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Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The World Coalition Against the Death Penalty

Iran Human Rights

Impact Iran

and

ECPM

for the

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Iran Human Rights (IHRNGO) is a non-profit NGO with its base in Oslo, Norway. IHRNGO has active and supporting members in Iran, North America and several European countries. IHRNGO is committed to promote human rights in Iran, through reporting, monitoring and advocacy. Reporting about the death penalty in Iran has been the main focus of IHRNGO in the past 10 years. Because of its sources inside Iran, IHRNGO is able to produce accurate reports about the death penalty in Iran. Besides the death penalty, promoting due process and rule of law, and defending the human rights defenders constitute the core activities of IHRNGO. IHRNGO is

a member of the Steering Committee of the World Coalition Against the Death Penalty and a member of Impact Iran.

Impact Iran represents a coalition of non-governmental organizations that draw attention to the situation of human rights in Iran and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. Impact Iran promotes Iranian civil society efforts to engage with the wider UN human rights system, alongside various intergovernmental processes aimed at strengthening rights protections in Iran. Impact Iran's focus emanates from the belief that the sustainability of efforts to promote respect for human rights in Iran hinges on the capacity of Iranian civil society to effectively engage with and participate in the range of UN processes that promotes accountability and encourages implementation of Iran's international human rights obligations.

ECPM (*Ensemble Contre la Peine de Mort* / Together Against the Death Penalty) is a French non-governmental organization that fights against the death penalty worldwide and in all circumstances by uniting and rallying abolitionist forces across the world. The organization advocates with international bodies and encourages universal abolition through education, information, local partnerships and public awareness campaigns. ECPM earned its legitimacy as a unifying group of the abolitionist movement because of its strong sense of ethics and values. ECPM is the organizer of the World Congresses against the death penalty and a founding member of the World Coalition Against the Death Penalty.

EXECUTIVE SUMMARY

1. Iran has failed to uphold its obligations under the International Covenant on Civil and Political Rights and has not made the necessary changes to its legal system that would allow for the abolition of capital punishment. The amended new Islamic Penal Code (IPC), adopted in 2013, retains the death penalty for almost all of the offenses that were punishable by death under the old IPC. The new IPC includes the obligation for judges to pronounce punishments on the basis of authoritative Islamic sources and *fatwa* that can carry a mandatory death penalty.¹ In 2022, the number of executions in Iran increased significantly, and Iran ranked second in the world for executions.²
2. In Iran, the application of the death penalty is not limited to the most serious crimes. In 2023 alone, courts executed individuals for a variety of charges not entailing an intentional killing, including terror-related crimes, drug offenses, and blasphemy.³
3. Iran routinely executes juvenile offenders in contravention of Article 6(5).⁴ Since the coauthors' previous report to the Committee in 2022,⁵ Iran Human Rights reported the execution of at least three juvenile offenders in 2022.⁶ In May 2023, Iranian authorities scheduled the execution of Hossein Shahbazi, who was under 18 when he allegedly committed his capital offense. While his execution is "temporarily postponed," he remains at risk of execution.⁷
4. Iran continues engaging in torture and cruel, degrading, and inhumane punishment. Authorities continue to hold public executions, including at least seven since the coauthors' previous report to the Committee.⁸ The primary means of public execution is by hanging; the victim typically dies of suffocation and strangulation over the course of several minutes.⁹ State authorities continue to torture people suspected of committing a crime, and they often extract forced confessions for political purposes as evidence of their alleged crime.¹⁰
5. The Iranian Penal Code prescribes several execution methods, including hanging, firing squad, crucifixion, and stoning. Iranian authorities have used hanging as the primary method of

¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2021* (2022), 27.

² Amnesty International, *Death Sentences and Executions 2022* (2023), 10-11.

³ Human Rights Watch, *Iran: Alarming Surge in Executions* (May 12, 2023), <https://www.hrw.org/news/2023/05/12/iran-alarming-surge-executions>.

⁴ Amnesty International, "Executions of Juveniles Since 1990 as of November 2019," accessed April 25, 2020, <https://www.amnesty.org/download/Documents/ACT5002332019ENGLISH.pdf>.

⁵ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, ECPM, and Impact Iran, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues*, (August 15, 2022), Available at <https://www.theadvocatesforhumanrights.org/Res/Iran%20CCPR%20LOI%20CCPR%20AHR%20IRNGO%20Final.pdf>.

⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 79.

⁷ Iran Human Rights, *Juvenile Offender Hossein Shahbazi at Risk of Execution Despite Postponement*, (27 May), <https://iranhr.net/en/articles/5949/>

⁸ Iran Human Rights, "Iran Resumes Public Executions After Two Years; Iran Human Rights Calls for International Condemnations," accessed August 5, 2022, <https://iranhr.net/en/articles/5366/>; Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 69.

⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2021* (2022), 41.

¹⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2021* (2022), 38-39.

execution, and it was reported to be the only method used until 11 May 2020, when authorities executed Kurdish political prisoner Hedayat Abdollahpour by firing squad.¹¹ A June 2019 directive by the Head of the Judiciary, however, gives a detailed description of how authorities should carry out executions by hanging, stoning, and crucifixion.

6. In August 2022, the coauthors submitted a Suggested List of Issues Report to this Committee. The current report summarizes and updates the information in that report regarding the Islamic Republic of Iran's Compliance with the International Covenant on Civil and Political Rights for the Committee's 136th Session.

Iran fails to uphold its obligations under the International Covenant on Civil and Political Rights.

I. The State fails to respect and protect members of the LGBTIQ+ community from harassment, persecution, violence, and discrimination. (List of Issues paragraph 5)

7. Iran's Islamic Penal Code criminalizes same-sex consensual sexual relations and many of these crimes are punishable by death, which a senior government official has defended as being a matter of upholding moral principles.¹² Iran is one of two countries where sexual intercourse between women is a capital offense.¹³
8. Since the coauthors' previous report to the Committee in 2022, courts convicted two LGBTIQ+ activists—Zahra (aka Sareh) Sedighi Hamedani and Elham Chobdar—of “corruption on Earth” and “trafficking” and sentenced them to death. They were convicted under Article 286 of the Islamic Penal Code for “being members of gangs smuggling young women and girls, promoting homosexuality, proselytizing Christianity, and contacts with opposition media.”¹⁴ Although the exact date of their conviction is not known, authorities notified Ms. Hamedani and Ms. Chubdar of their sentences on September 1, 2022.¹⁵
9. Iranian security forces arrested Ms. Hamedani on October 27, 2021, when she was attempting to cross the Iran-Turkey border to seek asylum in Turkey. The charges against her stemmed from her statements on social media defending the rights of lesbian, gay, bisexual, transgender, queer, intersex, and other gender and sexual minorities (LGBTIQ+)¹⁶ and from her appearance

¹¹ Iran Human Rights, “Political Prisoner Hedayat Abdollahpour Executed ‘by Firing Squad,’” accessed August 5, 2022, <https://iranhr.net/en/articles/4294/>.

