

DEATH PENALTY IN THE ISLAMIC REPUBLIC OF IRAN

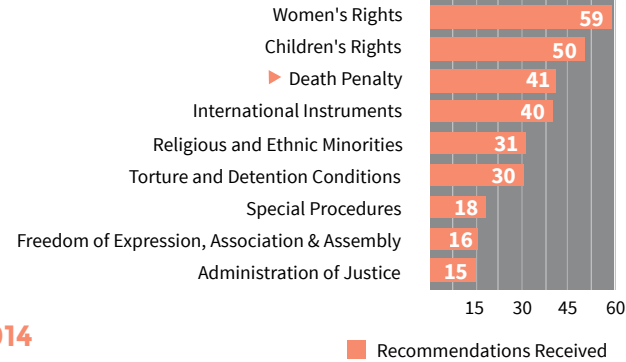


An assessment of Iran's implementation of recommendations received during the 2014 Universal Periodic Review

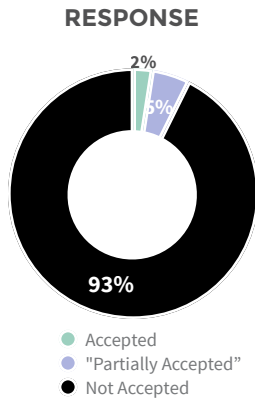
KEY AREAS OF CONCERN RAISED BY STATES

- Failing to Meet “Most Serious Crimes” Standard
- Death Sentences Following Grave Due Process/Fair Trial Violations
- Execution of Juvenile Offenders (i.e. Individuals who Allegedly Committed a Crime Before 18 Years of Age)

TOP RECOMMENDATIONS RECEIVED BY ISSUE



DEATH PENALTY AT IRAN'S UNIVERSAL PERIODIC REVIEW IN 2014



TOP 5 STATES RECEIVING DEATH PENALTY RECOMMENDATIONS IN THE 2ND CYCLE:

1. UNITED STATES (51)
2. IRAN (41)
3. THAILAND (32)
4. SINGAPORE (32)
5. JAPAN (30)

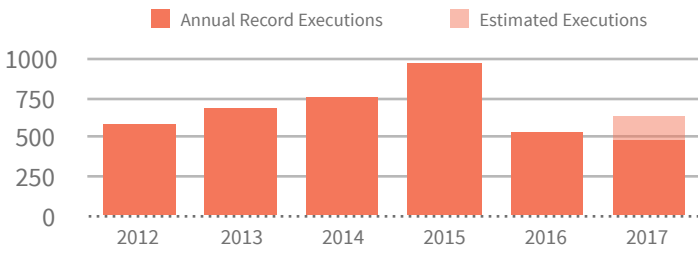
UPR BREAKDOWN

- Iran received the *second highest* number of recommendations (41) on the death penalty (behind only the United States).
- The vast majority (38) of these recommendations were rejected. Iran only supported **one** recommendation (which involved improving due process protections) and partially accepted **two** others (which involved execution of juvenile offenders).
- In spite of continued calls from the international community to end juvenile executions, Iran failed to implement many of these recommendations by the mid-term period. In October 2017 the government passed a law that, if properly implemented, will significantly reduce the number of executions by prohibiting use of the death penalty for many non-violent drug offenses. On 8 January 2018, the Judiciary issued an order to implement the newly passed amendment.

EXAMPLES OF RECOMMENDATIONS

RECOMMENDATION	RESPONSE	SCORE
138.213: Take measures to ensure due process and fair trial, particularly in any process that would lead to the application of the death penalty (Mexico)	ACCEPTED	PARTIALLY IMPLEMENTED
138.156: Ban executions of juvenile offenders, while at the same time providing for alternative punishments in line with the new Iranian Penal Code (Italy)	PARTIALLY ACCEPTED	PARTIALLY IMPLEMENTED
138.144: Amend the Penal Code to exclude drug-trafficking related crimes from those punished by the death penalty (Spain)	NOT ACCEPTED	PARTIALLY IMPLEMENTED
138.159: Take immediate measures to abolish the death penalty for crimes committed by persons when they were under the age of 18, and place a moratorium on public executions (Norway)	NOT ACCEPTED	NOT IMPLEMENTED
138.2: Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty ICCPR-OP2 (Benin)	NOT ACCEPTED	NOT IMPLEMENTED
138.165: Consider establishing a formal moratorium on executions of persons condemned to death and examine the possibility of abolishing the death penalty (Argentina)	NOT ACCEPTED	NOT IMPLEMENTED
138.157: Establish a moratorium on the use of the death penalty with a view to its abolition and commute all death sentences for persons under the age of 18 (Lithuania)	NOT ACCEPTED	NOT IMPLEMENTED

