

ADDICTED TO DEATH

EXECUTIONS FOR DRUGS
OFFENCES IN IRAN

**AMNESTY
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1. INTRODUCTION

“[R]espect for all human rights is and must be an essential component of measures taken to address the drug problem.”

UN General Assembly, International Cooperation against the World Drug Problem, January 2002

“[He] phoned us from Taybad prison in Iran to say that he was going to be executed in under two hours. As far as I know he never even appeared in court... We couldn't get his body back, as the Iranians wanted 200 million rials (over US\$18,000) payment, which we couldn't afford”. These are the words of a relative of Haj Basir Ahmed, an Afghan national who is believed to have been executed in Iran in September 2011. The authorities have yet to acknowledge his execution.

Executions of alleged drugs offenders have rocketed in Iran since mid-2010. They have continued at a high rate, with the Judiciary announcing a crackdown on drug trafficking in October 2010 and following amendments to the Anti-Narcotics Law that came into force in January 2011. Many of those convicted have been killed in secret mass executions inside prisons, sometimes with their family and lawyer having little or no warning. Most, if not all, were condemned to death after grossly unfair trials, including being denied access to a lawyer and having no right to appeal. Among them were three women – all mothers solely responsible for dependent children - arrested in January 2009 on suspicion of drug trafficking, interrogated without a lawyer, tried before a Revolutionary Court in Hamedan, and sentenced to death without a right of appeal.

Arrests of suspected drug traffickers in Iran have soared in recent years, in part as a result of international assistance to try to stem the flow of narcotics from Afghanistan. Those most at risk of execution are from the most disadvantaged sectors of society: impoverished members of the majority Persian-speaking community; members of ethnic minorities that suffer discrimination in law and practice in Iran; and foreign nationals, particularly Afghans, who come from countries where economic opportunities are limited. Women are among those who have been sentenced to death, some of whom may have resorted to drug smuggling to feed their families or been lured or duped into carrying drugs for others while the drug barons often avoid arrest and prosecution.

The Iranian authorities routinely violate a wide range of international standards relating to the use of the death penalty, including that this ultimate punishment may only be imposed for the most serious of crimes after fair trials, and must not be a mandatory penalty. Many of those arrested for alleged drugs offences are tortured or otherwise ill-treated to make them

“confess”.

Mahmoud Islamdoust, a member of Iran’s Sunni Azerbaijani¹ minority and father of death row prisoner Yousef Islamdoust, who was convicted of drug-related offences after an unfair trial, told Amnesty International:

“My son is innocent. Although we had been told by the Judge that Yousef will be sentenced to six or seven months in prison, the Ministry of Intelligence has asked for his death. My son had been severely tortured in the Ministry of Intelligence for about 50 days.”

The serious flaws in the justice system in Iran are compounded by discriminatory practices against Afghan nationals, at least 4,000 of whom are on death row in Iran for drug smuggling, and other foreign nationals. It appears that some foreign nationals sentenced to death for drugs offences are never even brought to trial, and most are denied any kind of legal or consular assistance. Some only find out that they have been sentenced to death when prison authorities tell them.

Particularly disturbing are the executions of juvenile offenders – people aged under 18 at the time of the alleged crime. It appears that two such individuals – Vahid Moslemi and Mohammad Nourouzi, both Afghan nationals – were among 22 people executed for alleged drugs offences in Evin and Reja’i Shahr prisons on 18 September 2011. Others are reported to be on death row for drugs offences allegedly committed when they were under 18, some of whom may have already been executed.

Iran’s immense drug problem cannot be solved by ever increasing numbers of executions. Indeed, there is no clear evidence that the death penalty has had any identifiable effect in alleviating drug trafficking and abuse and even some officials doubt its efficacy. Despite the authorities’ addiction to the death penalty as a cure-all solution for social ills, Iran’s drug problem is continuing to grow.

Twenty years ago, the authorities stepped up executions for alleged drugs offences in a “war on drugs”, aiming to eliminate drug trafficking from the country. Today, Iran has an estimated 2 million or more addicts and users, and remains the world’s largest market for opium, as well as other illegal drugs. Iran is also an important transit country for trafficking elsewhere, particularly towards Europe and, increasingly, Africa. In a new development, ever-greater amounts of synthetic drugs such as methamphetamine (“crystal meth”) are being manufactured in Iran and trafficked abroad, mostly to Asian countries.

The introduction of new anti-drug trafficking legislation in 1989, accompanied by instructions from Ayatollah Khomeini, the founder of the Islamic Republic of Iran, to the Judiciary to speed up the punishment of criminals, triggered a sharp increase in executions of people convicted of criminal offences. The law provided for a mandatory death sentence for traffickers of specified amounts of certain illegal drugs. The number of officially announced executions² rose from 158 in 1987 to 1,500 in 1989, according to information Amnesty International was able to collect. Most victims were convicted drugs offenders, although the number of people executed for other crimes, such as murder and armed robbery, also increased, as the government turned to the death penalty as a misguided “catch-all solution to social ills ranging from embezzlement to mass murder”.³

“In some quarters in Iran the death penalty seems to have acquired the status of a virtue in itself, regardless of whether or not the punishment has any discernible effect on the problems it is intended to alleviate.”

Amnesty International, 1990

Amnesty International continues to face many obstacles when trying to investigate the use of the death penalty in Iran. It has not been granted access to the country to assess human rights developments first hand since shortly after the Islamic Revolution in 1979. Moreover, detailed and accurate information about the number of people under sentence of death in Iran is not published by the authorities. Indeed, they appear to deliberately withhold information about the scale of executions. Information about people on death row for drugs offences is particularly hard to come by, as they are often from poor and marginalized communities and may be illiterate and without access to good legal advice.

Amnesty International opposes the death penalty in all cases in all countries without exception, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. Every execution is an affront to human dignity, a human rights violation of premeditated cruelty that denies the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment proclaimed in the Universal Declaration of Human Rights. Ending executions of those convicted of drugs offences in Iran, while a major objective in itself, is just one step on the road to total abolition. If taken, this step would more than halve the number of people being executed in Iran.

Amnesty International is publishing this report to highlight the epidemic of executions for drugs offences in Iran. Some Iranian human rights defenders have warned that an increase in the rate of executions for people convicted of criminal offences may be followed by an increase in the number of executions for political offences, as the public becomes increasingly desensitized to the true horror and implications of the use of this penalty.

Pending the introduction of an immediate moratorium on executions with a view to the abolition of the death penalty, Amnesty International is calling on the Iranian authorities to:

- Commute all death sentences, including those passed for drugs offences and those imposed on juvenile offenders in contravention of international law.
- Remove all provisions in Iranian law that allow for the death penalty for drugs offences, and abolish the use of mandatory sentencing in capital cases.
- Ensure that all trials are conducted according to international standards for fair trial, including by allowing anyone who is arrested access to a lawyer from the moment of arrest and ensuring that anyone convicted and sentenced to death for drugs offences has a right of appeal to a higher tribunal.

Amnesty International is also calling on the international community, including Belgium, France, Germany, Ireland, Japan and other donors to the UN Office on Drugs and Crime (ODC) or other international governmental organizations engaged in anti-trafficking initiatives with Iran to:

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- Take steps to ensure that the Iranian authorities end the use of the death penalty for drugs offences, as a step towards the complete abolition of the death penalty.
- Reassess all cooperation agreements – whether bilateral or multilateral - to ensure that aid to Iran for the purposes of countering the flow of illegal drugs is not used to commit human rights violations, including facilitating the use of the death penalty. All available opportunities – whether bilaterally or at the level of the UN and other international forums - should be taken to remind the Iranian authorities of their obligation to end the widespread application of the death penalty and flogging for drugs offences, including by regularly voicing publicly concerns about this issue.

2. BACKGROUND: DRUG USE IN IRAN AND ANTI-DRUG TRAFFICKING INITIATIVES

DRUG USE IN IRAN

The use of crude opium (*teriak*) and a refined form (*shireh*), often smoked or drunk, stretches back hundreds of years in Iran. In common with many other countries, in recent decades Iran has seen an explosion in addiction to heroin, often called “crystal” on account of its white powdered or crystalline form, which is usually injected. Most is smuggled into Iran, particularly from Afghanistan. Consumption of other illegal drugs such as crack cocaine and, more recently, amphetamine-type stimulants (ATS) such as methamphetamine (“crystal meth” or *shisheh*) – much manufactured inside Iran - has also grown in recent years.⁴

As well as having one of the world’s highest consumption rates of illegal narcotics at over two per cent of the adult population, Iran is also an important transit country for trafficking elsewhere, owing to its long borders with Afghanistan and Pakistan. An estimated 145 metric tonnes of heroin were trafficked into Iran from those two countries in 2009, with most of it trafficked onwards, especially towards Europe.⁵ In 2008, over 1,000 metric tonnes of opium, some 450 metric tonnes of which were consumed domestically, are estimated to have been trafficked into Iran.⁶ According to UNODC:

“Afghan drug traffickers transport heroin overland to Farah and Hirat provinces, where it is stored for a defined time (usually no longer than [sic] a few days) in small villages close to unprotected areas of the Islamic Republic of Iran border. Villagers living along the border are then recruited as couriers and carry approximately 20kg of heroin each into the Islamic Republic of Iran for a reported US\$400 per trip.

“These couriers travel only at night and the journey usually takes two nights. Traffickers pay US\$2,000-2,500 for armed groups to protect each heroin or opium convoy; generally, these consist of 8-10 heavily armed guards.

“Traffickers also use the Islam Qala official border crossing (Hirat province) with the Islamic Republic of Iran, as it is very busy and difficult to police with at least 300-400 vehicles and hundreds of people crossing the border each day.”⁷

There is also evidence that drug-trafficking gangs are turning from large shipments to small amounts carried by local “mules” who may swallow capsules containing drugs.⁸

Once heroin enters Iran, it is transported in four main directions: i) through central parts of the country to the border with Turkey; ii) to the seaports and coastline; iii) to the border with Iraq; or iv) to the border with Azerbaijan. Increasing amounts are being exported beyond the sea ports to Africa.⁹

Since 2009, Iran also appears to have become a significant location for the clandestine manufacture of methamphetamine, some of which is consumed domestically, but increasing amounts are trafficked to Malaysia, Indonesia and other countries in Asia.¹⁰

In 2009, the opiate market in Iran was estimated at around US\$3 billion. The majority of the profits went to Iranian criminal groups and, to a lesser extent, foreign drug traffickers based in the country.¹¹

Drug use has a devastating effect in Iran: the rate of drug-related deaths is 91 per 1 million people aged 15-64, the fourth highest rates in the world.¹² In addition, a large majority of the over 21,000 known HIV/AIDS cases have resulted from infections arising from the use of injected drugs, according to Iran's National AIDS Committee Secretariat in the Ministry of Health and Medical Education.¹³ The first recorded case of HIV transmission through the injection of drugs was identified in 1989. By 1996, drug injection was the most prevalent way to become HIV-positive in Iran. The prevalence of HIV among prisoners is particularly high.¹⁴

When HIV/AIDS cases began to rise, the government introduced a range of harm reduction programmes, though their impact appears uneven. The initiatives include the 1997 amendment to the Anti-Narcotics Law prohibiting the imprisonment of government-certified injecting drug users¹⁵ and a 2004 directive which promoted harm reduction interventions such as needle and syringe distribution and methadone maintenance treatment. In 2008, according to Iran's Drug Control Headquarters, 172 "drop-in" centres provided services for injecting drug users; there were 274 outreach teams as well as 1,569 centres for addiction treatments. A further 25,407 individuals in prison received methadone treatment.¹⁶

ANTI-DRUG TRAFFICKING INITIATIVES

Iran has increased its efforts in recent years to combat drug trafficking across its borders. A 3m wall is being built along 700km of Iran's eastern border with Afghanistan and Pakistan, along with trenches and barbed wire. The entire border is due to be sealed by 2015.¹⁷ There are also believed to be landmines along the eastern border, although the extent is not known.¹⁸ According to the Iranian authorities, over 3,700 security personnel have been killed during counter-narcotics operations since 1979, and over 12,000 injured.

