*To:*

Head of the Judiciary

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*In copy to:*

Secretary General, High Council for Human Rights

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*Ort, Datum*

Your Excellency,

I am writing to express my deep concerns about the issue of executions for drug-related offences in Iran which have soared since mid-2010.

In 2010, 170 of the 253 executions acknowledged by the authorities were of individuals convicted of drugs offences. The executions of over 200 other convicted drugs offenders were not acknowledged by the authorities, or were carried out secretly. Various Iranian authorities have claimed in 2011 that between 70 and 80 per cent of executions are carried out after individuals have been convicted of drugs offences.

In October 2010, the Interior Minister stated that the campaign against drug trafficking was being intensified, and the Prosecutor-General stated in the same month 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. In January 2011, amendments to the Anti-Narcotics Law came into force, extending the scope of the death penalty to include additional categories of illegal drugs (for example, methamphetamine - “crystal meth”), possession of more than specified amounts of which carry a mandatory death sentence.

As a state party to the International Covenant on Civil and Political Rights (ICCPR), the government of Iran is legally bound to observe the provisions of this treaty and to ensure that they are fully reflected in the country’s laws and practices relating to human rights. Article 6(2) of the ICCPR states that “sentence of death may be imposed only for the most serious crimes”. UN human rights mechanisms - including the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions and the UN Human Rights Committee - have concluded that the death penalty for drug offences fails to meet the condition of "most serious crime". The UN High Commissioner for Human Rights and the former director of the UN Office on Drugs and Crime (UNODC) have likewise expressed grave concerns about the application of the death penalty for drug offences.

Furthermore, I am concerned that under the Anti-Narcotics Law, which was passed by the Expediency Council, there are 17 offences which are punishable by death. Under Article 32 of this law, death sentences for drugs offences are confirmed by either the President of the Supreme Court or the Prosecutor-General. According to information received by Amesty International, those convicted often have no right to appeal against their conviction and sentence, as their sentences are merely subject to confirmation. Since October 2010, it appears that the Prosecutor-General may be confirming all death sentences for drug related offences. This contravenes Article 19 of the Law on Appeals, and the Code of Criminal Procedures, which provide for an appeal for all death sentences, as well as Article 14 (5) of the ICCPR which states that “[e]veryone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law”.

Whilst recognising 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, may I point out that drugs offences do not meet the threshold of “the most serious crimes” to which the death penalty must be restricted under international law and that execution should not be a mandatory sentence. In addition, juvenile offenders – those convicted of alleged crimes committed when they were under 18, should never have the death penalty imposed on them, as this is strictly prohibited under international law.

Amnesty International recognizes the right of governments to bring to justice those who commit recognizable criminal offences, but opposes the death penalty in **all** cases as a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment.

An immediate moratorium on executions should be enforced and the Iranian authorities should urgently review its Anti-Narcotics law to ensure that drugs offences are not punishable by a mandatory death sentence; that juvenile offenders are not sentenced to death or executed; and those sentenced to death have the right to appeal their sentence in accordance with the Iranian and International law.

Yours sincerely,

[Name and title]