



The politics of capital punishment for foreign nationals in Iran

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Introduction

This paper seeks to map the political economy of capital punishment for foreign nationals in the Islamic Republic of Iran. The specific nationalities which are represented on death row will be discussed, as well as which offences they are convicted of. It will also look at the specific vulnerabilities that this group faces, and the particular plight of dual nationals and how this relatively small cohort has an instrumental political function for Iran.

There are substantive transparency issues regarding Iran's use of capital punishment. There are a large number of 'secret executions' that go unannounced by the regime.¹ Newspapers can be instructed not to report some of them,² and because many executions occur in regional prisons

in remote provinces, full information becomes even more difficult to collect. Even when they are officially announced, there is a lack of systematic, government compiled annual statistics.³

It is left to non-governmental organisations (NGOs) to try pierce this veil of secrecy: "these organisations rely on a wide array of sources to corroborate their numbers, including official government announcements, unnamed government sources, sources inside the prisons (including prisoners), lawyers, family members, local newspapers, and other information."⁴ It has led many NGOs to note that the real figure of executions in Iran could be even higher than their calculations. Furthermore, it is likely that the compounded vulnerability faced by foreign or dual nationals, as well as ethnic or religious minorities, leads to underreporting. Clearly, the true scale and

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scope of the problems faced by foreign nationals at risk of the death penalty in Iran cannot be fully measured, but, from the data we and others have gathered, some trends appear.

Iran is a leading global executioner; second in the world for summary executions, and until the 2017 amendment to the Anti-Narcotics Laws, was consistently the highest executioner per capita.⁵ Iran has also failed to constrain its capital statute book to only the most serious offences. In 2021, 50% of executions (182 individuals) were following convictions for murder charges under the principle of *qisas*, or retribution. The remaining 50% were for drug offences (36%), political offences and other crimes such as sodomy and rape.⁶ Iran has also attracted international condemnation for executing juvenile offenders, with its threshold of criminal responsibility, or *bulugh*, as low as 15 lunar years for boys (14 years seven months in solar years) and nine lunar years for girls (eight years, nine months in solar years).⁷ Foreign nationals have been known to be executed for crimes committed at even younger ages.

Carolyn Hoyle has argued that “Iran’s Revolutionary Courts appear not to follow any recognisable due process.”⁸ There have been repeated accounts of torture in the interrogation process, withholding access to counsel, documented instances of forced confessions and systemically inadequate procedural protections.⁹ With political cases, pressure has been exerted by the regime on families and prisoners to keep quiet or face reprisals.¹⁰ In terms of partisan sentencing and the presumption of innocence, the International Federation of Human Rights (FIDH) has argued that “the judge plays the role of the interrogator, prosecutor and judge all at the same time ... In the overwhelming majority of criminal and political cases, judges do not presume that defendants are innocent until proven guilty. The

guiding principle seems to be the other way round.”¹¹ Some offences, such as *moharebeh*, or ‘enmity against God’, specifically reject a presumption of innocence.¹²

Haedi Ghaemi notes that “after the disputed 2009 presidential election, the judiciary emerged as a key instrument to intimidate protestors and remove many leading activists and opinion makers, steps that were both critical to the regime’s survival.”¹³ This was once again evident in the immediate wake of protests in 2017, 2018 and 2019 respectively. It continued throughout 2020–22, when the judiciary continued to weaponize “overly broad articles of the penal code to prosecute dissidents and minority ethnic groups”,¹⁴ and reached a peak in September to November 2022 with the violent suppression of nationwide protests that broke out following the state murder of Jina (Mahsa) Amini, a 23-year-old Kurdish woman in police custody.¹⁵ The ‘Woman, Life, Freedom’ protests have resulted in many death sentences and extrajudicial executions.¹⁶

