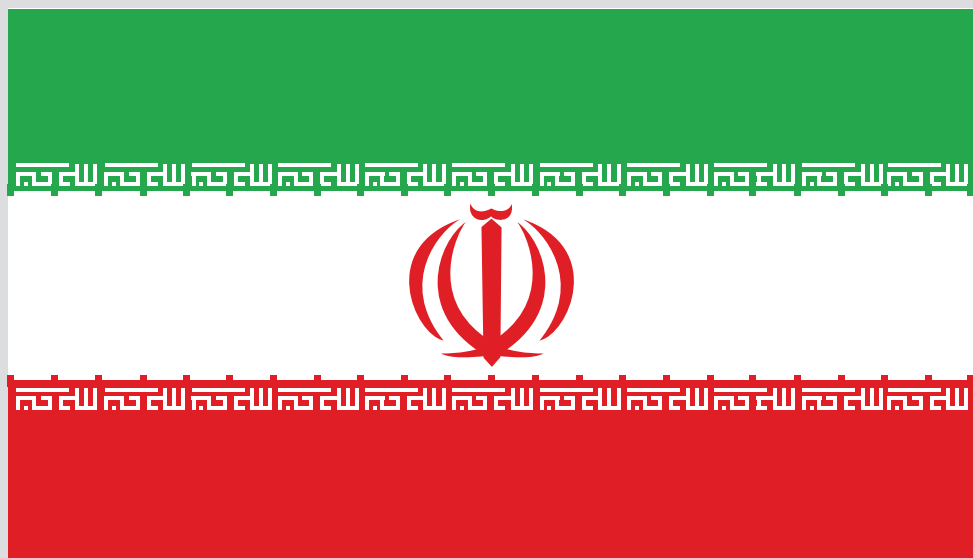


THE DEATH PENALTY IN LAW AND IN PRACTICE

IRAN



EC TOGETHER
PM AGAINST
THE DEATH
PENALTY



APPLICATION OF THE DEATH PENALTY AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS

THE SITUATION OF PEOPLE SENTENCED TO DEATH

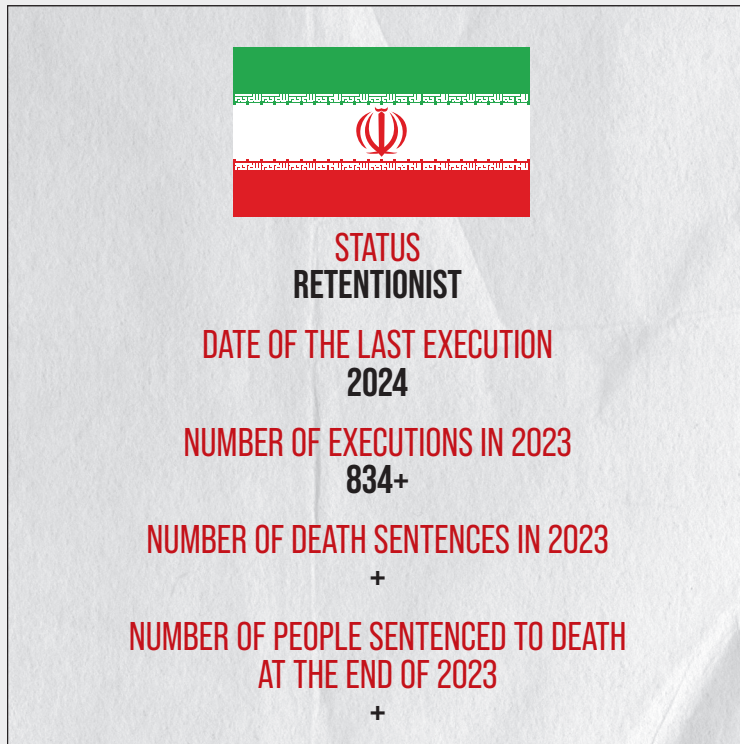
There are various specificities in the application of the death penalty in Iran, one of the country with the highest rate of executions worldwide.

There is a lack of transparency on case law and the number of death sentences and executions. The reported number of executions is a minimum; the actual numbers are certainly higher, as the Iranian authorities do not announce all the executions implemented. In 2023, only 15% of the executions recorded by IHRNGO were reported by the official media and authorities, compared to 12% in 2022, 16.5% in 2021 and an average of 33% from 2017 to 2021.

Torture is widely used against suspects after their arrest and in the pre-trial phase in order to extract a confession, whether they face political or security-related charges, as well as charges for murder or rape. Almost all prisoners arrested for drug-related offences have been kept in solitary confinement and subjected to physical torture in the investigation phase following their arrest, while being denied access to a lawyer. In many cases, confessions extracted in detention have been the only evidence available for the judge to base his verdict on. Moreover, confessions are regularly broadcasted on Iranian state media.

After being sentenced to death, prisoners remain on death row. It might take weeks, months and sometimes years for the execution to be carried out following the final verdict. All death sentences must be approved by the Supreme Court. In addition, the Head of Judiciary must authorise all *qisas* executions prior to implementation. According to Iranian law, the defendant's lawyer must be informed of the scheduled execution 48 hours prior to its implementation. However, this is not always the case in practice, especially in political and security-related cases.

The lack of due process is probably the biggest obstacle to significant improvements in the situation of the death penalty in the country. The lack of an impartial and independent judiciary and inequality before the law are the most important structural reasons for this lack of due process. The Head of Judiciary is directly selected by the country's highest political authority, the Supreme Leader, and must report to him. The Chief of the Supreme Court and all judges are selected by the Head of Judiciary based on their ideological affiliation and political background, making the judiciary a political wing. Violations of fair trial guarantees resulting from these considerations are most evident in decisions carried out by the Revolutionary Courts, which have jurisdiction over charges including moharebeh (enmity against God), efsad-fil-arz (corruption on earth), baghy (armed rebellion), and drug-related offences. Judges' discretionary powers, especially in juvenile cases, further exacerbate the dire consequences for