Seizures of illegal drugs in Iran rose markedly between 2002 and 2008, and by 2009 accounted for 89 per cent of all opium seizures worldwide, and 41 per cent of all heroin seizures, although these seizure rates have levelled off to some degree since.¹⁹ As a result, arrests of traffickers appear to have soared, with the fate of many likely to be execution. The Drug Control Headquarters, the national body tasked with addressing the illegal drugs problem, is said to have reported in 2008 that 246,657 "distributors", 5,279 drug users and 3,187 foreigners were arrested for drug-related offences.²⁰

The Iranian authorities are co-operating with the international community to curtail the activities of drug smugglers. Iran is part of the Paris Pact – a 2003 initiative of 55 countries and international organizations aimed at curbing the flow of opiates from Afghanistan. Part of the initiative has been aimed at improving border management co-operation between Iran, Afghanistan and Pakistan. The three countries have formed a Triangular Initiative Program sponsored by the UNODC, which offers technical and administrative support. Iran is also a

member of the Economic Cooperation Organization (ECO), a regional governmental organization whose other members are Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan. The ECO Secretariat, based in Tehran, has a Drug Control Coordination Unit. The European Union is providing funding of 9.5 million euros over three years for a project based in Iran to strengthen regional anti-narcotics cooperation between ECO members, targeting Iran, Afghanistan and Pakistan. One strand of the project involves German Federal Police support for the establishment of forensic laboratories in the region for “drugs, precursors and forged documents” but possibly also for other elements of evidence.²¹

In November 2006, the former head of UNODC said that UNODC would give US\$22 million to the Iranian authorities to bolster their efforts to combat drug trafficking. These funds were said to be intended to strengthen Iran’s eastern border against drug traffickers and for intelligence activities by police in that part of the country. According to UNODC, the help it has given the Iranian authorities,²² such as supporting training projects for counter-narcotics forces, aiding sniffer dog programmes, and providing drug-detection kits, has led to many seizures of illegal drugs.²³

At the same time, UNODC has run projects aimed at bolstering the rule of law in Iran, including by promoting reform of the justice system to improve accountability and alternatives to imprisonment. The objectives have included attempts to influence key Iranian policy makers to “align relevant judicial procedures and criminal codes with international conventions and legal instruments”.²⁴

It is not clear, however, to what extent UNODC has promoted the inclusion of adherence to international human rights standards within these projects. UNODC worked with the Drug Control Headquarters and the Iranian Judiciary over drafting the revised Anti-Narcotics Law, which came into force in January 2011, and which extended the scope of the death penalty, despite UNODC’s objectives over law reform. What is clear is that senior UNODC officials have done little to raise concerns about the imposition of the death penalty for drugs offences in Iran in their public dealings with the country. Most recently, the Executive Director of UNODC visited Iran in July 2011 and praised the Iranian counter-narcotics measures. He said that Iran “has put in place one of the world’s strongest counter-narcotics responses. Its counter narcotics efforts, good practices and concerns deserve the acknowledgment of the international community”.²⁵ He did not raise any concerns about the increasing application of the death penalty for drugs offences or other human rights violations.

Amnesty International recognizes that it is legitimate for governments to take appropriate law enforcement measures against drug trafficking and related crime, and that states may be party to international drug control treaties which require them to do so. However, all such measures must be consistent with international human rights law. This report shows that there are serious concerns regarding unfair trials and the execution of those suspected of drugs offences in Iran.

Amnesty International recognizes the serious social, security and economic problems relating to drug trafficking and drug abuse in Iran and the efforts outlined above made by the authorities to combat these problems. However, it believes that the heavy reliance on the

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death penalty to combat drug trafficking is misguided, ineffectual and an affront to human rights.

3. IRAN'S EXTENSIVE RESORT TO CAPITAL PUNISHMENT FOR DRUGS OFFENCES

The death penalty was first introduced for drug trafficking in Iran in 1959.²⁶ Hundreds of people were executed for this offence under the administration of the former Shah, according to Amnesty International's estimates.²⁷ The number of executions generally and for drugs offences specifically rose sharply after the Islamic Revolution of 1979. According to Iranian officials, around 18,000 individuals were held in connection with drugs offences in 1979,²⁸ and hundreds may have been executed between 1979 and 1980. Executions for drugs offences continued at a lesser rate during most of the 1980s, when Iran was at war with Iraq, but rose again sharply after the ceasefire in July 1988.

No longer preoccupied with an external threat, the authorities turned their attention to domestic issues, and realised that almost a decade after its establishment, the Islamic Republic had not solved social ills such as drug abuse. Indeed, the country's drug problem had worsened. Since then, government campaigns to combat drug trafficking have often been accompanied by an increase in the number of executions of convicted offenders. A harsh new Anti-Narcotics Law, announced in October 1988, came into force on 21 January 1989. Mass executions for drug-related offences began even before the new law came into force, with 56 offenders hanged in towns across Iran on 16 January 1989.

THE ANTI-NARCOTICS LAW

The new law was passed by the Expediency Council, a body set up by a decree of Ayatollah Khomeini in 1988 in order to resolve disputes between Parliament and the Council of Guardians, which vets legislation for conformity with the Constitution and Islamic Law. The Expediency Council was not formalized in the Constitution until later in 1989, and under the Constitution has no legislative power.

The Anti-Narcotics Law established a new anti-narcotics agency, the Drug Control Headquarters, and provided for a mandatory death sentence for anyone found in possession of more than 5kg of hashish or opium, or more than 30g of heroin, codeine, methadone or morphine. Recidivist offenders found in possession of amounts that cumulatively added up to these amounts would also receive a mandatory death sentence, being considered to be "corrupt on earth",²⁹ as would those convicted for a fourth time of growing poppies or cannabis for the purpose of drug production. Armed trafficking of the substances specified in the law was also punishable by a mandatory death sentence. All such executions were to be carried out in public, if deemed appropriate.

Causing others to become addicted to drugs also carried the death penalty for a third offence – unless those who became addicted were their relatives, school or university students, or members of the police or armed forces, in which case the death penalty was applied on the second offence. Other offences carried the cruel punishment of flogging, as well as

imprisonment, fines and confiscation of financial assets.

The law also criminalized drug addiction – only addicts found in possession of less than 1g were exempted from the penalties specified. All addicts were required to stop taking drugs within six months or face enforced residence in rehabilitation camps. If they kept taking drugs, they faced punishments ranging from cash fines to imprisonment and flogging.

Between January 1989 and July 1990, over 1,100 people were executed for drugs offences, in some cases combined with other charges. Many executions were carried out in public – deemed to constitute cruel, inhumane and degrading punishment, in contravention of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a State Party. Victims were hanged from cranes in public squares or from a gibbet mounted on the back of a lorry which could then be driven through the streets with the bodies still dangling. On some occasions, large numbers of convicted traffickers were executed on the same day in different towns. On one day in 1989, 81 people were executed. On 11 March 1990, 38 convicted drug traffickers were hanged in 12 cities.³⁰

By 1997, the authorities realised that their draconian approach was not working. The number of users of illegal drugs was continuing to rise and was causing a heavy burden on society, including by contributing to the spread of HIV/AIDS. With this in mind, the Expediency Council amended the Anti-Narcotics Law in November 1997, shortly after the unexpected election victory of the reformist President Khatami. The amended law maintained the death sentence for some drug-related offences. These include: planting poppies, coca or cannabis with the intention to produce drugs, on the fourth conviction; smuggling more than 5kg of opium, cannabis or grass into the country; buying, keeping, carrying or hiding more than 5kg of opium and other specified drugs, on the third conviction; and smuggling into Iran, dealing, producing, distributing or exporting more than 30g of heroin, morphine, cocaine or their derivatives. Armed drug smuggling also continued to attract a mandatory death sentence.

However, the law did go a long way towards decriminalizing drug addiction. While continuing to state that drug addiction was a crime, it permitted addicts to go to legally recognized rehabilitation centres and protected them from prosecution while there. It also excluded them from the death penalty for trafficking of drugs, by providing for cash fines and flogging sentences instead. At the same time, innovative work of medical doctors such as brothers Arash and Kamiar Alaei, who set up needle exchange programmes and methadone treatment in prisons and elsewhere with the support of the government, brought Iran international plaudits for its newly pragmatic approach to drug addiction and HIV/AIDS prevention.

Although neither brother was politically active, both brothers were arrested in 2008. Both were convicted of “co-operating with an enemy government”. The prosecution is said to have cited the brothers' participation at international AIDS conferences as part of their scheme to provoke a so-called “velvet revolution” in Iran. Amnesty International considered both to be prisoners of conscience, jailed because of their groundbreaking work with US institutions in the field of HIV/AIDS treatment and prevention, and campaigned for their release. Kamiar Alaei was released in late 2010, and Arash Alaei was released in August 2011.³¹

2011 AMENDMENTS TO THE ANTI-NARCOTICS LAW

In 2010, the authorities announced a new approach to their anti-narcotics strategy, which

included revisions to the Anti-Narcotics Law that had reportedly been pending for some years and on which UNODC provided advice.³² The amended law – also passed by the Expediency Council – came into effect in January 2011. It introduced the death penalty for trafficking or possessing more than 30g of specified synthetic, non-medical psychotropic drugs³³ and for recruiting or hiring people to commit any of the crimes under the law, or organizing, running, financially supporting, or investing in such activities, in cases where the crime is punishable with life imprisonment.³⁴ It also provides for a mandatory death sentence for the “heads of the gangs or networks”, although there is no definition given of a gang or network.³⁵ A list of the 17 offences that carry the death penalty in the amended law may be found in Appendix 1 of this report.

The amended law also continues to provide measures for the rehabilitation and reform of drug addicts, rather than criminalizing them. Under Articles 15 and 16, drug addicts are required to seek treatment in authorized rehabilitation and harm reduction centres. Those with a certificate of treatment in a rehabilitation centre are exempted from punishment for offences under the law. Any addict not in possession of such a certificate will be sent to such a centre by a judicial order for six months. This period can be extended once for a further three months at the request of the centre or of the individual with the agreement of the centre. During this time, prosecution of the individual will be suspended. If the centre reports that the individual has undergone successful rehabilitation, prosecution will be dropped. However, unlike the previous law, prosecution is envisaged for addicts who fail to be rehabilitated.³⁶ Penalties include imprisonment, fines or flogging.

In December 2010, the Interior Ministry announced plans to set up five new rehabilitation centres to treat thousands of drug addicts in the provinces of Esfahan, Kerman, Khorasan, Sistan-Baluchistan and Tehran, and said that 36,000 inmates serving time for drug-related offences would be transferred there.³⁷ In August 2011, the Minister of Justice, Seyyed Morteza Bakhtiari, reiterated that special camps to hold all “sellers and consumers” of narcotics substances would be set up in all provinces, and that seven such camps had already been created.³⁸ However, some detained or imprisoned individuals who are not drug addicts have been transferred to such centres, possibly to coerce them to “confess” to offences or as reprisals for their activities while detained.

Amnesty International welcomes such moves towards the rehabilitation and re-integration of drug users into society but is calling on the Iranian authorities to review the law to ensure that no one may be subject to the cruel punishment of flogging or the death penalty for drug-related offences.

Alongside plans to open new facilities for drug users, the Iranian authorities have been stepping up their “war on drugs”³⁹. An announcement on 11 October 2010 by the Prosecutor General that new measures had been taken to speed up the judicial processing of drug trafficking cases, including by referring all such cases to his office, raises fears that many alleged drugs offenders will be executed after summary trials in which they have been denied the possibility of a review by a higher tribunal, as is required by international law. Under Article 32 of the Anti-Narcotics Law, death sentences passed under the law are subject to confirmation by either the Head of the Supreme Court, or the Prosecutor General and Amnesty International has received information that those convicted under the law are not permitted to lodge appeals, despite the requirement in the Code of Criminal Procedures and

other laws that all death sentences should be the subject of an appeal.

EXECUTIONS: FACTS AND FIGURES

Almost three quarters of all executions in Iran are of convicted drugs offenders, according to the Head of the High Council for Human Rights, Mohammad Javad Larijani, speaking in May 2011. Earlier in the year, a Foreign Ministry spokesman said the figure was perhaps “more than 80 per cent”.⁴⁰ However, because the government does not provide comprehensive statistics on the imposition and application of the death penalty, it is difficult to monitor or know the true numbers of executions and death sentences, or the percentages of these that relate to alleged drugs offenders.

Local and national officials have repeatedly said that over half of those in prison are held for drugs offences.⁴¹ In March 2011, the Head of the Prisons Organization put the total prison population at over 220,000, over 70,000 of who were awaiting trial.⁴² It is also known that many thousands of alleged drug offenders are arrested each year in Iran. Indeed, on 6 August 2011, Hamid-Reza Hossein-Abadi, Head of the anti-narcotics squad of the Law Enforcement Force (Iran’s police) said that on average, 724 “drug smugglers and drug addicts” had been arrested per day since the start of the new Iranian year on 21 March 2011.⁴³ If this trend has continued, over 260,000 individuals will have been arrested for drug-related offences in 2011.

Other information confirms the scale of drug-related arrests. The Drug Control Headquarters said that there were over 250,000 drug-related arrests in 2008, of whom 246,657 were “distributors”, 5,279 were “drug users” and 3,187 were “foreigners”.⁴⁴

Following a visit to Iran in March 2010, Afghan Member of Parliament Taj Mohammed Mojahed said officials from the Iranian Supreme Court had told a parliamentary delegation that 5,630 Afghans were in prison in Iran, more than 3,000 of whom had been sentenced to death, mostly for drug trafficking. An Iranian official said this information was not valid as it had not been announced by the Head of the Judiciary, but conceded that there were over 4,000 Afghan nationals in Iranian prisons and detention centres, mostly held on drug-related charges, and that it was therefore possible that around 3,000 may be on death row. In December 2010, the Afghan Minister of Justice, Habibollah Ghalib, said there were about 2,000 to 3,000 foreigners, including Afghans, on death row in Iran.⁴⁵ In March 2011, the Afghan Deputy Minister of Foreign Affairs said that out of 5,000 Afghan prisoners held in Iran, 4,000 were held on drug-related charges, “with another 280 Afghans facing execution”.⁴⁶ It is not clear how many of the 4,000 held for drugs offences are on death row.