Further concerns surround impartiality and the separation of powers. For example, judicial appointments are assigned by the Guardian Council, half of whom are elected by the Supreme Leader of Iran, Ali Khamenei. The Supreme Leader also directly appoints the Head of the Judiciary (Chief Justice), a post held by Ebhrahim Raisi from March 2019 to July 2021. During Raisi’s judicial tenure, there was a spike in political application of the death penalty, especially as a tool to suppress dissidence and oppositional politics. Now President of the Islamic Republic of Iran, it is clear that human rights bodies were right to be concerned that the death-penalty would be used as a tool of political suppression under his administration. This is especially due to Raisi’s central role in the executions of thousands of political prisoners in the 1980s, in addition to

clamping down on mass-protests in 2009, 2019 and 2021 respectively.¹⁷ Evidently, the judiciary is a quintessentially political body, insofar as they serve the regime's presiding interests and not the letter of the law.

1. Legal Background

Iranian law follows, to certain extent, Shari'ā law, which can seemingly limit the potential for debating capital punishment in Iran. Michael Mumisa notes that "governments frequently use Shari'ā to justify why they retain and apply capital punishment, and this can seem to close discussion on the subject."¹⁸ However, Mahmoud Cherif Bassiouni argues that "the existence of the death penalty for several crimes in Muslim states is a policy choice, but not one which is necessarily mandated by the Shari'ā."¹⁹ Therefore some would argue that Iran's decision to apply the death penalty with such fervour is fundamentally political, and not ideological or religious.

The 2013 Islamic Penal Code contains three categories of offences pertaining to the death penalty: *hudud*, *qisas* and *ta'zir* offences. *Hudud*, or 'fixed' offences, are those which are specifically accounted for in Shari'ā with fixed and mandatory sentences that cannot be deviated from by a judge.²⁰ Mumisa notes "since by their very definition *hudud* laws are believed to be 'mandatory' and 'fixed' by God Himself, there is very little, if any, room for the right to appeal to a higher court as enshrined in Article 14 (5) of the International Covenant on Civil and Political Rights (ICCPR)."²¹ In relation to foreign nationals, the *hudud* offences of *Moharabeh* (enmity against

god),²² *Efsad-e-fel-arz* (corruption on earth)²³ and *Baghi* (armed rebellion) are used extensively.²⁴ Iranian case law has seen these levied at drug-traffickers, political opponents, foreign nationals accused of spying, members of opposition groups and minority activists in civil society.²⁵ These offences are frequently leveraged to quash political dissidence.

Qisas offences are akin to doctrines such as *lex talionis*, 'retribution in kind' or 'an eye for an eye.'²⁶ The death penalty arises where the offender's conduct leads to the death of another, with the survivors of the victim having the right to claim retribution in kind, that is, the death of the offender. However, they could also choose to pardon the killer or accept compensatory 'blood money' (*diya*). Foreign nationals often lack the means and the social networks required to arrange and pay the *qisas*, further disadvantaging them.

Ta'zir offences, or 'discretionary punishments,' are those crimes that haven't been specifically provided for under Shari'ā law, but those which the judiciary consider to be against the State's interests or against tenets of Shari'ā law generally.²⁷ They can be decided by judicial discretion or by standalone legislation, such as military, economic or drug trafficking crimes. With reference to judicial discretion, Hoyle has found that "decision-making within discretionary systems is likely to be influenced by prejudice against people on the grounds of their race, religion or citizenship, with 'non-citizens' particularly disadvantaged."²⁸ This is evident in Iran, with various groups of 'others' disproportionately represented on death-row.

