



IRAN:
Submission to the United Nations Human Rights Committee
For the 103rd Session (17 October – 4 November, 2011)

Statement submitted pursuant to ECOSOC Res. 1996/31
by The Advocates for Human Rights, a non-governmental organization in special consultative status, in collaboration with The World Coalition against the Death Penalty, an alliance of NGOs, bar associations, local authorities and unions

I. Background

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against The Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 120 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The Iranian government does not make public official statistics on its use of capital punishment, despite repeated calls from the United Nations.¹ But it is widely believed that, since 1979, Iran

¹ Amnesty International, New Iran Public Execution Video Highlights ‘Brutal’ Death Penalty, July 21, 2011.

has executed thousands of men, women, and even children for a variety of offenses.² And the number of executions have been rising sharply in the last few years. In 2000, there were 165 reported executions for the year.³ But in 2008 there were 350 reported executions; in 2009 there were 402 reported executions; and in 2010 there were 546 reported executions.⁴ And as of April 2011, at least 135 individuals have been executed.⁵

The Human Rights Council has examined Iran during its 14th Session and expressed concern over the situation of capital punishment.⁶ Concerns by states during the interactive dialogue focused on the growing imposition of death sentences and executions against post-election protestors, as well as minors;⁷ the disproportionate use of capital punishment toward minorities and political dissidents;⁸ the reported continued use of public executions despite a 2008 prohibition;⁹ and the wide scope of death-eligible crimes.¹⁰ Recommendations from the Working Group report urged Iran to:

² Joint Written Statement to the 16th UN Human Rights Council (28 February – 25 March 2011) submitted by Amnesty International, Human Rights Watch, and Reporters without Borders, Iran: the international community must act to save hundreds at risk of execution, February 2011.

³ Iran Human Rights, Annual Report of the Death Penalty in Iran in 2010, February 11, 2011.

⁴ Iran Human Rights, Annual Report of the Death Penalty in Iran in 2010, February 11, 2011.

⁵ Amnesty International, Sharp Rise in Public Executions as Iran Executes First Juvenile Offender in 2011, April 27, 2011.

⁶ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12.

⁷ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 22, 32, 34, 73.

⁸ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 69.

⁹ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 73.

¹⁰ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 74.

- Respect the minimum standards set forth in the ICCPR and CRC, including with regard to inhumane and public executions.¹¹
- Take measures to ensure that no torture or other cruel, inhuman or degrading treatment or punishment occurs.¹²
- Abolish the death penalty and stop all executions.¹³
- Commute all death sentences to imprisonment.¹⁴
- Abolish the death penalty for crimes committed by juveniles under 18 and stop juvenile executions.¹⁵
- Consider a moratorium on the death penalty.¹⁶
- Reduce the number of death-eligible crimes.¹⁷
- Stop public executions and executions by stoning.¹⁸
- Strengthen the October 2008 moratorium on the death penalty for young people.¹⁹

¹¹ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 90(39), 91(10).

¹² Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Paras. 90(41), 92(23-24).

¹³ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 92(20).

¹⁴ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 92(20).

¹⁵ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 90(40), 91(2), 91(9-10), 91(15-18), 91(11-14); 92(21-22).

¹⁶ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 92(20).

¹⁷ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Paras. 91(9), 91(15).

¹⁸ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Paras. 91(8); 91(18), 92(20).

¹⁹ Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Human Rights Council, 14th Sess., March 15, 2010, U.N. Doc. A/HRC/14/12, Para. 91(15).

In addition, the 2011 interim report of the Secretary-General to the Human Rights Council on the situation in Iran expressed alarm at the increased rates of executions and instances of inhuman treatment.²⁰

II. Prohibition Against Torture and Cruel, Inhuman, and Degrading Treatment or Punishment

Article 7 of the International Covenant on Civil and Political Rights provides that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” And Article 10, subsection 1 provides that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The United Nations Economic and Social Council (ECOSOC) urges UN member states that have not abolished the death penalty to “effectively apply the Standard Minimum Rules for the Treatment of Prisoners, in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.”²¹ And the United Nations Human Rights Committee (HRC) has similarly stated that the death penalty must not only be “strictly limited in accordance with article 6 but it must be carried out in such a way as to cause the least possible physical and mental suffering.”²²

