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Methods of Execution in the Islamic Republic of Iran

by

Project on Extra-Legal Executions in Iran (ELEI)

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I. Appendix I- 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 IPC	2003 Implementation Code	Tahrir-al-wasileh	
1	hanging		art. 14		as additional options for <i>qisas</i> and <i>qatl/hadd sentences</i> 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-legally sanctioned murder

II. Appendix II- *Fatwas* by state approved leading clerics (*mara'je taqlid*) on additional methods of *qisas* execution

***Fatwas* of Grand Ayatollah Ruhollah Khomeini [d. 1989]:**

4/317/11: *Qisas*, whether it be killing or [amputation of] body parts shall not be implemented with a blunt instrument or one which causes the culprit more suffering than the sword, such as, for example severing his neck or body part with a saw. If this occurs, [the perpetrator] shall not be liable to *qisas*, but he has sinned and shall be liable to *ta'zir*. Therefore, *qisas* shall not be carried out with instruments other than the sword or a similar [bladed] instrument and it is conceivable that *qisas* might also be implemented with an instrument that is easier than the sword, such as shooting the culprit in the brain with a bullet, or electrocution. If it is decided to implement *qisas* with the sword, it shall only be used to sever the head, even if the murder was not committed with a sword and, for example, the victim had been drowned, or burned, or hit with a stone. Nor is it permissible to mutilate the culprit.

4/314/9: When *qisas* is implemented it is a more appropriate and safe practice for the Leader of the Moslems [*vali moslemeen*] or his deputy to appoint two just, intelligent and pious witnesses to observe the procedure so that if conflict should occur between the executor of *qisas* and the relatives of the culprit, they may be witnesses at the scene, and they may also examine the instrument which the executor of *qisas* intends to use to kill the culprit in order to ensure that it is not poisoned in a manner which would infect the body, or cause it to disintegrate, and thereby interfere with respect for the remains during ablution and burial. If it is revealed that the instrument used was poisoned with a substance not permitted in *qisas* implemented on a pious man, the judge shall prevent its use and if it has already been used, the judge shall sentence the perpetrator to *ta'zir* [discretionary punishment determined by the judge].

Source: *Tahrir al-wasileh*, Volume 4, pp 314 and 317.

***Fatwas* of Grand Ayatollahs Mohammad Taqi Bahjat [d. 2009], Lutfollah Safi Golpayegani [1920-], Nasser Makarem Shirazi [1927-], Seyyed Abdolkarim Mousavi Ardebili [1926-], Hossein Nouri Hamadani [1926-], Mohammad Fazel Lankarani [d. 2007], and Mirza Javad Tabrizi [d. 2006]:**

Question: Explain the following regarding the instrument of *qisas*:

- A- Is the sword obligatory in implementation of *qisas-e-nafs* or is it possible to use instruments and equipment that in terms of their speed and ease in extinguishing the soul are similar or superior to the sword (such as a gunshot or electrical equipment)?
- B- If presently no one is willing to carry out beheading with the sword, what should be done?
- C- What is the ruling on implementing *qisas* by “hanging”?

Answers:

Grand Ayatollah Mohammad Taqi Bahjat [d. 2009]:

- A- Killing with an instrument that is not sharp, or which achieves the objective by means of delay and with suffering is not permissible. Killing with anything other than an object which resembles sharp iron and is less painful, such as a bullet, for example is not clearly permissible.
- B- Human participation is not a requirement [for implementation of *qisas* by beheading].
- C- Already answered.

Grand Ayatollah Lutfollah Safi Golpayegani [1920-]:

- A- Whenever it is possible to implement *qisas* with the sword it must be done with the sword and if that is not possible, it should be with a bullet. The status of electric equipment is dubious.
- B- This [lack of persons to implement beheadings] is considered a situation where the sword cannot be used, for which the ruling was explained in question A.

C- This is also dubious.

Grand Ayatollah Nasser Makarem Shirazi [1927-]:

A to C – Under present circumstances, other methods including hanging can be used.

