

**Appendix II- Table of juvenile death penalty provisions in the Islamic Republic of Iran, and current and pending legislation**

| Current law   | Pending legislation  |  |
|---|--|--|
| <p><b>Islamic Criminal Code (1991/96) and the Civil Code (1991)</b></p>   | <p><b>Draft Juvenile Crimes Investigation Act (pending before the Islamic Consultative Assembly since 6 February 2005 [18.11.1383])</b></p>  | <p><b>Bill of Islamic Criminal Code (passed by the Islamic Consultative Assembly on 16 December 2009 [25.09.88] and currently under vetting by the Guardian Council)</b></p>   |
| <p><b>Article 49 (Islamic Criminal Code)-</b> Children, if committing a crime, are exempted from criminal responsibility ...<br/>                     Note – A child is a person who has not reached the age of religious puberty (<i>boluq-e shar'i</i>).</p> <p><b>Article 1210 (Civil Code)-</b><br/>                     Note 1: The age of puberty is 15 full lunar years for boys and 9 full lunar years for girls.</p> | <p><b>Article 2-</b> Children who commit a crime are exempted from criminal responsibility ...<br/>                     Note – A child is a person who has not reached the age of religious puberty (<i>boluq-e shar'i</i>).</p> <p><b>Article 33(3)-</b> Juveniles ages 15 to 18 are subject to the following punishments:<br/>                     ...<br/> <b>(3)</b> 2-8 years' holding in a juvenile correctional facility for crimes whose legal punishment is life-imprisonment or <i>idam</i> [n.b. a 6 July 2008 [16.04.87] opinion issued by the Research Center of the Consultative Assembly reiterates that this is applicable only in <i>ta'zirat</i> crimes and does not apply to <i>qisas</i> and <i>hoddud</i> crimes].</p> <p><b>Article 35-</b> In crimes in the jurisdiction of Provincial Criminal Courts [n.b. this includes all types of death penalty whether <i>ta'zirat</i>, <i>qisas</i> or <i>hoddud</i>] when the perpetrator's mental maturity [<i>roshd va kamal aql</i>] is doubted the Children and Juvenile Court shall sentence him/her to one of the punishments provided in sub-articles 1, 2, or 3 of Article 33 of this law accordingly.</p> <p>Note: To determine mental maturity, the Children and Juvenile Court may either use the opinion of the medical examiner or use any other method it deems necessary.</p> | <p><b>Article 87-</b> In crimes liable to <i>hadd</i> or <i>qisas</i> whenever mature persons who are still under the age of 18 are not aware of the nature or gravity of the crime committed or their mental maturity [<i>roshd va kamal-e aql</i>] is doubted, they shall be sentenced to punishments provided in this chapter in accordance with their age [n.b. fine, community service, house arrest, or detention in a correction facility].<br/>                     Note: To determine mental maturity, the court may use the opinion of the medical examiner or use any other method it deems necessary.</p> <p><b>Article 145-</b> Non-pubescent (<i>na-baleq</i>) persons are exempted from criminal responsibility.</p> <p><b>Article 146-</b> The age of puberty (<i>buluq</i>) for girls and boys is 9 and 15 full lunar years respectively.</p> |

### Appendix III- Table of Execution Methods in the Islamic Republic of Iran and their Sources in Statute Law and Islamic Law

