



IMPACT IRAN

IRAN  
HUMAN  
RIGHTS



**Iran (Islamic Republic of)  
Stakeholder Report for the United Nations Universal Periodic Review:  
The Death Penalty**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status  
**Iran Human Rights,**  
**Impact Iran**  
**ECPM**  
and  
**The World Coalition Against the Death Penalty**

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**Iran Human Rights** (IHRNGO) is a non-profit NGO with its base in Oslo, Norway. IHRNGO has active and supporting members in Iran, North America and several European countries. IHRNGO is committed to promote human rights in Iran, through reporting, monitoring and advocacy. Reporting about the death penalty in Iran has been the main focus of IHRNGO in the past 10 years. Because of its sources inside Iran, IHRNGO is able to produce accurate reports about the death penalty in Iran. Besides the death penalty, promoting due process and rule of law, and defending the human rights defenders constitute the core activities of IHRNGO. IHRNGO is a member of the Steering Committee of the World Coalition Against the Death Penalty and a member of Impact Iran.

**Impact Iran** is a coalition of 19 non-governmental organizations committed to advocating for human rights and driving positive change in Iran. Our coalition represents a diverse group of organizations committed to amplifying the voices of Iranian civil society on the global stage. Each member organization brings unique expertise and experience to our collective mission, creating a powerful force for advocating for the rights and dignity of all individuals in Iran.

**The World Coalition Against the Death Penalty (WCADP)**, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**ECPM** (Ensemble contre la peine de mort/Together Against the Death Penalty) is a French non-governmental organisation that fights against the death penalty worldwide and in all circumstances by uniting and rallying abolitionist forces across the world. The organisation advocates with international bodies and encourages universal abolition through education, information, local partnerships and public awareness campaigns. ECPM is the organiser of the World Congresses against the death penalty and a founding member of the World Coalition Against the Death Penalty. In 2016, ECPM was granted consultative status with ECOSOC.

## EXECUTIVE SUMMARY

1. This report addresses Iran’s failure to comply with its international human rights obligations with respect to the death penalty, prohibition of torture and cruel, inhuman, and degrading treatment, conditions of detention, and administration of justice.
2. Since its 2019 Universal Periodic Review, Iran has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the most serious crimes. Iran did not accept any of recommendations related to the death penalty. As this report details, Iran has increased the frequency of executions over the last five years, including executing a staggering 834 individuals in 2023—while this actual number is likely much higher—and that figure represents a 43% increase in executions since 2022, a year that witnessed 582 executions.<sup>1</sup>
3. The coauthors compiled this report using information from both official and unofficial sources.<sup>2</sup> Official executions are those announced by the Iranian judiciary, police, National Broadcasting Network, or news agencies.<sup>3</sup> They were 15% of the executions that Iran Human Rights (IHRNGO) and ECPM reported in their 2023 Annual Report, with the remaining 85% being unofficial.<sup>4</sup> In 2022, only 12% of documented executions were official.<sup>5</sup> Unofficial reports come from eyewitnesses, family members, lawyers, and others in the Iranian judiciary and prison system.<sup>6</sup>

## IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### D23 Death penalty

#### **Status of Implementation: “Partially Accepted”, Not Implemented**

5. Iran received 40 recommendations relevant to the death penalty during its third UPR. It formally supported none of them, but said that it “partially supported” two.<sup>7</sup> Iran asserted that the death penalty “has been considered as a punishment only for the most serious crimes,” and that “the maximum punishment for children shall not exceed five years of detention.”<sup>8</sup> Iran added that the death penalty “shall be proposed but not enforced in case the culprit with the age of criminal responsibility has not perceived the nature of the crime and therefore lacks mental maturity and perfection, based on the expert assessment and judgement of the competent court.”<sup>9</sup>
6. Iran “partially accepted” recommendations to “[r]educe the number of offences punishable by death, commencing with drug-related offences, as well as prohibit the use of the death penalty against” child offenders, and to “[c]ontinue reforms to the Penal Code in order to restrict the death penalty to the most serious crimes.”<sup>10</sup>