The HRC has requested that Iran provide a complete record of death penalty sentences occurring from 2005 until the present, as well as an exhaustive account of the circumstances surrounding each sentence. Further, the HRC has asked that Iran “clarify whether the circular of January 2008 by the former head of the judiciary banning public executions is respected in practice.”²³ Iran is also asked to justify its continued use of stoning as a method of execution “despite a moratorium issued by the judiciary in 2002.”²⁴ Additionally, the HRC has requested “information on: (a) the total number of cases of alleged torture and cruel, inhuman or degrading

²⁰ Interim Report of the Secretary-General on the situation of human rights in Iran, Human Rights Council, 16th Sess., March 14, 2011, U.N. Doc. A/HRC/16/75.

²¹ Resolutions and Decisions of the Economic and Social Council, 1996/15, adopted on 23 July 1996.

²² Human Rights Committee, General Comment 20, Article 7 (Forty-Fourth Session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994).

²³ Human Rights Committee, International Covenant on Civil and Political Rights (101st session, 2011), U.N. Doc. CCPR/C/IRN/Q/3 at 6.

²⁴ Human Rights Committee, International Covenant on Civil and Political Rights (101st session, 2011), U.N. Doc. CCPR/C/IRN/Q/3 at 6.

treatment on the part of police officers or prison officials that have been investigated since 2005” and “(b) the outcome of these investigations and the action taken against those found guilty.”²⁵

The Iranian constitution and law prohibits torture, but credible reports have surfaced that prisoners have been tortured and ill-treated while in prison.²⁶ This shadow reports focuses on three distinct and narrow areas related to Iran’s death penalty: (1) method of execution, (2) death row conditions, and (3) families of persons sentenced to death. Extrajudicial executions and executions of juveniles in Iran, while heavily reported and of great concern, are outside the scope of this shadow report.

A. Methods of Execution

HRC evaluates whether the death penalty constitutes a violation of Article 7 by evaluating, among other things, whether the method of execution is “particularly abhorrent.”²⁷ Referencing the General Comment 20 of Article 7, HRC holds that when imposing capital punishment, the execution of the sentence “must be carried out in such a way as to cause the least possible physical and mental suffering.”²⁸

HRC has found that gas asphyxiation is cruel and inhuman because it failed to meet the test of “least possible physical and mental suffering.”²⁹ Specifically, HRC held that “execution by gas asphyxiation may cause prolonged suffering and agony and does not result in death as swiftly as possible, as asphyxiation by cyanide gas may take over 10 minutes.”³⁰

HRC has also held that “public executions are . . . incompatible with human dignity.”³¹

²⁵ Human Rights Committee, International Covenant on Civil and Political Rights (101st session, 2011), U.N. Doc. CCPR/C/IRN/Q/3 at 11.

²⁶ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(c); U.S. Department of State, 2009 Human Rights Report, Iran, Section 1(c).

²⁷ *Kindler v. Canada*, Commc’n No. 470/1991, U.N. Doc. CCPR/C/48/D/470/1991 (1993), para. 15.3.

²⁸ *Ng. v. Canada*, Commc’n 469/1991, U.N. Doc. CCPR/49/D/469/1991 (1994), para. 16.2.

²⁹ *Ng. v. Canada*, Commc’n 469/1991, U.N. Doc. CCPR/49/D/469/1991 (1994), para. 16.4.

³⁰ *Ng. v. Canada*, Commc’n 469/1991, U.N. Doc. CCPR/49/D/469/1991 (1994), para. 16.3.

³¹ Concluding Observations of the Human Rights Committee: Nigeria, UN doc. CCPR/C/79/Add. 65, 24 July 1996, para. 16. Similarly, the Commission on Human Rights (now the Human Rights Council) declared that “where capital punishment occurs, it . . . shall not be carried out in public or in any other degrading manner.” Human Rights Commission Res. 2005/59 para. 7(i).