|    | Method                                      | Sources*                      |                          |                               | Offence and Class of Death Penalty  |
|----|---|-------------------------------|--------------------------|-------------------------------|---|
|    |   | 1991/96 Islamic Criminal Code | 2003 Implementation Code | Tahrir-al-wasileh             |   |
| 1  | Hanging                                     |                               | art. 14                  |                               | As additional options for <i>qisas</i> and <i>qatl/hadd</i> sentences and in <i>idam</i> sentences  |
| 2  | Shooting by firearms                        |                               |                          |                               |   |
| 3  | Electrocution                               |                               |                          |                               |   |
| 4  | Crucifixion                                 | arts. 190 & 195               | art. 24                  | 4/241/5, 4/241/9              | <i>Hadd</i> offense of <i>moharebeh</i> (insurrection against God)  |
| 5  | Stoning                                     | arts. 83, 101-104             | arts. 22 and 23          | 4/187/1, 4/193/2 & 5, 4/247/4 | <i>Hadd</i> offenses of <i>zina-e mohsen</i> or <i>mohsen-e</i> (consensual male or female adultery) and one of the options in <i>lavat</i> (penetrative male homosexual sex) |
| 6  | Killing with sword                          |                               |                          | 4/314/9 & 4/317/11            | <i>Qisas</i> and all <i>hadd</i> capital offenses except <i>zina-e mohsen</i> or <i>mohsen-eh</i> (male or female adultery)   |
| 7  | Throwing from a height                      |                               |                          | 4/199/5                       | <i>Hadd</i> offense of <i>lavat</i> (penetrative male homosexual sex)   |
| 8  | Burning in fire                             |                               |                          |                               |   |
| 9  | Burying under a demolished wall             |                               |                          |                               |   |
| 10 | Methods chosen by the heirs of the murdered | arts. 265, 263                | arts. 15, 16             | 4/319/11                      | Provided they are customary and do not cause mutilation, torture or excessive torment   |
| 11 | Extra-judicial methods                      | arts. 295-c 226               |                          | 4/295/6                       | Legally sanctioned extra-judicial murders   |

\* The Implementation Procedure Code for Sentences of Qisas, Stoning, Killing, Crucifixion, Execution, and Lashing (*Ayin-nameh-ye nahveye ijraye ahkam-e qisas, rajm, qatl, salb, idam va shalaq*) was issued on 18 October 2003 [27.06.1382] by former Judiciary Head Hashemi Shahrudi (1999-2009) pursuant to Article 293 of the Criminal Procedure Code for General and Revolutionary Courts (1999). For description of other sources see Appendix I.

## Appendix IV- The Islamic Consultative Assembly’s comments on the removal of execution by stoning from the new draft Bill of the Islamic Criminal Code

Excerpts of an interview by the newspaper *Khabar* [News] with Amin Hossein Rahimi, Spokesperson for the Commission for Judicial Affairs of the Islamic Consultative Assembly:<sup>1</sup>

**Q:** Mr. Rahimi, is it correct that this punishment [stoning] was removed from statute and confined to *shari’a* due to international sensitivities?

**A:** Yes, we certainly have paid a high price in this regard, and this was one of the Commission’s reasons for taking this step. To clarify, I should point out that this punishment is imposed in Saudi Arabia more frequently than in Iran. But because it does not appear in their legal code, nobody criticizes [Saudi Arabia] which has thus escaped the scrutiny of countries that talk about human rights. This is despite the fact that their *shari’a* is not very different from our *shari’a*, and they also adhere to God’s law.

**Q:** So this was one reason why the punishment was restricted to *shari’a*. Were any other changes introduced in relation to this punishment?

**A:** I should point out that this punishment is a divine punishment and therefore still enforceable. In our meetings we agreed that a number of other *hoddud* punitive sentences which, like stoning, are exceptional and only rarely applied, should be removed from statutory law. According to Article 167 [of the Constitution] if judges cannot not find a statutory basis for their decision they should rely on *maraje taqlid*’s *fatwas* as their point of reference.

**Q:** So it is possible that individual jurists might form a different opinions, leading to different sentences?

**A:** Yes, we in the Commission thought about this, and reached the conclusion that because leading jurists might make different rulings, the Supreme Leader’s *fatwa* alone should be followed.

**Q:** Punishments of this kind deprive the person of his or her life, so is there any possibility of somehow decriminalizing these offenses?

**A:** No, these sentences cannot even be commuted because they are enshrined in the Qur’an.

**Q:** How often is this punishment carried out in our country?

**A:** Fortunately, because we live in an Islamic country where families still provide a solid foundation, these cases are rare—perhaps one every two or three years, when the stringent preconditions for such sentences have been satisfied.

<sup>1</sup> *Khabar* newspaper, *Sangsar hokmi qabele hazf nist* (“Stoning not abolishable”), 29 June 2009 [08.04.1388], <http://www.khabaronline.ir/news.aspx?id=11659>.

## Appendix IV- continued

### Excerpts of an IRNA News Agency interview with Ayatollah Ali Shahrokhi, Chairperson of the Commission for Judicial Affairs of the Islamic Consultative Assembly:<sup>2</sup>

In the deliberations over the draft, the Commission for Judicial Affairs of the Islamic Consultative Assembly concluded that in order to protect the interests of the system, some Islamic *hoddud* punishments, including stoning, shall not be incorporated into statute law.