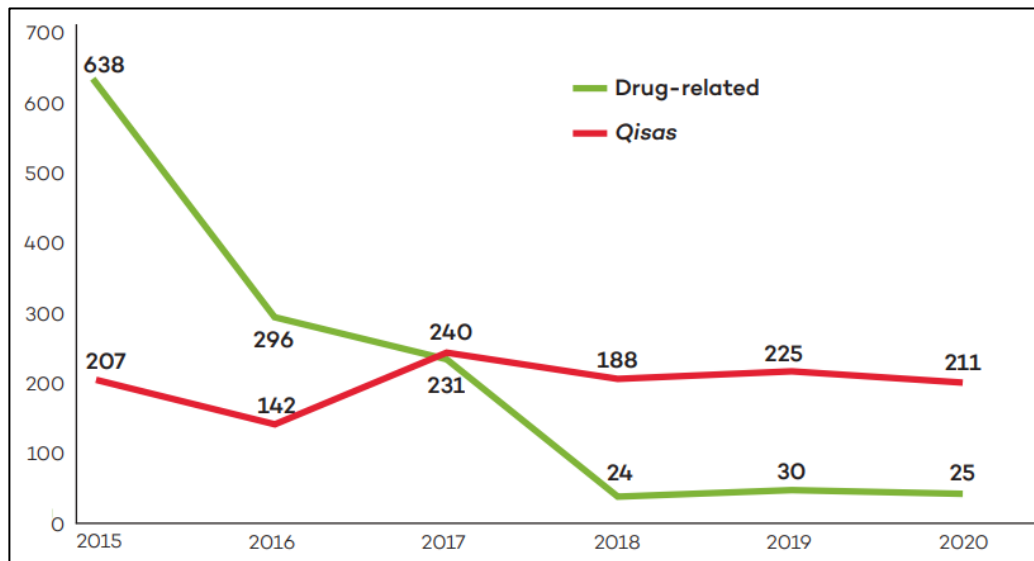


Figure 1: Graph indicating the initial decline in death sentencing for drug-related offences in the wake of the 2017 reform to the Anti-Narcotics Laws. Source: Iran Human Rights and *Ensemble Contre la Peine de Mort* (ECPM), *Annual Report on the Death Penalty in Iran 2020* (2021).

Until 2017, the majority of executions in the Islamic Republic of Iran were for drug-related offences. The reform to the Anti-Narcotics Laws rowed back on 1997 and 2011 revisions which had successively lowered the death-eligible minimum-thresholds for drug trafficking. Since then, although the numbers of those executed for drug offences reduced in 2018–2020, in 2021 the number of people executed for drug offences rose again sharply. In 2021, at least 131 people (36%) were executed for drug offences, compared with 30 or fewer drug-related execution in each of the years from 2018–2020,²⁹ and the number of drug executions doubled again in 2022. Of the 285 drug executions worldwide recorded in 2022 by Harm Reduction International, over 98% took place in Iran and in 2023, in Iran executions for drug offences again outnumbered all other offences.³⁰ Foreign nationals (particularly Afghans and Baluchi Pakistanis) disproportionately face the death penalty for these crimes, partly due to their involvement in the drug trade routes.

Internationally, Iran has been a state party to the ICCPR since 1975, although it hasn't yet ratified the Second Optional Protocol.³¹ However, it has failed to contain the application of the death penalty to 'only the most serious offences' as per Article 6 (2). There is also very little scope for appealing to a higher court, as allowed by Article 14 (5). Iran is a party to the Vienna Convention on Consular Relations of 1963, which is meant to ensure that consular representatives from countries with detained nationals can communicate with suspects and prisoners, in particular to provide them with information and support, including, sometimes, access to legal representation.³² In Iran, these rights are often ignored.³³ Detainees' access to a lawyer has also been limited and has recently been restricted by changes to the Code of Criminal Procedure.³⁴ Furthermore, the Islamic Republic of Iran refuses to recognise dual nationality, meaning that the Vienna Convention is often viewed as entirely irrelevant to dual Iranian nationals who are detained.

2. Foreign Nationals

A large number of the ‘others’ facing the death penalty in Iran are drawn from other ethnic and religious groups, rather than purely a different nationality. Sometimes, these ‘othering’ factors are compounded. For example, many of the ethnic minorities in Iran are also religious minorities, with the Baluch, Azerbaijani-Turk, Ahwazi Arab and Kurdish groups predominantly Sunni Muslim.