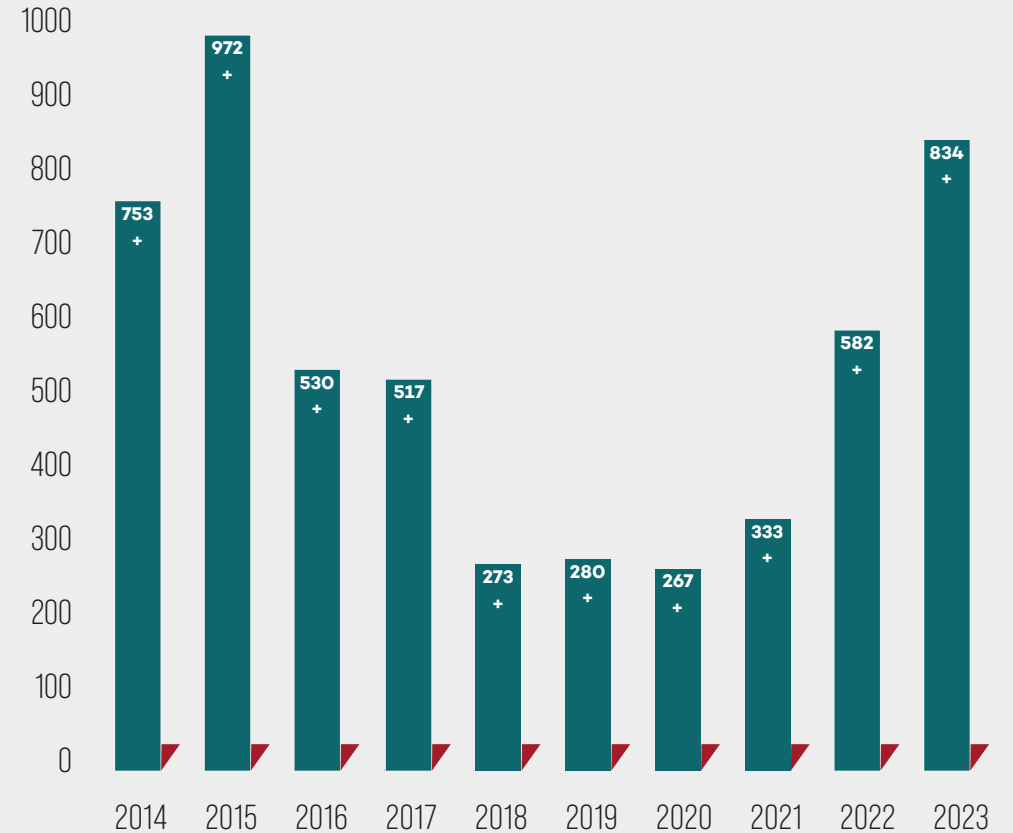


defendants who are also facing inequality before the law: men have more rights than women, Muslims have more rights than non-Muslims, and Shia Muslims have more rights than Sunni Muslims.

PARDON

While multiple offences are punishable by death, the two charges leading to the majority of executions in recent years have been murder and drug-related offences. The Penal Code does not explicitly state that convicted murderers are subject to the death penalty but rather to *qisas*, or “retribution-in-kind”. This practice places responsibility on the victim’s family to decide whether the defendant should be executed or not. It also encourages the family to personally carry out the execution. But some alternatives exist: the family can also demand *diyya* (blood money) instead of *qisas* or can decide to grant forgiveness. In a survey conducted by IHRNGO and the World Coalition Against the Death Penalty measuring “Iranians’ attitudes toward the death penalty” in 2020, 79% of Iranians living inside Iran said they would not choose *qisas* if an immediate family member was murdered. In the past five years, the forgiveness movement in Iran has grown significantly. In 2023, at least 857 prisoners sentenced to death for murder charges were forgiven by the families of the murder victims per *qisas* laws.

EVOLUTION OF THE NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS



Source: IHR, ECPM, Annual Reports on the death penalty in Iran – 2014-2023

NATIONAL LEGAL FRAMEWORK

THE CONSTITUTION

Chapter III of the Constitution of the Islamic Republic of Iran contains provisions related to the rights of the people. Article 22 states: “The dignity, life, property, rights, domicile, and occupations of people may not be violated, unless sanctioned by law.”

OTHER LEGISLATIONS

Codified laws relating to the death penalty can be found in the 2013 IPC and the Anti-Narcotics Law and its 2017 Amendment.

There are also uncodified laws relating to the death penalty. Article 220 of the IPC states that Article 167 of the Constitution can be invoked by the judge to pronounce *hudud* punishments that the law has not addressed: “The judge is bound to endeavour to judge each case on the basis of the codified law.” In the absence of such laws, the judge has to deliver judgment on the basis of authoritative Islamic sources and authentic fatwa that can carry the mandatory death penalty. The judge cannot refrain from admitting and examining cases and delivering judgement based on the lack or deficiency of the law in the matter, or its brevity or contradictory nature.

THE ISLAMIC PENAL CODE

The current IPC came into force in 2013 and provides the death penalty for a wide range of crimes. The number of offences is amongst the highest in the world. Section Two sets out four types of punishments, three of which relate to the death penalty: *hadd*, *qisas* and *ta'zir*.

Hadd (pl. *hudud*): fixed punishments for which Sharia or Islamic law has fixed the measure, degree and method. They can be divided into three subcategories:

- Sexual offences: incest, rape, *zina* (adultery), *lavat* (sodomy or consensual homosexual penetrative sex), *tafkhez* (intercultural sex) where the “active party” is non-Muslim and the “passive party” is Muslim.
- Offences against the State and religion: *efsad-fil-arz*, *moharebeh*, *baghy*, *sabot-nabi* (insulting the prophet) and *ertedad* (apostasy).
- Repeat offences on the fourth occasion: theft, adultery, sodomy, *mosahegheh* (lesbian sex), intercultural sex, pimping, insulting the prophet, alcohol consumption, *qadf* (false accusation of sodomy or adultery), *moharebeh*, *efsad-fil-arz* and *baghy*.

Qisas: retribution-in-kind for “intentional murder”, which due to a lack of grading and disregard for intent or circumstances, includes both intentional and unintentional killings.

Ta'zir: punishment for offences at the discretion of the judge. This currently applies to drug-related offences.