FAILING TO MEET “MOST SERIOUS CRIMES” STANDARD: Member States raised **3** recommendations over concerns about the application of the death penalty for crimes that are not considered “most serious” according to international standards. Iran remains the world leader in executions per capita, putting to death over **1000** people in 2015, and at least **530** in 2016. At least **507** executions took place in 2017, **219** of which were for drug-related offenses.



The vast majority of these executions were for non-violent drug trafficking offenses which do not constitute “most serious crimes” under international law. Other non-serious crimes which are punishable by death include “insulting the Prophet” and engaging in consensual sex acts such as

adultery and sodomy.

In August 2017 the parliament approved a long-awaited amendment to the country’s drug law and the Guardian Council subsequently approved it in October. The amendment increases the amount threshold required to impose a mandatory death sentence, the law still retains death sentences for a wide range of drug-related offenses, contrary to international law.

DEATH SENTENCES FOLLOWING GRAVE DUE PROCESS/FAIR TRIAL VIOLATIONS:

Member States raised **2** due process recommendations regarding the application of the death penalty in Iran. Rights groups continue to document many cases, including drug trials, where courts have imposed death sentences after proceedings that failed to respect international fair trial standards and/or involved torture or ill-treatment of the accused. Courts continue to allow confessions obtained under allegations of torture as evidence and such allegations are rarely investigated. Detainees accused of certain capital crimes may be denied legal counsel of their own choosing in both law and practice, and authorities often deny lawyers adequate and timely access to critical information (i.e. case files) about their defendants, including the nature of the charges and evidence used against them.

EXECUTION OF JUVENILE OFFENDERS: Member States emphasized serious concerns over the execution of juvenile offenders, issuing **17** recommendations aimed at prohibiting the application of the death penalty against this population. Despite this, Iran has failed to abolish the death penalty for juvenile offenders convicted of certain crimes such as murder. The age of maturity for criminal prosecutions is still fixed at 9 lunar years for girls and 15 years for boys. Authorities continue to execute juvenile offenders despite 2013 revisions to Iran’s Penal Code which allow courts to assess whether juvenile offenders understood the consequences of their actions during the commission of a crime and abolishes the death penalty for juvenile offenders convicted of drug possession and trafficking charges.

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 executions of juvenile offenders since Iran has been reviewed by the CRC in January 2016.

Since Iran participated in its review by the UN Committee on the Rights of the Child in January 2016 which called on the country to abolish the death penalty for juvenile offenders, the Special Rapporteur on human rights in Iran has reported that at least nine juvenile offenders have been executed. According to rights groups, Iran hanged at least **6** juvenile offenders in 2017.

OTHER CONCERNS: The government also continues to execute juvenile offenders, carries out public executions, and hangs prisoners based on politically-motivated charges. Additionally, vague and broadly defined crimes such as “sowing corruption on earth” have been used to prosecute non-violent political acts.

MORATORIUM ON THE DEATH PENALTY: Iran rejected all **21** recommendations by Member States calling on it to institute a moratorium on the death penalty.

CASES OF NOTE

ALIREZA TAJIKI: On 10 August 2017, authorities executed Alireza Tajiki for a homicide and rape he reportedly committed when he was 15 years old. His trial was grossly unfair, relying on confessions allegedly coerced through severe beatings and suspension torture.



SINA DEGHAN: In January 2017, Iran’s Supreme Court upheld Sina Dehghan’s sentence on the charge of “insulting the Prophet”. Sina was also accused of “insulting the Supreme Leader” on social media, resulting in an additional 16 month prison term.