The Commission on Human Rights, while replaced by the Human Rights Council, can still shed light on UN interpretation of executions that constitute inhuman or cruel punishment. The Commission on Human Rights has stated on multiple occasions that stoning is a “particularly cruel or inhuman means of execution.”³² Indeed, the Commission on Human Rights urged all states that still maintain the death penalty “to ensure that any application of particularly cruel and inhuman means of execution, such as stoning, be stopped immediately.”³³

Iran continues to use methods of execution held to be inhuman and degrading. For example, Iran has the distinction of having the world’s highest record for public executions.³⁴ Despite a moratorium on public executions ordered in 2008, the number of public executions is rising.³⁵ Iran Human Rights reported that at least nineteen executions took place in public in 2010.³⁶ Amnesty International puts that number at fourteen for 2010.³⁷ More recently, as of July 2011, Amnesty International reported that Iran had at least 28 public executions for the year.³⁸

Reports on specific public executions include the public hanging of 22 prisoners in various cities throughout Iran on two consecutive days in early January 2009.³⁹ Amnesty International reported that a video captured the execution by hanging of three men in Azadi Square in the city

³² Human Rights Commission Res. 2003/67, para. 4(i); Res. 2004/67, para. 4(i).

³³ Human Rights Commission Res. 2005/59 para. 7(i). The European Court of Human Rights (ECHR) has equally held stoning to be an inhuman punishment. While the ECHR belongs to and addresses a different legal system, the legal language governing inhuman punishment in Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms mirrors that found in the ICCPR, in that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” Case law from the ECHR can help shed light on how other legal bodies have interpreted acts that constitute inhuman or degrading treatment or punishment with regard to the death penalty. In *Jabari v. Turkey*, ECHR held that returning a refugee to Iran would risk inhuman punishment, in particular death by stoning, contrary to Article 3 of the European Convention, which states, “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.” *Jabari v. Turkey*, Appl. No. 40035/98, Council of Europe: European Court of Human Rights, 11 July 2000.

³⁴ “Iran: Amnesty International Condemns New Wave of Executions,” Iran Press Service, Oct. 19, 2007.

³⁵ Amnesty International, New Iran Public Execution Video Highlights ‘Brutal’ Death Penalty, July 21, 2011.

³⁶ Annual Report of the Death Penalty in Iran in 2010, Iran Human Rights.

³⁷ Amnesty International, Sharp Rise in Public Executions as Iran Executes First Juvenile Offenders in 2011, April 27, 2011.

³⁸ Amnesty International, New Iran Public Execution Video Highlights ‘Brutal’ Death Penalty, July 21, 2011.

³⁹ “Iran Hangs 22 in Executions This Week,” *The New York Times*, January 22, 2009.

of Kermanshah on July 19, 2011.⁴⁰ The crowd of onlookers included children.⁴¹ Amnesty International also reported that, in early May 2011, three Ahwazi Arabs were reportedly publically executed in Khuzestan province.⁴² Some of these individuals subjected to death by public execution have included minors. On April 20, 2011, the government executed two juvenile offenders, known as “A.N.” and “H.B.,” by public hanging.⁴³ On April 16, three men were publically hanged in Shiraz and four men were publically hanged near Kazeroun in Fars Province.⁴⁴

As perhaps evident from above, hanging is the most common method of execution.⁴⁵ According to a report from the International Campaign for Human Rights in Iran (ICHRI), hundreds of prisoners in the Vakil Abad Prison were ordered to be hanged during 2010.⁴⁶ And for more specific reporting, on January 28, 2010, the state executed Mohammad Reza Ali Zamani and Arash Rahmanipour by hanging for their purported membership in a military royalist group and for “plotting assassinations of government officials.”⁴⁷ On May 9, 2010, the government hanged five Kurdish activists: Farrad Karamangar, Ali Heydarian, Farhad Vakili, Shirin Alam Holi, and Mehdi Eslamian at Evin Prison.⁴⁸ On January 24, 2011, Amnesty International reported that two men, arrested during the September 2009 mass protests, were hanged in Evin Prison.⁴⁹ On January 26, 2008, one man was shot first by a firing squad and then hanged.⁵⁰

⁴⁰ Amnesty International, New Iran Public Execution Video Highlights ‘Brutal’ Death Penalty, July 21, 2011.