Murder, drug possession and trafficking, rape, *moharebeh*, *efsad-fil-arz* and *baghy* are the most common charges resulting in the death penalty. The majority of charges punishable by death in Iran do not meet the threshold of “the most serious crime” as defined by the United Nations Human Rights Committee.

The Islamic Penal Code prescribes several execution methods, including hanging, firing squads, crucifixion and stoning. Hanging has been the only method used since 2008 (with the exception of 2020). Public executions are also carried out. In 2023, at least 7 people were hanged in public places.

THE ANTI-NARCOTICS LAW

Iran’s Anti-Narcotics Law was drafted in 1988 and amended in 1997, 2011 and 2017. Altogether, the Anti-Narcotics Law, including the 1997 and 2011 Amendments, imposed the death penalty for 17 drug-related offences. The 2017 Amendment introduced a mechanism to limit the use of the death penalty and commute the sentences of those on death row to life imprisonment. The 2017 Amendment created hope that there will eventually be a complete halt in drug-related executions. And while it did lead to a decline in male drug executions and a complete drop in female executions until 2021, the outcome was not guaranteed. In 2021, drug executions were at a four-year record high and increased fivefold compared to 2020, and five women were executed for drug-related offences. Since then, the 2017 Amendment has been reversed in practice, with drug-related executions rising from an average of 26 per year between 2018-2020 to at least 471 in 2023.

LIST OF LEGISLATIVE PROVISIONS RELATING TO THE DEATH PENALTY

ISLAMIC PENAL CODE

Article 132 In the cases of offenses punishable by *hadd*, multiple offenses shall be sentenced with multiple [*hadd*] punishments, except in cases where the offenses committed and their punishments are the same.

Note 1- If the offender is sentenced to death and imprisonment, or death and banishment, only the death penalty shall be executed.

Note 2- In the cases where two or more *hadd* offenses are in line and committed in the same occasion, only the most severe punishment shall be executed; for example *tafkhez* [rubbing a penis between a person's thighs without penetration] while committing *livat* in which case only the punishment for *livat* shall be executed.

Note 3- If a man and a woman commit *zina* together more than one time, if the death penalty and flogging or stoning and flogging are imposed, only the death penalty or stoning, whichever is applicable, shall be executed.

Note 4- If a *qazf* is committed against two or more individuals, two or more punishments shall be imposed.

Article 136 Where anyone commits the same offense punishable by *hadd* three times, and each time the *hadd* punishment is executed upon him/her, the *hadd* punishment on the fourth occasion shall be the death penalty.

Article 224 In the following cases the *hadd* punishment for *zina* is the death penalty:
(a) *Zina* with blood relatives who are prohibited to marry.
(b) *Zina* with a step-mother; in which case, the man who committed *zina* shall be sentenced to the death penalty.
(c) *Zina* of a non-Muslim man with a Muslim woman; in which case, the man who committed *zina* shall be sentenced to the death penalty.
(d) *Zina* committed by coercion or force [i.e. rape]; in which case, the man who committed *zina* by coercion or force shall be sentenced to the death penalty.

Note 1- Punishment of the woman who has committed *zina* in paragraphs (b) and (c) shall be in accordance with other provisions of *zina*.

Note 2- The conduct of anyone who commits *zina* with a woman who did not consent to engage in *zina* with him, while she is unconscious, asleep, or drunk, shall be regarded as *zina* committed by coercion [i.e. rape]. In cases of *zina* by deceiving and enticing a non-pubescent girl, or by abducting, threatening, or intimidating a woman, even if she surrenders herself as a result of that, the abovementioned rule shall apply.

Article 225 The *hadd* punishment for *zina* of a man and a woman who meet the conditions of *ihsan* shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed *zina* and meet the conditions of *ihsan* shall be

sentenced to the death penalty [hanging]; otherwise, each one of them shall be given one hundred lashes.

Article 234 The *hadd* punishment for *livat* shall be the death penalty for the insertive/active party if he has committed *livat* by using force, coercion, or in cases where he meets the conditions for *ihsan*; otherwise, he shall be sentenced to one hundred lashes. The *hadd* punishment for the receptive/passive party, in any case (whether or not he meets the conditions for *ihsan*) shall be the death penalty.

Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the *hadd* punishment for the insertive/active party shall be the death penalty.

Note 2- *Ihsan* is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.

Article 236 In the case of *tafkhez*, the *hadd* punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of *ihsan* [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion.

Note- If the active party is a non-Muslim and the passive party is a Muslim, the *hadd* punishment for the active party shall be the death penalty.

Article 262 Anyone who swears at or commits *qazf* against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as *Sāb ul-nabi* [a person who swears at the Prophet], and shall be sentenced to the death penalty.

Note- Commission of *qazf* against, or swearing at, the [twelve] *Shi'ite* Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as *Sab-e nabi*.

Article 278 The *hadd* punishment for theft is as follows:
(a) On the first occasion, amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain.

(b) On the second occasion, amputation of the left foot from the end of the knob [on the foot] in such a manner that half of the sole and part of the place of anointing [during ablution] remain.

(c) On the third occasion, life imprisonment.

(d) On the fourth occasion, the death penalty even though the theft is committed in prison.

Note 1- When the thief is lacking the limb which shall be amputated, s/he shall be sentenced to the punishment prescribed for *ta'zir* thefts.

Note 2- Regarding paragraph (c) of this article and other thefts that do not fall under the category of *ta'zir*, if the offender repents during the execution of the punishment, and the Supreme Leader agrees with his/her release, s/he shall be pardoned and released. In addition the Supreme Leader can replace his/her punishment with another *ta'zir* punishment.

Article 282 The *hadd* punishment for *moharebeh* is one of the following four punishments:
 (a) The death penalty (hanging)
 (b) Crucifixion
 (c) Amputation of right hand and left foot
 (d) Banishment

Article 286 Any person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as *mofsed-e-fel-arz* [corrupt on earth] and shall be sentenced to death.

Note- When, considering all the evidence and circumstances, the court does not establish the intention to cause extensive disruption in the public order, or creating insecurity, or causing vast damage or spreading corruption and prostitution in a large scale, or the knowledge of effectiveness of the acts committed, provided that the offense committed is not punishable under the title of a different offense, it shall sentence the offender to a *ta'zir* imprisonment of the fifth or sixth degree, considering the harmful consequences of the offense.

