

Death Penalty in Iran

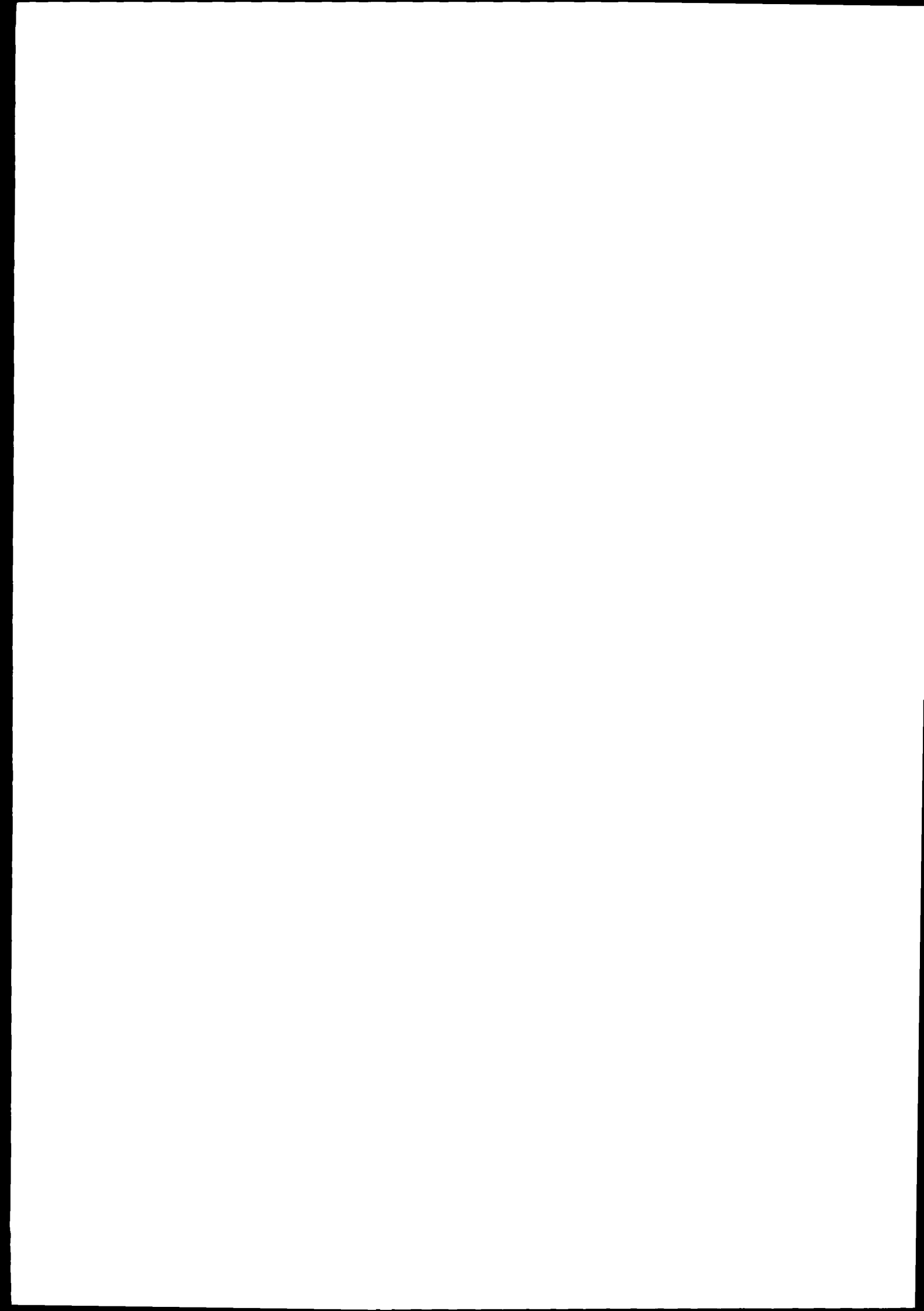


by Mehrez Darabi

***an ongoing crime against humanity
and
a challenge for human rights defenders worldwide***

MAF-DAD

Association For Democracy and International Law



Content

Preface	2
Overview on death penalty in Iran	3
Death penalty for minors	5
Delara Darabi	
Death penalty for political prisoners	6
Farzad Kamangar	
Death penalty for homosexuality	10
Hamzeh Chavi and Loghman Hamzhepour	
Links	11
Declaration	12

Preface

20th century has seen a tendency towards abolition of the death penalty worldwide. Today, a majority of states has abandoned capital punishment. One of the last states that continue to impose this archaic punishment on their citizens is Iran.