The civil society organisation Iran Human Rights reports that ethnic minorities, the Baluch in particular, are grossly overrepresented in execution numbers: “In 2022, at least 174 Baluch minorities including 3 women, were executed ... across Iran, making up 30% of overall executions” though representing only 2-5% of Iran’s population. Furthermore, 40% of all drug executions since 2021 were of Baluch citizens.³⁵

Moreover, citizenship isn’t neatly bounded for these groups. Carolyn Hoyle and Lucy Harry note that “citizenship is a key vector of disadvantage, and increasingly a source of criminalisation,” however in the Iranian context, even domestic ‘citizenship’ can be nebulous.³⁶ Those falling outside the archetypal Iranian citizen – that is, of Persian ethnic origin and Shi’a Muslim religion – are quickly constructed as non-citizen ‘other,’ with the death penalty disproportionately leveraged against them. These policies have been used to viciously suppress Kurdish revolts after the Islamic Revolution, in addition to quashing other nationalist ethnic uprisings and ethnically purging the Bahá’í.³⁷ However, this article focuses on non-Iranian nationals.

Foreign nationals are certainly at a significant disadvantage on death row. The UN Special Rapporteur on Iran has highlighted that “there are persistent concerns about the situation of dual and

foreign nationals who remain imprisoned in the Islamic Republic of Iran,” many of whom are on death row.³⁸ Afghan, Iraqi and Pakistani nationals comprise the majority of these. For example, of the 87 recorded death sentences in Iran for foreign nationals between 2016 and 2021, the Death Penalty Research Unit has found 68 of these were Afghan nationals, 12 Pakistani nationals, three Iraqi nationals, two Turkish nationals, one Syrian national and 1 Swedish-Iranian national. There are a further 10 foreign nationals whose cases are still under trial, nine of whom are Pakistanis and one, Jamshid Sharmahd, is a German-Iranian. It should be noted that the number of actual sentences and executions is likely to be much higher.

Of these 87 foreign nationals sentenced to death, 85 were men and two were women, both of whom were Afghan women executed on murder charges. Sixty-three of the 87 have already been executed and 21 await their execution. Two Pakistani prisoners were technically allowed to be released following payment of blood money but there is no evidence that they have actually been released. One of those sentenced to death, Kamal Solo from Syria, was physically released in July 2020, shortly before his scheduled execution. This followed intervention by Amnesty International on grounds that he was not the person who had committed the crime for which he had been mistakenly sentenced to death. The crimes alleged include 37 foreign nationals sentenced to death for murder, 35 for drug offences, four for terrorism, two for rape and robbery, two for treason and one for espionage. Those convicted ranged in age between 13 and 44 at the time of the crime, and 20 and 54 at the time of execution.

Afghan nationals are particularly overrepresented for two core reasons. First, there is a large refugee and migrant population in Iran, which is at the

socio-economic margins of society. Second, the logistics of drug trafficking from Afghanistan to Europe via Iran ensure that cross-border trafficking involves many Afghan nationals. For example, a leaked U.S. Embassy report revealed that over 80% of global opium and 20% of global heroin was estimated to be transported through Iran.³⁹ The UN Office on Drugs and Crime (UNODC) reports that “approximately 1,000 [million tonnes of] opium and 140 mt heroin flow into the Islamic Republic of Iran via these borders,”⁴⁰ which are “1,845 km long and consist of mainly mountainous or harsh desert terrain.”⁴¹

A 2013 Afghan parliamentary delegation reported that there were between 1,200–4,000 Afghan nationals on death row in Iran,⁴² although there is reason to believe that this number has drastically declined in the wake of the 2017 reform to Anti-Narcotics Laws. In response to the mobilisation of Afghan civil society, the Afghan Government urged its Iranian counterpart to stop executing Afghan nationals.⁴³ Whilst this, in conjunction with the reform of drug laws, has undoubtedly led to a reduction in the number of Afghan nationals being executed, some commentators note that it is also likely to have encouraged particular secrecy for those executions that do still go ahead.⁴⁴ Given the Taliban takeover of Afghanistan in August 2021, it is likely that intergovernmental negotiations on this will not continue.