Islam is strict about enforcing *hoddud* punishments, including stoning. But the stringent conditions of proof set by Islam mean that it is rarely possible to impose this kind of punishment. This is why the Judicial Commission concluded that it was not necessary to incorporate all of the *hoddud* into statute law.

However, the draft code stipulates that where God's punishments are not stipulated in statute law, valid Islamic sources must be relied on.

Other *hoddud* punishments removed from the draft code are penalties relating to apostasy, and the amputation of limbs.

### Excerpts of an interview by *Khabar* newspaper with Mohammad Dehghan, Member of the Commission for Judicial Affairs of the Islamic Consultative Assembly:<sup>3</sup>

**Q:** Mr. Dehghan, it appears that the Judicial Commission of the Assembly met yesterday to discuss changes in the stoning law and, according to the IRNA news agency, decided to abolish the law.

**A:** No, no, this would be a completely wrong account of the meeting.

**Q:** Apparently [IRNA] interviewed Ayatollah Shahrokhi, the head of the Commission.

**A:** I am sure they misunderstood his remarks. The claims are not true at all. It would be quite illogical to abolish stoning as a punishment.

**Q:** So, abolishing or modifying [stoning] was not even discussed?

**A:** No, discussions did not touch on this because stoning is a divinely prescribed punishment. No one has the right to abolish or modify divinely prescribed *hoddud* laws.

<sup>2</sup> IRNA, 22 June 2009 [01.04.1388], *Rayis comisiyon-e qazayi: sangsar az layehh mojazat islami hazf shod* ("Commission for Judicial Affairs Chair: Stoning deleted from Bill of Islamic Criminal Code"), <[www.irna.ir/View/Fullstory/Tools/PrintVersion/?NewsId=557572](http://www.irna.ir/View/Fullstory/Tools/PrintVersion/?NewsId=557572)>.

<sup>3</sup> *Khabar*, 24 June 2009 [03.04.1388], *Hazf-e sangsar az qavanin momken nist* ("Removing stoning from the law impossible"), <[www.khabaronline.ir/news-11356.aspx](http://www.khabaronline.ir/news-11356.aspx)>.

**Q:** As you know, imposing a stoning sentence on a person is difficult and the preconditions for this are not easily met.

**A:** The divinely prescribed punishment [*hadd*] of stoning is a very severe sentence which is rarely imposed or carried in our country. Therefore, in the new code drafted by the judiciary and the Judicial Commission of the Assembly it was decided that these *hoddud* [punishments] are not fitted to statute law and should therefore be consigned to *shari'a* law.

**Q:** So is it fair to say that the issue was not resolved, but merely transferred from one source to another?

**A:** Yes, we are not authorized to make such a decision because *shari'a* law does not permit that.

**Q:** Can you explain what consigning such a law to *shari'a* law means in practice?

**A:** The sentence of stoning can be imposed only under *shari'a* law and not under statute law. There is no disagreement about *hoddud* in *shari'a* law. Going back from statute law to *shari'a* law means respecting the mother law. Court judges will follow *shari'a* law when passing sentence.

...

**Q:** As you know, imposing stoning sentences has provoked international reaction. Is this why stoning was shifted from statute law to *shari'a*?

**A:** We are all aware that, unfortunately, international responses are not positive on this matter. They do not realize that this is an ordinance from our holy Book. Members of the Judicial Commission of the Assembly held meetings with judicial system experts precisely for this purpose—to ensure that this punishment is not included in statute law and is returned to *shari'a*. Past and present misunderstandings about our country still disregard the fact that we are implementing God's punishments.

**Appendix V- Directives concerning stoning and public executions issued by  
Judiciary Head Ayatollah Shahroudi (1999-2009)**

**PUBLIC EXECUTIONS**

**1.** No: **m/11317/86** Date: **29 January 2008** [09.11.1386]

Directive to all Heads of Justice Departments and General and Revolutionary Prosecutors throughout the country:

With regard to the implementation of death sentences, the following instructions shall be considered and acted upon accordingly:

1. All confirmed death sentences that are ready to be enforced shall be carried out with due consideration of the Judicial Branch's 5 May 1991 [15.02.1370] Procedure Code for the Implementation of Death Sentences, and shall be carried out inside the prison ... (other than in cases where it is appropriate that the sentence be carried out in public, and socially expedient as determined by the judicial authorities. In such cases the opinion of the Judiciary Head shall be sought prior to implementation.)