Article 287 Any group that wages armed rebellion against the state of the Islamic Republic of Iran, shall be regarded as *moharebs*, and if they use [their] weapon, its members shall be sentenced to the death penalty.

ANTI-NARCOTICS LAW

Article 2 Anybody who cultivates poppies, coca or cannabis for the purpose of producing narcotic drugs or industrial non-medical psychotropic drugs shall be sentenced, in addition to his crops being destroyed, to the following punishments according to the amount of his or her cultivation:
 1. First offense, a fine in the amount of ten million to one hundred million rials in cash.
 2. Second offense, a fine in the amount of fifty million to five hundred million rials in cash, plus 30 to 70 lashes.
 3. Third offense, a fine in the amount of one hundred million to one billion rials in cash, plus 1 to 70 lashes together with two to five years of imprisonment.
 4. Fourth offense, death penalty.

Article 4 Anybody who smuggles in or out, produces, distributes, deals in or puts on sale bhang, Indian hemp-juice, grass, opium and opium juice, residue (shireh), other forms of opiate, and/or other types of narcotics or industrial non-medical psychotropic drugs, a list of which is approved by the Iranian Parliament, shall be sentenced to the following punishments, taking into account the quantity of said materials:

1. Up to 50 grams, a fine in the amount of up to four million rials in cash and up to fifty lashes.
2. More than fifty grams up to five hundred grams, a fine in the amount of four to fifty million rials in cash, plus twenty to seventy four lashes as well as up to three years of imprisonment if the court finds it necessary.
3. More than five hundred grams to five kilograms, a fine in the amount of fifty million rials to two hundred million rials in cash plus fifty to seventy four lashes and three to fifteen years of imprisonment.
4. More than five kilograms, death penalty and confiscation of properties associated with criminal activity.

Note: If it is established that the perpetrator of the crime under paragraph 4 of this Article has not succeeded in distributing or selling narcotic drugs which weight for 20 or less than 20 kilograms, he or she shall be sentenced to life imprisonment plus seventy four lashes and confiscation of property, excepting the provision of the normal living cost for his family.

Article 5 Anyone who keeps, conceals, carries opium and other drugs mentioned in Article 4 shall be sentenced to the following punishments, taking into consideration the quantity of the drugs.

1. Up to fifty grams, a fine in the amount up to three million rials in cash, plus up to fifty lashes.
2. More than fifty grams up to five hundred grams, a fine in the amount of five to fifteen million rials in cash, plus ten to seventy four lashes.
3. More than five hundred grams up to five kilograms, a fine in the amount of fifteen million to sixty million rials in cash plus forty to seventy four lashes and two to five years of imprisonment.
4. More than five kilograms to twenty kilograms, a fine in the amount of sixty million to two hundred million rials in cash plus fifty to seventy four lashes and five to ten years of imprisonment, and in the event of recidivism all the mentioned punishments would be implemented and confiscation of property excepting the provision of the normal living cost for his or her family rather than a fine, and for the third time, death penalty and confiscation of property excepting the provision of the normal living cost for his or her family.
5. More than twenty to one hundred kilograms, a fine in the amount of two million rials for per kilogram in addition to punishments mentioned in Article 4 and in the event of recidivism, death penalty and confiscation of property excepting the normal living costs for his or her family.
6. More than one hundred kilograms, life imprisonment in addition to the fine and lash punishments mentioned in paragraphs 4 and 5 of this Article and in the event of recidivism death penalty and confiscation of property excepting the normal living cost for his or her family.

NB: The amount of drugs that is punished by execution changed from five kilograms to fifty kilograms in 2017; see article 45.

Article 6 The punishment of the perpetrator of the crimes mentioned in paragraphs 1,2 and 3 of the Articles 4 and 5 shall be increased for the second time to one and a half of the punishments set forth in each or other paragraphs, and for the third time to twice as much as the mentioned punishments and in the subsequent instances

to two and a half, three and a half times for the punishment of the new crime. The punishment of whipping for the second time onwards shall be seventy four lashes at the maximum.

In the instances mentioned above, if as a consequence of recidivism of the crime the total of the narcotic drugs amounts to more than five kilograms, the perpetrator of the crime will be sentenced to death penalty and confiscation of property. In the case of recidivism of the mentioned crimes in Articles 4 and 5, the amounts of drugs exceed 5 kilograms, the perpetrator shall be sentenced to twice as much as the punishments prescribed in paragraph 4 of Article 5.

Article 8 Anyone who imports, exports, distributes, produces, deals in, keeps or stores, conceals and carries (or transports) heroin, morphine, cocaine and other chemical derivatives of morphine or cocaine or Lysergic Acid Diethylamide (LSD), Methylenedioxymethamphetamine (MDMA or ecstasy), gamma-hydroxybutyric acid (GHB), Flunitrazepam, Amphetamine, Methamphetamine (crystal meth), and/or other narcotics or industrial non-medical psychotropic drugs, a list of which is approved by the Iranian Parliament, shall be sentenced to the following punishments, taking into account the amount of said drugs:

1. Up to five centigrams, a fine in the amount of five hundred thousand to one million rials in cash plus twenty to fifty lashes.
2. More than five centigrams to one gram, a fine in the amount of two million to six million rials in cash plus thirty to seventy lashes.
3. More than one gram up to four grams, a fine in the amount of eight million to twenty million rials in cash plus two to five years of imprisonment and thirty to seventy lashes.
4. More than four grams up to fifteen grams a fine in the amount of twenty million to forty million rials in cash, plus five to eight years of imprisonment and thirty to seventy four lashes.
5. More than fifteen up to thirty grams, a fine in the amount of forty million to sixty million rials fine in cash, plus ten to fifteen years of imprisonment and thirty and seventy four lashes.
6. More than thirty grams, death penalty and confiscation of property.