#### A vast number of laws authorize the death penalty

7. The 2013 Islamic Penal Code (IPC) and the Anti-Narcotics law authorize the death penalty,<sup>11</sup> including for many crimes that do not rise to the level of “most serious” under Article 6 of the ICCPR. The number of death-eligible crimes in Iran is among the highest in the world.<sup>12</sup> Three of four types of punishments in Section 2 of the IPC can involve the death penalty: *haad* (pl. *hudud*), *qisas*, and *ta’zir*.<sup>13</sup> Islamic law establishes *hudud*

punishments that are fixed in measure, degree, and method,<sup>14</sup> including offences against the State and religion, sexual offences, and fourth-time repeat offences.<sup>15</sup> *Qisas* includes both intentional and unintentional killings, and refers to retribution-in-kind.<sup>16</sup> *Ta'zir* punishments are at the discretion of the judge, including the death penalty.<sup>17</sup>

8. Offences against the State and religion include vaguely defined crimes of *moharebeh*<sup>18</sup> (enmity against God), *efsad-fid-arz*<sup>19</sup> (corruption on earth), *baghy*<sup>20</sup> (armed rebellion) *sabol-nabi*<sup>21</sup> (insulting the prophet), and *ertedad*<sup>22</sup> (apostasy). *Moharebeh* is “drawing a weapon on the life, property or honour of the public or causing them terror, in a way that creates an environment of insecurity,” and is eligible for the death penalty. *Efsad-fid-arz* is a crime committed “on an extensive level against the physical integrity of others, the domestic or external security, spreads lies, disrupts the national economic system, undertakes arson and destruction, disseminates poisonous, microbiological and dangerous substances, establishes corruption and prostitution centers or assists in establishing them.” *Baghy* is armed rebellion by any group, and that such a group’s members shall be sentenced to death if weapons are used. *Sabol-nabi* is either cursing the Prophet of Islam or other blasphemy. The current IPC does not define *ertedad* but states that the punishment for apostasy is death.
9. The IPC also authorizes the death penalty for various sexual offences including, adultery and consensual homosexual sex. For example, extramarital sex with a *mahram* (blood relative), with a wife of a father, or between a non-Muslim man and a Muslim woman, is a capital crime, as is rape. For these crimes, Article 225 calls for execution by stoning, or by “alternative means” if stoning is not possible.<sup>23</sup>
10. *Qisas* refers to retribution-in-kind for murder; the victim’s family decides the defendant’s fate.<sup>24</sup>
11. The IPC codifies *qisas*, but at the same time essentially declares that Iranian authorities have no control over *qisas* because it is a private right based in Islamic, and not Iranian, law.<sup>25</sup> *Qisas* also permits the murder victim’s family to demand *diya* (blood money) as an alternative to a retributive death sentence,<sup>26</sup> or simply to grant forgiveness.<sup>27</sup>
12. The Head of Judiciary sets an annual indicative *diya* amount based on inflation and other considerations, but the victim’s family can choose their own amount. They may demand more or less, and, crucially, there is no upper limit. In 2023, the indicative amounts, determined every March, were set at 900 million tomans (€18,000) for a Muslim man and 450 million tomans (€9,000) for a Muslim woman. Families typically demand more than the indicative amount, and the indicative amount itself is more than what most families can afford.<sup>28</sup>
13. Since 2015, a growing number of victims’ families have chosen forgiveness.<sup>29</sup> In a 2020 survey<sup>30</sup> a majority of Iranians preferred alternative punishments to the *qisas* death penalty for murder.<sup>31</sup> In 2023, families chose forgiveness in 857 cases, while 282 opted for *qisas* death sentences.<sup>32</sup>
14. Iran’s Revolutionary Courts have jurisdiction over the security-related charges of *moharebeh*, *efsad-fil-arz*, *baghy*, and drug-related offences.<sup>33</sup> Murder and rape fall under the jurisdiction of the Criminal Courts.<sup>34</sup>