¹² The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶ 1-3.

¹³ Sato, M. and Babcock, S. (eds.), *Silently Silenced: State-Sanctioned Killing of Women*. Eleos Justice, Monash University and Cornell Center on the Death Penalty Worldwide, at 20, <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

¹⁴ International Federation for Human Rights, *Iran: Death sentence against two women for speaking out in support of LGBTIQ+ rights* (Sep. 22, 2022), <https://www.fidh.org/en/region/asia/iran/iran-death-sentence-lgbt-rights>.

¹⁵ International Federation for Human Rights, *Iran: Death sentence against two women for speaking out in support of LGBTIQ+ rights* (Sep. 22, 2022), <https://www.fidh.org/en/region/asia/iran/iran-death-sentence-lgbt-rights>.

¹⁶ The source refers to Hamedani and Chobdar as LGBTIQ+ activists, which has considerable overlap with, but it is not the same as LGBT activists.

in a BBC documentary about abuses suffered by the LGBTIQ+ community in northern Iraq.¹⁷ Authorities arrested Ms. Chubdar about one month after Ms. Hamedani on charges that similarly stem from her support of the LGBTIQ+ community in Iran.¹⁸

10. The Supreme Court subsequently overturned Ms. Hamedani's death sentence due to lack of evidence, and authorities released her on bail on 18 March 2023.¹⁹ Authorities released Ms. Chobdar on bail on 13 March 2023.²⁰
11. Iranian authorities do not protect LGBTIQ+ individuals from violence or abuse, and domestic legislation fosters impunity for perpetrators. Further, there is an absence of remedies for victims of violence. Violence against LGBTIQ+ individuals is considered a *mahdoorddam* offense (offenses in which the victim is "deserving of death").²¹ The Islamic Criminal Code also provides minor sentences for individuals who kill LGBTIQ+ people. According to one NGO, "Article 313-10 [of the Islamic Criminal Code] provides that if an offender convicted of murder claims that he committed the murder based on a belief that the deceased was mahdoorddam [deserving of death] and it is proven in court that the deceased was indeed mahdoorddam, the offender will not face death by qesas and will only receive a penalty of imprisonment from 1 to 2 years. Mahdoorddam is defined in Article 313-1 as one who has committed a capital crime that carries the penalty of death or stoning under the Penal Code which includes 10 homosexual conduct."²²

12. Suggested recommendations relating to LGBTIQ+ individuals:

- Decriminalize consensual same-sex sexual activity between adults by repealing related sections of Islamic Penal Code. Immediately release and commute the capital sentences of anyone convicted of consensual same-sex sexual activity between adults, and expunge their criminal records related to consensual same-sex sexual activity between adults.
- Take measures to ensure that people do not face criminal prosecution on account of their sexual orientation, gender identity or expression, and/or sex characteristics.
- Immediately release anyone being detained only on the basis of their real or perceived sexual orientation, gender identity or expression, and/or sex characteristics.
- Investigate arbitrary arrests based on actual or perceived sexual orientation, gender identity or expression, and/or sex characteristics and adopt necessary legislation to eliminate these practices.

¹⁷ International Federation for Human Rights, *Iran: Death sentence against two women for speaking out in support of LGBTIQ+ rights* (Sep. 22, 2022), <https://www.fidh.org/en/region/asia/iran/iran-death-sentence-lgbt-rights>.

¹⁸ International Federation for Human Rights, *Iran: Death sentence against two women for speaking out in support of LGBTIQ+ rights* (Sep. 22, 2022), <https://www.fidh.org/en/region/asia/iran/iran-death-sentence-lgbt-rights>.

¹⁹ Zahra (Sareh) Sedighi Hamedani to be released from Urmia Prison after the payment of her \$45,000 bail, 6Rang, Mar. 18, 2023, <https://6rang.org/english/3497/>.

²⁰ Elham Choubdar has been released from Urmia prison on bail, 6Rang, Mar. 13, 2023.

²¹ Testimony on file with the author.

²² Iranian Queer Organization, *Humanity Denied: The Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in IRAN* (September 2011), para. 35 https://www.hirschfeld-eddy-stiftung.de/fileadmin/user_upload/laenderberichte/Iran/IRQO_Report__September_2011.pdf

- Put measures in place to protect individuals from discrimination and violence based on their real or perceived sexual orientation, gender identity or expression, and/or sex characteristics.
- Take steps to remove *mahdoorddam* legislation, which can foster impunity for harassment, persecution, violence, and discrimination perpetrated against LGBTIQ+ individuals.

II. The State does not limit the death penalty to the most serious crimes. (List of Issues paragraph 10)

13. The Government of Iran sentences people to death for a wide range of crimes, many of which do not meet the threshold of “most serious crimes.” The number of crimes punishable by death in the country is among the highest in the world.²³ For example, many people are sentenced to death for drug-related crimes.²⁴
14. In 2022, Iranian authorities executed 565 people, including five who were under 18 at the time they allegedly committed the crime.²⁵ According to a report by Iran Human Rights and ECPM, 288 (49%) of the individuals executed had been convicted of murder, which was the highest number in 15 years. Among the people sentenced to death were 13 women and 3 people who allegedly committed crimes when they were under the age of 18. Another 256 people (44%), including three women, were executed after being convicted of drug-related offenses, up from 126 in 2021 and 10 times higher than 2020.²⁶ According to Amnesty International, there were 325 confirmed executions for drug offenses worldwide in 2022,²⁷ meaning Iran alone accounted for more than two thirds of the global total. Authorities executed 23 people (4%) who had been convicted of rape.²⁸
15. Also in 2022, authorities executed 15 people for the crimes of *moharebeh* (enmity against God) and *efsad-fil-arz* (corruption on Earth).²⁹ Authorities use these offenses to address a wide range of behavior, and application of these laws can be highly subjective.³⁰ For example, in June 2022, authorities executed Abdol Latif Mordai for “*moharebeh* through drawing a weapon on people with the intention of inciting and creating terror,” and they executed Firuz Mousalu for “*moharebeh* and *baghy* through membership in the Kurdistan Workers’ Party.”³¹ In July 2022,

²³ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2021*, 27.

²⁴ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran’s Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 5-8.

²⁵ Death Penalty Information Center, *Iran Continues Aggressive Use of Death Penalty Despite International Condemnation* (May 24, 2023), <https://deathpenaltyinfo.org/news/iran-continues-aggressive-use-of-death-penalty-despite-international-condemnation>; Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 47.

²⁶ BBC, *Iran Executions Surged in 2022 to ‘Spread Fear’ – Report* (Apr. 13, 2023), <https://www.bbc.com/news/world-middle-east-65262012>.