Grand Ayatollah Seyyed Abdolkarim Mousavi Ardebili [1926-]:

Apparently ‘the sword’ is not obligatory, and execution by any method by which the culprit feels pain and suffering is sufficient.

Grand Ayatollah Hossein Nouri Hamadani [1926-]:

A- No, it is not obligatory, and using other instruments and equipment is not a problem.

B- Clear from the previous answer.

C- If it is easier than the sword it is not a problem, and the opinion of the Islamic judge in charge of implementing the sentence should be applied.

Grand Ayatollah Mohammad Fazel Lankarani [d. 2007]:

Since *qisas* shall be implemented by customary acts without excessive suffering, the said method is not a problem.

Source: *Ganjineh Araye Fiqhi-qazayi* (Treasury of Jurisprudence and Judicial Rulings), question 267, cited in *Selseleh pajuhesh-haye fiqhi-huquqi-bayesteh-haye fiqhi ijrayer qisas*, pp 139-40.

Note: The dates of these *fatwas* are unspecified.

Grand Ayatollah Mirza Javad Tabrizi [d. 2006]:

“whenever *qisas* is implemented with an instrument other than the sword, a forbidden act has been committed, and the perpetrator deserves *ta’zir*.”

Source: Mirza Javad Tabrizi, *Al-qisas*, p. 253, cited in *Selseleh pajuhesh-haye fiqhi-huquqi-bayesteh-haye fiqhi ijrayer qisas* p.132.

III. Appendix III- *Fatwas* by state approved leading clerics (*marā'je taqlid*) on additional methods of *hadd* executions

Fatwas of Grand Ayatollah Lutfollah Safi Golpayegani [1920-]:

Question 1: In implementing punitive sentences where the Divine Lawgiver has determined a specific method—such as stoning or killing with the sword—please explain the following:

- A- Is the mode or weapon obligatory (in other words, in these instances is the Divine Lawgiver's goal the extinguishing of the soul, albeit with a modern instrument, or should the extinguishing of the soul necessarily take place with a particular instrument or method?)
- B- If these methods are obligatory but implementation of stoning or the punishments prescribed for *lavat* were not in the best interest of Islam and the sacred Islamic State—if, for example, they tarnish Islam and Muslims, and present a cruel image of Islam and the Islamic State, is it possible to change the method used to carry out a death sentence?

Answer:

- A- In some cases the method is obligatory and in others the cautionary principle requires that one should adhere to the specific mode prescribed in the ordinance.
- B- Changing the method is not permissible, and what tarnishes Islam and Muslims is Muslims who give in to unbelievers, abandon Islamic tenets and apply secular laws without prophetic provenance. These laws have governed the vast world of Islam for one thousand four hundred years. Unbelievers and foreigners have always misinterpreted them, but Muslims paid no attention to the unbelievers and foreigners.

Source: *Ganjineh araye fiqhi-qazayi* (Treasury of Islamic Jurisprudence and Judicial Rulings), published by *Markaz tahqiqate fiqhi qoveh qazayieh* (Research Center for Islamic Jurisprudence of Judicial Branch). question 68. quoted in *Majmuyeh araye fiqhi-qazayi dar omur kayfari* (Digest of Islamic Jurisprudence and Judicial Rulings in criminal matters), vol. 1, pp 183-4.

Question 2: In view of the fact that when the condemned escapes the execution pit s/he should be returned in adultery proven with *bayineh* (evidence other than the condemned person's own confession) in cases where the adultery is proven by confession, please specify whether it is permissible to change the stoning sentence to another mode of *qatl*?

Answer: Apparently conversion is not permissible, and stoning must be carried out. God is omniscient.

Source: *Jame-al-hokam*, Vol. 2, p 371, question 2156, quoted in *Majmuyeh araye fiqhi dar omur kayfari* (Digest of Islamic Jurisprudence and Judicial Rulings in criminal matters), vol. 3, p 45.