Iran is also one of the few states in the world that still have not abandoned the execution of minors. Death penalty is imposed and executed for alleged offences committed by youth under the age of 18. This is in violation of the international agreements that Iran has signed.

This brochure accompanies a series of seminars organized by the Association for Democracy and International Law (MAF-DAD) together with several other lawyer's associations and human rights organisations.

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Mr Khalil Bahramian is a lawyer from Iran defending several prisoners who are on death row and face execution. He was invited to provide the European public with first-hand background information about the implementation of death penalty and executions in Iran.

MAF-DAD – Association for Democracy and International Law has been founded by German and Kurdish lawyers. It is defending and promoting civil liberties and human rights in Europe and the Middle East with a focus on Kurdistan and Turkey.

We would like to thank Democratic Lawyers Association (DEMLA), Finland; Danish Helsinki Committee, Denmark; The Human Rights Committee of the Norwegian Bar Association and the Norwegian Council for the Rights of the Kurdish People in working with us to conduct these seminars. We would also like to thank many individuals who really worked hard and without whom the seminars would not have been possible.

Overview

General Situation in Iran

In recent years human rights situation in Iran deteriorated significantly. There are rising complaints about violations of women's rights, the right to freedom of speech and the rights of ethnic communities like the Kurds, the Baluchis and Azeri-Turks and religious minorities like Sufi, Sunni Muslim, Baha'i and Christian communities. There have also been numerous reports of tightening curbs on the media in the recent past. The crackdown has affected print media, web logs, and websites, and journalists have been imprisoned. Another strong indicator for the increasing repression is the rise in the number of given and executed death penalties.

Since the Iranian government does not provide comprehensive information on the practice of death penalty in Iran, independent human rights groups in Iran and abroad gather information from the press and other sources. However, often court decisions are not reported by the press and the actual execution itself is the first time that a particular case becomes known to the public. Therefore the actual figures may be much higher than the ones indicated here.

Number of executions

According to the statistics given by International Human Rights Agencies, Iran had executed at least 94 people in 2005, 177 people in 2006, and 317 people in 2007. The number for 2008 is said to be at least 346 according to amnesty international, while others put the figures as high as 370.

This makes Iran one of the countries with the most executions in the world, second only to China and followed by Saudi Arabia (at least 102 in 2008), the USA (37), Pakistan (36) and Iraq (34). Iran has also constantly been one of the states with the highest per capita execution rate in the world. It is especially disturbing that in contrast to the worldwide trend the number of executions in Iran is rising.

Legal regulations

The legal system in Iran is very different from that in Western countries, because a specific interpretation of the Islamic law (*sharia*) is applied. In Iranian *sharia* law, there are numerous conditions under which the death penalty can or must be applied. Death sentences are often given in flawed trials when no defence lawyer is present.

Hudud

Hudud ("crimes against the divine will") is a category of crimes deemed serious that are mentioned in the Qur'an. According to Iranian law, some of them have to be punished with the death penalty. Among these are extramarital sex and premarital sex. *Moharebe*, "enmity to god", also falls into this category and can apply to things as different as homosexuality or spreading political disorder. In 2008 a new law was passed that allows the application of the death penalty against people convicted of illegal audiovisual activities (pornography) and a proposed law prescribing the death penalty for apostasy, heresy and witchcraft and for certain internet-related crimes that "promote corruption and apostasy" was being drafted.

The death penalty can also be applied for the crime of *mofsed fil arz*, which means “corruption on earth”.

Since the justification for the punishments is based on divine will, earthly authorities cannot pardon or amnesty the offenders.

Ta'zir

Crimes in the category of *ta'zir* are those that are not mentioned explicitly in the Qur'an. The death penalty can be imposed for “cursing the Prophet” under this category of *ta'zir* crimes.