Pakistani nationals are the second biggest cohort of foreign nationals sentenced to death in Iran. Moreover, a response from the Iranian Ministry of Foreign Affairs revealed that as of 2021, they had 102 Pakistani prisoners, either sentenced or held on remand, for various offences. It should be noted that Pakistan is another major drug producing country which uses Iran as a corridor to Europe.⁴⁵ However, many of those sentenced to death are

also members of the Sunni Baluch ethnicity, which borders Iran and Pakistan. Baluchis (both Iranian and Pakistani) are often arrested and subsequently sentenced for being involved in what is seen as anti-Iranian activity.

All of those sentenced to death from Iraq, Syria and Turkey were Kurdish. There is some evidence that they were targeted because of their efforts to support Kurdish self-determination, and not, or not purely, due to the charges on their indictments. Hence, we can see that both foreign nationality, but also, perhaps more crucially in Iran, ethnicity and religion play a large part in determining who is most at risk of the death penalty in the country.

Across every retentionist jurisdiction, two things become immediately apparent: due process violations are inherent to the apparatus of capital punishment; and the most vulnerable are disproportionately afflicted by these procedural failures. Foreign nationals are a particularly vulnerable group, facing a range of practical difficulties. Firstly, foreign nationals on death row in Iran are likely to be unfamiliar with the legal system and their ancillary rights, such as the right to consular access under the Vienna Convention (whether or not this is granted is another matter).⁴⁶ They are unlikely to receive adequate legal support or assistance, particularly as they are isolated from protective networks of families or friends. This is particularly important in the context of the payment of blood money or *diyya*, as the defendant does not have access to local financial support networks.⁴⁷ Furthermore, this isolation compounds with their likelihood of being of lower socio-economic status, ensuring that the ability to pay a *diyya* becomes the ‘luxury of the rich.’⁴⁸ They are also unlikely to speak Farsi, significant insofar as Hoyle notes for foreign nationals generally that, “the inability to speak the dominant language becomes

blameworthy and a tangible marker of difference.”⁴⁹ This can be further compounded by the Iranian regime’s prosecutorial preference for forced signed confessions, which not only violates both Articles 14 and 7 of the ICCPR, but is also often demanded in a language the defendant is unable to read or write.⁵⁰

With reference to the underlying power dynamics of cross-border drug trafficking and the death penalty in Malaysia, Hoyle and Harry have found that those facing capital punishment for drug trafficking in Malaysia are disproportionately from the socio-economic margins and are often merely acting as ‘drug-mules’ for more powerful kingpins.⁵¹ Similarly, Ahmed Shaheed and Faraz Sanei have found that “there is evidence to suggest that drug crimes, and drug prosecutions, disproportionately affect the poor and other vulnerable groups, including members of Iran’s ethnic minorities and foreign nationals, especially Afghans.”⁵² This becomes particularly concerning when considered alongside the growing international consensus of there being a ‘nexus’ between drug and human trafficking, amidst increasing calls for a ‘non-punishment principle.’⁵³ However, Jennifer Chacon’s research has noted that instead of being treated as victims of trafficking and exploitation, the default state response to these individuals is criminalisation. In particular, she has “demonstrated that ultimately the goal of victim protection is overpowered by the goal of prosecuting noncitizen traffickers and using anti-trafficking legislation as a de-facto form of migrant control.”⁵⁴ Therefore the punitive arm of the sovereign state – seeking to protect its borders – dominates any ancillary concerns surrounding human-trafficking or child exploitation.