2. In consideration of Article 21 of the said Regulation,<sup>1</sup> a sufficient number of photographs shall be taken of the execution ceremony and placed only in the convict's records and file, and shall not be distributed to any organ of publication without permission from the Office of the Judiciary Head.

3. Publication of such photographs in any public media is hereby declared to be prohibited.

4. The General and Revolutionary Prosecutor of each district is responsible for the proper implementation of this directive.

Seyyed Mahmoud Hashemi Shahroudi  
Judiciary Head

1. Article 21: The execution ceremony shall be photographed by prison authorities or law enforcement officers (depending on the circumstances) and the photographs shall be filed in the convict's records. News of the execution of sentence together with information about the nature of the crime and a summary of the court judgment shall be published in the press.

In exceptional cases where the Judiciary Head determines it to be necessary, a photograph of the convict during the execution of sentence may be published by the mass media in order to inform the public at large.

**Appendix V- Directives concerning stoning and public executions issued by  
Judiciary Head Ayatollah Shahroudi (1999-2009), CONTINUED**

**STONING**

- 1.** No: **1/80/16472** Date: **18 November 2001**  
[27.08.1380]

To the Head of the Justice Department of the Province of ....:

In consideration of reports received and files that have been sent to the Judiciary it is observed that some honorable judges are disregarding Directive no. 1/78/11095 dated [29.10.1378] concerning persons sentenced to *hadd* and eligible for pardon. Some judges are sending their requests for pardon directly to the Esteemed Supreme Leader's office, whereas, according to the said directive his Excellency had conferred this prerogative upon the Judiciary Head ....

A copy of this directive must be distributed and all judicial units must be notified. Vigilance is required in respect of the proper application of this and previous directives, and any violations observed should be reported to the Administrative Infractions Review Committee and the Judges' Disciplinary Tribunal. Heads of judicial districts have direct responsibility for oversight on implementation of this directive. Seyyed Mahmoud Hashemi Shahroudi

Judiciary Head

**Appendix V- Directives concerning stoning and public executions issued by  
Judiciary Head Ayatollah Shahroudi (1999-2009), CONTINUED**

2. No: 1/80/8813

Date: 4 August 2001 [13.05.1380]

To all Heads of Provincial Justice Departments

In view of the fact that the Esteemed Supreme Leader has conferred upon the Judiciary Head permission to grant pardon to convicts sentenced to the divine fixed punishments (*huddud*) referred to in Articles 72, 126, 132, and 182 of the Islamic Criminal Code, and considering that absolute pardon of such convicts, particularly in homosexual penetrative sex (*lavat*) where the victim is a minor or in heterosexual rape (*zina-be-onf*) or in female adultery (*zina-ye-mohseneh*) or in case of repeat offenders (even if the court has established the offender's repentance) may encourage the offender or negatively influence society or cause inappropriate reactions by the victim's family, the Esteemed Supreme Leader was asked whether or not disciplinary punishments [*ta'zir*] can be imposed upon such convicts following their pardon (of their *hadd* punishment) and his Excellency replied as follows: "In the name of God, greetings, it seems that *ta'zir* for a person who has been pardoned from a divine fixed punishment [*hadd-e shar-i*] is within the sentencing judge's authority, and justified by the public nature of the crime and the obligation to respect the public interest. Therefore *ta'zir* of a pardoned *hadd* convict is permissible but it is better that the measure of *ta'zir* is determined in a regulated and standardized way and I leave this issue to be dealt with by you."

This order must be dictated to all provincial judicial districts and the honorable court judges for their consideration when they submit proposals for pardon.

Seyyed Mahmoud Hashemi Shahroudi  
Judiciary Head

Footnotes:

Article 72: If a person confesses to a form of *zina* punishable by *hadd* [fixed punishment] and s/he subsequently repents, the judge may either appeal to the Supreme Leader for a pardon for the condemned, or carry out the *hadd* sentence.

Article 126: If *lavat* (penetrative male homosexual sex) and *tafkhez* (non-penetrative male homosexual sex) and similar offenses have been proven by the convict's own confession, after which the convict repents, the judge may appeal to the Supreme Leader for a pardon for the condemned.