Qisas

Qisas means “retaliation” or “retribution in kind”. Punishments are applied according to the rule “an eye for an eye”. In the case of murder, it means the right of the heirs of a murder victim to demand execution of the murderer.

Diyya

Diyya means “compensation” or “blood money”. By paying *diyya* to the family of a victim, the relatives of a convicted person can sometimes stop the execution.

Methods of execution

Iran is well known to apply cruel, inhuman and degrading punishments like flogging and amputation. In case of the death penalty, the actual execution methods are not designed to quickly kill the convicted person. Instead the authorities intend to maximise the presumed deterring effect of the execution by using especially cruel methods. In addition to that it is not unusual to add other punishment like flogging with a whip, which are applied before the execution.

Hanging

Hanging can take place in prisons or, during public executions, from cranes. Because the neck does not break when someone is hoisted with a crane, it can take up to two hours until the executed person actually dies.

Stoning

This archaic execution method is still used in 21st century Iran, for offences like adultery. Regulations state that the stones must be big enough to cause serious harm but small enough to not kill immediately.

Public executions

Many executions in Iran are carried out in public. Because of worldwide criticism, Iran's chief judiciary called for an end to this practice. Despite this several public executions took place even in 2009.

Death penalty for minors

Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR) declares:

"Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age".

Article 37(a) of the Convention on the Rights of the Child (CRC) provides that:

"Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age".

As a signatory state, the Iranian government is under international obligation to comply with both articles. However, Amnesty International has documented 26 executions of child offenders in Iran since 2005 alone. In many cases, these minors have been imprisoned until the age of 18 and then executed. Currently, there are at least 134 minors on death row in Iran. Iran is the only country in the world in which juvenile offenders were known to have been executed in 2008.

Case 1: Delara Darabi



Delara Darabi is 22 years old and has been sentenced to death for murder of a relative she allegedly committed when she was 17. She has denied committing the crime. She is in danger of immediate execution. Her execution has only been postponed on 20 April 2009.

Delara Darabi started painting in prison, she calls herself "*prisoner of colours*". Several exhibitions of her paintings¹ have taken place in cities like Tehran, Amsterdam and Stockholm. Amnesty international has issued several statements and urgent actions for Delara Darabi. A worldwide campaign is trying to save her life².

From the exhibition

"I am Delara Darabi, 20 years old, sentenced to death. It is three years now that I try to defend myself using colours, forms and words. These paintings are my swear to what I have not done. So maybe colours would return me back into life. From behind the walls, I say hello to you, who has come to see my paintings. These paintings are my swear to what I have not done. So maybe colours would return me back into life. From behind the walls, I say hello to you, who has come to see my paintings."

¹ http://www.flickr.com/photos/infinet_pictures/collections/

² <http://www.savedelara.com>

Death penalty for political prisoners

The Iranian theocratic regime leaves no room for democratic opposition and any such opposition can be met with the accusation of *moharebe* or “emnity against god”. This underlines the theocratic character of the regime, because to challenge the state authorities is regarded as a “war against God”. Members of opposition groups are frequently subjected to torture. In the last years there was a sharp rising in death sentences against political opposition members, especially against Kurds. As of April 2009, at least 14 Kurds accused of oppositional activities are waiting for their execution. One member of a Kurdish opposition group has been executed in 2007.

Case 2: Farzad Kamangar

Farzad Kamangar is a Kurdish political prisoner. He is a teacher, trade unionist, journalist and activist of a human rights association and was arrested along with two other members of the Kurdish minority, Ali Heydariyan and Farhad Vakili, around July 2006. Subsequently they were tortured, including by being beaten, flogged and electrocuted, and sentenced to death. Amnesty international³ and Education International⁴ have issued urgent appeals for Farzad Kamangar.

“To Torture A Prisoner Is to Torture Humanity” A Letter From Farzad Kamangar



I, Farzad Kamangar, known as Siamand, have worked as a teacher in the town of Kamyaran [in the Iranian province of Kurdistan] for 12 years. A year before my arrest [July 2006], I started teaching at the Kar-o-Danesh vocational High school. I was also a member of the Board of Directors of the Kamyaran branch of Teachers' Union in and in charge of its public relations before it was banned by the authorities. In addition, I was a member of the editorial board of “Ruyan,” a cultural-educational monthly published by the Education Department in Kamyaran (this publication was eventually banned by “Herasat” [the intelligence and security organization monitoring public offices]). For a while, I was a member of the board directors of the Bio-Ecological Society of Kamyaran (AusK), and when the [Kurdistan] Human Rights Organization started its activities in 2005, I signed up to be a reporter for this organization.