This is evident in Iran. The human rights charity Reprieve have expressed concern that “there are

indicators to suggest that a number of migrant workers facing the death penalty for drug offences may have been victims of human trafficking, who were vulnerable people who were forced to act as ‘drug mules’ to transport drugs across the border.”⁵⁵ Furthermore, Zalmay Barakzai has found that in four border villages in Ghoryan, Afghanistan, as many as 1,000 children have disappeared since 2002 after being persuaded to smuggle heroin across the Iranian border.⁵⁶

Barakzai also reported parents renting out their children to drug-smugglers, and found that an estimated 60 Afghan children over the past 10 years have died from swallowed capsules of heroin which subsequently burst in their stomach. Despite these vulnerabilities, and despite some loosening of the drug laws, victims of cross-border drug trafficking are still regularly sentenced to death in Iran. Mohammad Ali Zehi, for example, is an Afghan national at imminent risk of execution for his involvement in drug trafficking when a minor, despite the new law ostensibly forbidding execution of those under 18 for *ta’zir* crimes. Whilst his counsel has argued that he was a minor at time of commission, he was unable to prove this as he is an undocumented migrant in Iran without an official birth certificate from Afghanistan.⁵⁷ When arrested, Zehi was held in a local police station without access to counsel or his family for two months, with reports that the court relied on confessions obtained from torture to sentence him to death.⁵⁸

Therefore despite ostensible reform, it is evident that foreign nationals from Pakistan and Afghanistan continue to be executed for drug related offences. This is particularly concerning given the well-documented, multi-faceted and coalesced disadvantages that these individuals face.

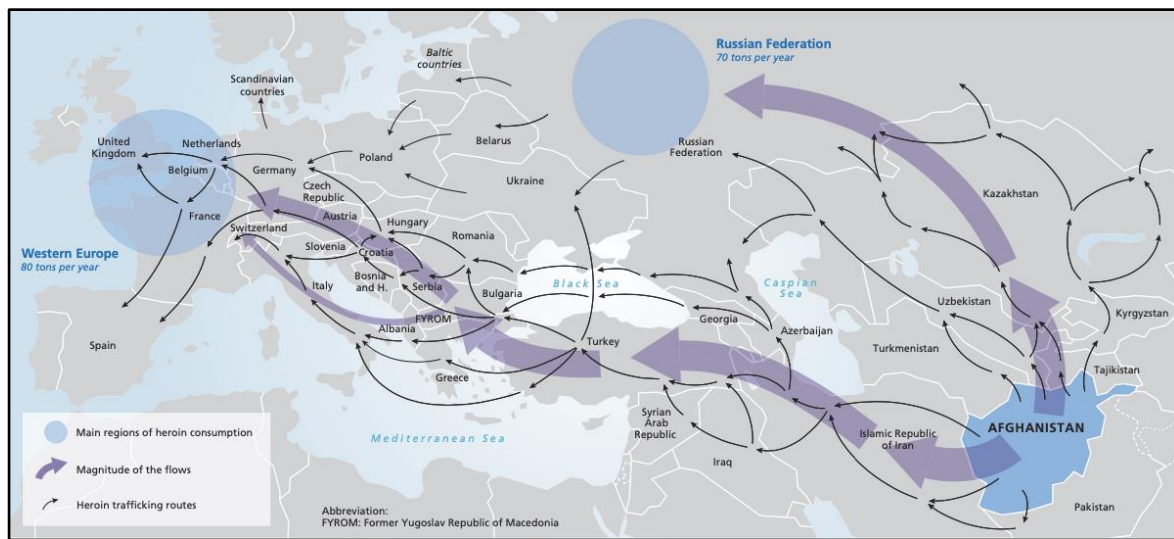


Figure 2: UN Office on Drugs and Crime (UNODC) map displaying various drug trafficking routes from Afghanistan, the leading exporter of opium and heroin. The route through Iran is a major one: with 20% of global heroin supplies and 80% of global opium trafficked through the Islamic Republic of Iran. Source: UNODC, [World Drug Report 2010](#) (2010).