### Executions on the rise

15. Iran has been backsliding since its third UPR. In 2022, the number of executions in Iran increased 74% over the previous year.<sup>35</sup> In 2023, the number of executions increased by 43%.<sup>36</sup> Iran ranks second in the world for executions.<sup>37</sup> In 2023, Iran continued to expand its use of the death penalty beyond intentional killings to include adultery, espionage, terror-related crimes, rape, drug offences, and blasphemy.<sup>38</sup>
16. The 2017 Amendment to Iran’s Anti-Narcotics Law introduced a mechanism to limit the use of the death penalty and commute death sentences to life imprisonment.<sup>39</sup> After a brief period of abatement, authorities since 2021 accelerated the pace of executions for drug-related offenses.<sup>40</sup> In 2022, Iran alone accounted for more than two thirds of all global executions for drug-related offences.<sup>41</sup> In 2023, the figure was 94%.<sup>42</sup> In 2023, drug-related executions accounted for 56% of all Iranian executions,<sup>43</sup> a more than 18-fold increase over 2020.<sup>44</sup>

### Child offenders

17. Iran remains one of the few countries to sentence child offenders to death,<sup>45</sup> and Iran also executes more child offenders than any other county.<sup>46</sup> Between 1990 and 2022, Iran was responsible for 113 of 163 juvenile executions.<sup>47</sup> Iran executed at least three child offenders in 2022,<sup>48</sup> and at least two in 2023.<sup>49</sup> One of the people executed in 2023 was 17 years old at the time of execution.<sup>50</sup>
18. In response to domestic and international criticism, in 2013 Iranian authorities redefined the IPC “age of criminal responsibility” as the age of maturity under *Sharia* law: girls over 9 lunar years and boys over 15 lunar years are eligible for the death penalty for “crimes against God” and *qisas* crimes.<sup>51</sup>
19. Under IPC Article 91, a judge may impose an alternate punishment, based on the judge’s assessment of forensic evidence. Judges apply the article inconsistently and arbitrarily,<sup>52</sup> and Article 91 has not resulted in any measurable decrease in the number of juvenile executions.<sup>53</sup>

## **F34, F31 Children: Juvenile justice, protection**

### **Status of Implementation: “Partially Accepted”, Not Implemented**

20. As discussed above, during the third-cycle UPR Iran “partially supported” only two recommendations regarding the death penalty for child offenders. Iran erroneously asserted that people who commit crimes when under the age of 18 may not be sentenced to death for those crimes. Moreover, public executions violate the rights of children, who often attend because authorities publicize these executions in advance and carry them out in residential spaces.<sup>54</sup>

## **D51 Administration of justice and fair trial**

### **Status of Implementation: “Partially Accepted”, Not Implemented**

21. During the third-cycle UPR, Iran received 12 recommendations concerning the right to a fair trial and administration of justice.<sup>55</sup> Iran fully supported six,<sup>56</sup> including to “[g]uarantee the right to a fair trial, including the right to choose one’s lawyer, including for those

accused of offences related to national security,” and to “[c]ontinue strengthening the judicial system.”<sup>57</sup>