Statements and actions by officials suggest that the lack of information on death sentences and executions is a deliberate policy. In one such example, in May 2007, Hojjatoleislam Mohammad Ali Fazel, Head of the General and Revolutionary Courts of Shiraz, told the national news agency IRNA that “since it is inappropriate to make daily statements to the public about executions and *qesas* [“retribution in kind” – imposed for killing or injury – which is a form of state-imposed execution] and to provide detailed information regarding the cases, court officials prefer that not all of them be reported.” He added, “[j]ust because there is no interview given and no constant notification about executions... this does not mean that no sentences have been implemented and no strong action has been taken.”⁴⁷ In November 2011, Christine Chanet, a member of the UN Human Rights Committee said,

following the Committee's examination of Iran's implementation of the ICCPR, that the Iranian delegation failed to fully engage in the process and avoided the committee's questioning and seemed "embarrassed", particularly when she raised the question of the death penalty.⁴⁸

Amnesty International wrote to the Minister of Culture and Islamic Guidance in September 2008, seeking clarification of reports that the Ministry of Culture and Islamic Guidance wrote to the *Kargozaran* and *E'temad* daily newspapers on or around 14 September 2008 and instructed their editorial boards to cease publication of news stories concerning the use of the death penalty, notably as applied to juvenile offenders. Journalists were reportedly warned that those who continued to prepare news items on the death penalty risked being dismissed from their jobs. Any such action by the Iranian authorities would be a breach of Iran's obligations under international human rights law, notably Article 19 of the ICCPR. This states that everyone has "the right to hold opinions without interference" and that everyone has the right to freedom of expression, which "shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

The right to freedom of expression is a qualified right, but it may only be limited in certain prescribed circumstances which, clearly, would not apply in relation to public reporting of the death penalty, and particularly the use of the death penalty against juvenile offenders as this is specifically prohibited under international human rights law.

In Iran, media reporting has contributed to the resolution of cases that would otherwise have constituted serious violations of Iran's obligations under international law. For example, media reporting of the case of Nazanin Mahabad Fatehi, who was sentenced to *qesas* in 2006 for a killing which had occurred when she was aged 17, placing her at risk of execution, appears to have contributed to the review of her case. A Supreme Court decision in May 2006 overturned the *qesas* ruling and sent the case for re-trial. Subsequently, Nazanin Fatehi was cleared of intentional murder and was found to have acted in self-defence, removing the risk of execution.

Amnesty International urges the Iranian authorities to uphold the right to freedom of expression and not to impose illegitimate limitations on the reporting of death penalty cases by media outlets.

NEED FOR TRANSPARENCY

Transparency in the use of capital punishment is recognized by the international community as an important step in limiting abuses in relation to the death penalty.

The most recent UN General Assembly resolution 65/206 of 21 December 2010 calls upon all member states of the UN "to make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates..." This echoes the UN Economic and Social Council (ECOSOC) resolution 1989/64, which urged states to:

"publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death,

the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above⁴⁹ are incorporated in national law."

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions further discussed the importance of public information about the use of the death penalty in his 2006 report on transparency:

"The public is unable to determine the necessary scope of capital punishment without key pieces of information. In particular, public opinion must be informed by annual information on: (a) the number of persons sentenced to death; (b) the number of executions actually carried out; (c) the number of death sentences reversed or commuted on appeal; (d) the number of instances in which clemency has been granted; (e) the number of persons remaining under sentence of death; and (f) each of the above broken down by the offence for which the person was convicted. Many States, however, choose secrecy over transparency, leaving the public without the requisite information."

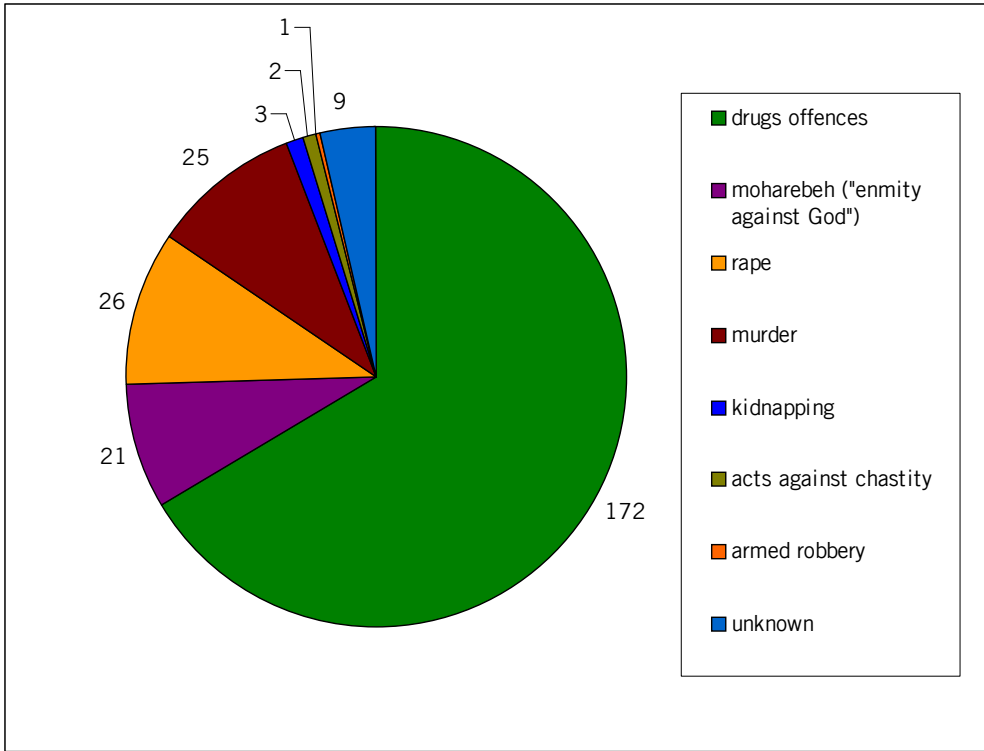
He stated that "a lack of transparency undermines public discourse on death penalty policy, and sometimes this may be its purpose,"⁵⁰ and added:

"[i]nformed public debate about capital punishment is possible only with transparency regarding its administration. There is an obvious inconsistency when a State invokes public opinion on the one hand, while on the other hand deliberately withholding relevant information on the use of the death penalty from the public. How can the public be said to favour a practice about which it knows next to nothing? If public opinion really is an important consideration for a country, then it would seem that the Government should facilitate access to the relevant information so as to make this opinion as informed as possible. It is unacceptable for a Government to insist on a principled defence of the death penalty but to refuse to divulge to its own population the extent to which, and the reasons for which, it is being applied."⁵¹

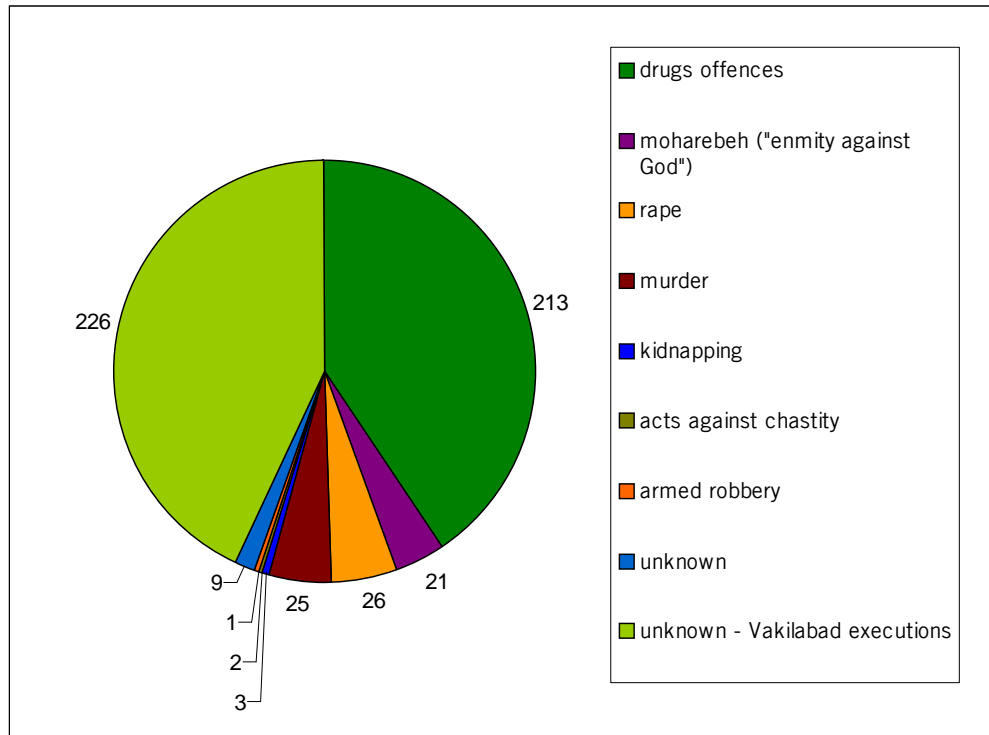
Some of those sentenced to death for drugs offences are eventually pardoned, but reports suggest that those on death row are being executed in increasing numbers, some in secret, despite the efforts of the Iranian authorities to hide the truth.

In 2010, Amnesty International recorded 252 executions announced by judicial authorities or reported in the local press, which is strictly controlled by the authorities. Of these, 172 were for alleged drugs offences – almost 60 per cent of the total. However, Amnesty International received credible reports of over 300 further executions, the vast majority believed to be for drug smuggling, bringing executions for drugs offences to around 80 per cent of the total. Over 250 of these were reported to have taken place in secret in Vakilabad Prison in Mashhad, Iran's second largest city in the north-east of the country.

Other official statements support Amnesty International's view that the true scale of executions is far higher than that officially reported. In June 2011, a provincial Justice Ministry official in South Khorasan province said that 140 drug smugglers had been executed in the province in the past Iranian year (21 March 2010 to 20 March 2011).⁵² In the same period, Amnesty International had recorded only five executions from official sources in the province. Of these, two were a minimum assessment following a statement by the Prosecutor General on 31 January 2011 that "some illegal drug traffickers were executed at dawn today inside Birjand Prison [in South Khorasan province]".⁵³



Executions officially acknowledged in Iran in 2010 © Amnesty International⁵⁴



Executions from official and unofficial sources 2010 © Amnesty International

Of the total number of people executed, the percentage involving alleged drugs offenders has risen sharply. In 2009, 166 of the 389 executions recorded by Amnesty International were for drugs offences – almost 43 per cent. By the end of November 2011, of the some 600 executions recorded in 2011 from both official and unofficial sources, 488 were for alleged drugs offences, a staggering 81 per cent.

"We reiterate this clear message to the Government of Iran to immediately implement a moratorium on the death penalty particularly in drug-related and juvenile cases."

Statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed; the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, 22 September 2011⁵⁵

International human rights organizations – including Amnesty International⁵⁶ – and four UN Special Rapporteurs have drawn attention to the massive increase in executions for drugs offences since late 2010 – amid serious concerns about the fairness of the trial proceedings in such cases – and have called on the Iranian authorities to end this killing spree.

EXECUTIONS IN VAKILABAD PRISON

"Inside Section 5 of Vakilabad Prison, death reigns."

Local human rights activist, speaking to the International Campaign for Human Rights in Iran, May 2011⁵⁷

In mid-2010, Amnesty International, along with other human rights organizations, began receiving credible reports of secret mass executions in the large Vakilabad Prison in Mashhad. The reports suggested that large groups of prisoners, mainly sentenced for drugs offences, were being executed on a fairly regular basis, but this was not acknowledged by the Iranian authorities.⁵⁸

In the whole of 2010, only five executions for drug smuggling in Mashhad, said to have taken place in April, were reported in the official press,⁵⁹ with another two acknowledged for individuals convicted of rape later the same month. However, in mid-2010, reports began to emerge of scores of executions carried out in secret. Ahmad Ghabel, a religious scholar detained for his political beliefs in early 2010, said after his release that he had learned of 50 executions during his time in Vakilabad.

“On one occasion, 31 people were executed, and the Press Department of the Khorasan Judiciary had told a Khorasan newspaper that 5 smugglers have been put to death.”