3. Dual Iranian Nationals

As of Jan 2022, the Centre for Human Rights in Iran (CHRI) notes the imprisonment of 16 dual Iranian nationals in Iran⁵⁹ and in November 2022, Iran's judiciary reported that 40 foreign nationals had been detained for participating in anti-regime protests.⁶⁰ These figures are likely to be non-exhaustive, with documented instances of administrative pressure on families to remain quiet.⁶¹ In terms of accusations levied against this group, the majority face espionage, foreign collusion or security charges.⁶² Bozorgmehr Sharafedin questions the veracity of the accusations, having spoken to members of the Islamic Revolutionary Guard Corp (IRGC). He notes that "in all cases, the IRGC sources said the detainees had not carried out any espionage and were arrested only because of their second citizenship."⁶³ One prominent dual Iranian national who has been sentenced to death is the Swedish-Iranian academic Ahmadreza Djalali, who was convicted of espionage. According to the UN Special Rapporteur on Iran, he remains at "imminent

risk of execution," with the Special Rapporteur "dismayed" that Mr Djalali had been arrested on "spurious espionage charges based on forced confessions."⁶⁴

The Islamic Republic of Iran does not recognise dual nationality of Iranians. By extension it then denies consular assistance to anyone with dual citizenship. For example, the Dutch Foreign Ministry spokesperson Daphne Kerremans has said that "it is very difficult for the Dutch government to lend support since Iran does not recognize the Dutch nationality of the prisoners, and gives little to no information about them."⁶⁵ There have been further accounts of non-Iranian passports being confiscated, with the holder prohibited from leaving Iran.⁶⁶

There are also serious concerns surrounding treatment of this group whilst detained. Ahmadreza Djalali, for example, has been denied medical treatment for a life-threatening condition, with his counsel raising concerns that Djalali had lost substantial weight between visits. Contact was also lost with Djalali for some time, as he was

transferred to an unknown location for what is likely to have been torture and coercive interrogation.⁶⁷

Furthermore, Kavous Seyed-Emami, a Canadian-Iranian environmentalist, died under suspicious circumstances in February 2018 while detained and interrogated by the IRGC. Although government officials stated that Seyed-Emami committed suicide, the CHRI has released video footage of the dual national's cell which shows no evidence of suicide.⁶⁸ There have been consistent reports of denial to medical treatment for those with chronic illness.⁶⁹

There are three overarching ulterior motives for arbitrary detention of these dual nationals. Firstly, the ongoing nuclear negotiations with Western countries. Secondly, and as an extension of this, the role of Western sanctions on the Iranian economy. Thirdly, the Iranian government often seeks reciprocal prisoner swaps to repatriate Iranians incarcerated abroad. It should also be noted that internal power struggles play a role, as the IRGC and various judicial hardliners seek to undermine the presiding government's relative liberalisation towards Western diplomacy.⁷⁰ As Janne Christensen highlights in her discussion of Iranian 'drug diplomacy,' these policies are rarely neatly bounded. Instead, "policies are political spaces that are deeply contested and take on a complex social life of their own."⁷¹

Arbitrary detention of dual Iranian and foreign nationals on spurious national security or espionage charges has been repeatedly denounced by various NGOs and politicians. Haedi Ghaemi, the Director of the CHRI, has denounced the long-standing practice as 'hostage-taking' whereby the regime has sought to acquire 'political pawns.'⁷² Iran Human Rights and Together against the Death Penalty/*Ensemble Contre la Peine de Mort* (ECPM) have noted that the regime has "used dual nationals

and foreign nationals as *bargaining chips* in political and economic discussions with the West."⁷³ Counsel for Nahid Taghavi, a detained German-Iranian dual national, has argued that Taghavi "is a victim of political hostage-taking and the arbitrary judicial system of Iran."⁷⁴ On a more macro-political scale, the British Parliament's Foreign Affairs Committee has implored the British government to "call the arbitrary detention of foreign nationals what it is: hostage taking."⁷⁵ Finally, 58 member states of the United Nations issued a statement in February 2021 denouncing the "use of arbitrary detention in state-to-state relations," explicitly condemning it as "hostage diplomacy." Although Iran wasn't explicitly mentioned, a member of the Canadian delegation speaking separately to Reuters, said that this motion was implemented due to "concern over arrests by foreigners from China, Iran, Russia and North Korea."⁷⁶