Note: If it is established that the perpetrator of the crime under paragraph 6 of this Article has committed it for the first time and has not succeeded in distributing or selling the drugs and the amount of drugs does not exceed 100 grams or, according to the quality and route of transportation, he or she has not determined to distribute/sell them inside the country, the court shall sentence him or her to life imprisonment and confiscation of his or her family.

Note 2: In all above cases, if the accused is an employee of the government or government-affiliated companies and establishments, he or she shall be sentenced in addition to the punishments mentioned in this article, to permanent dismissal from governmental services.

Article 9 The punishment of the perpetrator of the crimes set forth at paragraphs 1 to 5 of Article 8 shall be for the second time one and a half and for the third time twice as much as the punishment mentioned in each paragraph. The punishment of whipping for the second time onwards shall be seventy four lashes at the maximum.

In the fourth time if the total narcotics as a result of repetition reaches thirty grams, the offender is considered as corruptor on earth and shall be sentenced to death penalty.

The death punishment, if deemed appropriate, shall be carried out on the premises of his residence and in public. In case the total of narcotics in the fourth time as a result of repetition does not reach thirty grams, the offender shall be condemned to a fine in the amount of forty to sixty million rials in cash with ten to fifteen years of imprisonment plus thirty to seventy four lashes.

Article 11 Armed smuggling of narcotic drugs, the subject matter of this law, is punished by execution. If deemed appropriate, the execution shall be carried out on the premises of the offender and in public.

Article 12 Anyone who smuggles narcotic drugs into prisons, barracks, or rehabilitation centres for addicts, shall be sentenced, as the case may be, to the maximum punishments mentioned in Articles 4 to 9 and in the case that the offender is a government employee, he or she shall also be condemned to permanent expulsion from government services. In the event as a consequence of negligence of the persons in charge, narcotic drugs are smuggled into such centers, the offending officers shall be sentenced as the case may be to the punishment of: a) Demotion
b) Temporary
c) Permanent dismissal

Article 18 In cases where a perpetrator hires or employs someone to commit the aforementioned crimes, and/or organize and manage their business, or financially support or invest in their business, and the punishment for the perpetrator is life imprisonment, that person will be punished by execution and confiscation of the properties associated with the criminal activity. In other cases, s/he will receive maximum punishment. The boss or leader of the operation will be punished by execution.

Article 26 Whoever places, in an attempt of accuse another person, narcotic drugs and the tools and equipment of their use in a locality, shall be sentenced to the maximum punishment attaching to the same offence.

Article 32 The death sentences issued by virtue of this act shall be final and enforceable after the endorsement of the Chairman of the Supreme Court or the Prosecutor General. In other cases, should the sentence deemed probable by the Chairman of the Supreme Court or the Prosecutor General to contravene the law or the religious canon or that the judge who pronounced the sentence is not competent, the Chairman of the Supreme Court or the Prosecutor General will be entitled to revise or quash the sentence, however the existence of such entitlement shall not bar the sentence from being final and enforceable.

Article 35 Anyone who forces children and juveniles under the age of 18 or mentally incapacitated persons to use drugs and/or commit any of the aforementioned crimes in any way and/or forces someone else to use

narcotics or psychotropic drugs by any means and/or forcibly injects drugs into his/her body and/or drugs them in any way will receive one and a half times the maximum punishment for the relevant crime and in case of life imprisonment, they will be sentenced to execution and forfeiture of the properties associated with criminal activity. In case of other actions such as persuasion, the perpetrator of the crime will be charged as an accomplice.

Article 40 Anybody who knowingly and voluntarily manufactures, purchases, sells, maintains, carries, imports, exports and supplies industrial/chemical substances such as acetic anhydride, anthranilic acid, phenylacetic acid, acetyl chloral and other substances mentioned in the Tables I and II of the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988, and related amendments or try to import, purchase, sell, manufacture, maintain and export codeine or methadone in order to produce or convert into narcotic drugs shall be sentenced to punishments mentioned in Article 5, based on the amount of illicit drugs.

Article 45 (Drug Bill Reform Measure)

Perpetrators of crimes which carry execution or life imprisonment sentences under this law shall be charged with Mofsed fel-Arz ("One who spreads corruption on earth") and sentenced to death and forfeiture of the properties associated with narcotics and psychotropic drugs provided that one of the following conditions is met. Otherwise, those who are "subject to the death penalty" shall be sentenced to first degree imprisonment of up to thirty years and a first degree fine of twice the minimum amount, and those who are "subject to life imprisonment" shall be sentenced to second degree imprisonment and fine. In each case the individual shall be sentenced to forfeiture of the properties associated with narcotics and psychotropic drug. Conditions:

(a) The accomplice or at least one of the accomplices draws his/her weapon during the commission of the crime or carries a firearm or hunting weapon in order to engage law enforcement agents.

For the purposes of this paragraph, weapon refers to a cold weapon (knife etc.) and weapons and ammunitions mentioned by the Punishment of Smuggling of Weapons and Ammunition and Possessors of Weapons and Ammunitions Act enacted on August 29, 2011.

(b) The perpetrator is a leader (as described in Article 130 of the Islamic Penal Code enacted on April 21, 2013), financial supporter or investor and/or has exploited children or juveniles under the age of 18 or mentally incapacitated persons for the commission of the crime.

(c) The perpetrator has previously been sentenced to execution or life imprisonment or imprisonment for more than fifteen years for drug offenses subject to this law.

(d) The perpetrator has committed crimes described in Article 4 of this law, provided that they involve more than fifty kilograms, involving more than two kilograms of substances mentioned in Article 8 of this law, or involving other offences described in Article 8 provided that the amount is more than three kilograms. This paragraph will be implemented if the perpetrators, defendants,

and criminals, who have been sentenced before this law takes effect meet one of the conditions of (a), (b), or (c).

Note: The perpetrator of offences that, based on this law, are punishable by a term of imprisonment of more than five years, may not benefit from suspension of punishment, conditional release, or other forms of clemency, except for amnesty by the Supreme Leader mentioned in paragraph (k) of article 110 of the Constitution, provided that the minimum legal penalty is issued pursuant to the exception of the Note to Article 38 of this law, and if more than the minimum legal penalty is issued, after serving the minimum sentence the court may suspend the sentence for five to ten years.

