Reda Zada and Hussien Zenal Zada).

As he was charged with “enmity”, and in a published video showing a fight and a hand-to-hand clash between a group of people, but this video did not appear the image of anyone. However, the court sentenced him to death citing to this video and his confessions, which no one knows under which circumstances these confessions are extracted.

According to the media resources close to the government, Majid Reda Rahnord clashed on 17 November on Al-Hurr Al-Amily street, with

¹ According to Al-Arabia site.

security force, and stabbed both Daniel Reda Zada and Hussien Zenal Zada with a knife to the neck and shoulder, and killed them, then he fled the scene, but he was detained on 19 November when he was planning to leave the country.

The Committee for Following-up of Detainees reported that Majid Reda Rahnord was beaten and his hand was broken during his arrest, and the authorities did not allow him to contact a lawyer appointed by himself and did not have the opportunity to defend himself in court, so there are no details about the interrogation and trial records.

In addition, the interval between Rahnord's arrest and the issuance of the indictment was only 5 days, as on November 24, the case was referred to the Revolutionary Court, which does not have jurisdiction to deal with murder cases, so Rahnord was charged with enmity with the aim of referring the case to the Revolutionary Court.⁽²⁾

- c. **On 7 January 2023**, Iran executed 2 people (Mohammad Mahdi Karami – Seyyed Mohammad Hosseini) convicted of killing a member of a security force, who is Ruhollah Ajeman, during the protests in the country, and the Court of First Instance sentenced them to death in December and was upheld by the Supreme Court.

In addition, the trial went on quickly, and Mahdi's father said the family's lawyer had not been able to access his son's case.⁽³⁾

2) Executions for crimes related to politics and joining armed groups:

- a. **On 29 January 2021**, Ali Al-Mutairi was executed in Shaiban prison in Ahvaz, on charges of killing two members of the Basij militia affiliated with the Revolutionary Guards.

Al-Mutairi was arrested in 2018, and sentenced to death by the Iranian Revolutionary Court in Ahvaz, as well as the Ahwazi human rights organization said that the court did not allow him to appoint independent lawyers and nothing is known about the details of the trial.

In addition, his relatives said that he confessed under torture for several months in Iranian intelligence cells to the accusation against him, and was charged with belonging to the terrorist organization ISIS because of changing his doctrine from Shiism to Sunnization, which is a charge

² According to Al-Arabia site.

³ According to CBC News.

directed by the Iranian intelligence services against those who convert to Sunnis, and that is contrary to the principles of freedom of belief. ⁽⁴⁾

- b. **On 30 January 2021**, the 31-year-old political activist Jawed Dahkan khald was executed in Zahedan prison, on charges of enmity and collaborating with anti-regime groups, as well as he was described as the leader of an armed group.

The Office of the United Nations High Commissioner for Human Rights had previously called for the abolition of his death sentence. ⁽⁵⁾

- c. **In early March 2021**, the Iranian authorities announced the execution of four individuals, namely (Jassim Haidari - Ali Khosraji - Hossein Silawi - Nasser Khafajian) in Shaiban prison in Ahvaz, as they are political prisoners, and before their execution, traces of torture were observed such as: bruises on their faces and other parts of their bodies, and swelling in the right hand of Ali Khosraji.

The bodies of the four people were not handed over to their families after their execution, and they were not handed any death certificates, while a security official told the families of those executed that their bodies were buried at Beheshtabad cemetery. ⁽⁶⁾

- d. **In December 2021**, the 48-year-old Kurdish activist "Haidar Korbani", was executed, on charges including murder and belonging to an armed group, and the sentence was carried out in Sanandaj prison in northwestern Iran.

Korbani denied any involvement in the killings, and human rights groups considered him a political prisoner, while Korbani was convicted of being a member of an armed group, which is the Kurdistan Democratic Party of Iran.

Human rights groups claimed that his conviction was based on questionable evidence obtained under torture, and claim that he was denied a lawyer during interrogation.

In addition, in September 2021, the United Nations urged Iran not to proceed with the execution and abolish it. ⁽⁷⁾

⁴ According to Al-Arabia site

⁵ According to Al-Arabia site

⁶ According to Hafryat electronic newspaper

⁷ According to CBC

❖ **Examples of Iranian execution cases but still not carried out:**

All the announced executions issued since the protests of 14 September 2022, for crimes against citizens, on charges of enmity and corruption on earth, and perhaps Iran's goal is to suppress widespread demonstrations and the freedom of opinion and expression.

a. **On 6 December 2022**, the 19-year-old citizen "Mohammad Broughani" was sentenced to death by the Supreme Court, and his trial began in October, on charges of enmity, where he was accused of attacking the local government building in the city of Pakdasht, east of Tehran, wounding a security guard by a knife with the intention of killing, and causing panic among people. So, the court rejected the appeal request submitted by Mohammad Broughani on 2 January 2023 and confirmed the death sentence against him, while an Iranian human rights organization said that the death sentence of Mohammed was during a trial in which he was denied the right to choose a lawyer. ⁽⁸⁾

b. **On 7 December 2022**, the Revolutionary Court sentenced the 53-year-old radiologist "Hamid Kara Hassanlu" to death in the Karaj Court, and he was subjected to severe torture that led to the breaking of his ribs.