In July 2006, I came to Tehran to follow upon my brother's medical treatments. My brother is a Kurdish political activist. I was arrested and immediately transferred to an unknown location. It was a dark and narrow basement with no ventilators; the cells were completely empty, no beds, no carpets, no blankets, nothing. The place was extremely dark. Then they took me to another room. As they were writing down my information, they would ask about my ethnicity, and when I said I was Kurdish, they would flog me all over my body with a hose-like device. They also subjected me to foul language, insults, and beatings because of my religious beliefs [Sunnis Islam as distinguished from Shi'a Islam which is the State official religion] They flogged me to a pulp because of the Kurdish ring tone I had on my mobile phone. They would handcuff me and tie me to a chair and put pressure on my sensitive spots ... and they would strip me naked and harass me with a baton or a stick, threatening to violate me sexually.

³ <http://amnesty.org/en/library/info/MDE13/176/2008/en>

⁴ <http://www.ei-ie.org/savefarzad>

My left foot was severely injured during the time I spent in this place. Also, I fell unconscious as a result of being repeatedly hit in the head and subjected to electric shocks, and when I regained consciousness, I had lost my sense of balance, and I still get sudden uncontrollable shivers in my body as a result. They would chain my feet and apply shock to different sensitive spots of my body through a small device that could be clamped on to the waist. The pain resulting from these shocks was extreme and horrifying. Later, I was transferred to ward 209 [in Tehran's Evin prison]. I was immediately blindfolded and taken to a small room just off the entrance hall (ground floor, left hand side, past the room where sentences were carried out). There, I was subjected to assault and battery (punching and kicking). The next day I was transferred to Sanandaj, where they were planning to arrest my brother. From the second I entered the detention center in Sanandaj, I faced insults and verbal abuse and battery. They tied me to a chair in the medical clinic there and left me that way until 7 a.m. the next day. I wetted myself, because I was not even allowed to use the toilet. After much more harassment, they transferred me back to detention ward 209 [in Tehran's Evin prison]. I was interrogated, harassed, and beaten in the first-floor rooms (the green interrogation rooms).

On August 27, 2006, they finally had no choice but to seek medical assistance for me as a result of the extreme torture to which I had been subjected. The clinic was on the first floor and next to the interrogation rooms. The doctor recorded bruises and clear marks of torture and flogging on my waist, neck, head, back, thighs and feet. For two months in September and October, I was in solitary confinement in room #43. The torture and harassment were so harsh and unimaginable that I decided to go on hunger strike for 33 days. When they started threatening my family, I tried to commit suicide by throwing myself down the staircase on the first floor to rid myself from torture and [spare my family] to express my objection to the harassment and pressure exerted on my family. I was also held in solitary confinement in a small and stinking room at the end of the hall on the first floor (113) for nearly a month. During this time, I was not allowed contact with my family through visits or telephone calls. During the three months of my solitary confinement, I was not allowed to take recreation. Later, I was transferred to a regular cell (room #10 in the hallway) and spent two months there. During this time, I was denied visitors or an attorney. In mid-January, I was transferred from ward 209 [in Tehran's Evin prison] to the Intelligence Office detention center located in Naft [Petroleum] Square in Kermanshah. No charges were brought against me and I had no idea what I was accused of. The detention center was dark and narrow and home to any crime conceivable against the inmates