INTERNATIONAL LEGAL FRAMEWORK

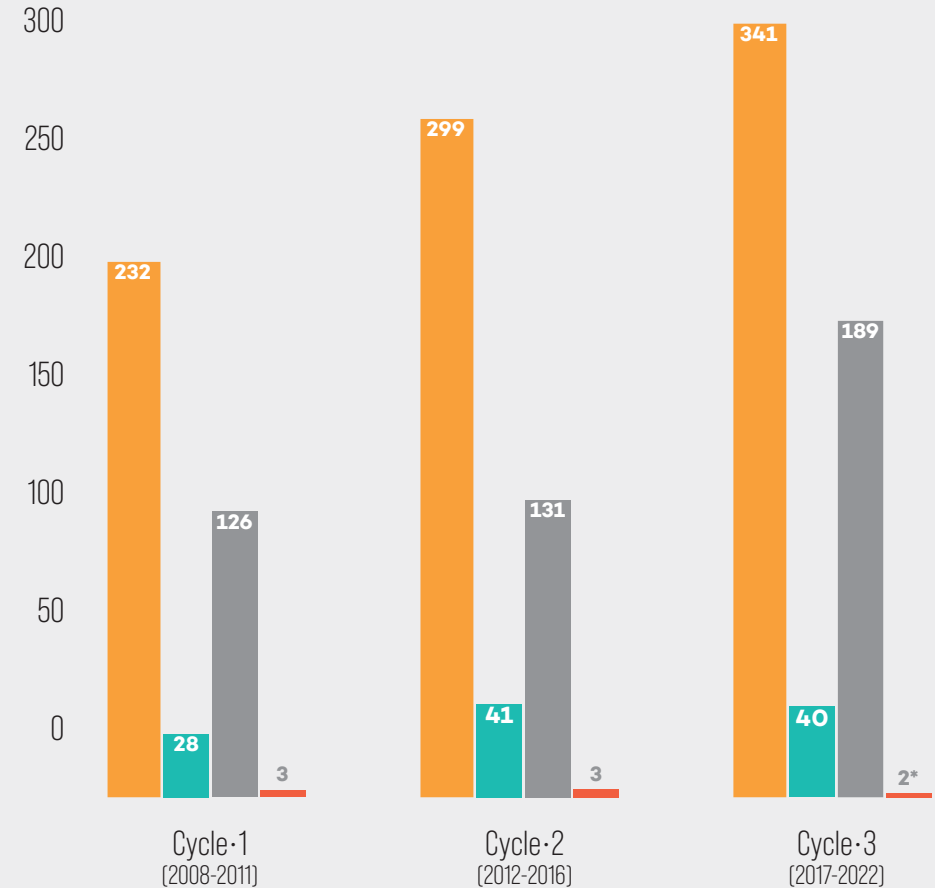
MAIN INTERNATIONAL TEXTS ON THE ABOLITION OF THE DEATH PENALTY

TEXT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights (ICCPR), 1966	24 June 1975
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2), 1989	X
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	X
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), 2002	X
International Convention on the Rights of the Child (CRC), 1989	13 July 1994
Convention on the Rights of Persons with Disabilities (CRPD), 2006	23 October 2009

VOTE ON THE UN GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



UNIVERSAL PERIODIC REVIEWS (UPR)



- Total number of recommendations
- Number of recommendations on the death penalty
- Total number of supported recommendations
- Number of supported recommendations on the death penalty
- * (partially accepted)

RECOMMENDATIONS RELATING TO THE DEATH PENALTY ISSUED TO IRAN IN 2019

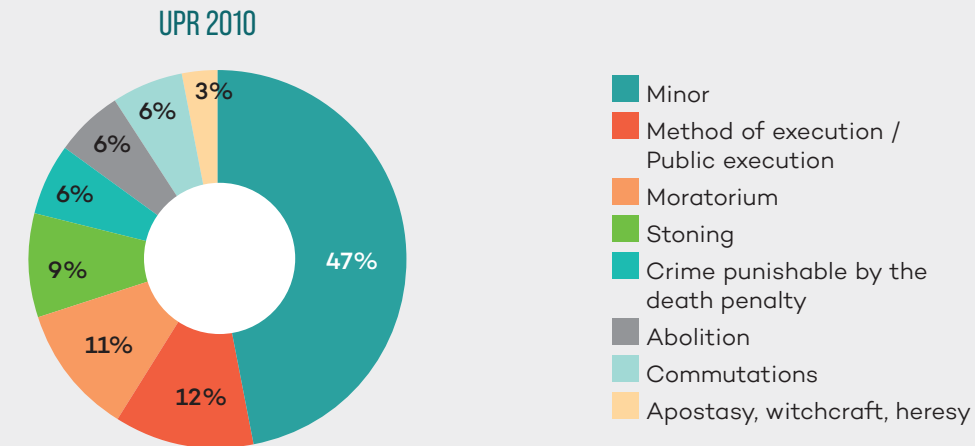
No.	RECOMMENDATION	Number	Accepted	Noted
26.98	Establish an official moratorium on the executions of minors under the age of 18 at the time of the crime, amend its Penal Code and commute the sentences of juveniles (Switzerland)	1		1
26.99	Undertake steps towards introduction of a moratorium on the death penalty, which would allow the Islamic Republic of Iran to consider signature and ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Poland)	1		1
26.100	Commute the sentences of persons sentenced to death, establish a moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal)	1		1
26.101	Abolish death sentences for persons under 18 years of age and commute all existing sentences for offenders on death row who had committed a crime while under the age of 18 years (Republic of Moldova)	1		1
26.102	Establish a moratorium on the death penalty, in particular in relation to juvenile offenders (Ukraine)	1		1
26.103	Abolish the death penalty at least for crimes committed by persons under 18 years of age, in accordance with its obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and commute all death sentences for juvenile offenders (Belgium)	1		1
26.104	Take all necessary measures to establish a moratorium on the death penalty by prohibiting its application to persons who were minors at the time of the commission of the crime (Uruguay)	1		1
26.105	Impose an immediate moratorium on the execution of minors (Albania)	1		1
26.106	Establish a five-year moratorium to work progressively towards the abolition of capital punishment, by allowing open and public debate on the question of the death penalty with all actors in society (Albania)	1		1
26.107	Take the necessary measures to eliminate the death penalty from its national legislation and, until such derogation is made, establish an official moratorium on executions of all persons currently sentenced to death (Argentina)	1		1
26.108	Establish a formal moratorium on the death penalty, as a step towards its complete abolition, and, as an immediate step, prohibit the application of the death penalty for offences committed by minors (Australia)	1		1
26.109	Ensure that the death penalty is never imposed in violation of article 6 of the International Covenant on Civil and Political Rights, and consider establishing an official moratorium on executions of juvenile offenders (Austria)	1		
26.110	Abolish the execution of children and commute the death sentences of all minors on death row (Brazil)	1		1