As on 3 November 2022, he and his wife participated in the uprising on a side road near Behesht Sakina Karaj, as in this place, Ruhollah Ajamian of the Basij forces and some members of the regular forces attacked the demonstrators, which led to his murder. Hamid Kara is accused along with 15 children and young people of involvement in the killing of the Basij in the protests. ⁽⁹⁾

c. **On 13 December 2022**, the Iranian judiciary issued a death sentence against the two Kurdish brothers, Farhad Tahazadeh and Farzad Tahazadeh, for their participation in the protests in the city of Ashnaviyeh, West Azerbaijan province.

Farhad was arrested on 25 September and Farzad on 13 November during the revolutionary uprising and a revolutionary court sentenced them to enmity.

International efforts to prevent the execution of protesters are increasing, coinciding with the Iranian regime's increase in these sentences and the possibility of imminent execution of some of them. ⁽¹⁰⁾

⁸ According to Al-Ain news.

⁹ According to Iran al-Hurra

¹⁰ According to Iran International.

On 3 January 2023, the Supreme Court of Iran upheld the death sentence against 2 demonstrators participating in the protests, namely (Mohammad Mehdi Karami - Seyed Mohammad Hosseini), and the death sentence was overturned against 3 others, including Hamido Karahanlo and two others, Hossein Mohammadi and Reza Arya, due to lack of investigations. ⁽¹¹⁾

- d. **In December 2022**, the Iranian authorities issued a death sentence against 24 demonstrators, on charges with enmity, and the Iranian judiciary ratified the sentence, including: "Sahand Mohammadzadeh", 27 years old, who was charged with enmity to God, and "Mahan Sadrat", 23 years old, who was charged with carrying a knife in the protests, while the two denied the charges against them.

In addition, Sahand Mohammadzadeh's death sentence was issued after a show trial and less than two months after his arrest, as well as a revolutionary court in Tehran convicted Sahand of hostility to God and charged him with setting fire to a trash can and blocking the road. ⁽¹²⁾

On 31 December 2022, the court accepted Sahand's appeal and returned the case for review, which he had rejected the accusations and said that he had been forced and strike on hunger two weeks earlier. ⁽¹³⁾

- e. **In December 2022**, the citizen "Mohammad Qabadlo" was sentenced to death on charges related to corruption on earth and attacking police officers with a car, which led to the death of one individual and the injury of 5 others during the protests that erupted in Iran since September 2022.

Iran's Supreme Court decided to accept the appeal of protesters sentenced to death for their participation in popular protests, but it did not accept the appeal of protester Mohammad Qabalo in support of the death sentence against him. ⁽¹⁴⁾

- f. **In December 2022**, Iran issued a death sentence against the citizen "Saman Sidi Yassin", a Kurdish rapper whose songs deal with topics related to inequality, repression and unemployment, and he was accused of attempting to kill members of the security forces, setting fire to a garbage can, and firing three bullets in the air.

¹¹ According to Middle East news.

¹² According to Al-Arabia site

¹³ According to Sada Al-Balad

¹⁴ According to the Saudi citizen news platform

Iran's Supreme Court accepted his appeal, citing errors in the investigation into his case and was therefore referred back to court for consideration. ⁽¹⁵⁾

- g. On 2 January 2023, the Revolutionary Court of Iran sentenced the 18-year-old protester "Mehdi Mohammadifard", to death twice, who was arrested on 23 September by the intelligence and the Public Security Police during the protests that swept the country in the Nevshahr region in northern Iran and was charged with corruption on earth and enmity.

During his arrest, he was denied access to a lawyer of his choice and accused by the Sari Revolutionary Court of being one of the main leaders, who involved in the management and planning of protest gatherings on Wednesday 21 September.

In addition, the first branch of the Sari Revolutionary Court reported that the 21 September gathering in Nevshahr led to clashes that resulted in the death of 5 people, the injury of a police officer and damage to immovable government property by burning a traffic kiosk and the structures of banks, credit institutions and the municipality.

With the double death sentence, the court sentenced him to 7 years and 6 months in prison on charges related to propaganda against the regime, inducing and inciting the people with the aim of disturbing the security of the country, insulting the leader of the Islamic Republic, meeting and colluding to commit a crime against internal security. ⁽¹⁶⁾

¹⁵ According to Khalegyon news.

¹⁶ According to Iran International.

❖ **Conclusion:**

There are a number of countries that have abolished or suspended the death penalty in all crimes, amounting 142 countries till 2018, while there are about 56 countries still apply the death penalty, fearing from the increase of victims and maintaining security and order in the country.

Iran is one of the countries that apply the death punishment depending on many sources, and applying it to a wide range of crimes, including children, and although this punishment was abolished on some crimes such as drugs, Iran carried it out on a large number during 2022.

Most of the executions that were carried out lacked the guarantees of fair and equitable trial, as they didn't have the chance to contact a lawyer or defend themselves, also these executions are carried out quickly, especially the crimes related to corruption on earth and enmity.

❖ **Recommendations:**

1. Complying with the rules of fair and equitable trial in all crimes, especially crimes punishable by death, and giving the accused the right to appoint a lawyer to defend him.
2. Reducing the crimes punishable by death to be exceptionally serious crimes only.
3. Committing to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child and not imposing the death penalty on children who have not reached the age of 18 at the time of committing the crime.
4. Releasing clear statements by the government regarding the real numbers of people executed and the crime they committed.
5. Issuing sentences other than the death penalty for crimes related to politics, and crimes that do not constitute a threat to society.
6. Accepting appeals from all defendants sentenced to death to ensure a fair trial, as new evidence may emerge in the case.
7. Not rushing to issue death sentences in anticipation of errors in the investigations and the possibility of acquittal appearing after the execution of the sentence.