



General Assembly

Distr.: General
17 June 2022

English only

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Partners For Transparency, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Extrajudicial Death Penalty in the Islamic Republic of Iran

Permeable

The Islamic Republic of Iran is one of the UN Member States upholding the death penalty, including children under 18 years of age who commit capital offenses under the Islamic Republic of Iran's Penal Code. Despite the Islamic Republic of Iran's signature of a verbal memorandum proposed by the United Nations in 2010 and 2012, which aimed to abolish the death penalty and accede to the International Covenant on Civil and Political Rights, the Islamic Republic of Iran remains a state not a party to the Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty. Executions in the Islamic Republic of Iran affect all groups, including women and children, human rights defenders, political opposition and minorities. The Islamic Republic of Iran has carried out death sentences against 6 thousand people, most of these sentences were issued by the revolutionary courts that were established after the Islamic revolution by order of the Iranian guide, without constitutional basis¹. Nevertheless, these courts issued a wide range of death sentences against civilians. In the past two years, the Iranian authorities have executed 426 people, knowing that this statistic includes death sentences issued against people convicted of drug-related crimes.

Partners for transparency presents this intervention to focus on the unjust death penalty sentences in the Islamic Republic of Iran that are not consistent with fair trial standards. The Iranian authorities have not opened any investigations into these arbitrary and summary operations despite the demands of the victims' families to open such investigations in disregard of the provisions of the Minnesota Protocol focusing on the role of the family as a party in the investigation of extrajudicial executions that we could circulate to a range of death sentences issued by Iranian courts.

First: Extrajudicial Executions against Civilians

The Islamic Republic of Iran has been among the first Member States of the UN to implement the death penalty. The Iranian authorities carried out about 426 executions in 2020 and 2021 by 246 and 180 respectively². Partners for Transparency believes that the actual number of extrajudicial executions in the Islamic Republic of Iran exceeds these statistics, due to the lack of transparency of the Iranian authorities in providing sufficient information on the implementation of the death penalty, as the Iranian authorities did not publicly announce the implementation of any death penalty in 2021, and did not inform the families except in a few times that the death sentence had been carried out against their relatives. It is often written in the death certificate of persons who have died of execution that the causes of death are unknown. The Islamic Republic of Iran has also used stereotypical and vaguely-worded charges such as: the charges of moharebeh (enmity against God), efsad-fil-arz (corruption on earth) and baghy (armed rebellion) are used for a wide range of offenses. According to Partners for Transparency, the Islamic Republic of Iran has carried out death sentences against 13 people in 2021 on charges of corruption in the land and the transgressor³.

With the current President Ebrahim Raisi rise to power in the Islamic Republic of Iran in August 2021, the issuance of death sentences against civilians in the Islamic Republic of Iran increased at an unprecedented pace, and the executions were carried out under arbitrary and brief procedures that did not meet the conditions of a fair trial and contradict the ban called by some UN bodies calling for not to resort to the implementation of The death penalty is only used as a measure of last resort and for the most serious crimes and in cases where fair trial standards are respected⁴.

In 2021, the Special Rapporteur for the situation of human rights in the Islamic Republic of Iran confirmed that at least 11 Kurdish prisoners had died in mysterious circumstances in prison, including one alleging "Abdelrahman Ahmed Yan", who died at the Ministry of Intelligence detention center in mid-June 2021 and, according to the Special Rapporteur on human rights in the Islamic Republic of Iran, these facts amount to a presumption of arbitrary deprivation of life, or extrajudicial killings which required the Iranian government to conduct

impartial and effective investigations by independent actors, including involving people in such investigations in accordance with the Minnesota Protocol⁵.