²⁷ Amnesty International, *Death Sentences and Executions 2022* (2023), 8.

²⁸ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 47-48.

²⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 47-48.

³⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 48.

³¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 49.

authorities executed Mohammad Hatami and Farzad Garavand for *moharebeh* for their participation in an armed robbery.³²

16. The report by Iran Human Rights and ECPM also calls attention to the use of the death penalty to silence freedom of expression and association in the context of the anti-government unrest that stemmed from the September 2022 custodial death of Jina (Mahsa) Amini after she was arrested for allegedly wearing her headscarf incorrectly.³³ Following the widespread public protests that occurred after Mahsa Amini's death, courts sentenced seven protestors to death.³⁴ Authorities executed two of the seven in December 2022, two in January 2023, and three in May 2023.³⁵ Courts have sentenced at least two dozen protestors to death since the protests occurred, though the actual number is unknown.³⁶ The protestors that were sentenced to death and executed were charged with *moharebeh*, a charge often levied against people who commit acts against the government of Iran.³⁷
17. Iranian authorities have promulgated disinformation about capital cases against protestors, but reports suggest that authorities have tortured protesters to extract confessions, which courts have subsequently used as evidence to support convictions and death sentences.³⁸ For example, in December 2022, authorities executed protesters Mohsen Shekari and Majidreza Rahnavard after releasing their videotaped confessions in which they had visible injuries, including a bruised and bloodied face and a broken arm.³⁹ Reports suggest that authorities denied protesters access to their lawyers during interrogations, as well as at trial and during post-conviction stages of their legal proceedings.⁴⁰
18. In 2023, Iran continues to seek the death penalty and carry out executions for a wide range of crimes. Iran Human Rights reports that Iranian authorities have executed at least 354 people in the first half of 2023.⁴¹ At least 106 executions occurred in May 2023 alone.⁴² The individuals

³² Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 49.

³³ BBC, *Iran Executions Surged in 2022 to 'Spread Fear' – Report* (Apr. 13, 2023), <https://www.bbc.com/news/world-middle-east-65262012>; United Nations Human Rights Office of the High Commissioner, *Iran: Crackdown on Peaceful Protests Since Death of Jina Mahsa Amini Needs Independent International Investigation, Say UN Experts* (Oct. 26, 2022), <https://www.ohchr.org/en/press-releases/2022/10/iran-crackdown-peaceful-protests-death-jina-mahsa-amini-needs-independent>.

³⁴ Farnaz Fassihi and Cora Engelbrecht, *Three More Executed in Iran Over Protests*, THE NEW YORK TIMES (May 22, 2023), <https://www.nytimes.com/article/iran-protests-death-sentences-executions.html>.

³⁵ Farnaz Fassihi and Cora Engelbrecht, *Three More Executed in Iran Over Protests*, THE NEW YORK TIMES (May 22, 2023), <https://www.nytimes.com/article/iran-protests-death-sentences-executions.html>.

³⁶ Death Penalty Information Center, *Iran Executes Two Prisoners Arrested in Ongoing Protests, Threatens More to Follow* (Dec. 12, 2022), <https://deathpenaltyinfo.org/news/iran-executes-two-prisoners-arrested-in-ongoing-protests-threatens-more-to-follow>.

³⁷ Amnesty International, *Iran: Executions of Tortured Protesters Must Trigger a Robust Reaction From the International Community* (May 19, 2023), <https://www.amnesty.org/en/latest/news/2023/05/iran-executions-of-tortured-protesters-must-trigger-a-robust-reaction-from-the-international-community/>.

³⁸ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 51.

³⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 52.

⁴⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 51.

⁴¹ Iran International, *At Least 354 People Executed In Iran In 2023* (Jul. 3, 2023), <https://www.iranintl.com/en/202307038665>.

⁴² Death Penalty Information Center, *Iran Continues Aggressive Use of Death Penalty Despite International Condemnation* (May 24, 2023), <https://deathpenaltyinfo.org/news/iran-continues-aggressive-use-of-death-penalty-despite-international-condemnation>.

who were executed had been sentenced to death for a variety of charges, including terror-related crimes, drug offenses, and blasphemy.⁴³ For example, on May 8, 2023, authorities executed Yousef Mehrdad and Seyed Sadrollah Fazeli Zare for “insulting the prophet,” “blasphemy,” “insulting the prophet’s mother,” and “belittling the Quran.”⁴⁴ According to reports, the charges stemmed from peaceful speech that Mr. Mehrdad and Mr. Zare broadcast on social media.⁴⁵ Authorities executed 206 individuals for drug-related charges in the first half of 2023.⁴⁶

19. Suggested recommendations relating to the scope of the death penalty:

- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards. In the meantime:
- Limit crimes that are eligible for the death penalty to the most serious crimes as defined in General Comment 36, and amend the Islamic Penal Code to comply with this standard.
- Direct judicial officers not to sentence any person to death for expressing opposition to the government or for supporting opposition parties or candidates.
- Immediately commute the death sentence of any person who was sentenced to death for a crime in which the person did not kill and intend to kill.

III. The State applies the death penalty in a discriminatory manner. (List of Issues paragraph 10)

Ethnic minorities

20. The Government of Iran disproportionately executes members of ethnic minority groups for drug-related offenses.⁴⁷ The Special Rapporteur on Iran in 2018 called for Iranian authorities to impartially investigate the executions of individuals from minority communities, and, in case of discrimination findings, further investigate the underlying reasons and take corrective measures.⁴⁸
21. According to Iran Human Rights, in 2022 Iran continued to execute members of ethnic minority groups in a disproportionate manner. Authorities executed 130 people in the four Iranian provinces of West Azerbaijan, East Azerbaijan, Sistan and Baluchestan, and Kurdistan,

⁴³ Human Rights Watch, *Iran: Alarming Surge in Executions* (May 12, 2023), <https://www.hrw.org/news/2023/05/12/iran-alarming-surge-executions>.

⁴⁴ Human Rights Watch, *Iran: Alarming Surge in Executions* (May 12, 2023), <https://www.hrw.org/news/2023/05/12/iran-alarming-surge-executions>.

⁴⁵ Human Rights Watch, *Iran: Alarming Surge in Executions* (May 12, 2023), <https://www.hrw.org/news/2023/05/12/iran-alarming-surge-executions>.

⁴⁶ Iran International, *At Least 354 People Executed In Iran In 2023* (Jul. 3, 2023), <https://www.iranintl.com/en/202307038665>.

⁴⁷ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran’s Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 10-11.

