

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/43/61 para 68(f)

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament: Amend the Islamic Penal Code and the Code of Criminal Procedure to ensure that confessions alone are not sufficient for establishing guilt.

Assessment using Impact Iran human rights indicators¹

Article 164 of the Islamic Penal Code defines confessions as self-incriminating statements made by the accused.² Article 171 gives primary weight to confessions “If an accused confesses to commission of an offense, his/her confession shall be admissible and there is no need for further evidence”³. Article 360 of the Code of Criminal Procedure stipulates that convictions can be issued on the basis of voluntary given confessions alone.

In some circumstances, however, Iranian law recognizes that confessions may not be relied upon. Article 171 states that in cases where the investigation of the judge reveals evidence in conflict with the accused person’s confessions, the court shall conduct investigation and other evidence shall be mentioned in the verdict.⁴ Similarly, under Note 2 of Article 119 of the 2015 Code of Criminal Procedure, if confessions are the basis of a verdict, the trial judge must hear them first-hand in court. Under Article 360 of the Code of Criminal Procedure, the court rules on the admissibility of confessions, meaning whether the confessions have been voluntary, and if there are no doubts about their accuracy, issues a verdict on their basis. If the court doubts the accuracy of the confessions, it may initiate an investigation.⁵

Despite these provisions, both the Islamic Penal Code and the Criminal Code of Procedure fail to place the burden of proof on the prosecution to show that statements have been given voluntarily, undermining the right to presumption of innocence.

Ultimately, Iranian law merely obliges the judge to reinvestigate the accused if there are any doubts about the accuracy, but confessions may still constitute the sole basis of a court’s verdict.

¹ CCPR.14.2.S.1

CCPR.14.2.P.2

CCPR.14.2.O.2

² Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

³ Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁴ Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁵ Article 389(e), Code of Criminal Procedure (2015).

Such heavy reliance on confessions facilitates the perpetration of torture and other-ill treatment in order to force accuse into admission of guilt.

In practice, the Iranian criminal justice system relies heavily on confessions as primary evidence, in particular for establishing guilt for offences that fall under *hodud* crimes (a crime for which a fixed punishment is derived from the Qur'an or the Hadith). Numerous verdicts given in Iran where concluded solely on the basis of the accused's admission of guilt.^{6 7}

The Government, Judiciary and Parliament of the Islamic Republic of Iran have not amended the Penal Code and the Code of Criminal Procedure to ensure that confessions alone are not sufficient for admission of guilt.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁶ Human Rights Watch, <https://www.hrw.org/news/2020/12/12/iran-dissident-executed-vague-charges>

⁷ UN News, <https://news.un.org/en/story/2020/12/1079982>