Article 132: If a person who has committed *mosaheqeh* [female homosexual sex] repents prior to testimony of witnesses, the *hadd* is extinguished but if s/he repents after testimony, the *hadd* is not extinguished.

Article 182: If a person confesses to consumption of alcohol and subsequently repents, the judge may either request the Supreme Leader for his or her pardon, or carry out the *hadd* sentence.

**Appendix V- Directives concerning stoning and public executions issued by  
Judiciary Head Ayatollah Shahroudi (1999-2009), CONTINUED**

**3.**

No: 1/78/7168

Date: **4 October 1999** [25.07.1378]

To all judicial organs and Heads of Justice Departments

Pursuant to directive number m/5859/70 dated [08.01.1371] and in view of the fact that the Esteemed Supreme Leader has delegated implementation of Articles 72, 126, 182, 205, 266, 269 of the Islamic Criminal Code to myself, it is requested that:

1- In cases where the ruling judge requests the pardon of the condemned, the honorable judge shall state in the request the grounds for asking pardon along with the details of the case.

2- ...

3- ...

Seyyed Mahmoud Hashemi Shahroudi  
Judiciary Head

Footnotes:

Article 72: If a person confesses to a form of *zina* punishable by *hadd* [fixed punishment] and s/he subsequently repents, the judge may either appeal to the Supreme Leader for a pardon for the condemned, or carry out the *hadd* sentence.

Article 126: If *lavat* (penetrative male homosexual sex) and *tafkhez* (non-penetrative male homosexual sex) and similar offenses have been proven by the convict's own confession, after which the convict repents, the judge may appeal to the Supreme Leader for a pardon for the condemned.

Article 182: If a person confesses to consumption of alcohol and subsequently repents, the judge may either request the Supreme Leader for his or her pardon, or carry out the *hadd* sentence.

...

...

## Appendix VI – Secret stoning execution misreported by officials as *Idam*

### The case of Mahbubeh M. and Abbas H. as reported by independent journalist, Asieh Amini<sup>4</sup>

While investigating a rumor concerning the stoning of a man and woman in a cemetery in Mashad in May 2006, Asieh Amini, an independent journalist, found local judicial officials astounded when she told them about the rumor, stating ‘We did not authorize the press to write about stoning. We are sure that they wrote *idam* (judicial execution). How did you find out about it?’ Indeed, as Amini subsequently discovered, the local newspaper *Shahrara* had reported the execution as ‘*idam*’ without mentioning the method or actual location of the execution.

Mashad’s judicial officials, including Judge Farahani, former head of Branch 28 of the Provincial Criminal Court of Mashad, who issued the stoning sentences, refused to give any interviews about ‘sentences of stoning.’ Amini therefore resorted to acquaintances, cemetery employees, and the state-appointed lawyer for one of the defendants. Fourteen months later she revealed the disturbing story of distant relatives Mahbubeh M. and Abbas H. who had been arrested in 2005 on suspicion of killing Mahbubeh’s husband, Mohammad, in 1997 and who had subsequently confessed to having had adulterous relations before 1997. In addition to sentences of stoning imposed, Abbas was also sentenced to *qisas* for murdering Mohammad, and Mahbubeh to fifteen years’ imprisonment for accessory to murder.

Although her death certificate (no. 471, 7 May 2006 [17.02.1385]) states that Mahbubeh’s cause of death was ‘lawful killing’ (*qatl-e qanun’i*), the coroner’s report stated the cause was ‘brain hemorrhage and related symptoms due to impact by a blunt object’. Examining Mahbubeh’s court verdict (no. 1731041, 22 September 2005 [31.06.1384]) in the office of her state appointed lawyer, Fayeghe Tabatabai, Amini verified that Mahbubeh’s death sentence was quite clearly entered as ‘stoning’. The lawyer stated ‘Unfortunately, I was not notified about any developments [i.e. the date of execution], but newspapers reported that she had been executed’.

Not much is known about Abbas H. and his family. But in the eight months between verdict no. 1731041 and the actual stoning, Mahbubeh’s four children visited her in prison. No one knows why the imminent stoning of the couple was not publicized before it happened but it is possible that the family were hoping for a pardon, or did not anticipate the speed with which it was to be carried out. Perhaps the fear was that if the stoning sentences received any publicity, the surviving family would be forever stigmatized as ‘*sangsari*’ [those who were stoned to death].