26.111	Revise the Penal Code to ensure consistency with its international obligations, including article 6 of the International Covenant on Civil and Political Rights, so that the death penalty is reserved for only the most serious crimes, never imposed for crimes committed by persons below 18 years of age, and never imposed arbitrarily (Canada)	1		1
26.112	Consider the abolition of the death penalty and ensure that no minor can be sentenced to death (Chile)	1		1
26.113	Abolish the death penalty in the country under any circumstances (Croatia)	1		1
26.114	Reduce the number of offences punishable by death, commencing with drug-related offences, as well as prohibit the use of the death penalty against those who were minors at the time the crime was committed (Cyprus)	1	1	1
26.115	Establish an official moratorium on executions with a view to abolishing the death penalty, at least for juvenile perpetrators (Czechia)	1		1
26.116	Further amend the drug trafficking law to remove all mandatory death sentences for drug-related offences and adopt a moratorium on execution, particularly of juvenile offenders (Denmark)	1		1
26.117	Introduce a moratorium on executions, especially for juvenile offenders, with a view to progressively abolishing the death penalty (Estonia)	1		1
26.118	Continue reforms to the Penal Code in order to restrict the death penalty to the most serious crimes, which would be progress towards the full abolition of the death penalty (Spain)	1	1	1
26.119	Establish a moratorium on the application of the death penalty with a view to its permanent abolition, cease the executions of minors and repeal articles 233 to 235 of the Penal Code (France)	1		1
26.120	Take further steps towards the substitution of mandatory death penalties for prison sentences for all drug-related offences (Georgia)	1		1
26.121	Establish a formal moratorium on the death penalty; in particular, cease all planned executions of juvenile offenders and prohibit the imposition of the death penalty for crimes committed by minors (Germany)	1		1
26.122	Establish an official moratorium on executions with a view to abolishing the death penalty (Greece)	1		1
26.123	Implement a moratorium on all executions, with a view to abolishing the death penalty (Iceland)	1		1
26.124	Repeat the relevant articles of the Penal code, including those that impose the death penalty and flogging for offences related to consensual same-sex conduct between adults, with a view to fully decriminalize same-sex relations between consenting adults (Iceland)	1		1
26.125	Establish a moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and immediately end death sentences for individuals under the age of 18 at the time of their alleged crime in line with the Islamic Republic of Iran's obligations under the Convention on the Rights of the Child (Ireland)	1		1
26.126	End the widespread use of the death penalty, especially on minors (Israel)	1		1
26.127	Introduce a moratorium on executions, with a view to the complete abolition of the death penalty, and ban the use of executions for crimes committed by minors (Italy)	1		1

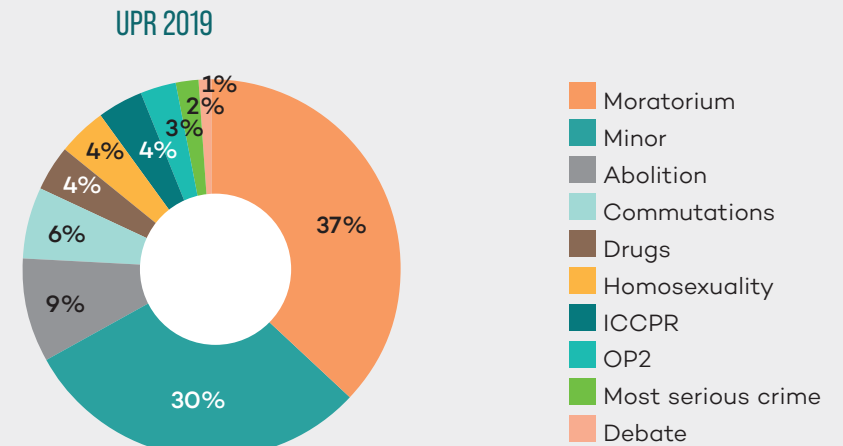
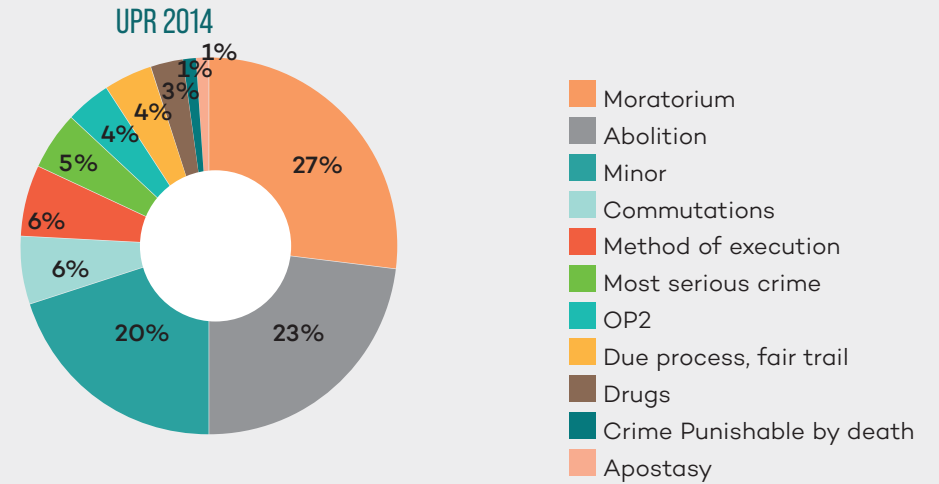
26.128	Consider a moratorium on the death penalty with a view to abolishing it (Latvia)	1		1
26.129	Comply fully with the relevant obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child and consider introducing a moratorium on the death penalty (Lithuania)	1		1
26.130	Establish a moratorium on the death penalty with a view to its complete abolition (Luxembourg)	1		1
26.131	Consider an official moratorium on executions with a view to abolishing the death penalty, particularly for offences related to consensual same-sex conduct between adults (Malta)	1		1
26.132	Set moratoriums on the application of the death penalty for those who were minors at the time of the crime, and with regard to the criminalization of consensual same-sex relationships (Mexico)	1		1
26.133	Establish an immediate moratorium on the use of the death penalty (Montenegro)	1		1
26.134	Immediately introduce a moratorium on the death penalty, including for juvenile offenders, as a first step towards abolition (Sweden)	1		1
26.135	Cease immediately the use of the death penalty, especially for those under the age of 18 years at the time of offending (New Zealand)	1		1
26.136	Establish a moratorium on the death penalty, especially for juveniles and work towards its abolition (North Macedonia)	1		1
Total		40	2*	40*

