



# Iran

## Foreign Nationals and the Death Penalty

### Death Penalty Overview

Iran is a leading global executioner; second in the world for summary executions, and until 2017 legislative reform to the Anti-Narcotics law, was consistently the highest executioner per capita. Iran has also failed to constrain its capital statute book to only the most serious offences. In 2021, 50% of executions (182 people) were following convictions for murder charges under the principle of qisas, or retribution.

The remaining 50% were for drug offences (36%), political offences and other crimes such as sodomy and rape. Iran has also attracted international condemnation for executing juvenile offenders, with its threshold of criminal responsibility as low as 14 for boys and eight for girls. Foreign nationals have been known to be executed for crimes committed at even younger ages.

Adultery and same-sex sexual relations are death eligible offences, with the former potentially punishable by stoning. Capital offences are frequently leveraged against ethnic minorities and foreign nationals as a state response to drug-traffickers, political opponents, those accused of spying, members of opposition groups and minority activists in civil society.

Until 2017, the majority of executions in the Islamic Republic of Iran were for drug-related offences. The reform to the Anti-Narcotics law rowed back on the 1997 and 2011 revisions, which successively lowered the death-eligible minimum-thresholds for drug trafficking. Since then, although the numbers of those executed for drug offences reduced in 2018-2020, in 2021 the number of people executed for drug offences rose again sharply.

In 2021, at least 131 people (36%) were executed for drug offences, compared with 30 or fewer drug-related executions in each of the years from 2018-2020. Foreign nationals (particularly Afghans and Baluchi Pakistanis) disproportionately face the death penalty for these crimes, partly due to their involvement in the drug trade routes.

2021 also saw former Head of Judiciary Ebrahim Raisi elected as President. Raisi's judicial tenure was defined by a spike in the death penalty to suppress dissidence. He played a central role in the executions of thousands of political prisoners in the 1980s, in addition to clamping down on mass protests in 2009, 2019 and 2021. Now President of the Islamic Republic of Iran, there are serious concerns that instances of mobilising the death penalty as a tool of political suppression will increase under his administration.

## Foreign Nationals on Death Row

Foreign nationals are at a significant disadvantage in the application of the death penalty in Iran. At times, they seem also to be discriminated against. Afghans are the most represented foreign group sentenced to death. This is due in part to the large refugee and migrant Afghan population in Iran and also the route of the drug trade through these countries. Pakistan, the second highest cohort of foreign nationals, is also a major drug-producing country. They also share an ethnic minority group, the Baluch, who are often targeted by Iran for being involved in 'anti-Iranian' activity. All of the other foreign national cases found were also ethnically Kurdish. Hence, we can see that both foreign nationality, but also, perhaps more crucially in Iran, ethnicity and religion play a large part in determining who is most at risk of the death penalty in the country.

Foreign nationals on death row in Iran are likely to be unfamiliar with their legal rights and isolated from protective networks. For example, they are much less likely to be able to pay *diya*, blood money to the family of the deceased in order to avoid execution. They also face language and cultural barriers. This can be compounded by the regime's prosecutorial preference for forced signed confessions, which are often in a language the defendant can't read or write.

## Dual Nationals

Dual Iranian nationals, while representing only a fraction of the overall death row population in Iran, play a pivotal role in Iran's political landscape. As of January 2022, the Centre for Human Rights in Iran notes the imprisonment of 16 dual Iranian nationals in Iran. The majority face spurious charges of espionage, foreign collusion or security offences.

The Islamic Republic of Iran does not recognise dual nationality of Iranians and so categorically denies consular assistance to anyone with dual citizenship. Despite this 'hostage taking' being repeatedly denounced by foreign powers, Iran continues to use it as a powerful tool to seek to combat Western sanctions, arrange prisoner swaps and obtain leverage in nuclear negotiations.

### Ahmadreza Djalali



Ahmadreza Djalali, a 51-year-old Swedish-Iranian expert in disaster medicine, travelled to Iran to attend a conference. While there, he was arrested on 24 April 2016 and sentenced to death by Branch 15 of the Revolutionary Court on 21 October 2017 on spurious espionage charges based on a false 'confession' extracted under torture. The sentence was upheld by the Supreme Court on 5 December 2017 and he continues to be held in Evin Prison. He was denied access to lawyers for months and denied access to consular assistance as Iran does not recognise his dual Swedish nationality. Despite UN intervention he has still not been released. He has been held in prolonged solitary confinement for over 100 days and tortured. He also suffers from medical issues which require treatment which has been denied.

## Kabir Dehghanzahi

Kabir Dehghanzahi was just 13 years old when he was arrested crossing the Iranian border with an older man who was found to have drugs on him. Both Kabir and Dad Mohammad Deghanzahi, the older man, were arrested and charged with drug trafficking. Kabir had been travelling to Iran to start a job as a driving assistant. Kabir was kept on death row for 8 years and then executed in 2017 in Zahedan. The fact that he was a minor at the time of the alleged offence was not considered. The execution took place while Iran was amending its drug policy laws and was part of a number of executions which were carried out before alterations could be made to the law.



*Rajai Shahr Prison, near Tehran, which houses many death row prisoners*

## Minority Groups

A large proportion of those sentenced to death and executed belong to minority ethnic or religious groups, such as Baluchis or Kurds. Baluchis are predominantly Sunni Muslims who are mainly situated in the border region between Iran and Pakistan. The Kurdish people are also predominantly Sunnis and live largely in the border areas between Iran, Turkey, Syria and Iraq. In 2015, a group of four men were arrested and accused of being members of Jaish ul Adl, a Salafi jihadist militant organization of majority Sunni Baluchi membership. It is not clear whether the charges were founded or not. Two of those arrested were Iranian and two Pakistani.

The two Pakistanis, Denzo Chakerzahi and Shaker Baluch, who are both Baluchi, as well as one of the Iranians Abubakr Rostami (Kurdish), were sentenced to death in August 2017 by the Revolutionary Court in Zahedan. The other Iranian, Aziz Jalali (Baluchi) received a 25-year sentence instead of a death sentence. Abubakr Rostami complained about his treatment to a visiting prison delegation and the Supreme Court has subsequently annulled his execution order. However, the judge posted a bail of 80 billion Romans (£141,000) for his release, which is far beyond the reach of any ordinary person. The two Pakistani men remain on death row, unless their execution has not been publicly reported.

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