Amini found Mahbubeh’s grave in Mashad’s Behesht Reza Cemetery. Her epitaph states: ‘Mother, you have been my hope and love, the cause of my happiness, my consolation and my comfort in despair, ...’

<sup>4</sup> Asieh Amini, July 2007, *Parvandeheyeh Sang-een* (“Stone-heavy cases”), Zanan Magazine, No. 145, <[www.zanan.co.ir/social/001027.html](http://www.zanan.co.ir/social/001027.html)>.

**Appendix VII- Pending provisions on *mahdoor-ol-dam* in the 2007 draft Bill of Islamic Criminal Code and the 2009 revised Bill still under vetting by the Guardian Council \***

| Draft Bill of Islamic Criminal Code (2007)   | Revised Bill of Islamic Criminal Code (2009) and Guardian Council's proposed corrections   |
|--|--|
| <p><b>Article 331-1:</b> For <i>qisas</i> punishment to be applicable these conditions must be met:</p> <ul style="list-style-type: none"> <li>• Maturity of perpetrator</li> <li>• Sanity of perpetrator</li> <li>• Sanity of the victim</li> <li>• Perpetrator not being the father or paternal ancestor [of the victim]</li> <li>• Equivalence in religion between the perpetrator and the victim</li> <li>• The victim being <i>mahqoon-ol-dam</i> vis-a-vis the perpetrator</li> </ul> <p><b>Note:</b> Conditions where the victim is not <i>mahqoon-ol-dam</i> are as follows:</p> <ul style="list-style-type: none"> <li>• A person who has committed a <i>hadd</i> crime for which the penalty prescribed in the <i>hoddud</i> law is killing (<i>qatl</i>) or stoning (<i>rajm</i>) is not <i>mahqoon-ol-dam</i>. Where the offense is proven in court and the perpetrator has killed him/her without legal authority (<i>mojavez</i>), s/he is not subject to <i>qisas</i> but to one to two years' imprisonment and in other intentional offenses [bodily injury] to up to 74 lash strokes.</li> <li>• An invader (<i>motejavez</i>) injured or killed in legitimate defense of life, property or honor as stipulated in Article 313-16.</li> <li>• A person who has been sentenced to <i>qisas</i>, [to be deprived of] life or bodily parts, is not <i>mahqoon-ol-dam</i> vis-à-vis the owner of the right of <i>qisas</i>, and</li> <li>• A woman and man who are killed by the woman's husband during the act of</li> </ul> | <p><b>Article 302:</b> For the <i>qisas</i> punishment to be applicable the perpetrator must not be the father or paternal ancestor of the victim, and the victim must be sane, and equivalent in religion with the perpetrator.</p> <p><i>The Guardian Council's 19 January 2010 proposed correction:</i> In article 302, the text 'equivalent in religion with the perpetrator' is problematic and must be corrected, also limiting the scope of <i>mahdoor-ol-dam</i> to the stated conditions is in breach of Islamic law (<i>mavazin-e shar'i</i>).</p> <p><b>Article 303:</b> If the victim has the following characteristics, the perpetrator is not liable to the punishment of <i>qisas</i>:</p> <ul style="list-style-type: none"> <li>• A person who has committed a capital <i>hadd</i> offense</li> <li>• A person who deserves <i>qisas</i> of life or bodily parts only vis-a-vis the owner of the right of <i>qisas</i> and within the prescribed measure [of the <i>qisas</i> penalty]</li> <li>• An invader against whom defense is legally legitimate</li> <li>• Male and female fornicators during the act of <i>zina</i> vis-à-vis the adulterer's husband as stipulated in the law.</li> </ul> <p>Note: In the case of acts perpetrated pursuant to paragraphs 1 and 2 of this</p> |