⁴¹ Amnesty International, New Iran Public Execution Video Highlights ‘Brutal’ Death Penalty, July 21, 2011.

⁴² Amnesty International, Iran: Arbitrary Arrests, Torture and Executions Continue, May 20, 2011.

⁴³ Amnesty International, Sharp Rise in Public Executions as Iran Executes First Juvenile Offenders in 2011, April 27, 2011.

⁴⁴ Amnesty International, Sharp Rise in Public Executions as Iran Executes First Juvenile Offenders in 2011, April 27, 2011.

⁴⁵ Death Penalty Worldwide, Death Penalty Database, Islamic Republic of Iran, Current as of April 2, 2011.

⁴⁶ International Campaign for Human Rights in Iran, Weekly Rights Podcast 9, Sept. 1 – 9, 2010.

⁴⁷ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

⁴⁸ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

⁴⁹ Amnesty International, Iran Hangs Two Men Detained During 2009 Unrest, January 24, 2011.

⁵⁰ Iran Human Rights, One Man was Executed by the Firing Squad and then Hanged in Isfahan Province This Morning, January 26, 2008.

Since the Islamic Revolution of 1979, Amnesty International has documented at least 77 stonings.⁵¹ In December 2002, however, Ayatollah Shahroodi issued a moratorium on execution by stoning.⁵² Nonetheless, the International Federation for Human Rights (IFHR) has reported at least seven stoning sentences have been enforced since the moratorium.⁵³ Most recently, IFHR reported that a stoning sentence was carried out against three men on December 25, 2008 and another man was stoned to death on March 5, 2009.⁵⁴ There have been no reports of death by stoning since 2009.⁵⁵ Amnesty International, however, has made various reports that individuals remain at risk of death by stoning.⁵⁶ For example, as of December 2010, at least 10 women and four men have a stoning sentence.⁵⁷

B. Death Row Conditions

HRC has expressed concern about poor living conditions for those living on death row. The concerns include: (1) restrictions on visits and correspondence;⁵⁸ (2) overly small cell size and lack of proper food and exercise;⁵⁹ (3) extreme temperatures, lack of ventilation, cells infested with insects, and inadequate time spent outside cells;⁶⁰ (4) taunts over impending execution;⁶¹ (5)

⁵¹ Amnesty International, Iran Executions by Stoning, December 2010.

⁵² International Federation for Human Rights, Iran—Death Penalty, A State Terror Policy, April 2009.

⁵³ International Federation for Human Rights, Iran—Death Penalty, A State Terror Policy, April 2009.

⁵⁴ International Federation for Human Rights, Iran—Death Penalty, A State Terror Policy, April 2009.

⁵⁵ International Federation for Human Rights, Iran—Death Penalty, A State Terror Policy, April 2009; Amnesty International Report 2011, Iran Entry; Amnesty International, Iran Executions by Stoning, December 2010; U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

⁵⁶ Amnesty International Report 2011, Iran Entry; Amnesty International, End of Execution by Stoning in Iran, April 30, 2010.

⁵⁷ Amnesty International, Iran Executions by Stoning, December 2010.

⁵⁸ Concluding observations of the Human Rights Committee: Japan, UN document CCPR/CO/79/Add.102, 19 November 1998, para. 21.

⁵⁹ Concluding observations of the Human Rights Committee: Uzbekistan, UN document CCPR/CO/71/UZB, 26 April 2001, para. 10.

⁶⁰ *Safarmo Kurbanova v. Tajikistan*, Views of the Human Rights Committee. . . Communication No. 1096/2002, UN document CCPR/C/79/D/1096/2002, 12 November 2003, para. 7.8.

