

Concluding observations Human Rights Committee CCPR/C/79/Add.25 para 18

Full recommendation:

The Committee recommends that domestic laws should be revised with a view to curtailing the number of offences currently punishable by the death penalty and to reducing the number of executions. Public executions should be avoided and the accused should, in all cases, be provided with all necessary guarantees, including the right to a fair trial as provided for under article 14 of the Covenant.

Assessment using Impact Iran human rights indicators¹

A. Domestic laws should be revised with a view to curtailing the number of offences currently punishable by the death penalty and to reducing the number of executions

The death penalty continues to be applied in the Islamic Republic of Iran to a wide range of offences that do not meet the threshold of “most serious crimes”, in other words, crimes that do not involve intentional killing,² in contravention with article 6 of the International Covenant on Civil and Political Rights. For example, the death penalty may be applied in some cases of adultery,³ for certain cases of consensual same-sex intercourse between men⁴ or for vaguely defined offences such as *moharebeh* (“enmity against god”)⁵ and *efsad-e fel-arz* (“corruption on earth”).⁶

In November 2017 an amendment made to the law on drug trafficking entered into force, replacing the mandatory death penalty with a prison term of up to 30 years for non-violent drug-related offences and increased the quantity of drugs required for a death sentence to be imposed. However, mandatory death sentences for numerous drug-related offences were retained and transformed a number of crimes into capital crimes for first-time offenders in specific circumstances.⁷ The Human Rights Committee has consistently underscored that drug-related

¹ CCPR.6.2.S.1; CCPR.14.3.S.1
CCPR.6.2.P.1; CCPR.14.3.P.1; CCPR.14.3.P.2; CCPR.14.3.P.3
CCPR.6.2.O.2

² UN Human Rights Committee, General Comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, available at <https://www.refworld.org/docid/5e5e75e04.html>

³ Islamic Penal Code (2013), articles 136 and 225

⁴ Islamic Penal Code (2013) article 235

⁵ Islamic Penal Code (2013) article 279

⁶ Islamic Penal Code (2013) article 286

⁷ Drug trafficking law, arts. 8 and 45

offences do not meet the threshold of “most serious crimes” and that the death penalty should not be applied to them.⁸

Despite the existence of several means and mechanisms that accept complaints regarding the violation of rights in Iran, such as the Judge’s Disciplinary Court, the Article 90 Parliamentary Commission and, in general, any appeals courts including the Supreme Court, there is little evidence to suggest that these complaints are properly investigated and adjudicated. Iran does not have any administrative processes or independent human rights monitoring mechanisms in place that ensure the prohibition of capital punishment.

Between January 2015 and December 2018, the Islamic Republic of Iran reportedly executed at least 2,303 people.⁹ Reports received by OHCHR indicated a decrease in the number of executions between 2017 and 2018 (437 in 2017 compared to 207 in 2018 for the same period).¹⁰ On the other hand, World Coalition against the Death Penalty (ECPM) and Iran Human Rights reported at least 280 executions in 2019, against 273 in 2018.^{11 12 13 14}

While the amendment of the law on drug trafficking reduced the number of offences punishable by the death penalty, the Islamic Republic of Iran still sentence a wide range of crimes with the capital punishment. In 2019, Iran was the second country with the highest number of reported executions, behind China.^{15 16 17 18}

B. Public executions should be avoided

Public executions are still practiced in the Islamic Republic of Iran and every year a number of public executions are recorded. In 2018, 13 individuals were reportedly executed in public spaces in Iran.¹⁹ According to the Special Rapporteur on the situation of human rights in the

⁸ CCPR/C/PAK/CO/1, para. 17; CCPR/C/THA/CO/2, para. 17; CCPR/C/KWT/CO/3, para. 22; A/71/372, para. 48; and Human Rights Committee, general comment No. 36.

⁹ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1305732019ENGLISH.PDF>

¹⁰ Report of the UN Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

¹¹ ECPM, Iran Human Rights, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

¹² Amnesty International, <https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/>

¹³ See more: Abdorrahman Boroumand Center <https://www.iranrights.org/projects/omidmap>

¹⁴ See more: Human Rights Activists in Iran <https://www.en-hrana.org/wp-content/uploads/2019/10/Annual-Report-of-Executions-2019.pdf>

¹⁵ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/>

¹⁶ See more: ECPM, Iran Human Rights https://iranhr.net/media/files/Rapport_iran_2019-GB-BD.pdf

¹⁷ See more: Abdorrahman Boroumand Center <https://www.iranrights.org/projects/omidmap>

¹⁸ See more: Human Rights Activists in Iran <https://www.en-hrana.org/wp-content/uploads/2019/10/Annual-Report-of-Executions-2019.pdf>

¹⁹ ECPM, Iran Human Rights <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

Islamic Republic of Iran, there were at least 12 public executions between 1 January and 31 October 2019.²⁰

The Human Rights Committee has opined that public executions are contrary to Article 7 of the International Covenant on Civil and Political Rights²¹ and therefore inevitably render the execution arbitrary in nature, thus on violation of Article 6.²²

C. The accused should, in all cases, be provided with all necessary guarantees, including the right to a fair trial as provided under Article 14 of the ICCPR

OHCHR continues to receive regularly reports indicating that death sentences are passed following proceedings that do not respect due process and fair trial standards.^{23 24} Similarly, the NGOs Abdorrahman Boroumand Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran (HRAI), documented numerous violations of fair trial in the Islamic Republic of Iran as provided under Article 14 of the ICCPR. These include violations of the right to legal counsel and to choose a lawyer as well as the right to appeal, arbitrary arrests, the use of forced confessions as evidence, lack of independence of the judiciary.

The Article 90 Commission of the Parliament is in charge of investigating complaints from citizens made against the operations of the Parliament itself, the executive and the judiciary.²⁵ There is no publicly available information on data relating to the number of complaints received and investigated vis-à-vis cases of violations of the right to fair trial.

In the light of reported facts, the right to a fair trial is not guaranteed for the accused sentenced with the death penalty in the Islamic Republic of Iran.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

²¹ Human Rights Committee, Concluding Observations: Democratic Republic of Korea (2001), para. 13

²² UN Human Rights Committee, General Comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, available at <https://www.refworld.org/docid/5e5e75e04.html>

²³ See the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran available from <https://www.ohchr.org/EN/Countries/MENARegion/Pages/IRIndex.aspx>

²⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

²⁵ Iran Human Rights Documentation Center, <https://iranhrdc.org/internal-regulation-on-the-commission-of-article-90-of-the-constitution/>