|   |  |
|---|--|
| <p>committing zina are not <i>mahqoon-ol-dam</i>.</p> <p><b>Article 313-2:</b> Whoever commits an intentional crime against a <i>mahqoon-ol-dam</i> person and has not been subjected to <i>qisas</i> for any reason shall, in the case of murder, in addition to paying <i>diyyeh</i> and other financial compensation ... be sentenced to three to five years' imprisonment plus 74 strokes of the lash ...</p> <p><b>Article 313-11:</b> Killing a person in the belief that the victim was <i>mahdoor-ol-dam</i> or deserving of <i>qisas</i> without permission from qualified judicial authorities is prohibited, and the perpetrator shall be regarded as criminal. If according to regulations it is proven in court that the murderer has committed the murder on the basis of such belief and if the <i>mahdoor-ol-dam</i> status of the victim is not proven, the murderer shall be sentenced to <i>ta'zir</i> imprisonment of three to five years and payment of <i>diyyeh</i> and if the <i>mahdoor-ol-dam</i> status of the victim is proven, [the murderer] shall be sentenced to the punishment specified in article 313-1 of this law, but if it is not proven that the murderer has committed the murder with such belief, s/he shall be sentenced to <i>qisas</i>.</p> | <p>article without permission of a court, the perpetrator shall be sentenced to the <i>ta'zir</i> punishment stipulated in volume five of this law.</p> <p><i>The Guardian Council's 19 January 2010 proposed correction:</i> In paragraph 3 of article 303, the phrase 'as stipulated in article 155 of this law' must be added. When self defense is established but determined to be excessive, the punishment shall be not <i>qisas</i> but appropriate <i>diyyeh</i> and <i>ta'zir</i>. In paragraph 4, the inclusion of cases involving force and coercion, is in breach of Islamic law.</p> <p><b>Article 304:</b> Whenever the perpetrator claims the existence of one of the conditions of article 303 in the victims s/he must prove his claim in court, otherwise s/he shall be condemned to <i>qisas</i>.</p> <p><i>The Guardian Council's 19 January 2010 proposed correction:</i> With respect to Article 304, refer to article 313-11 of the draft.</p> |
|---|--|

\* The draft Bill of Islamic Criminal Code (Volumes 1-4) was submitted to the Islamic Consultative Assembly on 11 December 2007 [20.09.1386]. On 16 December 2009 [25.09.1388] the Assembly revised passed the Bill in 737 articles and 204 sub-articles for a trial period of five years. The revised Bill has since been under the Guardian Council's vetting. The Guardian Council proposed its corrections in instalments on 9 January 2010 [19.10.88], 19 January 2010 [29.10.88], 19 March 2011 [28.12.89]. The text of the draft and revised Bills, and the Guardian Council's proposed corrections are available at: <http://tarh.majlis.ir/?SearchRules>.

**Appendix VIII- Table of maximum punishments for honor killings under the State Party's criminal system.**

**“X” indicates the punishment that the perpetrator may receive as a maximum.**

|  | <i>Qisas</i> death sentence   | Payment of <i>diyyeh</i> (a female victim's <i>diyyeh</i> is half that of a male's) | Discretionary prison term of up to ten years |
|--|---|---|--|
|  | The perpetrator is the father or a paternal grandfather of the victim   |   |  |
| -The heirs demand <i>qisas</i>   |   | X<br>(Unlikely because the heirs are fellow family members)                         | X  |
| -The heirs forgo <i>diyyeh</i><br>-The heirs demand <i>qisas</i> but the victim is proven to be <i>mahdoor-ol-dam</i>  |   |   | X  |
|  | The perpetrator is not the father or paternal grandfather of the victim |   |  |
| -The heirs demand <i>qisas</i>   | X<br>(Unlikely because the heirs are fellow family members)             |   |  |
| -The heirs demand <i>diyyeh</i> ,<br>-The heirs demand <i>qisas</i> but the killer can establish s/he had a justifiable belief that the victim was <i>mahdoor-ol-dam</i> |   | X<br>(Unlikely because the heirs are fellow family members)                         | X  |
| -The heirs waive <i>diyyeh</i> ,<br>-The heirs demand <i>qisas</i> but the victim is proven to be <i>mahdoor-ol-dam</i>  |   |   | X  |

## Appendix IX –Statistic on publicly reported executions (2008-2011)

### Officially and unofficially reported executions from 1 January 2008 to 1 September 2011

|   | 2008         | 2009         | 2010         | 2011<br>(1/1 to 1/9) | Total          |
|---|--------------|--------------|--------------|----------------------|----------------|
| <b>all publicly reported executions</b> | 310          | 369          | 594          | 431                  | 1,704          |
| <b>officially reported*</b>             | 292<br>(94%) | 356<br>(97%) | 443<br>(74%) | 247<br>(57%)         | 1,338<br>(79%) |

\* officially reported executions include reports with details of individual execution as well as with just aggregate numbers.

