



Abdorrahman Boroumand Center (ABC) is a non-profit organization with no political affiliation founded in 2001 with the goal of promoting human rights and democracy in Iran. ABC has a particular focus on due process and the right to life. Guided by the belief that unremedied human rights violations are a major obstacle to the establishment of a stable democracy, it is committed to the right of all victims of human rights abuses, without exception, to justice and public recognition.

The government of Iran does not provide nor publish systematic data regarding the use of the death penalty and dismisses as biased information reported by independent human rights groups. Iran persecutes civil society actors in the country, including anti-death penalty advocates, for reporting on human rights abuses and pressing for greater accountability and respect for the state's international human rights commitments.

Iran received 41 recommendations regarding the death penalty during its 2014 UPR. It accepted one on ensuring due process and fair trial and “partially” accepted two regarding juvenile offenders. Despite some positive legal developments and a welcome recent decrease in the number of executions (261 in 2018), Iran's use of the death penalty, including for non-violent crimes, remains strikingly high and lack of transparency and due process persist.

Based on ABC's documentation, at least 3,553 executions were conducted from the beginning of 2014 through October 3, 2019, qualifying Iran as one of the highest application states. Nearly half of these were for drug offenses only; the second largest category are homicide cases only (c. 32%).

Capital punishment continues to be prescribed and carried out for offenses which do not meet the “**most serious crimes**” standard (e.g. economic offenses, drug possession), as well as for acts that should not be criminalized (e.g. consensual same-sex relations.) Some capital crimes (e.g. the security-related *moharebeh* or “war against God” and “corruption on Earth”) are **vaguely defined** and subject to broad interpretation by judges. At least five executions for economic crimes and 150 for sexual crimes have been carried out since beginning 2014.

In striking violation of its commitments under the ICCPR and CRC, Iran has continued to sentence to death and execute **individuals accused of committing crimes before the age of 18** (at least 51 since the beginning of 2014). This failure has been foregrounded at Iran's 2015 review by the Committee on the Rights of the Child among other fora. In 1982, Iran's Civil Code established the age of maturity at 15 lunar years of age for boys and 9 lunar years for girls in line with a disputed interpretation of religious law. Iran's first penal code in 1926 had established 18 as the age of maturity for all.

A reform of Iran's Penal Code which took effect in June 2013 took the welcome step of doing away with the death penalty for minors for certain crimes. It also granted judges discretionary

power to impose alternative, non-capital punishment in cases where the “mental development and maturity” of defendants at the time of the crime is in doubt, for remaining *hodud* (divine prerogative) and *qesas* (retributive punishments) capital offenses. Nonetheless, judges have continued to sentence child offenders to death while other juvenile offenders are arbitrarily denied retrial to which they are entitled per a 2015 judiciary order. At least 64 have been put to death since the reform took effect.

An **Amendment (Article 45) to the Law for Combating Drugs** passed into law in November 2017 restricted the use of the death penalty chiefly by increasing the volume threshold attracting a capital sentence, while retaining it in a mandatory fashion for non-violent crimes (e.g. if the accused is a ringleader or financier or has used a mentally ill person or minor). Since the implementation of the reform in April 2018, at least 42 individuals have been executed for drug offenses, including non-violent ones (e.g. transporting 5 kilograms of synthetic drugs).

No public defender institution exists in the Iranian judicial framework and both domestic law and *de facto* failures of the judicial system result in the denial of fair trial, and the right to defense in particular, in capital cases.

The 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. The Note to this Article, however, requires defendants in security- and organized-crime related cases to choose a lawyer approved by the judiciary.

Further, despite the guarantee of access to a lawyer in Article 35 of the same Code, 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. Many defendants have reported meeting with lawyers for the first time the day of their trial. Lawyers may also be denied access to case information.

Lawyers’ ability to properly represent their clients is further hampered by judicial official’s **harassment of lawyers**. Scores of lawyers have been jailed or otherwise persecuted for investigating clients’ cases, advocating for client’s rights in the media, and questioning Iran’s criminal law framework.

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