

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

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament: Pending its abolishment, remove the death penalty as punishment for all offences other than the most serious crimes, which involve intentional killing, and ensure that all individuals sentenced to death for offences other than intentional killing have their sentences commuted.

Assessment using Impact Iran human rights indicators¹

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 men,⁵ drug related offences or repeated occurrences of drinking alcohol, or for vaguely defined offences such as *moharebeh* (“enmity against god”)⁶ and *efsad-e fel-arz* (“corruption on earth”).⁷

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 increasing the quantity of drugs required for a death sentence to be imposed. However, mandatory death sentences for numerous drug-related offences remained and a number

¹ CCPR.6.2.S.1;
CCPR.6.2.P.1;
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 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>

⁴ Islamic Penal Code (2013) articles 136 and 225

⁵ Islamic Penal Code (2013) article 235

⁶ Islamic Penal Code (2013) article 279

⁷ Islamic Penal Code (2013) article 286

of crimes were transformed 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

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 to ensure the prohibition of capital punishment.

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 for the same period).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}

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 sentences 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.^{18 19 20 21}

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 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>

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

¹⁹ See more: ECPM, Iran Human Rights https://iranhr.net/media/files/Rapport_iran_2019-GB-BD.pdf

²⁰ See more: Abdorrahman Boroumand Center <https://www.iranrights.org/projects/omidmap>

²¹ See more: Human Rights Activists in Iran <https://www.en-hrana.org/wp-content/uploads/2019/10/Annual-Report-of-Executions-2019.pdf>

The Government continues to carry out executions.^{22 23} Reportedly, a significant number of individuals are currently on death row in the Islamic Republic of Iran²⁴ with seemingly no prospect of commutation.

The Government, the Judiciary and the Parliament of the Islamic Republic of Iran have not removed the death penalty as punishment for all offences other than the most serious crimes and have not ensured that all individuals sentenced to death for offences other than intentional killing have their sentences commuted.

Recommendation Status:

This recommendation has **NOT** been implemented.

²² United For Iran, <https://ipa.united4iran.org/en/prisoner/5328/>

²³ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/12/three-baluch-prisoners-executed-three-others-in-imminent-danger-of-execution/>

²⁴ Radio Farda, <https://en.radiofarda.com/a/more-than-thirty-people-are-on-death-row-in-iran-says-afkari-s-lawyer/30840157.html>