22. Iran’s judiciary operates as an extension of the Supreme Leader’s political authority.<sup>58</sup> The Supreme Leader selects the Head of the Judiciary, who reports to the Supreme Leader. The Head of the Judiciary and the Supreme Court Chief Justice select judges based on their ideological affiliation or political background.<sup>59</sup>
23. Iranian law technically offers basic due process rights,<sup>60</sup> but “the lack of due process is probably the biggest obstacle to significant improvements in the human rights situation, and the situation of the death penalty in particular.”<sup>61</sup> The judiciary routinely fails to respect the right to counsel and the right to be free from judicial abuse of power.<sup>62</sup>
24. Iranian law grants an accused person a right to a lawyer, generally, but in practice any person charged with a crime against internal or external security must select a lawyer from an approved roster approved by the Head of the Judiciary.<sup>63</sup> Additionally, a person accused of a capital crime does not have access to an attorney for the critical investigation phase, when torture and coerced confessions are prevalent.<sup>64</sup> None of the persons convicted and sentenced to death in any of the cases IHRNGO recently researched had access to a lawyer in the initial phase following their arrest.<sup>65</sup> Moreover, authorities often deprive defendants access to their lawyers unless or until they perceive public or international pressure.<sup>66</sup>
25. Judicial bias is particularly problematic during the process of judicial “fact-finding” known as *elm-e qazi* (knowledge of the judge).<sup>67</sup> Judges are supposed to base *elm-e qazi* on evidence, but IHRNGO observes that judges apply it arbitrarily.<sup>68</sup> There are no independent mechanisms for ensuring judicial independence and accountability.<sup>69</sup>
26. Revolutionary Courts, which issued 61% of all death sentences in 2023, are particularly problematic.<sup>70</sup> They have jurisdiction over the security-related charges of *moharebeh*, *efsad-fil-arz*, *baghy*, and drug offences.<sup>71</sup> They have also issued heavy sentences to human rights defenders, journalists, and other government critics. Officials in these courts abuse judicial powers and deny basic due process rights.<sup>72</sup>
27. Revolutionary Court trials for drug-related offenses are typically very short, secretive, and frequently deny defendants access to legal counsel, producing a pre-determined judgment.<sup>73</sup> For example, in 2021 authorities arrested Esmail Alizehi and his brother, Saeed Alizehi, for drug possession without ever finding any drugs.<sup>74</sup> A Revolutionary Court subsequently found them guilty without any incriminating evidence. Authorities executed the brothers in November of 2023.<sup>75</sup>
28. Under Iranian law, authorities must notify a person’s lawyer of the scheduled execution at least 48 hours before the person’s actual execution, but authorities often fail to follow these notification requirements, especially in political and security-related cases.<sup>76</sup> Similarly, the law allows people on death row to request a last visit prior to execution, but authorities often fail to comply.<sup>77</sup> After an expedited and secretive trial, a court sentenced Milad Zohrevand to death for the killing of a security officer. Authorities secretly executed him in 2023, and police arrested his mother for “wailing” during the burial.<sup>78</sup>
29. Instead of allowing a person sentenced to death to visit with family before the execution, authorities often transfer the person to solitary confinement.<sup>79</sup> Authorities took Arman Abdolali, a child offender, to the gallows seven times before his execution in 2021. Arman

described the torture of being transferred to solitary confinement in preparation for execution.<sup>80</sup>

## H1 Human rights defenders

### **Status of Implementation: “Partially Accepted”, Not Implemented**

30. In the third-cycle UPR, Iran received 14 recommendations concerning human rights defenders.<sup>81</sup> Iran fully supported five,<sup>82</sup> including recommendations to “ensur[e] that human rights defenders, lawyers and journalists are not subjected to intimidation or arbitrary arrest in connection with their work,” and to “[c]reate a safe and enabling environment for civil society and human rights defenders.”<sup>83</sup>
31. Iran has stepped up use of the death penalty against protesters, human rights defenders, and others who criticize the government,<sup>84</sup> charging them with *moharebeh*, *baghy* and *efsad-fil-arz*.<sup>85</sup>
32. In the wake of the “Woman, Life, Freedom” protests that began in 2022 after authorities detained Mahsa (Jina) Amini for not wearing her hijab correctly and she died in custody, authorities have used the death penalty as a political tool to instill societal fear.<sup>86</sup> 2022 and 2023 saw the greatest number of executions since 2015.<sup>87</sup> In 2023, authorities executed eight protesters for security-related offenses and murder. Many of these cases involved torture, coerced confessions, degrading treatment, and fabricated evidence. Official reports about these cases have been rife with misinformation, fueling confusion and conflict.<sup>88</sup>
33. After domestic and international backlash,<sup>89</sup> authorities released most of the protesters who had been sentenced to death, but not before authorities had executed several protesters<sup>90</sup> following sham trials that relied on torture-tainted evidence.<sup>91</sup> Authorities aired forced confessions during the trial of three protesters, whom authorities then executed in May 2023.<sup>92</sup> Courts often made findings of guilt during secret trials.<sup>93</sup>
34. In some cases authorities carried out very public executions in an effort to intimidate the population. For example, they hanged a 23-year-old protester from a construction crane and then left his body on public display.<sup>94</sup>
35. Because international and domestic pressure have inhibited the ability of Iranian authorities to execute protesters under charges of *moharebeh* and *efsad-fil-arz*, authorities will likely come to rely on *qisas* in order to evade accountability and to shift the perception of responsibility to the victims’ families, such as by charging protesters with murder when a police officer is killed during a protest.<sup>95</sup> Because, as discussed in paragraph 14 above, the IPC essentially declares that Iranian authorities have no control over *qisas*, which is a private right based in Islamic, and not Iranian, law,<sup>96</sup> those authorities can assert that the application of the death penalty against such protesters is beyond their purview. Hence, the Iranian Government should not be subject to scrutiny or international condemnation for those executions.
36. In addition to being responsible for the majority of all death sentences in the country, the Revolutionary Courts impose stiff penalties on human rights defenders.<sup>97</sup>
37. Anti-death penalty advocates have faced harassment, arrest, and prison sentences for peaceful advocacy.<sup>98</sup> Authorities arrested Farhad Ghahremani in 2022 at an anti-death