They stripped me naked and, after considerable assault and battery, gave me some dirty and stinking clothes to wear, and then kicked and punched me out of the hallway and the detention center to the guarding officer's room and from there to another hallway that was accessible through a small door. I was put in a very small cell that was, in fact, secret and where no one could hear me. The dimensions of the room were approximately 160 cm by 50 cm. Two small light bulbs were hanging from the ceiling. There were no vents. The cell had originally been a bathroom and was putrid and cold. There was only a dirty blanket available in the cell. The cell was so small that you would inevitably hit your head against the wall when you got up. It was very cold. To breathe, I had to put my face on the floor and take in the air through my mouth from under the door. Every few hours, they would bang on the door or turn the lights on and off to disrupt my sleeping. After two days, they took me for interrogations. Without any questions, they started punching and kicking and insulting and verbally abusing me. Then they took me back to the cell. They would turn the radio up to maximum volume in order to prevent me from resting or thinking. I was allowed to use the toilet only twice in 24 hours. Once in a month, I was allowed to take a shower for a few minutes. Some examples of the tortures that I underwent there are as follows:

"Soccer Game." This was the expression used by the interrogators. They would strip me naked, and then four or five of them would stand around and "pass" me to each other by kicking and punching me. If I fell down, they would laugh and subject me to verbal and physical abuses. They would keep me standing on one leg for hours. I had to hold my arms up and they would beat me every time I got tired. Since they knew that my left foot was severely injured, they put more pressure on that foot. "Quran" recitations were played on the highest volume so that no one could hear my screams. They would slap and punch my face during interrogations. In the basement of the detention center, the stairs were covered under garbage and bread crumbs from the courtyard to the main hallway so that no one would notice them, there was another torture room where I was taken at night. There, they would tie my hands and feet to a bed and flog me on the soles of my feet, my calves, thighs, and waist with a whip known as "Zolfaqar" (the name of Imam Ali's sword). It was very painful and I could not walk for days. Since it was winter and cold, they would keep me in a particularly freezing room from morning to sunset, supposedly waiting for interrogators, but there would be no interrogation, in the end. In Kermanshah, as well, they used electric shocks; they would apply electric shocks to the sensitive spots of my body. I was not allowed to use toothbrush or toothpaste. What little food there was stale, stinking, and not edible.

Here [Kermanshah], too, I was denied visitors; they even arrested the girl I liked. They would harass and arrest my brothers. Due to the unsanitary conditions in the cell and to using dirty and stinking blankets and clothes, I developed skin problems (fungus), and I was not even allowed to see a doctor. The torture was so harsh that I went on hunger strike for 12 days to object to my conditions. In the last 15 days of my detention, they transferred me to an even dirtier and more stinking cell which had no heating facilities. Everyday, they would abuse me verbally and otherwise; one time they hit me in my testicles so badly that I fell unconscious. One night, they stripped me naked in the basement torture room and threatened to rape me and ... I had to hit my head against the wall a few times in order to stop the torture. They would force me to confess to wrongdoings in emotional and relationship ... matters. One could constantly hear moaning and groaning from the other cells, and every once in a while somebody would commit suicide.

On March 18, 2007, I was transferred back to ward 209 [in Tehran's Evin prison] and, though this time I was put in the collective cell (#121), I was still denied visitors. Still, they would pressure me mentally and emotionally by arresting my family members, preventing visits by them, using foul language, employing verbal abuse, and so forth.

Finally, after months of uncertainty, my file was sent to branch #30 of the Revolutionary Tribunal in June 2007. The interrogators threatened me that they would do all they could to get me a death or long-term imprisonment sentence. They would say that in case I was found innocent and subsequently released, they would take revenge (!) outside prison. They held an incredible grudge against me as a Kurd, as a journalist, and as a human rights activist. They would not stop torturing me regardless of outside pressure.

The court in Tehran decided that my case could not be adequately examined there and sent my file to Sanandaj. Every time people and human rights organizations said anything in my support and in objection to my detention and the legal justification for my torture, the authorities got madder and increased the pressure. In September 2007, I was transferred to the detention center in Sanandaj, a place that turned into a horrifying nightmare, never to leave me and my life. This was while, according to their own laws, no new charges were brought against me. From the moment I entered that place, battery and mental and physical harassments began.