⁴⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN Doc. A/73/398 (27 Sept. 2018), ¶ 29.

which are the home provinces to the Baluch, Turkish, and Kurdish ethnic minorities.⁴⁹ In addition, Sistan and Baluchestan provinces had the highest number of executions per capita.⁵⁰ In 2022, authorities across Iran executed 174 Baluch individuals, accounting for 30% of all executions in the country, while Baluch individuals constitute approximately 2-6% of Iran's overall population.⁵¹

22. According to Amnesty International, in 2023 authorities have executed 28 Iranians who are members of ethnic minority groups.⁵² Of that number, courts had convicted 19 of drug-related offences, 7 of murder, and 2 of “spreading corruption on Earth” (*efsad-e fel arz*) and/or “enmity against God” (*moharebeh*).⁵³ Amnesty International reported that “Iranian authorities continued to use the death penalty as a tool of political repression and to disproportionately execute members of ethnic minorities as part of the long-term, entrenched discrimination and repression of these groups.”⁵⁴

Women and girls

23. Iran sentences to death and executes women and girls in a discriminatory manner. In Iran, drug trafficking and murder are the two crimes for which women are most frequently sentenced to death. Most women currently under sentence of death were sentenced to death for murdering their abusive husbands.⁵⁵ Among the 164 women executed between 2010 and October 2021, courts had sentenced at least 86 to death for drug-related offenses and at least 60 for murder.⁵⁶ In a report issued in 2021, Iran Human Rights reported that “[i]n 66% of the known murder cases [between 2010 and 2021], the women were convicted of killing their husband or partner.”⁵⁷ In many of those cases, the women were married at a young age, and they did not have the right to divorce their abusers.⁵⁸ For example, 6 of the women known to have been

⁴⁹ Iran Human Rights, *Execution of Ethnic Minorities in Iran in 2022* (Apr. 28, 2023), <https://www.iranhr.net/en/articles/5839/>.

⁵⁰ Iran Human Rights, *Execution of Ethnic Minorities in Iran in 2022* (Apr. 28, 2023), <https://www.iranhr.net/en/articles/5839/>.

⁵¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 85.

⁵² Amnesty International, *Iran: Chilling Execution Spree With Escalating Use of Death Penalty Against Persecuted Ethnic Minorities* (Mar. 2, 2023), <https://www.amnesty.org/en/latest/news/2023/03/iran-chilling-execution-spree-with-escalating-use-of-death-penalty-against-persecuted-ethnic-minorities/#:~:text=Of%20the%2028%20members%20of,meet%20the%20principle%20of%20legality.>

⁵³ Amnesty International, *Iran: Chilling Execution Spree With Escalating Use of Death Penalty Against Persecuted Ethnic Minorities* (Mar. 2, 2023), <https://www.amnesty.org/en/latest/news/2023/03/iran-chilling-execution-spree-with-escalating-use-of-death-penalty-against-persecuted-ethnic-minorities/#:~:text=Of%20the%2028%20members%20of,meet%20the%20principle%20of%20legality.>

⁵⁴ Amnesty International, *Death Sentences and Executions 2022* (2023), 30.

⁵⁵ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, at 11. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵⁶ Iran Human Rights, *Women and the Death Penalty in Iran*, Oct. 10, 2021, at 5, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

⁵⁷ Iran Human Rights, *Women and the Death Penalty in Iran*, Oct. 10, 2021, at 4, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

⁵⁸ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, at 11. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

executed for murder between 2010 and 2021 were “child brides.”⁵⁹ Three of the women executed during that period were juvenile offenders.⁶⁰

24. The past two years have shown no signs of improvement. According to Amnesty International, Iran executed 12 women in 2022.⁶¹ According to a recent study published by Monash University, Eleos Justice, and the Cornell Center on the Death Penalty Worldwide, “Iran has also used capital political offences to target persons advocating for women’s rights. [As of March 2023], at least 100 people—including women—have been charged with capital offences such as ‘enmity against God’ and ‘corruption on Earth’ in connection with protests following the September 2022 death in custody of Mahsa Amini, a 22-year-old woman accused of earing her headscarf improperly.”⁶²
25. A groundbreaking study by the Cornell Center on the Death Penalty Worldwide found that “[g]ender dynamics and female disempowerment are salient factors associated with women’s involvement in drug smuggling. Many women engage in drug smuggling to counteract their marginalization and improve their socioeconomic status.”⁶³ In Iran, the study found, “most drug offenses involving women are small-scale offenses committed by women from economically deprived backgrounds.”⁶⁴ The report further found that when women are sentenced to death for murder, the crime is “often in relation to the killing of family members in a context of gender-based violence.”⁶⁵
26. Discrimination against women permeates the criminal legal system in Iran, particularly with respect to women in conflict with the law. A lawyer in Iran told the Cornell Center “that courts trying women capital defendants judge their whole lives, and not just the offense with which they are charged (particularly in cases where the defendants is accused of killing her spouse).”⁶⁶ Iran Human Rights confirms that although most executions of women are carried out in secret, when officials report on executions of women, they often portray the women “as evil mothers, femme fatales or conniving schemers.”⁶⁷ Court rules and procedures are also discriminatory. According to the Cornell Center, “[i]n Iran, married rape victims are at risk of execution for adultery because of practices which defy [accepted Shariah] rules. These practices reverse the high evidentiary burden, requiring that pregnant women suspected of adultery prove, by four eyewitness accounts, that their pregnancy resulted from rape—an

⁵⁹ Iran Human Rights, *Women and the Death Penalty in Iran*, Oct. 10, 2021, at 8, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

⁶⁰ *Ibid.*

⁶¹ Amnesty International, *Death Sentences and Executions 2022* (2023), at 30, available at <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

⁶² Sato, M. and Babcock, S. (eds.), *Silently Silenced: State-Sanctioned Killing of Women*. Eleos Justice, Monash University and Cornell Center on the Death Penalty Worldwide, at 23, <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

⁶³ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, at 12. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶⁴ *Id.* at 12.

⁶⁵ *Id.* at 4.

⁶⁶ *Id.* at 7.

⁶⁷ Iran Human Rights, *Women and the Death Penalty in Iran*, Oct. 10, 2021, at 3, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

extraordinarily difficult burden to meet.”⁶⁸ Iran Human Rights reports that “in qisas cases, a woman’s testimony is considered worthless and they are not entitled to be witnesses.”⁶⁹

27. Suggested recommendations relating to executions of ethnic minorities and women:

- Commission an independent review of legislation and state practices that may disproportionately affect Baluch, Turkish, and Kurdish ethnic minorities, particularly with respect to the death penalty and criminal prosecutions, and fully implement any resulting recommendations for eliminating discrimination in this regard.
- Implement efforts to ensure that the death penalty does not disproportionately affect members of ethnic minority groups.
- Ensure that the criminal legal system takes full account of any mitigating factors related to women’s backgrounds, including evidence of trauma, child marriage, gender-based violence, as well as psycho-social and intellectual disabilities.
- Acknowledge the compounding forms of violence experienced by women and girls—including gender-based violence and early and forced marriage—and review laws, criminal procedures, and judicial practices, and implement policies and legislative reforms to protect against such human rights violations.
- Ensure that survivors of sexual violence are not prosecuted for illegal sexual conduct or similar offenses.
- Ensure proper gender-sensitive training of all persons involved in the investigation, representation, and prosecution of crimes involving women.
- Ensure that no woman or girl is sentenced to death for any crime committed when under the age of 18 years.
- Ensure that women at risk of being sentenced to death have access to free and effective legal counsel specialized in capital representation, and who are trained to recognize and bring forward claims of gender-specific defenses.
- Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
- In collaboration with civil society, provide training to all defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients on the basis of gender, when appropriate.