Fatwas of Grand Ayatollah Nasser Makarem Shirazi [1927-]:

Question 1: In implementing punitive sentences where the Divine Lawgiver has determined a specific method—such as stoning or killing with the sword—please explain the following:

- A- Is the mode or weapon obligatory (in other words, in these instances is the Divine Lawgiver's goal the extinguishing of the soul, albeit with a modern instrument, or should

the extinguishing of the soul necessarily take place with a particular instrument or method?)

- B- If these methods are obligatory but implementation of stoning or the punishments prescribed for *lavat* were not in the best interest of Islam and the sacred Islamic State—if, for example, they tarnish Islam and Muslims, and present a cruel image of Islam and the Islamic State, is it possible to change the method used to carry out a death sentence?

Answer:

- A- Apparently, the evidence is that it is obligatory. However, it can be changed on the basis of secondary rulings. In our era and times, and in many circumstances, choosing to apply *rajm* or the punishments for *lavat* is problematic.
- B- It is clear from the above answer.

Source: *ibid*

Question 2: In our era where in some cases carrying out the *hadd* of stoning is better to be avoided for national or international reasons, is it possible to change the mode of execution on the basis of secondary ruling? If this is the case, then what should be the approach to the option of escaping death by escaping from the pit in the case of a condemned person whose sentence has been given on the basis of confession?

Answer: Changing stoning to other modes of execution is not a problem. The condemned's option of escaping the pit is not compulsory. To be spared from death, such a condemned person can retract their confession.

Source; *Istifta-at-e jadid*, vol. 2, p 490-91, question 1403, quoted in *Majmuyeh araye fiqhi dar omur kayfari*, vol. 3, p 45.

Fatwas of Grand Ayatollah Seyyed Abdolkarim Mousavi Ardebili [1926-]:

Question: In implementing punitive sentences where the Divine Lawgiver has determined a specific method—such as stoning or killing with the sword—please explain the following:

- A- Is the mode or weapon obligatory (in other words, in these instances is the Divine Lawgiver's goal the extinguishing of the soul, albeit with a modern instrument, or should the extinguishing of the soul necessarily take place with a particular instrument or method?)
- B- If these methods are obligatory but implementation of stoning or the punishments prescribed for *lavat* were not in the best interest of Islam and the sacred Islamic State—if, for example, they tarnish Islam and Muslims, and present a cruel image of Islam and the Islamic State, is it possible to change the method used to carry out a death sentence?

Answer:

- A- Stoning is obligatory.
- B- If it is truly detrimental to Islam, the mode of implementation can be changed. However, Islamic ordinances shall not be tinkered with on the basis of fantasies.

Source: *Ganjineh araye fiqhi-qazayi* (Treasury of Islamic Jurisprudence and Judicial Rulings), published by *Markaz tahqiqate fiqhi qoveh qazayieh* (Research Center for Islamic Jurisprudence of Judicial Branch), question 68, quoted in *Majmuyeh araye fiqhi-qazayi dar omur kayfari* pp 183-4.

Fatwa of Grand Ayatollah Hossein Nouri Hamadani [1926-]:

Question: In implementing punitive sentences where the Divine Lawgiver has determined a specific method—such as stoning or killing with the sword—please explain the following:

- A- Is the mode or weapon obligatory (in other words, in these instances is the Divine Lawgiver's goal the extinguishing of the soul, albeit with a modern instrument, or should the extinguishing of the soul necessarily take place with a particular instrument or method?)
- B- If these methods are obligatory but implementation of stoning or the punishments prescribed for *lavat* were not in the best interest of Islam and the sacred Islamic State—if, for example, they tarnish Islam and Muslims, and present a cruel image of Islam and the Islamic State, is it possible to change the method used to carry out a death sentence?

Answer:

- A- Killing with the said weapon is obligatory.
- B- It is not a problem if the Islamic ruler decides it to be expedient.

Source: *ibid*

Fatwas of Grand Ayatollah Mohammad Taqi Bahjat [d. 2009]:

Question 1: Is it possible to change a stoning sentence to different modes of *qatl* (killing)?