Former prisoner Ahmed Ghabel, July 2011⁶⁰

In August 2010, three secret mass executions, two involving over 60 individuals and one on 4 August involving over 89 individuals, are said to have taken place. Retired teacher and Head of the Mashhad Teachers' Association Hashem Khastar served a two-year prison term in Vakilabad Prison after conviction of “acting against national security by helping organize an event for the Graduates' Association and the Office for the Consolidation of Unity [a student body which advocates reform] and contacts with the students' movement”. He wrote several letters to the Head of the Judiciary regarding the dire conditions and secret executions in the prison.⁶¹ In one letter, he reported that 63 unannounced executions had taken place on 10 August 2010. Amnesty International has received information from another source that 63 individuals were indeed executed on 10 August 2010 and a further 67 on 18 August 2010. One of these was said to have been a Ghanaian national, Aquasi Aquwabe (see Chapter 5 below).⁶² Ghanaian diplomats had not been given notice of his execution. None of these executions was acknowledged at the time by the authorities. Altogether, Amnesty International believes that at least 259 individuals were executed in Vakilabad Prison in 2010. All but a handful are believed to have been convicted of drug-related offences.

Executions in Vakilabad Prison have continued in 2011, with at least 144 individuals executed by mid-September.⁶³ Only one of these is known to have been executed for anything other than drug smuggling. Eight individuals reportedly executed there on 18 September 2011 were named as Amir-Reza Chupan Sahranavard, son of Mohammad; Hadi Karimi son of Mohammad-Ali; Abolfazl Marati; Jalal Khiabani, son of Abbas; Javad Nazari, son of Ali; Khalil Hosseini, son of Mohammad; Massoud Bolvaye, son of Mohammad; and Khosrow Soheili Far, son of Abdollah.

Amnesty International has learned that executions in Vakilabad Prison take place in a passageway between the cells and the visiting room. A long beam is said to have capacity for up to 60 nooses to be hung along its length, to allow mass executions to take place. Victims are reported to be made to stand on stools, the noose placed around their necks, and the stools kicked away from under them. Ahmed Ghabel is reported to have said after his release:

“Inside our ward, Section 6/1, in addition to cells where prisoners would serve their long

prison terms, there were also cells where those on the death row would be brought a few hours before the execution. The situation would change so drastically, everyone would know a death-row inmate was inside the section. All doors would close and if this was during the times when prisoners could make telephone calls, the lines would be disconnected. Even other prison authorities could not move about at this time, because Section 6/1 was directly managed by the prison Intelligence Unit.”⁶⁴

“Considering the number of cases we have had, these many hangings are proportionally adequate. Foreign media is exaggerating the issue for no reason.”⁶⁵

Mahmoud Zoghi, Mashhad Prosecutor, June 2011

While initially keeping silent about these executions, in December 2010, an official indirectly acknowledged that executions had been taking place in the prison that had not been reported publicly. When staff from the UN Office of the High Commissioner for Human Rights sought information regarding the executions in Mashhad from Iranian counterparts during a visit to Tehran in December 2010, they were told that 60 people had been executed in Mashhad in pending cases mostly linked to drug trafficking.⁶⁶ This number is much higher than the seven reported executions, although less than the numbers reported to Amnesty International and others.

Similarly, officials were initially silent about reports of further mass executions in the prison in 2011 until June, when Masoud Zoghi, the Mashhad Prosecutor, said that there had been five mass executions in the prison since the start of the Iranian year on 21 March 2011, although he did not provide any numbers of those executed.⁶⁷ This corresponds to the number of occasions when mass executions had been reported.⁶⁸

CONDITIONS ON DEATH ROW

“If you have heard a description of hell, you could use it for Mashhad’s Vakilabad Prison”

Sedigheh Maleki, wife of imprisoned trade union activist Hashem Khastar, June 2011⁶⁹

Death row prisoners are often held in appalling conditions in Iran. In Vakilabad Prison, where the official capacity is 3,000 prisoners, but where 13,000 prisoners are currently held,⁷⁰ almost 2,000 death row prisoners are reported to be mainly held in Section 5, which is divided into group cells or “halls” numbered 101 to 105. Some of the “halls” are holding over four times their capacity, with consequent severe overcrowding leading to lack of beds, sanitary and kitchen facilities. Many inmates are said to sleep on the floor or in hallways, and sometimes queues for the toilet and sink stretch to 100 people. In common with other prisons in Iran, drugs are easily obtainable and rape of prisoners by other prisoners is common.⁷¹

Similar conditions are reported in Qezel (or Ghezel) Hesar prison near Tehran. Of its 20,000 inmates, around 13,000 are said to be held for drugs offences, although Amnesty International is not aware of the proportion sentenced to death. The Head of the Prisons Organization has said that the prison is holding three times its official capacity.⁷² Section 2 of the prison is known as the “execution unit” as most, if not all, of the prisoners held there are under sentence of death. Many Afghan nationals are said to be among those on death row.

On 15 March 2011, a riot broke out in Sections 2 and 3 of the prison. Prison authorities said

the riot was sparked by death row prisoners and people convicted of drugs offences committing arson and other destructive acts in an attempt to escape, as well as attacking prison guards. State television reportedly said that nine inmates and five guards died.⁷³ However, one human rights activist told Amnesty International that the prisoners were protesting because of poor conditions and attempts to transfer some of the inmates for execution. He said he had been in contact with a prisoner from inside Section 2 until the early hours of 16 March, when the phone lines were cut. He said:

“The prisoners took over Sections 2 and 3 of the prison. I was told that armed guards had stationed themselves on the roof of the prison and outside the doors to the section and the prisoners set fire to bedding to try to stop the guards from entering. The prisoner told me that the guards were shooting at everyone.”

He said that at least six people died in the prison, with up to 100 injured, some of whom died on the way to, or after arrival at, hospital. According to Human Rights Activists in Iran (HRAI), one of these was reported to be Shahram Golchin, who was not a death row prisoner. His family, insistent on receiving news about him after the riot, were told on 19 March that he was in hospital but were not allowed to visit him. Subsequently, documents showed that he had already died by this time. The family received no further information until after the Iranian New Year holiday, which ended in early April 2011, when they learned that he had died. The cause of death was given as a lung infection, but HRAI said that his body had injuries to the back, legs and head.⁷⁴ Amnesty International cannot independently confirm this information.

Two weeks after the riot, Pajhwok Afghan news reported that Iranian officials had informed the Afghan authorities that 10 of the dead were Afghan prisoners – one more than the total reported by Iran’s state television. They were identified as Ghulam Husain Husaini, “Rahman, son of Abbas”, “Mihrab” and “Waheed”, all from Kabul; “Mohammad” and “Sher Agha”, both from the Tagab district of Kapisa; Shams-u-din, Ahmad and Mohammad Sarwar, all from the Shindand district of Herat; and Nazir Ahmad from Herat city.⁷⁵

Up to 150 prisoners were transferred from Qezel Hesar to other prisons after the riot. Unconfirmed reports suggest that some have since been executed in Reja’i Shahr and Evin prisons, where dozens have been executed this year, most for drug smuggling.

4. VICTIMS OF THE DEATH PENALTY

“The number of executions is high because 74% of those executed are of drug traffickers who traffic drugs from Afghanistan to Western European countries.”

Mohammad Javad Larijani, Head of the High Council for Human Rights, speaking in South Africa in May 2011⁷⁶

The paucity of information about individuals on death row makes it difficult to paint an accurate picture of exactly who is facing execution for drug-related offences. The reports that do exist indicate that many come from disadvantaged or marginalized communities – people living in poverty who come from the majority Persian-speaking community, Afghan nationals, and those from Iran’s ethnic or religious minorities such as ethnic Baluch and the Kouresunni, a small community of Sunnis from the mainly-Shi’a Azerbaijani minority.

GROUPS MOST AT RISK

“We gave a letter to the prosecutor and we asked him to look at the case again. Allahverdi is illiterate. We don’t know anyone. We can only ask God to change this...”

Brother of Allahverdi Ahmadpourazer, a member of the Kouresunni minority, who appears to be at imminent risk of execution for drug trafficking after a grossly unfair trial

AFGHANS

There may be more than 4,000 Afghan nationals on death row for drug smuggling, and they appear to be particularly poorly treated by the justice system. It is not clear whether the large number of Afghans who have been executed in recent years in connection with drug trafficking are refugees, short-term residents and migrant workers, or irregular migrants who have no visas or work permits. A great many of the Afghans detained in connection with drug offences in northern Iran appear to come from the district of Ghoryan in Afghanistan’s north-western Herat province. Most of the drugs trafficked from Ghoryan into Iran are said to be heroin “crystal”.

Between 2002 and 2011, more than 1,000 Afghans, including minors, swallowed “capsules” to smuggle heroin into Iran from the district of Ghoryan, according to Afghan journalist Zalmay Barakzai, citing research by the Institute of War and Peace Reporting (IWPR).⁷⁷ The district, some 75km from Herat, shares over 170km of shared border with Iran, and the Afghan border police are reportedly not in a position to combat the drug traffickers because of corruption and a lack of equipment. Zalmay Barakzai states that the villages of Mengevan, Kariz, Barna-Abad and Saboul Haft-Chagh, all in Ghoryan district, have

together lost some 60 youths between the ages of 15 and 26 after “capsules” they had swallowed split open in their stomachs.

Sample cases of Afghans from the district of Ghoryan, gathered by Amnesty International, including those involving people who have been executed and those involving people currently on death row may be found in Appendix 2. At the time of writing in November 2011, there were no further details about the judicial proceedings in any of the cases apart from a few details regarding Haj Basir Ahmed.

BALUCH

Most ethnic Baluch live in Sistan-Baluchistan province in the south-east, with smaller numbers in Kerman and Khorasan Razavi provinces. Many Baluch have migrated elsewhere in Iran, particularly Tehran, to find work. They are overwhelmingly Sunni, and there are strong tribal and family ties to Baluch populations in neighbouring Pakistan and Afghanistan. Sistan-Baluchistan is one of the poorest and most deprived provinces in Iran. In recent years it has suffered severe drought and extreme weather conditions, which have placed further strain on the province’s meagre resources. It has Iran’s worst indicators for life expectancy, adult literacy, primary school enrolment, access to improved water and sanitation, and infant and child mortality.⁷⁸ As Sunni Muslims, the Baluch face discrimination in law and practice with regard to access to higher education and state employment.

Some members of the Baluch minority are involved in criminal activity, notably drug smuggling from neighbouring Afghanistan and Pakistan. Much of the drug smuggling is done by well-organized gangs, although in recent years there has been a reported increase in the number of individuals who are carrying small amounts across the borders.⁷⁹ Baluch activists claim that economic deprivation leaves their community with few alternatives to involvement in smuggling.⁸⁰

Many Baluch arrested by the authorities are accused of drug smuggling, but it is difficult to know the truth in any individual case. Baluch activists say that, in at least some cases, innocent Baluch are accused of drug smuggling or other crimes as a reprisal against the general population for attacks by armed opposition groups – mainly the Peoples Resistance Movement of Iran (formerly known as Jondallah). Amnesty International noted in a 2007 report that out of over 50 executions in 2006 that may have involved Baluch, at least 19 were reported to have been of drug offenders or drug smugglers. The others were mainly convicted of crimes such as armed robbery or banditry, murder or kidnapping.⁸¹

KOURESUNNI

The community of Sunni Azerbaijanis, known as Kouresunni, is a religious minority within an ethnic group which, though largely Shi’a, is also an ethnic minority in Iran. They live on the western side of Lake Oroumieh, north of the city bearing the name of the lake, and around Salmas, Khoy and Maku in Iran’s West Azerbaijan province. Poor and largely rural, their community appears to have faced growing social pressures in recent years: Amnesty International has received information suggesting that Kouresunni are unable to access higher education in practice, and unable to establish religious schools or NGOs.

At least five members of the Azerbaijani minority, including three Kouresunni, were reported to have been executed in Oroumieh Central Prison on 10 October 2011 for drug trafficking

offences. According to the Canada-based Association for Defence of Azerbaijani Political Prisoners in Iran (ADAPP), they were Riza Alipour and Dehghan Salamat, and three Kouresunni – Mohammad Jangali, 38, Farhad Islamdoust and Jamal Shaikhzadeh. Four were from the village of Isti Su near Salmas and one was from Gejin, near Oroumieh. All were said to have faced grossly unfair trials based on “confessions” extracted under torture and on documents prepared by the Ministry of Intelligence.⁸² A further three Kouresunni are reported to be at risk of execution – respectively from Isti Su, Qulunju and Balov.

According to information received by Amnesty International, one of those executed, Mohammad Jangali, a trainee truck driver, was detained in 2008 near Oroumieh along with the driver who was his instructor, according to a relative. A month after his arrest, he called his family and told them that he had not been aware that the truck contained drugs. The family had no contact with the court-appointed lawyer. The trial concluded speedily, and he was convicted and sentenced to death. The case was referred to Tehran by the prosecutor, and after a year, the Supreme Court upheld the death sentence for drug trafficking. The family wrote to the Supreme Court, pleading Mohammad’s innocence, but did not receive a reply, nor indeed any information about his case. In early October 2011, the prison authorities called the family and said that Mohammad would be executed in eight hours and that if they wanted to see him, they should come now. When some of them went to the prison, he told them not to cry and maintained his innocence.

