

# Update on the Situation of the Death Penalty in Iran

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## Iran's 2014 Second Cycle Review

- Iran received 41 death penalty-related recommendations
- Two regarding executions of juvenile offenders were “partially” accepted
- One regarding measures to secure due process and full trial was accepted:

*“Take measures to ensure due process and fair trial, particularly in any process that would lead to the application of the death penalty”*

- None can be said to have been implemented



## Scope of the Death Penalty

- At least at least **3,553 executions** conducted from the beginning of 2014 through October 3, 2019: nearly half for drug offenses, nearly a third for homicide
- Criminal law prescribes, and death sentences are implemented for, crimes that do not meet “**most serious standard**” (e.g. drug possession) as well as acts that should not be criminalized at all (e.g. consensual sex between adults of the same sex)
- Some capital crimes (e.g. the security-related *moharebeh* or “war against God”) are vaguely defined and open to wide interpretation by judges



## Juvenile Offenders

- Iran's Criminal Code of 1926 foresaw the age of majority and criminal responsibility at 18 years; 1982 Criminal Code reduced it to 9 lunar years for girls and 15 lunar years for boys
- At least 51 alleged juvenile offenders have been put to death since the beginning of 2014
- Penal Code reform which took effect in 2013 did away with death penalty for juvenile offenders for certain crimes; for others, it granted judges discretion where mental development and maturity of defendants is in doubt
- Juvenile offenders continue to be regularly sentenced and executed (at least 64 since reform took effect), with some denied retrial to which they are entitled per 2015 judiciary order



## Challenges for Due Process

- No public defender institution exists in the Iranian judicial framework and both domestic law and de facto failures of the judicial system result in denial of fair trial, particularly the right to defense
- 2015 Code of Criminal Procedure provides for the right of the defendant to “demand the presence of a lawyer from the start of detention” in Article 48, but also requires defendants in security- and organized-crime related cases to choose a lawyer approved by the judiciary
- Lawyers are routinely denied access to clients during investigations. In too many cases, coerced confessions obtained at this stage, too often under torture, are used in court as evidence
- Judicial officials have jailed, harassed, and otherwise persecuted scores of lawyers for investigating clients’ cases, advocating for client’s rights in the media, and questioning Iran’s framework of criminal law

## Recommendations:

- Establish a five-year moratorium in order to work progressively towards abolition
- Urgently amend all legislation to prohibit sentencing to death of individuals under the age of 18 at the time of the crime in all circumstances and commute all such existing death sentences
- Ensure the presence of attorneys at all stages of the investigation and adopt laws to ensure that self-incriminating confessions obtained without the presence of attorneys are not admissible in court



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