⁶¹ *Hylton v. Jamaica*, Commc'n No. 407/1990 (1994), para. 9.3.

mock executions of a death row prisoner;⁶² and (6) unjustified delay in informing a prisoner of a stay of execution and removing him from the death cell.⁶³

Similarly, the UN Committee against Torture stated overcrowding of death row inmates is among the conditions that can render detention on death row a cruel, inhuman and degrading treatment.⁶⁴ And the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment determined that keeping prisoners on death row in complete isolation, continuously handcuffed and shackled throughout their detention and without adequate food “constitute[d] additional punishments which can only be qualified as torture.”⁶⁵

HRC has also expressed concern about what has become known as the “death row phenomenon.” “Death row phenomenon” is the serious deterioration of prisoner's mental condition as a consequence of psychological tension suffered during prolonged detention on death row without appropriate medical treatment⁶⁶ and that is a result of prolonged delays in the execution of the sentence that can be imputed to States’ faulty procedures.⁶⁷

HRC has called on member states to improve these conditions as required under Article 7 and 10(1) of the International Covenant on Civil and Political Rights. The UN Economic and Social Council urged UN member states in which the death penalty may be carried out “to effectively apply the [UN] Standard Minimum Rules for the Treatment of Prisoners, in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.”⁶⁸

In Iran, there have been numerous reports of ill-treatment suffered by prisoners on death row. Prisoners (both death row and non-death row inmates) are subject to “prolonged solitary

⁶² Linton v. Jamaica, Commc’n No. 255/1987 (1992), para. 8.5.

⁶³ Pratt and Morgan v. Jamaica, Commc’ns No. 210/1986 and 225/1897 (1989), para. 13.7.

⁶⁴ Committee against Torture, Concluding observations on Zambia, CAT/C/ZMB/CO/2, para. 19.

⁶⁵ Report by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, U.N. Doc. E/CN.4/2006/6/Add.4 (2005), para. 53.

⁶⁶ Williams v. Jamaica, Commc’n No. 609/1995 (1997).

⁶⁷ Francis v. Jamaica, Commc’n No. 606/1994 (1995), para. 9.2 (finding violations of Articles 7 and 10(1) where the Jamaican Court of Appeal failed to issue a written judgment for more than 13 years despite several requests by prisoner and the prisoner was exposed to humiliating treatments by warders, inadequate prison conditions, and lack of adequate psychological treatment).

⁶⁸ Resolutions and Decisions of the Economic and Social Council, 1996/15, adopted on 23 July 1996.

confinement with extreme sensory deprivation (sometimes called “white torture”), beatings, rape and sexual humiliation, long confinement in contorted positions, kicking detainees with military boots, hanging detainees by the arms and legs, threats of execution, burning with cigarettes, pulling out toenails, sleep deprivation, and severe and repeated beatings with cables or other instruments on the back and the soles of the feet.”⁶⁹ Prisoners have reported “beatings on the ears, inducing partial or complete deafness, blows in the area around the eyes, leading to partial or complete blindness, and the use of poison to induce illness.”⁷⁰

As an example, on April 30, 2010, Hadi Aravand, a death row prisoner in Sari Prison, was reportedly tortured to death.⁷¹ The coroner’s findings showed that Aravand’s death was caused by suffocation from a plastic bag tied over his head and verified that his arms and legs were bound during his death.⁷²

Many prisoners have also been denied adequate food, clean water, or medical care.⁷³ Ali Kantoori, in an interview with Iran Human Rights Documentation Center on April 14, 2010, stated that “lice infestations were common” and that “prisoners had inadequate access to clean water,” bathing facilities, or medical care.⁷⁴ Amnesty International reports that repeated requests for medical attention are being denied.⁷⁵

In March 2011, it was reported that fourteen people were killed as a result of an uprising in the Qezel Hesar prison in Karaj.⁷⁶ A human rights activist group reported that the inmates were

⁶⁹ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(c); U.S. Department of State, 2009 Human Rights Report, Iran, Section 1(c).

⁷⁰ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(c); U.S. Department of State, 2009 Human Rights Report, Iran, Section 1(c).

⁷¹ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

⁷² U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

⁷³ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(c); U.S. Department of State, 2009 Human Rights Report, Iran, Section 1(c).

⁷⁴ Iran Human Rights Documentation Center, Interview Statement of Ali Kantoori, taken on April 14, 2010 and approved on May 10, 2010.

⁷⁵ Amnesty International, Appeal for Action Re: Iranian Prisoners in Need of Medical Care, August 2, 2011.