The News Staff Detention Center in Sanandaj had a main hallway and five separate hallways, and they put me in the last cell of the last hallway. They kept changing my cell until one day the head of the detention center and a few others started hitting me for no reason and took me out of the cell. They knocked me unconscious by hitting me in the head and I fell at the head of the staircase with 18 stairs that led to the basement and interrogation rooms. They had pulled me down the stairs while I was unconscious; I don't know how they managed to pull me down 18 stairs. When I opened my eyes, I felt a severe pain in my head, face, and sides. As soon as they saw me conscious, they started kicking and punching me again, and, after an hour-long beating, they pulled me back up the stairs and threw me into a small room in the second hallway. Two people beat me until I was unconscious again. I came back to consciousness with the sound of the call for evening prayers. There was blood on my face and clothes. My face was swollen. My whole body was bruised and swollen. I could not move. After a few hours, they forcibly threw me under the shower to clean my bloodied face and clothes. At midnight, a few of the head intelligence officials saw me blindfolded with the wet clothes still on me and my physical conditions deteriorating, and so they were forced to take me to see a doctor outside the detention center, in the central prison, the next morning. I was not able to eat for a few days, due to injuries to my teeth and jaw. At nights, they would leave the windows open so that I would be cold, and they would not give me blankets, so I had to wrap the carpet around me. I was denied exercise, visitors, and phone calls and was subjected to assault and battery in the basement interrogation rooms over and over. I was on hunger strike for five days. They would bang my head against the basement walls repeatedly and take me from the basement back to my cell, kicking and punching me. No charges were brought against me in either Kermanshah or Sanandaj.

The infamous torture method, "chicken kabob," was employed by the head of the intelligence detention center in Sanandaj on most of the nights that he was on duty. He would tie one's hands and feet, throw you on the floor, and start flogging.

Cries and moans of other prisoners, mostly young women, were heard and tormented any human soul. They would leave the windows open at nights, and I had to wrap myself in dirty blankets in my cell, because they would wet my clothes in the bathroom after beating me in the basement.

For about two months, I was in solitary confinement in Sanandaj. The Sanandaj court declared itself incompetent [to consider my case] and referred back my case to Tehran. The nearly eight months of solitary confinement and the mental and physical harassment that I had endured during that time had affected my body, my nerves, and my mental health severely. After one night of detention in ward 209 [in Tehran's Evin prison], I was transferred to one of Evin's correctional wards (#7), where inmates commonly use drugs. Since November 20, I have been serving time in the Raja'i Shahr prison, a prison reserved for dangerous criminals such as murderers, abductors, armed robbers, and so forth.

On November 18th 2007 I was transferred to the Raja'i Shahr Prison which is an extremely dangerous prison where individuals found guilty of murder, kidnapping, weapons related crimes are imprisoned.

Respectfully

Farzad Kamangar

23 November 2007 Raja'i Shahr Prison

Death penalty for homosexuality

Iranian human rights campaigners estimate that 4,000 gay men have been executed since the Islamic revolution in 1979. Under *sharia* law gay sex is illegal, with penalty of death for offenders as young as 14 years old.



One of the victims of these discriminatory homophobic laws is Makwan Moloudzadeh, a 21-years old Kurd, who was executed on 4 December 2007 after a grossly flawed trial and despite having been pardoned by Iran's judiciary chief. His case drew widespread criticism internationally before and after the execution⁵. He was convicted of the alleged rape of three individuals at the time when he was only 13 years old. The alleged victims withdrew their accusations in July 2007 during the trial. They reportedly stated that they had either lied or had been forced to "confess" in relation to the rape allegations. Reports also suggested that Makwan Moloudzadeh, a Kurdish speaker, did not understand all of the court proceedings, which were conducted in Persian.

Case 3: Hamzeh Chavi and Loghman Hamzhepour

On 23 January 2008, Hamzeh Chavi and Loghman Hamzhepour, two homosexual young men of 18 and 19, were arrested by the police in Sardasht, in Iranian Azerbaijan. During questioning and probably under torture, the two admitted to their "crime" of loving each other and being in a relationship. Their confession was enough for the Islamic court to commit them to trial on two serious charges: *mohareb*, the crime of those who are "enemies of Allah" and *lavat*, sodomy. Iranian criminal law envisages the gallows for homosexuals and the two boys are in danger of being executed. An international campaign is fighting for their freedom⁶.