Allahverdi Ahmadpourazer, a 34-year-old married father of two and a member of the Kouresunni community in Qulunju, just north of Oroumieh, is one of those facing execution in connection with drug trafficking. He is currently in Oroumieh Prison. His brother told Amnesty International that Allahverdi Ahmadpourazer was detained in the first half of 2009 when he was in a van or small truck. As with the case of Mohammad Jangali, Allahverdi has insisted that he was not aware that the vehicle contained drugs. The brother said that Allahverdi, who is illiterate, was tried and convicted by a single judge in a court in Oroumieh. He had a court-appointed lawyer who, according to the brother, “did not defend Allahverdi”. The family was recently told that the Supreme Court had upheld the conviction and sentence.

WOMEN

Women make up only a very small proportion of the total number of people sentenced to death and executed for drug smuggling. Some of these have faced capital punishment after engaging in small-scale drug trafficking to feed their families.

For example, at least eight of 32 women held on death row in Evin Prison listed in October 2010 by an Iranian human rights organization, Human Rights and Democracy Activists in Iran (HRDAI), were said to have been sentenced for drug-related offences.⁸³ Amnesty International is not aware of the execution of any of these eight, whose names may be found in Appendix 3, having been carried out.

Three women – **Hourieh Sabahi**, **Leila Hayati** and **Roghieh Khalaji**, all mothers of dependent children – were arrested on 30 January 2009 along with two men whose names are not known to Amnesty International. All five are believed to have been low-ranking members of a larger drug-trafficking operation. During their interrogation, they had no access to a lawyer. They were tried before Branch 2 of the Revolutionary Court in Hamedan and sentenced to death. They had no right to appeal, and their sentences were only confirmed by the

Prosecutor General, as permitted under the Anti-Narcotics Law.

Hourieh Sabahi's four children, one disabled, are currently cared for by relatives, as are Leila Hayati's 10-year-old son and Roghieh Khalaji's 14-year-old son and a 12-year-old daughter. Their husbands are reported to be drug addicts, either serving life sentences in prison or homeless. The women reportedly turned to drug trafficking as a result of their poverty.

Amnesty International issued an urgent appeal on 16 June 2011 for their death sentences to be commuted, after their cases came to the organization's attention, amid reports that they could be executed as soon as 26 June.⁸⁴ In July, information suggested that their cases had been referred to the Amnesty and Clemency Commission, and would be decided by the end of the holy month of Ramadan, when pardons can be issued by the Supreme Leader. At the time of writing, they are not known to have been pardoned and Amnesty International fears that they remain at imminent risk of execution or may even have been executed.

JUVENILE OFFENDERS

Iran is one of the very few countries still to carry out executions of juvenile offenders – those under the age of 18 at the time the crime was committed. Such executions are strictly prohibited under international law. Most juvenile offenders who are executed in Iran have been convicted of murder, but some death sentences are imposed on individuals convicted of alleged drugs offences when under the age of 18.

In the past, children as young as 12 have been sentenced to death for drug trafficking in Iran. In November 1999, **Azizullah Shenwari**, then aged around 11, was abducted near his home in Landi Kotal, Khyber Agency, North West Frontier Province, Pakistan. He was reportedly used by drug traffickers to carry narcotics into Iran. In November 2000, an Iranian prison informed his family that he had been sentenced to death for drug trafficking and was held in a prison in Yazd province. In June 2001, Amnesty International issued an Urgent Action on the case,⁸⁵ and wrote to the Judiciary raising its concerns. In July 2001, Shariat Baqeri, General Director of International Affairs at the Ministry of Justice, reportedly rejected allegations that Azizullah Shenwari had been sentenced to death: "In accordance with Islamic law, such a person is regarded as a juvenile and as such cannot carry criminal responsibility and it is impossible to issue a death sentence in such instance."⁸⁶ In August 2004, Amnesty International learned that in 2003 his death sentence had been commuted to 10 years' imprisonment. In January 2005, still aged only 17, he was released in a prisoner amnesty and returned to Pakistan.⁸⁷

Iranian officials claim that executions of juvenile offenders for crimes other than murder are no longer carried out⁸⁸, but Amnesty International continues to receive reports of such executions, including for drugs offences.⁸⁹ Two individuals convicted of drugs offences allegedly committed when they were under 18 – **Vahid Moslemi** and **Mohammad Nourouzi** – both Afghan nationals, were among 22 individuals executed for alleged drugs offences in Evin and Reja'i Shahr prisons on 18 September 2011, according to HRDAI. The state-run *Iran* newspaper reported the number of executions, giving only first names and without stating the age or nationality of those executed.⁹⁰ HRDAI stated that both had been arrested when aged 17 and held in Ghezel Hesar Prison for over two years before being transferred to the other prisons for execution.

Amnesty International has not been able to confirm this information, but given the shroud of secrecy that hangs over these executions it fears that it is likely to be true as the organization knows of other juvenile offenders who appear to have been on death row, some of whom may have been executed. In 2007, Amnesty International learned of at least six juvenile offenders on death row for alleged drugs offences in Iran. A list of their names may be found in Appendix 4. Amnesty International has not heard of their execution, but cannot say with any certainty whether or not they are still alive.

POLITICAL PRISONERS CONDEMNED FOR ALLEGED DRUGS OFFENCES

Some Iranians have claimed that the authorities accuse political activists of drug smuggling to conceal the execution of political prisoners. In a 1989 document, Amnesty International named seven individuals reportedly executed during mass executions under the pretext of drugs offences, who were later identified as having been arrested for supporting anti-government groups.⁹¹ During this most recent wave of executions, activists have again expressed their fear that the government will use the cover of its “war on drugs” to execute political opponents.

In January 2011, **Zahra Bahrami**, a dual Iranian-Dutch national, was executed unexpectedly, apparently in Evin Prison. This followed months in incommunicado detention, during which she was reportedly beaten, and an unfair trial in which she did not have the right to appeal. Following her death, the Netherlands recalled its ambassador to Iran. Zahra Bahrami, who had travelled to Iran to be with her daughter who was undergoing chemotherapy, was arrested on or around 27 December 2009 in the aftermath of demonstrations related to the disputed presidential election earlier that year, which were violently repressed by the authorities. Held for months without access to her family, a lawyer or consular assistance by Dutch officials, she was reported to have “confessed” on television to “forming an [illegal] group with three others”, possessing weapons and planning or engaging in acts against national security, and to have “confessed” to having contact with two banned organizations, the Anjoman-e Padeshahi-e Iran (API), and the People’s Mojahedin Organization of Iran (PMOI). Two men – **Ja’far Kazemi** and **Mohammad Ali Haj Aghaei** – accused of links to the PMOI and orchestrating anti-government demonstrations were hanged five days before her death, on 24 January 2011.

Further allegations, this time of possessing 450g of cocaine and 420g of opium, were subsequently brought against Zahra Bahrami, and she was sentenced to death on 2 January 2011 by Branch 15 of the Revolutionary Court in Tehran. She was executed at dawn on 29 January 2011. The Tehran Prosecutor’s Office was reported to have stated that she had also sold 150g of cocaine and that she was “a member of an international drug smuggling ring which used her links to the Netherlands to smuggle cocaine into Iran and that on two occasions she had smuggled drugs into Iran and distributed them.” Her daughter claimed that the drugs found were planted by security officials to make it easier for the authorities to execute her for what were really political reasons.⁹² Her body was never given back to her family, and was buried so far away that the family could not attend the funeral.

It is not possible to ascertain the truth behind these allegations. Amnesty International is aware that Zahra Bahrami had drug-related convictions in the Netherlands and the UK. However, other people have claimed that drugs, alcohol or firearms were planted on them to facilitate fabricated criminal charges. For example, a prominent defence lawyer, Mohammad

Ali Dadkhah, was arrested shortly after the disputed 2009 presidential election and detained for a month. A prosecutor at a mass show trial related to the unrest alleged in August 2009 that among other things “[guns], bullets, [and] drugs” were found in Mohammad Ali Dadkhah’s office and home, which he strenuously denied. In his eventual trial, he was not charged with offences connected to firearms or drugs,⁹³ although in July 2011 he was sentenced to nine years in prison for his role in founding a human rights organization and his activities as a lawyer.⁹⁴

5. UNFAIR JUSTICE SYSTEM

“In most cases brought to the Special Rapporteurs’ attention, there have been concerns regarding fair trial safeguards and access to a lawyer and families.”

Statement by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed; the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, 22 September 2011⁹⁵

Most - if not all - of those condemned to death for drugs offences have faced grossly unfair trials, with the procedures and practices applied from the initial detention to the denial of the right to appeal falling far short of those required by Iran’s international human rights obligations.

ARBITRARY ARREST AND DETENTION IN INTERNATIONAL LAW

Arbitrary arrest and detention are prohibited under international law. Article 9 of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a State Party provides: “No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” It further specifies that “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” An essential guarantee enshrined in Article 9 is the right for anyone deprived of his liberty to challenge before a court the lawfulness of his detention.

The UN Working Group on Arbitrary Detention has identified three categories of arbitrary detention: those held without any legal basis; those detained solely on account of the exercise of their rights, such as freedom of thought, conscience and religion, opinion and expression, and peaceful assembly and association; and those who did not receive a fair trial resulting in an arbitrary deprivation of freedom.

The Human Rights Committee, which oversees the implementation of the ICCPR, has specified that “state parties may in no circumstances invoke Article 4 [related to public emergencies] of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance ... through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence.”⁹⁶

There have been frequent reports of failures in the administration of justice relating to

alleged drugs offenders, ranging from possible arbitrary arrest, through torture and other ill-treatment to obtain coerced “confessions” that may be used as evidence in court, denial of access to family members and lawyers for long periods, and speedy, unfair trial proceedings often without the presence of a lawyer, and sometimes without even the presence of the defendant, and the lack of the right of appeal.

Afghan nationals appear to be particularly targeted for arrest for alleged drugs offences in circumstances suggesting that at least some may have been arbitrarily arrested. For example, one Afghan told Amnesty International that sometimes all Afghan nationals on buses travelling across the border between Afghanistan and Iran are arrested and accused of drug smuggling, regardless of their actual involvement.

According to the International Campaign for Human Rights in Iran (ICHRI), the nephew of a prisoner who was secretly hanged in Vakilabad Prison on 18 August 2010 said that his uncle had been arrested following the discovery of 300g of drugs inside his home. He said that his uncle had claimed that the drugs belonged to another person who fled the scene, but the presence of the drugs in his home became the basis for his prosecution, sentencing and execution after an unfair trial. The whole judicial process took only two months from arrest to execution, during which the accuracy of his claims was never examined.⁹⁷

Under the Anti-Narcotics Law, those suspected of drugs offences may be held in temporary detention for up to four months, after which the authority that issued the order “has a duty to terminate or decline [the detention] unless there are legal or justified reasons for the continuation of [the] detention order” (Article 37). This four-month period is longer than the maximum one-month initial period for which detainees may be held in temporary detention on suspicion of “national security offences” under the Code of Criminal Procedures, but since in either case such orders are renewable any number of times, in practice, this means that individuals can be kept in detention without charge or trial for an indefinite period. The UN Human Rights Committee expressed concern in November 2011 about “the average length of pre-trial detention periods, and the absence in Article 33 of the Code of Criminal Procedures of a limit to the amount of time a court can order somebody to remain in detention by law enforcement officers and recommended that the Iranian authorities “should take all necessary measures to ensure that pre-trial detention is not excessively long in law and in practice, particularly through independent judicial supervision and prompt access to lawyers, in full compliance with Article 9 of the Covenant.

All alleged drugs offenders are tried before Revolutionary Courts. Defendants are initially held for “pre-investigation”, which is conducted by a representative of the prosecutor’s office, who can be a member of one of the many security agencies in Iran, such as the Ministry of Intelligence. One of the major shortcomings of the judicial system is the routine lack of access of detainees to a lawyer from the moment of arrest, under a restrictive interpretation of a note to Article 128 of the Code of Criminal Procedures (see Appendix 5 for the text of the article and the note), in violation of Article 14 of the ICCPR. In Amnesty International’s view, repeal of this note would reduce the high numbers of arbitrary arrests, help protect individuals from torture or other ill-treatment, and make trials fairer in Iran.

The organization is urging the Iranian authorities to take immediate steps to repeal this note and other legislation to ensure that all arrested individuals in Iran have access to a lawyer of

their choice from the moment of arrest.

“I have never seen the court, but have been notified that I am on death row.”

“Mohammad”, an Afghan on death row in Iran, May 2010⁹⁸

Revolutionary Court trials are frequently held behind closed doors. Furthermore, judges have the discretion to exclude lawyers from court hearings in “sensitive cases”. As so little information is available about the procedures in drug-related cases, it is difficult to ascertain whether defendants in such cases are routinely tried in closed hearings. What is particularly worrying is the fact that Amnesty International has received reports of defendants – who are often foreign nationals, particularly Afghans – who were never brought to a trial at all. For these defendants, many of whom do not appear to have been granted access to consular assistance or any kind of legal representation, the first time they have heard that they have been tried is when they are told by prison authorities that they have been sentenced to death.

In common with individuals held for other categories of crime, those held for suspected drugs offences appear frequently to be placed under pressure to “confess” to their alleged crimes. Torture and other ill-treatment at this stage of detention are extremely common, due in large part to the heavy reliance placed on confessions as the preferred form of evidence in court.