This 'hostage-taking' ebbs and flows with nuclear negotiations. For example, Sharafedin notes that "the [current] number marks a sharp rise since 2015, when an international nuclear deal raised hopes of detente with the West. In the years before that the number of dual nationals detained at any given time was in single figures."⁷⁷ In 2016, nuclear deal breakthroughs resulted in a reciprocal prisoner exchange with the United States.⁷⁸ Since then, Iran has restrengthened its position by detaining six American-Iranian dual nationals.⁷⁹ The CHRI argues that the situation has 'deteriorated' in recent years, despite a new US administration and the resumption of fresh nuclear talks between Iran and the UN Security Council's Permanent Five members, plus Germany (P5+1).⁸⁰

Although the Iranian administration has denied that dual nationals are detained for realpolitical bargaining, this has been openly contradicted by official rhetoric of a ready willingness to swap

prisoners. For example, in April 2019 the then Minister for Foreign Affairs, Mohammad Javad Zarif, stated:

*All these people that are in prison inside the United States, on extradition requests from the United States, we believe their charges are phony. The United States believes the charges against these people in Iran are phony. Why? Let's not discuss that. Let's have an exchange. I'm ready to do it. And I have authority to do it.*⁸¹

There have been allegations that the Iranian government sought to exchange Ahmadreza Djalali for Iranian envoy Assadollah Assadi. In February 2021, Assadi was sentenced to 20 years in prison in Belgium for orchestrating a bomb attempt targeting the 2018 annual convention of major oppositional party, the National Council of Resistance of Iran, which is based in Paris.⁸² Iran Human Rights had reported allegations that Belgium and Sweden both refused to exchange Assadi for Djalali,⁸³ but more recently, Assadi was released and allowed to return to Iran following Iran's release of a Belgian aid worker, Olivier Vandecasteele.⁸⁴

This group of dual Iranian nationals receives the majority of international attention and lobbying. Their cases are often the most well-publicised, being picked up by Western media, discussed by prominent politicians and attracting thousands of signatures from civil society NGOs. This is despite the vast majority of foreign national prisoners coming from Afghanistan, Pakistan or Iraq, rather than Western countries. Dual Iranian nationals, therefore, represent a fraction of the overall death row population in Iran and yet play a pivotal role in Iran's political landscape. This dynamic contributes to the heavy 'death penalty diplomacy' in use in Iran and the important 'political capital' of the death penalty which Iran uses for international

negotiations and which intersects with internal power struggles.⁸⁵

Conclusion

This analysis has sought to map the political undercurrents of capital punishment in the Islamic Republic of Iran and in particular how dual and foreign nationals are discriminated against within that. The external political functions of the death penalty include suppressing the 'cultural threat' of cross-border drug trafficking, achieving more negotiation power in the face of increasingly restrictive sanctions, seeking reciprocal prisoner swaps or demanding recompense for outstanding multinational debt. The internal functions include quashing protests against the regime, suppressing separatist movements, or even just 'otherness', that might threaten the Iranian nation-state or citizen archetype.

As these political economic factors ebb and flow, it is evident that those facing disadvantage across foreign national and intersectional lines face the death penalty disproportionately. In particular, foreign nationals from Afghanistan, Iraq and Pakistan; and minority ethnic and/or religious groups (especially those who are Sunni Muslim, Baha'i, Kurdish or Baluchi). In addition, although only representing a fraction of the overall population of death row, the arbitrary detention of dual Iranian nationals has a disproportionate political function for the Islamic Republic of Iran. However, they also receive disproportionate coverage by Western press, lobbyists and advocacy groups. Without doubting the very real pains for this group, it is crucial to remember the significant 'other' cohort, and investigate their particular vulnerabilities.

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