⁶⁸ The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, at 13. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁶⁹ Iran Human Rights, *Women and the Death Penalty in Iran*, Oct. 10, 2021, at 4, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

IV. The State's death penalty practices lack transparency. (List of Issues paragraph 10)

28. Iranian authorities fail to officially report the majority of executions, and authorities carry out many executions with no prior notification to the individual's family or attorney.⁷⁰
29. Official government sources often fail to report executions. Between 2014 and 2019, the official Iranian media or other official sources announced an average of only 40% of all executions.⁷¹ That number decreased to 33% in 2020, and dropped to 16.5% in 2021.
30. In 2022, authorities failed to publicly report 88% of executions.⁷² 2022 marked "the highest peak in the last 10 years" for censorship and the lack of transparency.⁷³ In 2022, for example, authorities announced only 10 (8%) of the 130 reported executions in the four ethnic provinces cited in paragraph 21 above, compared to 12% in the whole country.⁷⁴
31. Article 35 of the Regulation on the implementation of sentences states that people under sentence of death may request a last visit prior to execution, but authorities often deny people the right to say goodbye to their loved ones. According to Article 43(h), authorities must notify the lawyer of the person to be executed at least 48 hours before the scheduled execution, but again, authorities often fail to follow notification regulations.⁷⁵ Due to a lack of transparency, the coauthors are unable to provide exact numbers, but Iran Human Rights confirms that authorities commonly fail to notify family or legal counsel.

32. Suggested recommendations relating to transparency:

- Issue a directive to prison authorities to ensure full compliance with Articles 35 and 43(h) of the Regulation on the implementation of sentences regarding notification of family and lawyers prior to executions.
- On at least an annual basis, publish transparent data about people under sentence of death and executions during the previous year, disaggregated by gender, race/ethnicity, nationality, crime of conviction, date of conviction, court of conviction, relationship (if any) to any victim or codefendant, age of the defendant at the time of the offense, date and location of execution (if applicable), current location (if applicable).

⁷⁰ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 13-14.

⁷¹ Abdorrahman Boroumand Centre, Association for Human Rights in Kurdistan of Iran-Geneva, Iran Human Rights, ECPM, Impact Iran, World Coalition Against the Death Penalty, *Death Penalty in Iran: Joint Stakeholder Report for the 34th Session of the Working Group on the Universal Periodic Review* (March 2019), ¶ 23.

⁷² Iran Human Rights, *Execution of Ethnic Minorities in Iran in 2022* (Apr. 28, 2023), <https://www.iranhr.net/en/articles/5839/>.

⁷³ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 14.

⁷⁴ Iran Human Rights, *Execution of Ethnic Minorities in Iran in 2022* (Apr. 28, 2023), <https://www.iranhr.net/en/articles/5839/>.

⁷⁵ Regulation on the implementation of hudud, death penalty, amputation, qisas of life and limb and injury, diyat and whipping, accessed August 7, 2022, <https://rc.majlis.ir/fa/law/show/1152670>.

V. The State fails to protect the rights of children by continuing to execute children and by sentencing people to death for crimes committed while under 18 years of age. (List of Issues paragraph 10)

33. The Islamic Penal Code provides that individuals who are not mature are not criminally responsible,⁷⁶ but the Government of Iran continues to sentence to death and execute juvenile offenders.⁷⁷ Of the 163 juvenile executions recorded worldwide between 1990 to 2022, Iran carried out 113.
34. Amnesty International reports that in 2022, Iranian authorities executed 5 people who were under the age of 18 at the time of the offense for which they were convicted.⁷⁸ Since the coauthors' previous report to the Committee in 2022, Iran Human Rights has recorded the execution of at least three juvenile offenders in 2022.⁷⁹ Mohammad Hossein Alizadeh was 17 years old when authorities arrested him for unintentionally committing murder when he defended his cousin against a street group attack in 2016. Authorities executed him on August 10, 2022.⁸⁰ Omid Alizehi was 17 years old when authorities arrested him for an alleged murder committed during a street fight. Authorities executed him on August 20, 2022.⁸¹ Yousef Mirzavand was 16 years old when authorities arrested him on charges of "initiating an armed robbery, carrying hunting weapons without a license, committing intentional assault with a weapon, murder, being accessory to murder and conspiracy to escape trial." Authorities executed him on December 26, 2022.⁸² In May 2023, Iranian authorities scheduled the execution of Hossein Shahbazi, who was under the age of 18 when the crime occurred. The execution has been "temporarily postponed," he remains at risk of execution.⁸³
35. Officials in the juvenile justice system retain considerable discretion in determining criminal responsibility.⁸⁴ Articles 146 and 147 of the Islamic Penal Code provide that persons who are not mature are not criminally responsible. The Islamic Penal Code sets the age of maturity for girls at nine lunar years (or 8.7 years), and for boys at 15 lunar years (or 14.6 years), meaning any child over these ages may be sentenced to death.⁸⁵
36. Article 91 of the Islamic Penal Code, introduced through the revision of the Islamic Penal Code in 2013, grants judges the discretion to impose the death penalty or an alternative punishment

⁷⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 77.

⁷⁷ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 16-19.

⁷⁸ Amnesty International, *Death Sentences and Executions 2022* (2023), 30.

⁷⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 79.

⁸⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 79.

⁸¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 79.

⁸² Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 79.

⁸³ Iran Human Rights, Juvenile Offender Hossein Shahbazi at Risk of Execution Despite Postponement, (27 May). Available online at <https://iranhr.net/en/articles/5949/>

⁸⁴ Human Rights Committee, *Fourth periodic report submitted by the Islamic Republic of Iran under article 40 of the Covenant, due in 2014* (Aug. 23, 2021) U.N.Doc. CCPR/C/IRN/4, ¶ 27.

