

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

Full recommendation:

Consider a moratorium on capital punishment until the effectiveness of judicial safeguards can be meaningfully demonstrated, and stay the executions of individuals who have alleged violations of their right to due process;

Assessment using Impact Iran human rights indicators¹

There is currently no standing moratorium on the death penalty in Iran.

In its latest General Comment on Article 6, the Human Rights Committee explicitly stipulated that the term “the most serious crimes” must “be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. Crimes not resulting directly and intentionally in death [...], although serious in nature, can never serve as the basis, within the framework of Article 6, for the imposition of the death penalty. In the same vein, a limited degree of involvement or of complicity in the commission of even the most serious crimes, [...], cannot justify the imposition of the death penalty.”²

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,³ 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,⁴ for certain cases of consensual same-sex intercourse between men⁵ or for vaguely defined offences such as *moharebeh* (“enmity against god”)⁶ and *efsad-e fel-arz* (“corruption on earth”).⁷ Repeating offenses for specific crimes including drinking alcohol or drugs related offences can be sentenced with the death penalty.

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

¹ CCPR.6.1.S.1; CCPR.6.2.S.1; CCPR.6.3.P.1; CCPR.6.1.O.1

² https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

³ Human Rights Committee, general comment No. 36 (2018) on the right to life

⁴ Islamic Penal Code, articles 136 and 225, English translation, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁵ Islamic Penal Code article 234, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁶ Islamic Penal Code article 279, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁷ Islamic Penal Code article 286, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

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.

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.⁸ In 2019, reportedly 30 individuals were executed on drug-related charges.⁹ The Human Rights Committee has consistently underscored that drug-related offences do not meet the threshold of “most serious crimes” and that the death penalty should not be applied to them.¹⁰

Reports regularly document cases of violations of due process of individuals sentenced to the death penalty in the Islamic Republic of Iran. Despite such reports, the Government regularly carries the executions.

Between January 2015 and December 2018, the Islamic Republic of Iran reportedly executed at least 2,303 people.¹¹ Reports received by OHCHR indicated a decrease in the number of executions between 2017 and 2018 (437 in 2017 compared to 207 in 2018).¹² On the other hand, Iran Human Rights and ECPM reported at least 273 executions in 2018, 273 in 2019 and 280 in 2020.^{13 14 15 16 17}

The Islamic Republic of Iran has continued to implement death penalties throughout 2020,¹⁸ notably against protesters, dissidents and members of minority groups,¹⁹ most recently with the execution of the journalist Ruhollah Zam on December 12, 2020, in spite of alleged violations of due process.²⁰ Although there are no readily official and available data on the number of detainees in death row in Iran, a number of NGOs reported a significant number of individuals

⁸ Drug trafficking law, articles 8 and 45.

⁹ ECPM, Iran Human Rights, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

¹⁰ 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.

¹¹ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1305732019ENGLISH.PDF>

¹² Report of the 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>

¹³ ECPM, Iran Human Rights, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

¹⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/04/death-penalty-in-2019-facts-and-figures/>

¹⁵ See more: Abdorrahman Boroumand Center <https://www.iranrights.org/projects/omidmap>

¹⁶ See more: Human Rights Activists in Iran <https://www.en-hrana.org/wp-content/uploads/2019/10/Annual-Report-of-Executions-2019.pdf>

¹⁷ https://iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf

¹⁸ See for instance: Iran Human Rights Documentation Center, <https://iranhrdc.org/ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2020/>

¹⁹ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/>

²⁰ OHCHR News, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26603&LangID=E>

currently in prison and sentenced to the capital punishment for crimes that are not “the most serious” under international standards.^{21 22} There is no readily available information that might indicate that the Government of the Islamic Republic of Iran has planned to commute pending death sentences or stay executions of individuals who have alleged violations of their right to due process.^{23 24}

Recommendation Status:

This recommendation has **NOT** been implemented.

²¹ United For Iran’s Prison atlas, <https://ipa.united4iran.org/en/prisoner/>

²² ECPM & IRH, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

²³ See more: Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2019 (2020)

²⁴ See more : United For Iran, <https://ipa.united4iran.org/en/prisoner/>