Question 2: What is the ruling if stoning cannot be carried out under any circumstances?

Answer:

- 1. It is not possible.
- 1. The Islamic judge shall impose a *ta'zir* (discretionary punishment) sentence.

Source: *Istifta-at from Ayatollah Bahjat*, no. 600, http://bahjat.org/fa/index.php?option=com_content&task=view&id=291&Itemid=45.

Fatwa of Grand Ayatollah Sheikh Javad Tabrizi [d. 2006]:

Question: In view of the criticism leveled at Iranians by enemies of Islam which incites the nations of the world to revolt against Iran, if someone is sentenced to stoning for adultery is there another way to administer the punishment so that it does not become an excuse for propaganda by the enemies of Islam?

Answer: *Rajm* is stoning. It is the punishment for adultery. It is obligatory to carry it out. God is omniscient.

Source: *Istifta-at jadid*, p. 426, question 1866, quoted in *Majmuyeh araye fiqhi dar omur kayfari*, vol. 3, p 44.

Fatwa of Grand Ayatollah Seyyed Ali Khamenehi [1939-, presently the Supreme Leader]:

Question: If a man or a woman is sentenced to stoning in court in accordance with Islamic criteria, can the method of *qatl* (killing) be changed from stoning or not, bearing in mind that the

enemies of the Islamic revolution are waiting for an excuse to tarnish the image of the sacred religion of Islam before the nations of the world nations by drawing attention to such sentences which are new and unusual to non-Muslims of the world, and are incompatible with the tastes and laws of such countries. Such enemies of the Islamic revolution embellish the details in their propaganda against the Islamic revolution in order to attack the revolution and Islam.

Answer: Perhaps it can be said that when the *shari'a*-based sentence is *qatl* (killing) by means of *rajm* (stoning), as for example, in the case of female adultery proven by *bayineh* (evidence other than confession), if there is a valid excuse for refraining from *rajm* it is legitimate to pursue the end goal which is killing [irrespective of the method]. But if the *shari'a*-based *rajm* (stoning) sentence is imposed on the basis of a confession, if the condemned person escapes the pit, then the sentence of *hadd* (stoning) is extinguished, and in this case achieving the end goal of killing [by methods other than stoning which does not give the culprit the chance of extinguishing the death sentence by escaping the pit] would not have legitimacy.

Source: *Ganjineh araye fiqhi-qazayi* ("Treasury of Islamic Jurisprudence and Judicial Rulings"), published by *Markaz-e tahqiqat-e fiqhi qoveh qazaiyeh* (Research Center for Islamic Jurisprudence of Judicial Branch). question 4189. quoted in *Majmuyeh araye fiqhi dar omur kayfari* ("Digest of Islamic jurisprudential rulings in criminal matters"), vol. 3, 2nd ed, 2003 [1382], p 44.

Fatwa of Grand Ayatollah Haj Seyyed Ali Hosseini Sistani [1930-]:

Question: Is there a substitute punishment for stoning?

Answer: No, there is not.

Source: Questions and answers. *Huddud* and *Ta'zirat*, <http://sistani.org/local.php?modules=nav&nid=5&cid=848>

Fatwa of Grand Ayatollah Mohammad Fazel Lankarani [d. 2007]:

Question: Bearing in mind that in adulterous *zina*, when the offense has been proven with *bayineh*, if the culprit escapes the pit s/he can be returned so that the execution of the sentence can continue but in the case of a conviction based on confession this cannot be done, explain whether the sentence of stoning can be changed to another method of *qatl* (killing)?

Answer: There seems to be no grounds for conversion [of the stoning method].

Source: *Jame' al-masael*, vol. 2, p 436, question 1147, <http://www.lankarani.com/far/bok/view.php?ntx=038020>

IV. Appendix IV- Directives concerning stoning and public executions issued by the 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,¹ 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.

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

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-e-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.

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 me 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.

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