5 http://www.everyonegroup.com/Everyone/MainPage/Entries/2008/8/30_Makwan_A_letter_from_Paradise.html

6 http://www.everyonegroup.com/Everyone/MainPage/Entries/2008/1/26_Petition_for_the_lives_of_Hamzeh_and_Loghman.html

Links

Campaigns

<http://www.stopchildexecutions.com> | "STOP CHILD EXECUTIONS" CAMPAIGN

<http://www.savedelara.com> | "SAVE DELARA!" CAMPAIGN

<http://www.ei-ie.org/savefarzad> | URGENT ACTION FOR FARZAD KAMANGAR

<http://www.everyonegroup.com> | CAMPAIGN FOR HAMZEH CHAVI AND LOGHMAN HAMZEHPUR

Background information

<http://www.amnesty.org/en/region/iran> | AMNESTY INTERNATIONAL

<http://www.hrw.org/middle-eastn-africa/iran> | HUMAN RIGHTS WATCH

<http://www.iranrights.org> | ABDORRAHMAN BOROUMAND FOUNDATION

Participating Organisations

<http://www.mafdad.org> | MAF-DAD – ASSOCIATION FOR DEMOCRACY AND INTERNATIONAL LAW

<http://www.demla.fi> | DEMLA – DEMOCRATIC LAWYERS ASSOCIATION FINNLAND

<http://www.helsinki-komiteen.dk> | DANISH HELSINKI COMMITTEE

<http://www.advokatforeningen.no> | NORWEGIAN BAR ASSOCIATION

<http://www.kurdistan.no> | The Norwegian Council for the Rights of the Kurdish People

Declaration

According to the statistics given by International Human Rights Agencies, Iran had executed at least 94 people in 2005, 177 people in 2006, 317 people in 2007 and 346 in 2008. The sharp increase in the number of executions is alarming. Iran has the highest rate of executions of child offenders out of five countries left in the world to still execute children. The Islamic Republic of Iran has the second highest number of executions per capita in the world.

Recalling that;

- The death penalty violates the right to life, constitutes a cruel, inhuman and degrading punishment and may even amount to torture.
- The death penalty is irrevocable and discriminatory and is often used disproportionately against the poor and the powerless as well as against people whom repressive governments want to eliminate.
- The death penalty does not deter crime.

Opposition to the death penalty is not defined by regional or cultural borders, but is embedded within a global commitment to human rights and dignity. We the undersigned call on the UN General Secretary to urge and invite the Islamic Republic of Iran:

1. To immediately stop the execution of children and respect Article 37(a) of the UN Convention on the Rights of the Child and Article 6.5 of the International Covenant on Civil and Political Rights (ICCPR).
2. Following on from the UN General Assembly resolutions calling for a universal moratorium on the death penalty, adopted in December 2007 and December 2008, to introduce a moratorium on the death penalty with immediate effect.
3. To abolish the death penalty in general and sign and ratify the Second Optional Protocol to the UN International Covenant on Civil and Political Rights.

We call on organizations, institutions and individuals that share the objective of abolition – non-governmental organizations, bar associations, trade unions and local governments – and on members of the parliaments throughout the world, whose powers include that of voting for abolition, to sign this declaration.