Those convicted under the Anti-Narcotics Law do not appear to have a right to appeal. Under the Code of Criminal Procedures, sentences of more than 10 years’ imprisonment, amputation, flogging or death can be appealed to the Supreme Court. The Iranian delegation which appeared before the UN Human Rights Committee in October 2011 said that capital punishment was applied [only] for “homicide, manslaughter and drug trafficking. In all cases the sentence could be appealed”.⁹⁹ However, under Article 32 of the Anti-Narcotics Law,¹⁰⁰ all death sentences passed under the law are subject to confirmation either by the Head of the Supreme Court or the Prosecutor General who are entitled to revise or quash the sentence in the event that they find it to contravene Islamic law or that the judge was not competent. The Prosecutor General stated in October 2010 that new measures had been taken to speed up the judicial processing of drug-trafficking cases, including by referring all such cases to his office. That this means a total lack of a right to appeal was confirmed in January 2011, when the lawyer for Zahra Bahrami (see above) told Amnesty International that following the imposition of the death penalty for an alleged drugs offence against her client, there was no legal avenue to mount an appeal. She said this was because, according to the Anti-Narcotics Law, the sentence would directly pass to the Prosecutor General for confirmation. The three mothers sentenced to death in Hamedan also had no right to appeal, for the same reason. Information received by Amnesty International regarding this apparent contravention of the law governing appeals suggests there is an “informal hierarchy” of legislation in Iran, and that legislation passed by the Expediency Council takes precedence over other legislation.

Under Article 38 of the Anti-Narcotics Law, in cases of mitigation, death sentences imposed under this law can be passed to the Amnesty and Clemency Commission for review. If recommended for pardon, an individual’s name would be passed to the Supreme Leader’s office for inclusion in one of the annual national pardons.

THE RIGHT TO A FAIR TRIAL

Article 14 of the ICCPR lays down the minimum guarantees for a fair trial, including:

- Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- The press and public should not normally be excluded from the hearing, except for reasons of public order, national security, the private lives of the individuals or if publicity would harm justice.
- No one should be compelled to testify against themselves or to confess guilt.
- The judgement must be made public except in some cases concerning minors.
- Everyone shall be presumed innocent until proved guilty.
- Anyone charged with a criminal offence should have adequate time to prepare a defence and to communicate with a lawyer of his or her choice, and be brought to trial without undue delay in the presence of his or her lawyer.
- Everyone has the right to examine witnesses and to have any necessary translation provided.

DISCRIMINATION AGAINST FOREIGN NATIONALS

In April 2010, there was uproar in Afghanistan at reports that dozens of Afghan nationals had been executed in secret in Iran in the previous few weeks, prompting mass demonstrations against Iran. The Iranian authorities denied that there had been mass executions, but acknowledged that over 4,000 Afghans were detained in Iran, the majority for drug trafficking.¹⁰¹ At the time, the Afghan authorities were unable to give firm information over the number of Afghans on death row in Iran.

Following the uproar, Radio Free Europe/Radio Liberty (RFERL) reported that it had spoken to six Afghans from inside Iranian prisons where they were being held on drug-trafficking charges, who described the worrying failures in the judicial process in their cases. One of them, said to be only 16 years old, said that the 200g of drugs found on him had been planted. He said that he was awaiting execution, despite the international prohibition on the execution of juvenile offenders. Although it was not possible to confirm the stories of the six interviewed, RFERL said that all had given similar accounts which, when taken together, painted a picture of a “woefully inadequate” criminal justice system that fails to ensure due process, especially for Afghan nationals. Several of the Afghans said that they had never been brought to court, or even told the simplest facts about their case. Some said their death sentences were not clearly, or even officially, communicated to them.¹⁰²

Similar information, indicating institutional discrimination against Afghans in the criminal justice system, has been gathered by Amnesty International.

Speaking to Amnesty International and the Afghanistan Independent Human Rights Commission (AIHRC) in November 2011, a relative of “Aghaomad” from Ghoryan district said that “Aghaomad”, then 17, was arrested while delivering a cake which was, according to his relative, “stuffed” with drugs. They later learned that he was beaten over the course of some 15 days during which he was not granted access to a lawyer, after which he was detained for a further two to three months before being transferred to a prison in Zahedan to serve his “sentence”. It is not known whether he ever appeared in court, but the family was

told that if they could secure the arrest of the drug trafficker who ran “Aghaomad”, they would free him. The family has opened a case against a man in Ghoryan whom they claim is the trafficker, but he has not yet been sentenced.

A relative of 40-year-old Afghan national **Haj Basir Ahmed**, son of Haj Abdul Ja’far, executed for drug smuggling in Taybad prison on 15 September 2011, told Amnesty International that he believed that Haj Basir Ahmed had never appeared in court. He said that Haj Basir Ahmed had been arrested on the border, following which they had no news of him for several years until his family discovered his whereabouts. He said the Afghan authorities had never contacted them about his case, and it is not clear whether the Afghan authorities had been informed by Iranian officials that Haj Basir Ahmed was held in Iran. Haj Basir Ahmed telephoned his family in Afghanistan on 15 September shortly after 8pm to say that he had just been told that he would be executed at 9pm, which his family believes is what happened. No official acknowledgement of any executions in Taybad on that date was made, according to Amnesty International’s records, although HRDAI reported five executions in Taybad prison on 15 September.¹⁰³ The family of Haj Basir Ahmed said that the body was not returned to them, as the Iranian authorities had demanded 200 million rials for this to happen (see Chapter 1 above). Instead, he was buried in a cemetery in Taybad.

In other cases, Afghan family members have said they had to pay money to the Iranian authorities for the return of their relatives’ bodies – a practice also reported by some Iranians. Arbab Zarif told Radio Free Afghanistan in April 2010 that he had to borrow US\$100 to get the body of his brother, who was executed in Iran around April 2010.¹⁰⁴

The treatment faced by Afghan nationals in the judicial system is faced by nationals of some other countries, but not all. **Paul Chindo**, a Nigerian national, and **Aquasi Aquabe**, a Ghanaian national, were both reportedly executed in secret in Vakilabad Prison in 2010, without consular officials having been informed.¹⁰⁵ It is not clear when they were arrested, although Amnesty International notes that the Iranian authorities reported the arrest of 85 Africans from Tanzania, Nigeria and Ghana in March 2007. Their subsequent fate is unknown to the organization.

Zhivko Rusev, a Bulgarian truck driver, was arrested in Tabriz in September 2008 after 135kg of heroin were discovered in a secret compartment of his truck. He denied any knowledge of its presence. The Bulgarian authorities had no information concerning his fate for four months. The Bulgarian embassy hired a local lawyer to defend him, paid for by his family in Bulgaria, and his trial – attended by consular officials – began in July 2009. He was sentenced in November 2009 to life imprisonment.¹⁰⁶ Note 1 to Article 8 of the Anti-Narcotics Law provides for life imprisonment if “according to the quality and route of transportation, [the perpetrator] has not determined to distribute them inside the country”.

Rodelia Palima, a national of the Philippines, was arrested in March 2010 at Shiraz International Airport with a bag containing around 1kg of cocaine, which she claimed a friend in Malaysia had asked her to pick up, saying it contained jewellery. Her family had no information about her fate after her arrest until July 2010, when she called them and told them she was held in an Iranian prison. She was not granted consular access until at least July 2010. She is reported to have had two court appearances without the presence of a lawyer, although subsequently she was provided with legal assistance through Iran’s legal aid

system.¹⁰⁷ Rodelia Palima's father told Amnesty International in September 2011 that his daughter had been sentenced to life imprisonment in August 2011. Philippine officials were reportedly not informed of her trial beforehand and received news of her verdict and sentence from the Judiciary. Her father said that in order to visit his daughter, Philippine consular officials have to submit a request to the Ministry of Foreign Affairs, and that permission takes around six weeks to be granted.

EQUALITY BEFORE COURTS FOR FOREIGN NATIONALS

The UN Human Rights Committee has underscored the principle of the right to equality before courts and tribunals and to a fair trial in its General Comment 32 (2007). The Committee stated that:

"The right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status, whether asylum seekers, refugees, migrant workers, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State party."¹⁰⁸

The UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern in 2010 that language barriers in Iran may create an obstacle in access to justice for ethnic minorities. The Committee also expressed its concern at reports of discriminatory treatment of foreign nationals in the Iranian justice system. The Committee recommended that Iran provide translators and interpretation, as appropriate, to ensure access to justice, and to intensify its efforts to ensure due process and transparency for all persons in the justice system, including foreign nationals.

6. THE DEATH PENALTY: A VIOLATION OF HUMAN RIGHTS

“[P]eople who use illegal drugs are among the most marginalised and stigmatised in society. They are a group uniquely vulnerable to a wide array of human rights abuses, including, in some countries, execution under legislation that fails to meet international human rights safeguards.”

Rick Lines, International Harm Reduction Association in 2007¹⁰⁹

Amnesty International opposes the death penalty worldwide in all cases without exception. The death penalty is a violation of the most fundamental of human rights: the right to life. It is the premeditated and cold-blooded killing of a human being by the state in the name of justice. It is the ultimate cruel, inhuman and degrading punishment. There is no escaping the risk of error that can lead to the execution of an innocent person.

As an organization concerned with the victims of human rights abuses, Amnesty International recognizes the suffering of families of crime victims. However, executions are brutalizing, achieve nothing but revenge, and cause great anguish for the families of those who are executed. The death penalty is disproportionately imposed on the poorest, least educated and most vulnerable members of society. It takes the lives of offenders who might otherwise have been rehabilitated. Crime is often linked to other social problems such as poverty, drug abuse, unemployment and the disintegration of the family, none of which is solved by executions. Indeed, the loss of a family member through execution may even exacerbate such problems.

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. Criminologists have long argued that the best way to deter crime is to increase the certainty of detection, arrest and conviction. A survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and last updated in 2007, concluded that “it is not prudent to accept the hypothesis that capital punishment ... deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment”.¹¹⁰

The rationale for using the death penalty for drugs offences is that it will deter traffickers more effectively than other punishments. But despite the thousands of executions carried out in Iran – or in other countries – there is no clear evidence that the death penalty has had any identifiable effect in alleviating drug trafficking and abuse. On the contrary, Iran has seen a relentless rise in its addiction rates year by year. In the countries which have introduced the death penalty for drug offences and in those which have carried out executions, Amnesty International is aware of no evidence of a decline in trafficking that could be clearly attributed to the threat or use of the death penalty.

Iran’s predilection to the death penalty appears to have blinded the authorities to the risks this could entail. These include: the risk that traffickers faced with a possible death penalty would more readily kill to avoid capture, increasing the danger to law enforcement officials;

the risk that traffickers under the age of 18, or even drug abusers, would suffer the death penalty while those behind the crimes escaped capture and punishment; and the risk that increasing the severity of penalties would drive up drug prices, playing into the hands of organized crime and attracting hardened criminals prepared to face the attendant dangers.

In addition, the administration of justice in Iran, in both law and practice, flouts internationally accepted standards for a fair trial – thereby increasing the inherent risk of executing the innocent. Furthermore, many of those arrested are low-level “drug mules” who may be driven into drug trafficking through poverty and lack of alternative economic opportunities; executing such individuals does nothing to disband the organized gangs which control the drugs trade. Executing these people not only fails to deter others, but also fails to deal with the underlying issues that drive them to offend, such as poverty and lack of education, and obviously precludes the possibility of reform.

CAPITAL PUNISHMENT FOR DRUGS OFFENCES: INTERNATIONAL LAW AND STANDARDS

International human rights standards encourage states to move towards complete abolition of the death penalty and state that where it is still maintained, it may only be imposed for the most serious of crimes after proceedings which meet international fair trial guarantees, and that it may not be a mandatory penalty.

Article 6(2) of the ICCPR, to which Iran is a State Party, states that “[i]n countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes...” According to the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Economic and Social Council (ECOSOC) in resolution 1984/50 of 25 May 1984 and endorsed by the UN General Assembly in resolution 39/118, adopted without a vote on 14 December 1984, “[i]n countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes, with lethal or other extremely grave consequences.” (Safeguard 1)

The UN Human Rights Committee has on numerous occasions found that drug-related offences do not meet the criterion of “most serious crimes”,¹¹¹ a finding reiterated in 2007 by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions who stated:

“The conclusion to be drawn from a thorough and systematic review of the jurisprudence of all of the principal United Nations bodies ... is that the death penalty can only be imposed in such a way that it complies with the stricture that it must be limited to the most serious crimes, in cases where it can be shown that there was an intention to kill, which resulted in the loss of life.”¹¹²

In 2009, the Special Rapporteur reminded states that under international law, capital punishment for drug trafficking should be abolished and that death sentences already imposed for drug trafficking should be commuted to prison terms.¹¹³

The UN High Commissioner for Human Rights and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, have also both stated that the imposition of the death penalty for drugs offences violates international human rights law.

