

## Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/22/56 para 78(j)

### Full recommendation:

*Consider a moratorium on capital punishment until the efficacy of judicial safeguards can be meaningfully demonstrated, and stay the execution of individuals who have alleged violations of their due process rights.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

There is currently no standing moratorium on the death penalty in Iran. Most of the crimes that are punishable by death in Iranian law would not be considered “most serious” under international law. Iranian law allows the issuance of death sentences for various crimes. There are three types of death penalty punishments in Iranian law. *Qisas* execution, *hud`ud* execution, and *tazir* execution. Currently the following crimes are punishable by death: intentional murder (*qisas*)<sup>2</sup>; sex offenses including adultery with married persons, rape, incest and sodomy (*hudud*)<sup>3</sup>; crimes against religion and society, including *moharebeh*, corruption, apostasy, and hypocrisy (*hudud*); repeating offenses for specific crimes including drinking alcohol, adultery with unmarried (*hudud*); and some drugs related offences, military espionage, disruption of the economic system, insulting the prophet Mohammad (*tazir*).

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 Parliament’s Article 90 Commission and, in general, any appeals courts including the Supreme Court, there is little evidence to suggest that these complaints are properly analyzed and adjudicated. Iran does not have any administrative processes or independent human rights monitoring mechanisms in place that ensure the prohibition of capital punishment. Officials tasked with carrying out inspections of detention centers, such as prison wardens and prosecutors, are all considered part of the same judicial structure. This could result in biased investigations into cases of mistreatment and arbitrary deprivation of life in detention facilities.

<sup>1</sup> CCPR.6.1.S.1; CCPR.6.2.S.1; CCPR.6.3.P.1; CCPR.6.1.O.1

<sup>2</sup> The subject of “*Qisas*” is mentioned in the third book of the Islamic Penal Code, which covers Articles 289 to 537, Articles 301 to 311 (Chapter 3 in Part I, Book III), and Articles 381 to 385 (Chapter II in Book III).

<sup>3</sup> The subject of “*Hudud*” is mentioned in the second book of the Islamic Penal Code, which covers Articles 217 to 288. Among the crimes under this “title” that could lead to the death penalty are:

Adultery (Chapter 1, Section 1 of the Second Book), Articles 224 and 225.

Sodomy (Chapter 2, Part 1 of the Second Book), Articles 234 and 236.

Insult to the Prophets (Chapter 5, Section 1, Book 2), Article 262.

Theft for the fourth time (Chapter 7, Part 1 of the second book), Article 278.

Moharebeh (War against God) (Chapter 8, Part 1 of the Second Book), Article 282.

Corruption on Earth (Chapter 9, Section 1 of the Second Book), Articles 286 and 287.

Regarding Iran's drug law, a reform restricting the use of capital punishment was made in 2017. The bill amends Article 45 of the law of October 1988 on combating drugs. This represents an improvement since it has reduced the number of executions for infractions not amounting to most serious crimes. The amendment, however, only reduces, not eliminates entirely, the number of drug convictions one can be sentenced to death for.

Between 2000 and mid-2017, the Abdorrahman Boroumand Center for Human Rights in Iran has documented around 8,200 executions carried out by Iran's judiciary.<sup>4</sup> Between January 1, 2018 and December 20, 2018, 256 reports have been registered by the Department of Statistics and Publication of Human Rights Activists Association in Iran. This included 195 death sentences, and 236 people with death sentences were executed (including 13 public executions). Based on the announced identifications of some of the individuals executed, 232 were male and 4 were female. 6 of them were juvenile offenders who were under the age of 18 at the time of committing the crime. No issuance of stoning sentences has been reported in the last few years.<sup>5</sup> Photos show that children are frequently present at public executions.<sup>6</sup>

Recommendation Status:

This recommendation has **NOT** been implemented.<sup>7</sup>

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<sup>4</sup> Abdorrahman Boroumand Center for Human Rights in Iran

<sup>5</sup> Numbers based on articles submitted to HRANA statistics center.

<sup>6</sup> Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2019 (2020), 38.

<sup>7</sup> For more please see: Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2019 (2020)