⁸⁵ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 34.

on a minor defendant, based on the judge's determination of the minor's maturity at the age of the offense and the nature of the offence.⁸⁶

37. Even though the Islamic Penal Code provides for alternative punishments for juveniles, offenses punishable by *qisas* (retribution in kind) and *hudud* (punishments under Islamic law (*Shari'a*) that are mandated and fixed by God) are exceptions to this "alternative punishments" rule, and almost all juvenile offenders executed over the past nine years were sentenced to death based on *hudud* and *qisas* charges.⁸⁷

38. Suggested recommendations relating to juvenile executions:

- Direct all judicial officers to immediately cease the practice of sentencing people to death for crimes committed when under the age of 18, including people charged with *qisas* and *hudud* offenses.
- Immediately commute all existing death sentences for people sentenced to death for crimes committed while under the age of 18. In the meantime:
 - Take measures to ensure that the alternative punishment provisions in Article 91 of the Islamic Penal Code apply to *hudud* and *qisas* offences.
- Amend the Islamic Penal Code to prohibit imposition of the death penalty for persons who are convicted of committing a crime while under 18 years of age.
- Implement mechanisms to provide, on at least an annual basis, public and transparent data about the number of people under sentence of death for crimes committed while under the age of 18, the number of such people executed, and the ages of each of those people at the time of the offense and at the time of execution.

VI. The State conducts executions in public, in violation of Article 7 of the ICCPR. (List of Issues paragraph 10)

39. Iran continues the practice of public executions, including in the presence of children. Authorities often publicize public executions in advance and often hold these executions in public or residential spaces.⁸⁸

40. In 2022, authorities held public executions of Iman Sabzikar and protester Majidreza Rahnavard in Shiraz and Mashhad respectively.⁸⁹ These executions were the first public executions recorded since 2020.⁹⁰ Authorities carried out a public execution of Soleiman Salamat on 25 May 2023, and children were present in the audience.⁹¹ On 18 June, authorities

⁸⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 34.

⁸⁷ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 33; see Section VI of this document for further discussion on the *qisas* death sentence.

⁸⁸ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 21-23.

⁸⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 15.

⁹⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 45.

⁹¹ Iran Human Rights, *Iran Human Rights Demands Strong Response to Public Execution in Maragheh*, May 25, 2023, <https://iranhr.net/en/articles/5943/>.

carried out another public execution of an unnamed man in Khuzestan province.⁹² Afghan nationals, Mohammad Ramez Rashidi and Naeim Hashem Ghotali, were publicly hanged on 8 July 2023 after courts sentenced them to death in proceedings that violated their rights to due process and a fair trial.⁹³ Days later, authorities executed two more men in Fouladshahr.⁹⁴

41. The number of public executions dropped due to enforced restrictions after the onset of the COVID-19 pandemic and was not the result of a policy change.⁹⁵

42. Suggested recommendations relating to public executions:

- End the practice of public executions.
- In the meantime, prohibit children from attending executions.

**VII. The State targets human rights defenders advocating against the death penalty.
(List of Issues paragraph 10)**

43. Anti-death penalty advocates have faced harassment, arrest, and prison sentences for their peaceful anti-death penalty advocacy.⁹⁶ For example, in September 2022, authorities arrested Farhad Ghahremani at an anti-death penalty protest and charged him with “assembly and collusion against national security” and “disrupting public order and peace.”⁹⁷ A court tried him via video conference and without a lawyer and sentenced him to six months imprisonment and twenty-five lashes.⁹⁸ Similarly, in November 2022, authorities arrested anti-death penalty campaigner Narges Mohammadi and held him in solitary confinement for 64 days.⁹⁹ Human rights defender and anti-death penalty activist Soheil Arabi was also arrested on January 2, 2023, and detained for more than two months.¹⁰⁰
44. Iran’s Revolutionary Courts are responsible for imposing heavy sentences on human rights defenders.¹⁰¹ They are responsible for the majority of all death sentences issued in the last 43 years.¹⁰²

⁹² Iran Human Rights, *Unidentified Man Publicly Hanged in Bandar-e-Deylam Beach Park*, June 19, 2023, <https://iranhr.net/en/articles/6003/>.

⁹³ Iran Human Rights, *Afghan Nationals Mohammad Ramez Rashidi and Naeim Hashem Ghotali Publicly Hanged*, July 8, 2023, <https://iranhr.net/en/articles/6042/>.

⁹⁴ Iran Human Rights, *2 Men Publicly hanged in Isfahan; 4 Public Hangings in a Week*, July 13, 2023, <https://iranhr.net/en/articles/6054/>.

⁹⁵ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 46.

⁹⁶ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran’s Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 42-43.

⁹⁷ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 97-98.

⁹⁸ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 98.

⁹⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 97.

¹⁰⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 98.

¹⁰¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 39.

¹⁰² Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 39.

45. In June 2021, the Islamic Consultative Assembly (Parliament) passed a draft bill that proposes to make reporting on human rights violations, including the death penalty, a capital offense.¹⁰³

46. Suggested recommendations related to human rights defenders:

- Allow and facilitate a public and open debate on the question of the death penalty in Iran, including by creating an enabling environment for civil society actors to access information, engage in dialogue, and express their views freely.
- Direct the Consultative Assembly to scrap proposed legislation that would make reporting on human rights violations a capital offense.

VIII. The State indirectly encourages arbitrary killings by retaining the *qisas* death sentence for murder in the Islamic Penal Code. (List of issues paragraph 10)

47. *Qisas* refers to retribution in kind for murder. The Islamic Penal Code has codified *Qisas*—which the State considers a private right beyond its control—because of its basis in Islamic law (*Shari'a*).¹⁰⁴
48. By forcing the victim's family to decide the defendant's fate, the State is evading responsibility and is now using *qisas* as the grounds for executing protesters and other activists.
49. Crucially, when authorities charge people with the umbrella term of “intentional murder,” they sentence them to *qisas* (retribution-in-kind) regardless of intent (*mens rea*) or circumstances, because the law lacks grading of different types of killings. An amendment to the Islamic Penal Code to include grading of different types of killings would drastically reduce the number of executions.
50. If the victim's family chooses to implement retribution, authorities not only encourage them to attend the executions, but also to personally carry out the execution by pulling the stool from under the feet of the person to be executed.
51. *Qisas* also permits the murder victim's family to demand *diya* (blood money), rather than a retributive death sentence. The State determines the indicative amount of *diya* each year, but does not set a cap or upper limit. Nor does the State currently subsidize the *diya* for people who have been convicted but who do not have an ability to pay.¹⁰⁵ The absence of an upper limit allows the victim's family to demand an amount that is many times greater than the minimum amount set by the State. As a result, an accused person may face discrimination based on their socio-economic status. Moreover, the absence of an upper limit operates as a bar to State subsidization of the *diya* for accused persons who cannot afford to pay.¹⁰⁶
52. *Qisas* laws further permit the murder victim's family to grant forgiveness to the offender. While being “against” *qisas* is considered a serious crime under Iranian law, Islam considers

¹⁰³ Iran Human Rights “Draft Bill Targeting Citizen Journalists Passed in Iran Parliament” accessed August 22, 2023, <https://iranhr.net/en/articles/4766/>.

¹⁰⁴ The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, Impact Iran, and ECPM, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues Prior to Reporting* (Minneapolis, USA, June 2020), ¶¶ 45-51.