⁷⁶ Amnesty International, Deaths in Iranian Prisons Must be Investigated, March 17, 2011.

protesting the poor conditions in the prison and authorities efforts to relocate prisoners for execution.⁷⁷

Prisons in Iran also have significant overcrowding issues.⁷⁸ As of March 2011, the International Center for Prison Studies reported that Iran had more than 220,000 in prison despite an official capacity of 85,000 in its prison system.⁷⁹ Citing a June 27, 2011 report in *Shargh* newspaper, Amnesty International reports that overcrowding is so bad that some prisoners were sleeping on stairs.⁸⁰

C. Families of the Persons Sentenced to Death

HRC has stated that “the failure to notify the family and lawyers of the prisoners on death row of their execution” is incompatible with the International Covenant on Civil and Political Rights.⁸¹ In *Staselovich v. Belarus*, HRC found that family members of sentenced prisoners are victims of “inhuman treatment” when the State fails to notify family members of the scheduled date of execution and the location of the grave following the execution.⁸² The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment similarly finds that refusing family the opportunity to bid farewell to the condemned, failing to notify them of the date of the execution, and not disclosing the place of burial afterwards, were cruel and inhuman.⁸³

On May 9, 2010, when executing five Kurdish activists, the government failed to give prior notification to the families or their lawyers.⁸⁴ In early May 2011, Iran executed at least eight

⁷⁷ Amnesty International, Deaths in Iranian Prisons Must be Investigated, March 17, 2011.

⁷⁸ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(c); U.S. Department of State, 2009 Human Rights Report, Iran, Section 1(c).

⁷⁹ International Center for Prison Studies, World Prison Brief, Iran, March 2011 Report, at <http://www.prisonstudies.org>.

⁸⁰ Amnesty International, Appeal for Action Re: Iranian Prisoners in Need of Medical Care, August 2, 2011.

⁸¹ Concluding Observations of the Human Rights Committee: Japan, UN document CCPR/CO/79/Add. 102, 19 November 1998, para. 21.

⁸² Commc'n No. 887/1999, U.N. Doc. CCPR/C/77/D/887/1999 (2003), para. 9.2.

⁸³ Report by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, U.N. Doc. AHRC/13/39/Add.6 (2010), pp. 251; Nowak, supra note 33 at para. 50.

⁸⁴ U.S. Department of State, 2010 Human Rights Report, Iran, Section 1(a).

Ahwazi Arabs, including one minor.⁸⁵ The only body that was returned to the family is that of the minor, Hashem Hamidi, whose head may have been decapitated during the hanging.⁸⁶

On December 27, 2010, the family of Ali Saremi's went to Evin Prison because they heard that Saremi's execution was imminent.⁸⁷ The family waited outside until dawn and then learned that he had already been executed.

III. Recommendations

The Advocates for Human Rights and the World Coalition against the Death Penalty is concerned about individuals who are death row and subjected to torture or to cruel, inhuman or degrading treatment of punishment. The Advocates and the World Coalition against the Death Penalty asks the United Nations Human Rights Committee to consider the following recommendations when responding to Third Periodic Report of the Islamic Republic of Iran:

- Protect death-row prisoners from torture or other cruel, inhuman, or degrading treatment;
- Investigate immediately and impartially all allegations of death-row prisons being tortured or treated cruelly, inhumanely, or in a degrading manner.
- Prosecute anyone responsible for torture or cruel, inhuman, or degrading treatment of death-row prisoners.
- Abide by the moratorium on public executions ordered in 2008 and the moratorium on stoning that was declared in 2002.
- Create transparency in the use of death penalty, including releasing statistics on the sentencing of the death penalty, the names of those executed, and the crimes for which they were found guilty.
- Inform the family of the prisoner on death row when and where the execution will occur and return the body for proper burial.
- Declare and instate a moratorium on executions as a first step to abolishing the death penalty.

⁸⁵ Amnesty International, Iran: Arbitrary Arrests, Torture and Executions Continue, May 20, 2011.

⁸⁶ Amnesty International, Iran: Arbitrary Arrests, Torture and Executions Continue, May 20, 2011.

⁸⁷ Amnesty International, Man Executed; Seven Still at Risk of Execution, January 5, 2011.