The latter has noted that, in his view, “drug offences do not meet the threshold of most serious crimes. Therefore, the imposition of the death penalty on drug offenders amounts to a violation of the right to life, discriminatory treatment and possibly ... their right to human dignity.”¹¹⁴ The UN Secretary General and the UN Special Rapporteur on the situation of human rights in Iran have both expressed concern in 2011 about the high level of executions for drug-related offences.¹¹⁵ In October 2011, the UN Human Rights Committee recommended that the Iranian authorities should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, in the meaning of Article 6 (2) of the ICCPR.

The death penalty should also not be a mandatory penalty. In resolution 2005/59, adopted on 20 April 2005, the then UN Commission on Human Rights urged all states that still maintain the death penalty “to ensure... that the death penalty is not imposed... as a mandatory sentence”.

International human rights bodies have consistently found that mandatory death sentences are prohibited under international human rights law. The UN Human Rights Committee, the expert body charged with monitoring States’ implementation of the ICCPR, has consistently determined that mandatory death sentences constitute a violation of the right to life, as provided in the ICCPR. For instance, in considering an individual complaint it stated:

“The Committee notes that the mandatory imposition of the death penalty under the laws of the State party is based solely upon the category of crime for which the offender is found guilty, without regard to the defendant’s personal circumstances or the circumstances of the particular offence... The Committee considers that such a system of mandatory capital punishment would deprive the author of the most fundamental of rights, the right to life, without considering whether this exceptional form of punishment is appropriate in the circumstances of his or her case... The Committee finds that the carrying out of the death penalty in the author’s case would constitute an arbitrary deprivation of his life in violation of article 6, paragraph 1, of the Covenant.”¹¹⁶

The 2007 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated:

“Making the death penalty mandatory for certain crimes, in such a way that a judge is prohibited from taking the circumstances of an individual accused person into account in sentencing, is illegal under international human rights law.”¹¹⁷

It also states:

“The experience of numerous judicial and quasi-judicial bodies has demonstrated that mandatory death sentences are inherently over-inclusive and unavoidably violate human rights law. The categorical distinctions that may be drawn between offences in the criminal law are not sufficient to reflect the full range of factors relevant to determining whether a death sentence would be permissible in a capital case. In such cases, individualized sentencing by the judiciary is required in order to prevent cruel, inhuman or degrading punishment and the arbitrary deprivation of life.”¹¹⁸

The viewpoint that the mandatory death penalty is a human rights violation has been

confirmed by the Inter-American Court of Human Rights in *Boyce et al v. Barbados* (2007) and a wide range of national courts and judicial bodies have also ruled mandatory death sentences as a form of punishment unconstitutional.¹¹⁹

Finally, the strict application of fair trial guarantees is of the utmost importance in death penalty cases. In view of the irreversible nature of the death penalty, trials in capital cases must scrupulously observe all the international and regional standards protecting the right to a fair trial. All safeguards and due process guarantees set out in international standards applicable during pre-trial, trial and appellate stages must be fully respected. Safeguard 4 of the 1984 ECOSOC Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty, states:

“Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.”

Safeguard 5 goes on to state that the death penalty:

“...may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 [of the ICCPR], including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings”.

Amnesty International believes that all executions constitute violations of the right to life. At the very least, international human rights bodies and experts agree that it is a violation of the right to life to execute a person after an unfair trial, as provided for under Article 6(1) of the ICCPR. The Human Rights Committee has stated that in death penalty cases,

“[t]he procedural guarantees [in the ICCPR] must be observed, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher tribunal. These rights are applicable in addition to the particular right to seek pardon or commutation of the sentence.”¹²⁰

While the existence of clemency proceedings is prescribed by Article 6(4) of the ICCPR, Article 14(5) of the same Covenant includes the right to review by a higher tribunal for any criminal conviction.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated:

“...proceedings leading to the imposition of capital punishment must conform to the highest standards of independence, competence, objectivity and impartiality of judges and juries, as found in the pertinent international legal instruments. All defendants facing the imposition of capital punishment must benefit from the services of a competent defence counsel at every stage of the proceedings. Defendants must be presumed innocent until their guilt has been proved beyond a reasonable doubt, in strict application of the highest standards for the gathering and assessment of evidence. In addition, all mitigating factors must be taken into account. The proceedings must guarantee the right to review of both the factual and the legal

aspects of the case by a higher tribunal, composed of judges other than those who dealt with the case at the first instance. The defendant's right to seek pardon, commutation of sentence or clemency must also be ensured".¹²¹

In the case of foreign defendants, these fair trial standards include the right of the accused to communicate with consular officers of their home countries, according to Article 36 of the Vienna Convention on Consular Relations, to which Iran is also a State Party. This means that at the very least the home state must be informed of any arrest of a foreign national. However, the right to consular assistance in death penalty cases has been further elaborated by a 2001 decision of the International Court of Justice.¹²² Article 16 (2) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment reiterates the "right of detained foreign nationals to communicate by appropriate means with a consular post or the diplomatic mission ... or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization."¹²³

7. CONCLUSIONS AND RECOMMENDATIONS

The Iranian authorities have once again embarked on a killing spree, mainly directed at those convicted of drug-related offences. Twenty years on from a previous experiment with mass executions, the authorities have ignored the lesson that Iran's immense drug problem cannot be solved by a widespread application of this most harsh of penalties, when there is no convincing evidence that its use deters serious crime any better than imprisonment. On the contrary, Iran's drug problem is continuing to grow, with a particularly worrying explosion in the manufacture and distribution of amphetamine-type substances both within the country and abroad, particularly in Asia.

The international community has identified Iran as a key partner in the attempt to stop the flow of illegal opiates from Afghanistan and is directing aid to the country to bolster Iranian efforts to interdict opium and heroin entering the country or being trafficked through it to other destinations, or precursor chemicals being trafficked into Afghanistan through Iranian territory. However, these efforts have resulted in increased arrests of drug traffickers, many of whom are likely to face the death penalty. Donor countries are not doing enough to ensure that Iran ends executions for drugs offences, which do not meet the criterion of "most serious crimes" for which the death penalty may be applied under international law.

In addition, as this report highlights, there are serious flaws in the administration of justice in Iran, which raise fears that many, or even most, of those sentenced to death for drug-related offences do not receive a fair trial. If executed under such conditions, their executions amount to an arbitrary deprivation of life, which is also prohibited under international human rights law. There are concerns that the authorities may once again use the cloak of executions for drugs offences to hide the execution of those sentenced for political offences. The continued imposition of the death penalty for drugs offences on juvenile offenders, and reports of executions of some of them, is also a gross violation of international law.

Those most at risk of execution for drug-related offences are often from the most disadvantaged sectors of society: those with few economic opportunities who often hail from ethnic minorities that suffer discrimination in law and practice in Iran, or foreign nationals who often come from countries where their economic opportunities are limited. Some may be duped into carrying drugs for others. Executing such individuals will do nothing to address the serious underlying issues faced by many, nor give any chance for reform, and may impose increased hardship on families left behind, possibly without a breadwinner.

Urgent and sustained action is needed to bring about a halt to this practice and to reform the justice system in Iran to ensure that all trials meet international fair trial standards. To this end, Amnesty International is urging the Iranian authorities and the international community to take the steps outlined below.

RECOMMENDATIONS

Pending the introduction of an immediate moratorium on executions with a view to the abolition of the death penalty in line with UN General Assembly resolutions 62/149, 63/168 and 65/206 on a “Moratorium on the use of the death penalty”;

To the Iranian authorities:

- Commute all death sentences, including those imposed for drugs offences and those imposed on juvenile offenders, in contravention of international law.
- Remove all provisions within the Anti-Narcotics Law and other relevant domestic legislation that allow for the death penalty or flogging for drugs offences.
- Abolish the use of mandatory sentencing in capital cases.
- Ensure that trials in all capital cases meet, as a minimum, the standards for fair trial as laid down in Article 14 of the ICCPR, including by allowing all arrested persons access to a lawyer from the moment of arrest; allowing foreign nationals to have consular access, and ensuring that anyone convicted and sentenced to death for drugs offences has a right of appeal to a higher tribunal.
- Publicize annually comprehensive statistics on the death penalty and facts on the administration of justice in death penalty cases.
- Permit the free reporting of the extent of Iran’s resort to the death penalty as well as public debate on the subject.
- Review policies and practices to ensure that marginalized communities, including those in border areas which have historically been associated with drug trafficking, are not discriminated against in the allocation of resources and that measures are taken to ensure that all such communities can enjoy their full range of civil, political, economic, social and cultural rights.

To the international community, including Belgium, France, Germany, Ireland, Japan and other countries financing anti-trafficking initiatives through UNODC or other international governmental organizations:

- Take steps to ensure that the Iranian authorities end the use of the death penalty for drugs offences, as a step towards the complete abolition of the death penalty.
- Reassess all cooperation agreements – whether bilateral or multilateral - to ensure that aid to Iran for the purposes of countering the flow of illegal drugs is not used to commit human rights violations, including facilitating the use of the death penalty. All available opportunities – whether bilaterally or at the level of the UN and other international forums – should be taken to remind the Iranian authorities of their obligation to end the widespread application of the death penalty and flogging for drugs offences, including by regularly voicing publicly concerns about this issue.

APPENDIX 1: CAPITAL OFFENCES UNDER THE ANTI-NARCOTICS LAW

Summary of 17 offences that carry the death penalty under the 2011 Anti-Narcotics Law

No.	Nature of offence	Article of the Anti-Narcotics Law
1	Fourth conviction for cultivation of opium poppies or cannabis for the purpose of producing narcotic or synthetic, non-medical psychotropic drugs.	2
	<i>In the following offences the term "narcotic" refers to bhang, Indian hemp juice, opium, opium juice or residue or synthetic, non-medical psychotropic substances listed by Parliament.</i>	
2	Import, export, production, manufacture, distribution, sale or supply of more than 5kg of narcotic or synthetic, non-medical psychotropic substances. (The death penalty is commuted for first-time offenders when distribution or sale was not accomplished and the amount was less than 20kg.)	4(4)
3	Third conviction for purchase, possession, concealment or transport of 5-20kg of narcotic or synthetic, non-medical psychotropic substances.	5(4)
4	Repeat conviction for more than 20kg of narcotic or synthetic, non-medical psychotropic substances.	5(5)
5	Repeat conviction for more than 5kg of narcotic or synthetic, non-medical psychotropic substances, if operated as a network and the substances were intended for domestic use inside Iran.	5 (note)
6	Repeat conviction of import, export, production, manufacture, distribution, sale, attempted sale, purchase, possession, concealment or transportation, when the total narcotics or synthetic, non-medical psychotropic substances seized from all convictions exceeds 5kg.	6
	<i>In the following offences the term "narcotic" refers to heroin; morphine; cocaine; other chemical derivatives of morphine, and cocaine; lysergic acid diethylamide (LSD), methylenedioxymethamphetamine (MDMA or ecstasy), gamma-hydroxybutyric acid (GHB), flunitrazepam, amphetamine, methamphetamine ("crystal meth") or any other synthetic, non-medical psychotropic drug listed by Parliament.</i>	
7	Import, manufacture, production, distribution, export, purchase, sale, supply, possession, concealment or transportation of more than 30g of narcotics. The death penalty is commuted for a first offender where distribution or sale was not accomplished and the amount is less than 100g, or where the perpetrator had not intended to sell or distribute the narcotics inside Iran, as shown by the route and type of transport.	8(6)
8	Fourth conviction for above where the total amount of narcotics seized from all convictions exceeds 30g.	9
10	Armed smuggling of any illegal narcotic or synthetic, non-medical psychotropic drugs.	11
11	Recruiting or hiring other people to commit any of the crimes under this	18

44 Addicted to death
Executions for drugs offences in Iran

	Law or organizing, running, financially supporting, or investing in such criminal activities, in cases where the crime is punishable with life imprisonment.	
12	Heading a gang or network which commits any of the crimes under this Law.	18
13	Placing illegal narcotic or synthetic, non-medical psychotropic drugs in a locality for the purpose of accusing another person when the narcotic drugs offence is punishable by death.	26
14	Forcing a minor or mentally impaired person to commit one of the crimes under the Law, where the penalty for the crime is life imprisonment.	35
	<i>In the following offences the term "substance" refers to synthetic/chemical substances such as acetic anhydride, anthranilic acid, phenylacetic acid, acetyl chloral and other substances mentioned in Tables I and II of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, and related amendments, and codeine or methadone, where the purpose is to produce, or convert to, narcotic or synthetic, non-medical psychotropic drugs.</i>	
15	Third conviction for manufacture, purchase, sale, possession, transportation, import, export and supply of more than 5kg of synthetic/chemical substances or purchase, sale, manufacture, possession and export of codeine or methadone.	40
16	Repeat conviction for more than 20kg of these substances.	40
17	Repeat conviction for more than 5kg of these substances, if operated as a network.	40

APPENDIX 2: SAMPLE CASES OF AFGHANS FROM GHORYAN DISTRICT CONVICTED OF DRUGS OFFENCES IN IRAN

No.	Name	Father's name	Age	Time in jail	Location of jail	Tribe / village	Other information
1	Mr Qadir	Haji Abdol Rasoul	28-29	6 months	Taybad	Mangawan, Ghoryan	
2	Mr Imam	Dost Mohammad	27-28	3 years	Taybad	Mangawan, Ghoryan	
3	Mr Borhan	Jamaloddin	35	6 years	Mashhad	Mangawan, Ghoryan	
4	Mr Asadollah	Sia Khan	26-27	2 years		Mahal Khana, Ghoryan / Barakzai	
5	Mr Homayoun	Timor Khan	22	1 year		Mahal Khana, Ghoryan / Barakzai	
6	Mr Naeem		35-36	1 year	Mashhad	Mangawan, Ghoryan / Tajik	Hanged in mid-2011
7	Mr Mohammad	Haj Agha Mohammad	28	1 year		Bazaar (centre of the town), Ghoryan	
8	Mr Farough	Kashmir	26	3 years		Bazaar, Ghoryan / Alizai (Pashtoun)	
10	Mr Abdol Rahim	Mohammad Omar	22	6 years	Mashhad	Chah Mazar, Ghoryan	Sentenced to life imprisonment
11	Mr Ahmad		32	1 year		Gandomana, Ghoryan / Zori	
12	Haj Basir Ahmed	Abdol Ja'far	40	More than 1 year	Taybad	Mangawan, Ghoryan / Barakzai	Hanged on 15 September 2011

APPENDIX 3: WOMEN ON DEATH ROW FOR DRUGS OFFENCES

List of women reported by Human Rights and Democracy Activists in Iran (HRDAI) in October 2010 to be on death row in Evin Prison for drug-related offences and not known to have been executed.