Second: Arbitrary Executions of Members of Minorities

Iranian courts continued to disproportionately carry out death sentences against members of minorities in unfair trials that lacked the principles of justice and fairness, which are confirmed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. From January 2020 until the end of December 2021, Partners for Transparency documented the execution of the death penalty against some 29 Kurdish minorities as well as Baloch and Arabs with 13 Baloch minorities, 12 Kurdish minorities and 4 Arabs residing in the Islamic Republic of Iran. For example, in December 2021, Iranian authorities executed the citizen (H. Q) from the Kurdish minority in the Islamic Republic of Iran at Sanandaj Central Prison. The Iranian authorities did not notify his family or lawyers of the execution and the prison authorities secretly buried his body, according to the United Nations independent expert on extrajudicial executions. The Iranian authorities carried out the death sentence while his case is pending in the Supreme Court (6). Although an Iranian court concluded that during his arrest he was not armed. However, this has not prevented the Iranian authorities from carrying out the death sentence.

Third: Arbitrary Execution of Women and Children

Women in the Islamic Republic of Iran are subject to criminal accountability at the age of 9, and 164 have been subjected to death sentences. In the last decade, about 60% of these cases were executed against women who killed their husbands after being subjected to violence by their husbands⁷, most often the problems of violence Domestic violence is caused by the marriage of minors, where they marry 600,000 girls every year in the Islamic Republic of Iran when they reach the age of 18. Domestic laws in the Islamic Republic of Iran prevent women from divorce except with the consent of the husband, and at the same time, domestic violence operations do not address what drives women to commit suicide or kill their husbands in defense Confessions made by detainees, including women, while incarcerated were the only evidence that the judge relied on to issue his verdict, bearing in mind that these confessions were extracted from some of them under torture in many cases. In contradiction with international efforts to abolish the punishment, the Guardian Council approved in early November 2021 the “Young Population and Family Protection” law. Especially the issuance of this law in violation of international law. Partners for Transparency is concerned that some pregnant women in the Islamic Republic of Iran are still subject to the death penalty because of this law, which should be repealed (8).

The Islamic Republic of Iran also continues to apply the death penalty against children. On July 13, 1994, the Islamic Republic of Iran ratified the Convention on the Rights of the Child, thus making an unequivocal legal obligation to prevent the death penalty from being applied to crimes committed by persons under the age of 18, as Article 37 of the Convention on the Rights of the Child prohibits the execution of minors. However, the Islamic Republic of Iran executed 480 people from January 2020 to October 2021, among those five were children executed for crimes allegedly committed when they were children. While more than 80 other children are on the verge of being executed (9).

The Islamic Republic of Iran does not consider the execution of minors who have not attained the legal age in order to commit a human rights violation, according to Majid Tifirishi, Assistant Secretary-General of the Islamic Republic of Iran's Supreme Council for Human Rights of the judiciary of the Islamic Republic of Iran. Which renders the execution of such punishment a recurrent pattern contrary to the State's obligation under the Convention on the Rights of the Child. For example, in August 2021, a person named "SS" was executed, a person who was 15 years old at the time of his arrest. While another person (A.A.), who was 17 years old when he was taken into custody, was executed. PFT believes that the Iranian authorities should initiate a moratorium on the death penalty against minor children, according to the United Nations High Commissioner, children may not be fully aware of the

consequences of their actions because of their immaturity, and must therefore benefit fully from less severe penalties.

Partners for Transparency recommends the following

- The Islamic Republic of Iran calls for accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- The Islamic Republic of Iran needs to adopt a consultative approach with civil society organizations to review the most serious crimes for which the death penalty is imposed;
- The Islamic Republic of Iran's Youth and Family Protection Act should be repealed, as it exposes women who may perform abortions to death.
- The death penalty should be suspended for children under 18 years of age when committed for capital offences.

(1) <https://bit.ly/3wvOrWz>

(2) <https://bit.ly/3lhp6KK>

(3) <https://bit.ly/37OMCfd> Page 44

(4) <https://bit.ly/3Po56UJ>

(5) <https://bit.ly/3wfROIG> Page 5, Para 15

(6) <https://bit.ly/3yzSCn0>

(7) <https://bit.ly/3llm3Bb>

(8) <https://bit.ly/3sEf7Dw>

(9) <https://bit.ly/3yFPGW0>