* Recommendations 26.114 and 26.118 were partially accepted by the Iranian authorities as they considered recent amendments in the Iranian legislation were in line with the reduction of offences punishable by death.

EVOLUTION OF THE THEMES OF THE RECOMMENDATIONS MADE TO IRAN BETWEEN 2010 AND 2019



#20

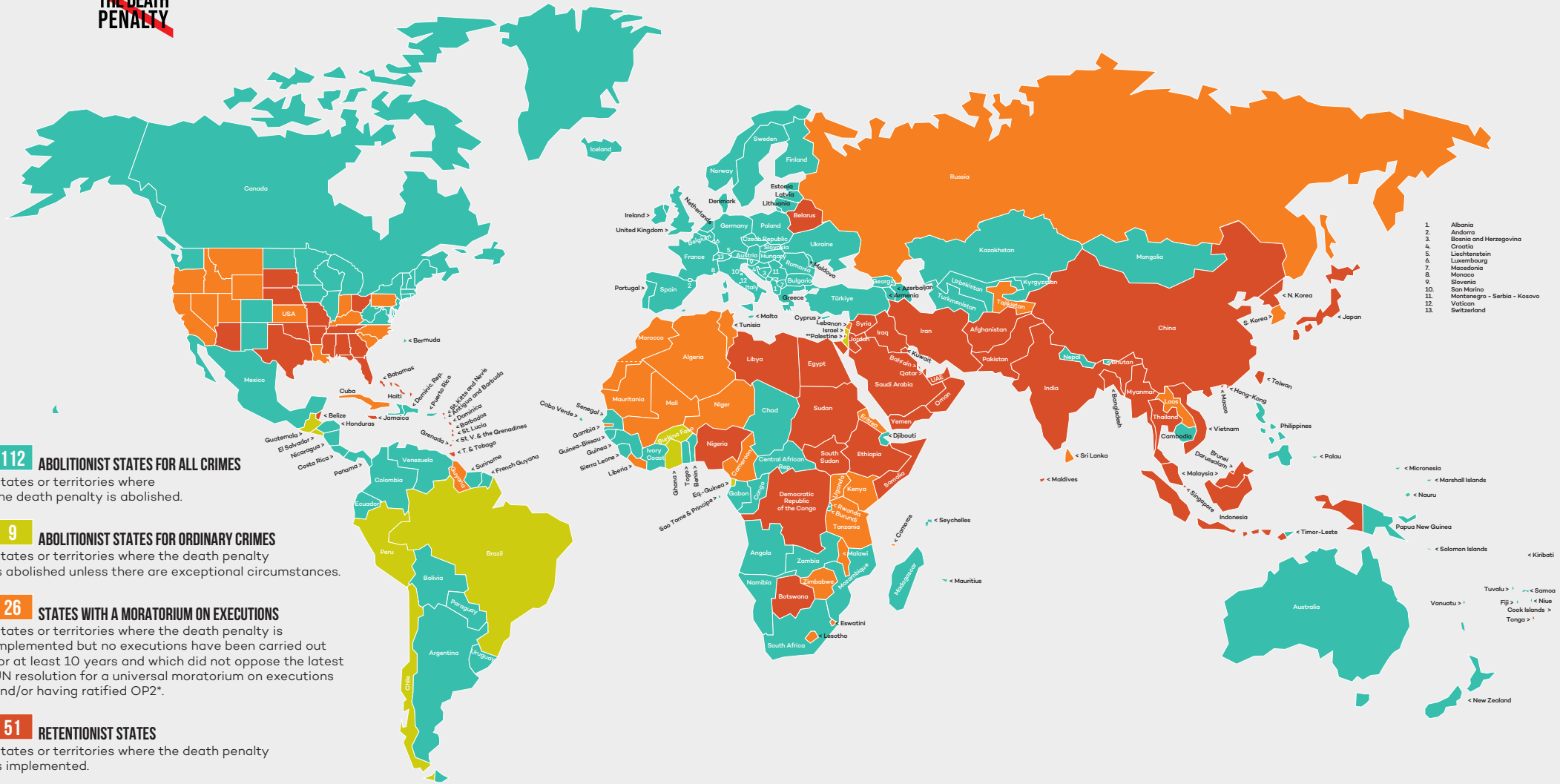


In 2010, the emphasis was on the death penalty for juvenile offenders, an issue of great concern to the international community. It was also one of the main concern during Iran's last review in 2019. In 2014 and 2019, many states issued recommendations focusing on the establishment of a moratorium on executions.

#21

THE DEATH PENALTY WORLDWIDE

2023



1. Albania
2. Andorra
3. Bosnia and Herzegovina
4. Croatia
5. Liechtenstein
6. Luxembourg
7. Macedonia
8. Monaco
9. Slovenia
10. San Marino
11. Montenegro - Serbia - Kosovo
12. Vatican
13. Switzerland

112 ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

9 ABOLITIONIST STATES FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

26 STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.

51 RETENTIONIST STATES

States or territories where the death penalty is implemented.

* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
 ** Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2023).

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