1. **Soraya Zakaria Nejad**, homemaker, had been in prison for four years, held in Cellblock 3 in Evin Prison.
2. **Ashraf Amrayi**, 38, homemaker, had been in prison for two years, held in Cellblock 3. Her husband has already been executed for a drug-related offence.
3. **Sadat Safavi**, 45, homemaker, held in cellblock 1.
4. **Fereshteh Bigvand**, 45, homemaker, had been in prison for five years, held in Cellblock 1.
5. **Leila Khajeh Vandi**, 32, had been in prison for five years, Cellblock 1.
6. **Noqreh Khazayi**, 47, homemaker, convicted of murder and a drug-related offence, had been in prison for four years, held in Cellblock 2.
7. **Mina Cheraghi**, 25, had been in prison for two years.
8. **Sherafat Bigvand** had been in prison for five years.

APPENDIX 4: JUVENILES CONVICTED OF ALLEGED DRUGS OFFENCES ON DEATH ROW

List of juvenile offenders reported in 2007-2008 to be under sentence of death for alleged drug-related offences

Name	m/ f	Age at time of arrest	Place	Initial court	Confirmation by Supreme Court	Further details
Nazbibibi Ateshbejan	f	16	Khoramabad	Branch 107, Khoramabad Criminal Court, 1 May 2006	Supreme Court, 12 February 2006	
Ahmad Nourzehi	m	12	Sistan-Baluchistan	Revolutionary Court, 2005		From Sistan-Baluchistan, he was sentenced to death for carrying and supplying heroin, apparently when he was 12.
Feyz Mohammad (Afghan national)	m	16	Karaj	Branch 122, Karaj Children's Court, September 2004		He was tried and sentenced to death by judge Loqham Kia Pasha in Branch 122 of the Special Juvenile Court of Karaj, 40km west of Tehran. He was accused of stealing 7kg of pure morphine from his employer, and giving it to a group of Afghan immigrants distributing drugs. He faced no other charges.

Feyzollah Soltani	m	Believed to have been under 18	Yazd	Yazd Revolutionary Court		He was sentenced to death by a Revolutionary Court in Yazd for carrying and supplying drugs, and drug addiction
Mohammad Ghos, son of Mohmmad Sharif, (Afghan national)	m	17	Khorasan	Court in Mashhad		Mohammad Ghos, an Afghan boy from the village of Faghedan near the city of Herat in Afghanistan, was arrested at the age of 17 at the Havai roundabout in the city of Mashhad. He was charged with carrying 820g of "crystal" which he had swallowed before crossing the Iranian border with a false passport. He was sentenced to death by a court in Mashhad and is now in Vakilabad Prison.

APPENDIX 5: ARTICLE 128 OF THE CODE OF CRIMINAL PROCEDURES

Article 128: The defendant may bring along a lawyer. After the completion of the investigation and without interfering with the investigation, the defendant's lawyer may notify the judge of anything he/she may deem necessary for discovery of the truth, for defending the defendant or for exercise of the laws. Statements of the lawyer shall be recorded in the procès-verbal. (110)

Note: In instances where the case has a confidential aspect (111) or the presence of somebody other than the defendant may, at the discretion of the judge, cause corruption, as well as in the case of offences against national security, the presence of a lawyer during the investigation stage shall depend on court permission. (112)

Footnote:

110. Opinion 7/7 – 25 March 2001, General Department of Legal Affairs and Formulation of Legislation of the Judiciary: As directed by Resolution dated 27 January 1992 of the Expediency Discernment Council of the Regime, concerning appointment of lawyers by the parties to cases, all courts shall be required to admit lawyers. Ultimately, lawyers shall not be entitled to interfere with the investigation during the preliminary investigation, with a view to Article 128 of the Code of Criminal Procedures, and only after completion of the investigation, they may notify the judge of anything they may deem necessary for discovery of the truth, for defending the defendant or for exercise of the laws, to be recorded in the procès-verbal.
111. Opinion 7/7329 – 21 December 2000, General Department of Legal Affairs and Formulation of Legislation of the Judiciary: By confidential cases under Article 128 of the Criminal Investigation Procedure Code, it is meant the instances mentioned in the three paragraphs of Article 188 [cases relating to national security or cases which might offend public religious sentiments].
112. Opinion 7/5080 – 24 December 2002, General Department of Legal Affairs and Formulation of Legislation of the Judiciary: The civil and criminal affairs and the various stages of criminal investigation shall be distinguished from one another. Hence, in civil as well as criminal affairs, upon the completion of the preliminary investigation, lawyers of the parties to cases may consult the file to study it and prepare themselves for defence. The office director [of the court] shall make the file available to them without needing court permission. However, during the stage of investigation, court permission is necessary with a view to Article 128 of the Code of Criminal Procedures ...and its Note.

ENDNOTES

¹ Most members of the Azerbaijani minority in Iran are Shi'a Muslims. A small minority are Sunni Muslims, known as the Kouresunni.

² During this period, the Iranian authorities also executed thousands of political opponents in secret, mostly during mass summary executions in the second half of 1988 which have become known as the "prison massacres".

³ Amnesty International, *Iran: Violations of Human Rights 1987-1990*, (Index: MDE 13/21/90), December 1990, <http://www.amnesty.org/en/library/info/MDE13/021/1990/en>

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⁶ UNODC, "The global heroin market", *World Drug Report 2010*, page 60, http://www.unodc.org/documents/wdr/WDR_2010/World_Drug_Report_2010_lo-res.pdf

⁷ UNODC, *The Global Afghan Opium Trade: A Threat Assessment*, 2011, http://www.unodc.org/documents/data-and-analysis/Studies/Global_Afghan_Opium_Trade_2011-web.pdf

⁸ Zalmay Barakzai, *Ghachagh-e heroin az Ghoryan be Iran rubeh afzayesh ast*, 12 June 2011

⁹ Reuters, *Nigeria seizes \$9.9 million heroin shipment from Iran*, 19 November 2010, <http://www.reuters.com/article/2010/11/19/us-nigeria-iran-heroin-idUSTRE6AI3FR20101119>

¹⁰ UNODC, "Global and regional overview", *World Drug Report 2011*, http://www.unodc.org/documents/data-and-analysis/WDR2011/Global_and_regional_overview.pdf

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¹² UNODC, "The opium/heroin market", *World Drug Report 2011*, http://www.unodc.org/documents/data-and-analysis/WDR2011/The_opium-heroin_market.pdf

¹³ Islamic Republic Of Iran, *Country Report on Monitoring of The United Nations General Assembly Special Session on HIV and AIDS*, February 2010, pages 14-15 http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/2010progressreportsubmittedbycountries/iran_2010_country_progress_report_en.pdf

¹⁴ In one province the rate of sexual transmission was equal to that of drug injection. See Islamic Republic of Iran, *Country Report on Monitoring of the United Nations General Assembly Special Session on HIV and AIDS*, February 2010, page 16, http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/2010progressreportsubmittedbycountries/iran_2010_country_progress_report_en.pdf

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- ¹⁷ Al-Arabiya News, *Iran's eastern borders to be sealed off by 2015 to prevent smuggling, infiltration*, 2 July 2011, <http://www.alarabiya.net/articles/2011/07/02/155830.html>
- ¹⁸ Iran has not ratified the Mine Ban Treaty. In February 2006, the Ministry of Foreign Affairs wrote, "Due to our expansive [sic] borders and problems resulting from narcotics and terrorist trafficking, our defence institutions are considering the use of landmines as a defensive mechanism." See Landmine Monitor 2006 report on Iran: <http://www.icbl.org/lm/2006/iran.html>
- ¹⁹ UNODC, *World Drug Report 2011*, http://www.unodc.org/documents/data-and-analysis/WDR2011/The_opium-heroin_market.pdf
- ²⁰ UNODC and Paris Pact Initiative, *Drug Situation Analysis Report: Islamic Republic of Iran*, 2010, <https://www.paris-pact.net/upload/60917b46799714c5bfe0b0b2dc6f9e82.pdf>
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- ²⁵ UN News Centre, *Senior UN official highlights counter-narcotics efforts on visit to Iran* 18 July 2011, <http://www.un.org/apps/news/story.asp?NewsID=39063&Cr=UNODC&Cr1>
- ²⁶ Article 4 of the 1959 Act to amend the Law on Poppy Plantation and the Use of Opium introduced the death penalty for a repeated offence of trafficking opium and other controlled substances. See <http://www.unodc.org/doc/en/1960-1.pdf>
- ²⁷ Amnesty International, *The Death Penalty: No solution to illicit drugs*, (Index: ACT 51/002/95), October 1995, footnote 20.

²⁸ Interview with Seyyed Mahmud Alizadeh Tabatabai, in *Siyasat*, 9 December 2000.

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³⁶ Chair of the Dublin Group, *Country Report on Iran to the Dublin Group*, 27 May 2011, page 5
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<http://www.presstv.ir/detail/157809.html>

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⁵⁴ *Moharebeh* (“enmity against God”) is defined in Articles 183 to 186 of the Penal Code. Among those designated as *mohareb* are those convicted of armed robbery, “membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this.” Other references in law specify other circumstances where someone may be considered a *mohareb*, which include espionage and forming a group to harm state security. “Acts against chastity” relates to some kinds of sexual relations that take place outside of marriage.

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⁸⁸ The Iranian delegation to the Human Rights Committee's 103rd session in October 2011 admitted that Iranian legislation on executing persons under 18 years of age was currently somewhat incomplete and was in the process of reform. However, one delegate stated that mature persons below the age of 18 "more or less had legal responsibility" ... "but they would not be executed and the Guardian Council had given its blessing". See UN Office at Geneva, *Human Rights Committee considers report of the Islamic Republic of Iran*, 18 October 2011,

http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/35BC94050C100589C125792D00324F1F?OpenDocument

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¹⁰⁰ Article 32 states: "Death sentences issued by virtue of this act shall be final and enforceable after the endorsement of the Chairman of the Supreme Court or the Prosecutor General."

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¹¹⁹ See, for example, the ruling of the Judicial Committee of the Privy Council on the death penalty for murder in the Bahamas which found it “inhuman and degrading” and therefore unconstitutional (*Forrester Bowe and Trono Davis v. The Queen*, Judgment of the Lords of The Judicial Committee of the Privy Council (from the Court of Appeal of the Bahamas), delivered on 8 March 2006 (2006) UKPC 10.) See also report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, 29 January 2007, UN Doc. A/HRC/4/20, para 58, http://www.extrajudicialexecutions.org/application/media/A_HRC_4_20.pdf

¹²⁰ UN Human Rights Committee, General Comment 6, para. 7.

¹²¹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/51/457, 7 October 1996, para. 111.

¹²² The right to consular assistance for individuals facing the death penalty in countries other than their countries of origin was elaborated by the International Court of Justice in its 2001 decision in the case of *LaGrand (Germany v. the United States of America)*. The Court found that by not informing the two German nationals of their rights under Article 36, paragraph I(b) of the Vienna Convention on Consular Relations of 24 April 1963 of being able to communicate messages to their country’s consular representatives, the USA breached its obligations to the Federal Republic of Germany and to the *LaGrand* brothers under the Convention. The Court also found that US authorities should review the conviction and the death sentence. See International Court of Justice, *LaGrand Case*. Germany v. the United States, 27 June 2001, <http://www.icj-cij.org/docket/files/104/7736.pdf>

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