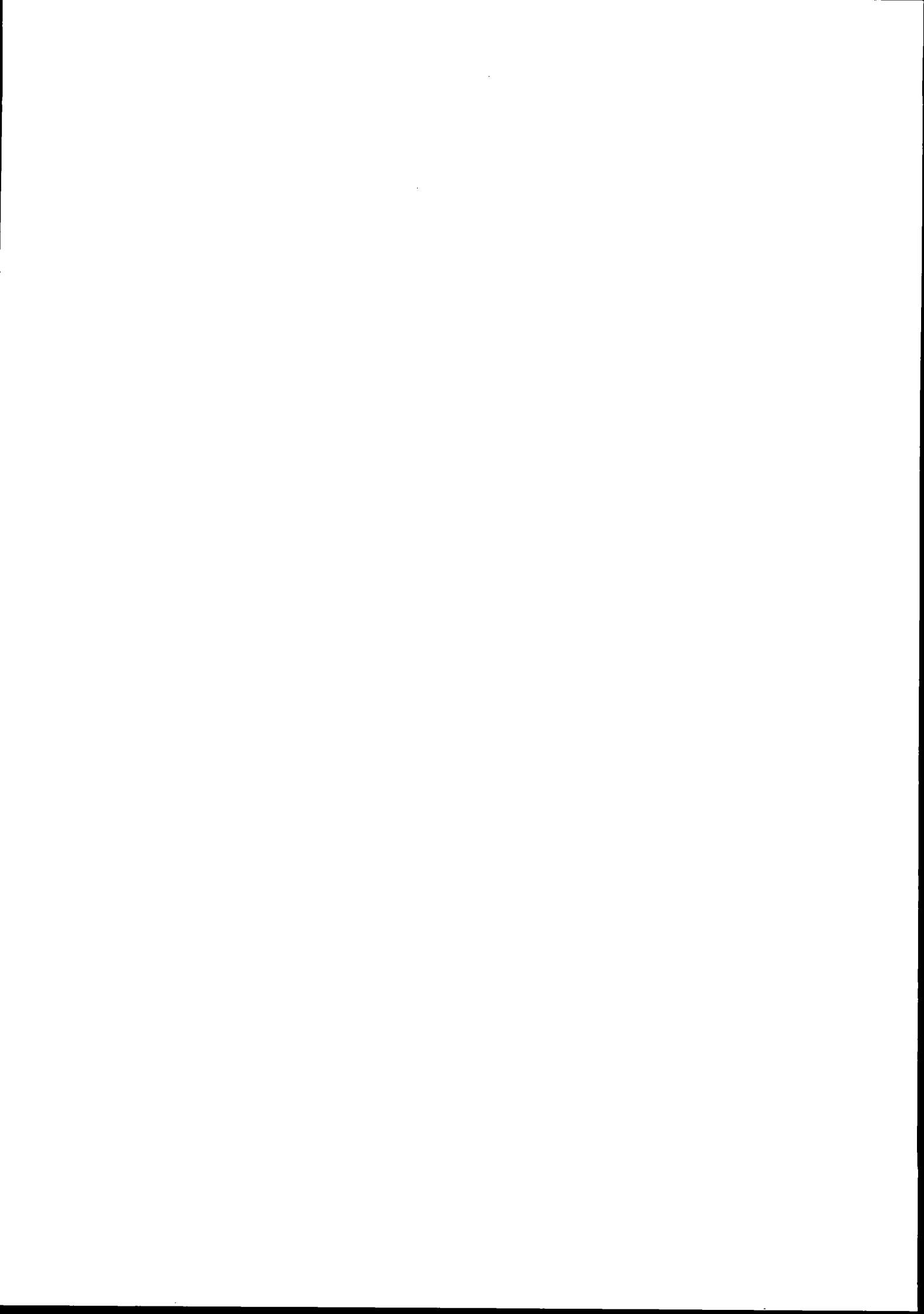
MAF-DAD – Association for Democracy and International Law (Germany)

DEMLA – Democratic Lawyers Association (Finland)

Danish Helsinki Committee (Denmark)

Norwegian Bar Association

Norwegian Council for the Rights of Kurdish People (Norway)



Waiting for the execution

On Death Row in Iranian Prisons



Delara Darabi
Was 17 at the time of the crime she was charged with



Mohammdreza Haddadi
15 at the time of the crime he was charged with



Zeynab Jalalian
Kurdish activist



Farhad Wekili
Kurdish civil rights activist



Sogra Najafpour
13 at the time of the crime she was charged with



Hamzeh Chavi & Loghman Hamzehpour
Gay couple, arrested when 18 and 19, sentenced to death because they admitted to love each other



Farzad Kamangar
Kurdish teacher, journalist and human rights activist



Abbass Hosseini
Sentenced for killing a member of the Revolutionary Guard when he was 17



Rahim Ahmadi
Convicted for killing a person when he was 15 years old



Mosleh Zamani
Sentenced for a sexual relationship with his girlfriend when he was 17



Reza Hajizadeh
Caused the death of a another child during child play with 13



Mohammad Jahedi
Sentenced to death for a crime committed when he was 16



Anwar Hosein Panahi
Kurdish civil rights activist



... and many more
waiting for execution by stoning or the gallow. Among them are 140 juvenile offenders.