¹⁰⁵ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 93.

¹⁰⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 93.

forgiveness a good deed.¹⁰⁷ The option to grant forgiveness without being subject to criminal prosecution for opposing *qisas* provides an opportunity for Iranians to counter the death penalty by promoting forgiveness. An increasing number of civil society groups and their sympathizers have promoted the “forgiveness movement,” which has gained momentum over the past few years and has resulted in the removal of death sentences for 624 people in 2022 (compared with 288 *qisas* executions in that year).¹⁰⁸

53. The lack of gradation and exemptions from *qisas* promote impunity for killings of women and religious minorities. The Islamic Penal Code exempts the following situations or people from the mandatory death sentence of *qisas*: (a) father and paternal grandfather of the victim (IPC, Article 301); (b) a man who kills his wife and her lover in the act of adultery (IPC, Article 302); (c) Muslims, followers of recognized religions, and “protected persons” who kill followers of unrecognized religions or “non-protected persons” (IPC, Article 301); (d) killing of a person who has committed a *hudud* offense punishable by death (IPC, Article 302); and (e) killing a rapist (IPC, Article 302).¹⁰⁹ This law results in discriminatory treatment, for example, as Article 301 states “*qisas shall be established...if the victim is same and has the same religion as the culprit. Note: If the victim is Muslim, the non-Muslim status of the culprit shall not prevent qisas.*”
54. Arguments for retaining the *qisas* death sentence include the concern that if an accused person pays a *diya* or forgiveness is granted, a dangerous individual who committed murder will be released into the community after serving only a short prison sentence. It is believed that this concern inhibits some victims’ families from choosing *diya* or granting forgiveness.¹¹⁰
55. In 2022, as in the previous five years, murder charges accounted for the largest number of executions. At least 288 people, including three juvenile offenders and 13 women were executed in 2022 for murder charges based on *qisas* laws. This is the highest number of annual *qisas* executions since 2010.¹¹¹
56. As discussed in paragraph 23 above, most women sentenced to death for murder in Iran have been charged with killing a spouse or intimate partner. Some of these women were “child brides,” and some were juvenile offenders. Women do not have the right to divorce their abusers.

57. Suggested recommendations relating to *qisas* executions:

- Consider amending the Islamic Penal Code to abolish the *qisas* mandatory death penalty for persons convicted of murder.
- Introduce gradations with respect to intentional killings, so as to recognize distinctions in culpability between manslaughter and murder, as well as different degrees of murder and manslaughter.

¹⁰⁷ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 92.

¹⁰⁸ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 38.

¹⁰⁹ Iran: Islamic Penal Code Articles 301 and 302, 20 November 1991, available at: <https://www.refworld.org/docid/518a19404.html> (accessed 23 August 2023).

¹¹⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 93.

¹¹¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 58.

- Ensure that the *qisas* system does not result in the arbitrary deprivation of life for persons accused of murder.
- Implement policies and procedures to ensure that the implementation of the *qisas* death sentence is not applied in a discriminatory manner.
- Establish an upper limit on blood money (*diya*) rates and subsidization of such rates.
- Consider establishing a prison term for any person convicted of murder who is subsequently forgiven by the victim's family.

IX. The State subjects people suspected of crimes and convicted of crimes to torture and other cruel, inhuman, or degrading treatment. (List of Issues paragraph 11)

58. Iranian authorities often use torture and cruel, inhuman, or degrading treatment prior to trial to coerce confessions. They also engage in such practices after conviction within detention facilities. Confessions are the State's most common means of proving guilt in capital cases.¹¹²
59. Since the Islamic Republic's inception in 1979, authorities have used "televised confessions" as a propaganda tool aimed at creating fear and justifying the heavy sentences handed down to the government's political opponents and activists. Authorities extract such confessions after subjecting a suspect to physical or/and psychological torture, lengthy solitary confinement, threats, or promises of reduction in the gravity of sentence.¹¹³ Authorities often air these confessions following arrest, before legal proceedings have even commenced, or after public protests to a sentence, or prior to an execution, as a means of reducing public backlash.¹¹⁴ In the 2022 nationwide protests following the death in custody of Jina (Mahsa) Amini, Iran Human Rights concluded that physical torture, sexual assault, and rape were not merely isolated incidents but that authorities were systematically engaging in such acts against protesters to force false self-incriminating confessions.¹¹⁵ In a January 2023 resolution, the EU Parliament condemned "in the strongest terms the systematic use of torture, including sexual violence as a weapon, in Iranian prisons."¹¹⁶
60. People in prison continue to experience cruel and inhuman treatment, including severe beatings, solitary confinement, lack of clean water, lack of quality food, lack of sanitary facilities, overcrowding, and lack of medical attention.¹¹⁷ In December 2022, human rights activist Atena Daemi reported (in a series of Twitter posts) on conditions in Evin Prison, based on information from women who had recently been released. Seven or eight prisoners were reportedly held in one cell, leaving no room to move around or lie down. Daemi said prison

¹¹² Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 41.

¹¹³ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 42.

¹¹⁴ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 42.

¹¹⁵ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 38.

¹¹⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 39.

¹¹⁷ United States Department of State, *Iran 2022 Human Rights Report* (March 2023), 12; The Advocates for Human Rights, The World Coalition Against the Death Penalty, Iran Human Rights, ECPM and Impact Iran, *Islamic Republic of Iran's Compliance with International Covenant on Civil and Political Rights Treaty: Suggested List of Issues* (Minneapolis, USA, August 2022), ¶34.

authorities limited shower use to twice a week due to the high numbers of prisoners, and officials refused to provide cleaning supplies to address the problem of dirty bathrooms.¹¹⁸

61. Suggested recommendations relating to use of torture, forced confessions, and inhumane detention conditions:

- End the use of torture and ill-treatment, including enforced disappearances, in compliance with the Covenant, and establish independent mechanisms to hold perpetrators accountable and provide a remedy to the victims.
- Direct all judicial officers to render inadmissible any evidence obtained through use of torture or ill-treatment, including enforced disappearances, except when used to prove that a person has engaged in torture or enforced disappearances.
- Prohibit prosecutors from attempting to introduce into evidence any coerced or forced “confession,” except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made.
- Implement measures to facilitate a system of regular and genuinely independent monitoring of places of detention, with the aim of ensuring that conditions of detention conform to Articles 7 and 10 of the Covenant, and to the Nelson Mandela Rules.
- Provides systematic training to law enforcement, prosecutors, investigators, prison officials, and judicial officers regarding human rights as a standard component of curricula, covering the topics of the prohibition against torture, effective interrogation techniques, conditions of detention, and the treatment of detainees.
- Establish a framework to conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who have been sentenced to death and by persons who are charged with crimes that are subject to the death penalty.