### Executions by crime category from 1 January 2008 to 1 September 2011

|              | <i>Qisas</i> | <i>Hoddud</i> * | <i>Ta'zirat</i> ** | Unspecified | Total        |
|--------------|--------------|-----------------|--------------------|-------------|--------------|
| <b>2008</b>  | <b>133</b>   | <b>61</b>       | <b>104</b>         | <b>12</b>   | <b>310</b>   |
|              | 43%          | 20%             | 34%                | 4%          | 100%         |
| <b>2009</b>  | <b>113</b>   | <b>86</b>       | <b>164</b>         | <b>6</b>    | <b>369</b>   |
|              | 31%          | 23%             | 44%                | 2%          | 100%         |
| <b>2010</b>  | <b>18</b>    | <b>64</b>       | <b>507</b>         | <b>5</b>    | <b>594</b>   |
|              | 3%           | 11%             | 85%                | 1%          | 100%         |
| <b>2011</b>  | <b>16</b>    | <b>60</b>       | <b>340</b>         | <b>15</b>   | <b>431</b>   |
|              | 4%           | 14%             | 79%                | 3%          | 100%         |
| <b>Total</b> | <b>280</b>   | <b>271</b>      | <b>1,115</b>       | <b>38</b>   | <b>1,704</b> |
|              | 16%          | 16%             | 65%                | 2%          | 100%         |

\* of 271 *hoddud* offenses, 139 were for so-called state and public security crimes (*moharebeh & ifsad-fil-arz*), and 132 for so-called sex crimes (*zina & lavat*).

\*\* of 1,115 *ta'zirat* executions, 1,111 were drug-related, one for economic crimes (2008), two espionage (2008, 2010), and one blasphemy (2011).

## Appendix X- List of known juvenile executions from 2008 to 2011

|    |                      | <i>age at time of alleged offense</i> | <i>age at execution</i> | <i>alleged offense</i> | <i>date of execution</i> | <i>place of execution</i>              |
|----|----------------------|---------------------------------------|-------------------------|------------------------|--------------------------|--|
| 1  | Javad Shojae         | 16                                    | 23                      | murder                 | 26.02.08                 | Esfahan                                |
| 2  | Mohammad Hassanzadeh | 15                                    | 17                      | murder                 | 10.06.08                 | Sanandaj                               |
| 3  | Hassan Mozafari      | -                                     | -                       | rape                   | 22.07.08                 | Bushehr                                |
| 4  | Rahman Shahidi       | -                                     | -                       | rape                   | 22.07.08                 | Bushehr                                |
| 5  | Seyyed Reza Hejazi   | 17                                    | 20                      | murder                 | 519.08.08                | Esfahan                                |
| 6  | Behnam Zare          | 15                                    |                         | murder                 | 26.08.08                 | Shiraz                                 |
| 7  | Gholamreza H.        | 17                                    | 19                      | murder                 | 01.11.08                 | Esfahan                                |
| 8  | Ahmad Zarei          | 17                                    | 23                      | murder                 | 25.12.08                 | Sanadaj                                |
| 9  | Molla Gol-Hassan     | 17                                    | 21                      | murder                 | 21.01.09                 | Tehran                                 |
| 10 | Delara Darabi        | 17                                    | 23                      | murder                 | 01.05.09                 | Rasht                                  |
| 11 | Behnud Shojaee       | 16                                    | 20                      | murder                 | 10.10.09                 | Tehran                                 |
| 12 | Arash Rahmanipour    | 17                                    | 19                      | moharebeh              | 28.01.10                 | Tehran                                 |
| 13 | Mohammad             | 17                                    | 20                      | murder                 | 10.07.10                 | Shiraz                                 |
| 14 | A. N.                | 17                                    | 19                      | murder                 | 21.04.11                 | Bandar Abbas<br><b>hanged publicly</b> |
| 15 | H.B.                 | 17                                    | 19                      | murder                 | 21.04.11                 | Bandar Abbas<br><b>hanged publicly</b> |
| 16 | Hashem Hamidi        | -                                     | 16                      | unspecified            | 05.05.11                 | Ahvaz                                  |

Sources are available at <http://www.irainc.org/eiei/database.php>