X. The State fails to provide people accused of crimes with due process under the law. (List of Issues paragraph 18)

62. The State fails to respect due process rights—such as the right to legal counsel, the right to be charged with a specific arrest warrant, the right to be free from incommunicado detention, and the right to be free from judicial abuse of power—despite protections in both the Constitution and the Criminal Procedure Code. Both the Constitution and the Criminal Procedure Code address a suspect’s right to a lawyer generally.¹¹⁹ A note in the Criminal Procedure Code, however, limits the right to counsel in serious criminal cases and cases involving charges commonly used against political prisoners, requiring the person accused of a crime to select counsel from a list of attorneys approved by the Head of the Judiciary.¹²⁰ As more fully explained below, the Head of the Judiciary is not an impartial or independent arbiter. Under this rule, the person accused of a crime cannot access an attorney of their choosing during the

¹¹⁸ United States Department of State, *Iran 2022 Human Rights Report* (March 2023), 12.

¹¹⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 36.

¹²⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 37.

critical investigation phase, when the person is at risk of torture and coerced confessions.¹²¹ Iran Human Rights reports that none of the persons convicted and sentenced to death in any of the cases it has researched had access to a lawyer in the initial phase following their arrest.¹²² Further, of the 2022 capital cases against protesters that Iran Human Rights had obtained information about, authorities deprived all of the defendants of access to their lawyers until there was public and international pressure on their cases.¹²³

63. The Revolutionary Courts are responsible for most of the death sentences issued and carried out in the last 10 years and their judges are known for abusing their powers, including routinely denying individuals access to attorneys.¹²⁴ There are no independent mechanisms for ensuring independence and accountability within the judiciary, and in particular, within the Revolutionary Courts.¹²⁵
64. Iran's judiciary operates as an extension of the Supreme Leader's political authority.¹²⁶ The Supreme Leader selects the Head of the Judiciary, who then must report to the Supreme Leader.¹²⁷ Additionally, the Head of the Judiciary and the Supreme Court Chief Justice select judges based on their ideological affiliation and political background.¹²⁸
65. This lack of independence is particularly concerning because judges are permitted to make a determination of guilt in the absence of confessions or eyewitness testimony based exclusively on the judge's opinion, known as *elm-e qazi* or "knowledge of the judge."¹²⁹ While *elm-e qazi* is supposed to derive from evidence, Iran Human Rights notes cases in which judges have applied *elm-e qazi* arbitrarily.¹³⁰ Judges can also declare *los* based solely on their belief of the defendant's guilt, giving the victim's next of kin the right to *qassameh*. *Qassameh* is based on swearing an oath on the Quran by a certain number of people in the victim's family. In murder cases, 50 male members of the victim's family are required to make a *qassameh*. It is important to note that the people who swear in *qassameh* ceremonies are not required and are not usually direct witnesses to the crime.¹³¹ In 2022, a court sentenced at least one person (an unnamed man) to *qisas* and authorities subsequently executed him based on a *qassameh* ceremony. The judges deemed ineligible to testify the only witness to the alleged crime and therefore the court declared the *los*.¹³²

¹²¹ The Foreign Policy Centre, *Iran Human Rights Review: Due Process*, eds. Tahirih Danesh and Mahmood Amiry-Moghaddam (fpc.org.uk: The Foreign Policy Centre, 2017), 22. Available online at <https://fpc.org.uk/wp-content/uploads/2017/02/IHRR-Due-Process.pdf>.

¹²² Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 37.

¹²³ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 37.

¹²⁴ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 39-40.

¹²⁵ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 40; European Parliament Resolution 2019/2993(RSP), ¶ G, Doc. P9_TA (2019) 0112 (Dec. 19, 2019). Also available online at https://www.europarl.europa.eu/doceo/document/TA-9-2019-0112_EN.pdf.

¹²⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 36.

¹²⁷ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 20.

¹²⁸ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 36.

¹²⁹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 41.

¹³⁰ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 41.

¹³¹ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 41.

¹³² Iran Human Rights "Unnamed Man Executed in Rajai Shahr Prison After Conviction Based on Qassameh" accessed August 22, 2023, <https://iranhr.net/en/articles/5084/>.

66. The application of legal procedures in Iran is arbitrary and not uniformly applied. As Iran Human Rights summarized in a report published earlier this year, “men have more rights than women, Muslims have more rights than non-Muslims, and *Shia* Muslims have more rights than *Sunni* Muslims.”¹³³ For example, under Article 199 of the Islamic Penal Code, the usual standard of proof for testimony is two men, while for certain sexual offenses the prosecution must present the testimony of four men. For *diya* offenses such as murder, a woman’s testimony is worth half the testimony of a man, making one male witness worth the testimony of two female witnesses. And the *diya* for killing a woman is half of the *diya* for killing a man.¹³⁴ Under Article 310, if a Muslim, Christian, Jew, Sabian, or Zoroastrian kills a person who does not belong to one of those religious groups, the killer is immune from *qisas*.¹³⁵
67. Dual-nationals Habib Asyoud and Jamshid Sharmahd were kidnapped from neighboring countries and sentenced to death in unfair trials.¹³⁶ On 6 May 2023, authorities executed Habib Asyoud after convicting him of corruption on earth.¹³⁷ Jamshid Sharmahd remains at risk of execution after a court upheld his death sentence for corruption on earth on 26 April.¹³⁸ Iran Human Rights has documented a Swedish-Iranian doctor and crisis management researcher who is also on death row.¹³⁹

68. Suggested recommendations relating to lack of due process:

- Ensure that all arrest warrants contain the names of the accused and are based on a judge’s independent review of material evidence.
- Ensure the release of people in detention who have been held based on general and blanket arrest warrants, in the absence of evidence.
- Implement safeguards to prevent authorities from subjecting suspects to incommunicado detention and ensure compliance with fair trial standards.
- Ensure that pretrial detention complies with human rights standards and is not prolonged in law and in practice, particularly through independent judicial supervision of detention and timely access to counsel.
- Ensure that all arrested persons are permitted access to legal counsel of their choice at all stages of the investigation and legal proceedings and direct courts to establish remedies for denial of access to counsel.
- Take concrete measures to ensure and protect the full independence and impartiality of the judiciary and guarantee that the judiciary is free to operate without pressure and interference from the executive.

¹³³ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 36.

¹³⁴ Electronic communication with Iran Human Rights, Sept. 6, 2023, on file with The Advocates for Human Rights.

¹³⁵ *Ibid.*

¹³⁶ Iran Human Rights and ECPM, *Annual Report on the Death Penalty in Iran 2022* (2023), 15.

¹³⁷ Iran Human Rights, *Iran Human Rights Calls for Strong International Response to Execution of Swedish-Iranian Habib Asyoud*, May 6, 2023, <https://iranhr.net/en/articles/5874/>.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

- Conduct comprehensive training to ensure that judges, in interpreting legislation and in relying on religious and other principles, do not reach decisions that are in contravention of the rights recognized in the Covenant.