penalty protest.<sup>99</sup> After denying him access to an attorney, a court sentenced him to six months imprisonment and twenty-five lashes.<sup>100</sup>

38. In 2023, a Revolutionary Court tried Golrokh Ebrahimi-Iraee, an abolitionist woman human rights defender, for “assembly and collusion against national security” and “propaganda,” for her participation in the Woman, Life, Freedom protests. The court sentenced her to a prison term and banned her from membership in groups and parties for two years.<sup>101</sup> She continues to speak out against the death penalty while in prison.
39. 2023 Nobel Peace Prize Laureate Narges Mohammadi is a member of the anti-death penalty campaign LEGAM, and after being released from prison in 2020, she was rearrested, tried, and sentenced to eight years’ imprisonment and 70 lashes after a 5-minute trial for her involvement in the Woman, Life, Freedom movement.<sup>102</sup> While imprisoned, she has received additional sentences for “propaganda against the system” for issuing statements from prison about detention conditions for women and for sending a letter to the Special Rapporteur on Iran.<sup>103</sup> She continues to speak out against the death penalty and other human rights violations, despite being subject to bans on using a mobile phone, leaving Iran, and holding membership in social and political groups.<sup>104</sup>
40. Lawyers who represent clients facing political charges, including capital charges, have themselves faced arrests, charges, and even convictions for their professional work.<sup>105</sup> Authorities are ramping up efforts to target attorneys. In 2023, parliament approved the “Request to Investigate the operations of Bar Associations and their Union” bill, which grants authority to “review the legal qualifications” of lawyers.<sup>106</sup> This legislation is particularly worrying because even when lawyers get the cases against them thrown out on appeal, courts still prohibit the lawyers from speaking about the cases, as a form of supplemental punishment.<sup>107</sup> IHRNGO observes that this law, paired with court penalties, “will effectively grant power for authorities to disbar lawyers for political purposes.”<sup>108</sup>

### **G1 Members of Minorities; G4 Migrants; G8 Non-citizens**

#### **Status of Implementation: “Partially Accepted”, Not Implemented**

41. In the third-cycle UPR, Iran received 14 recommendations regarding the rights of ethnic minorities and 4 recommendations regarding the rights of migrants and foreign nationals.<sup>109</sup> Iran agreed to “[c]ontinue its initiatives aimed at the promotion and protection of the rights of the minorities and the strengthening of its legal measures,”<sup>110</sup> and to “[c]ontinue measures to protect and promote the rights of migrant workers.”<sup>111</sup>
42. Official government data on executions do not always disclose the ethnicity or nationality of the person sentenced to death.<sup>112</sup> Nonetheless, IHRNGO’s data show that “ethnic minorities in Iran are overrepresented in death penalty statistics.”<sup>113</sup> Iran also disproportionately executes members of ethnic minority groups for drug-related offenses.<sup>114</sup> A disproportionate number of executions of ethnic minority groups take place in secret.<sup>115</sup>
43. Iran sentences people to death based on political affiliation, and a majority of people sentenced to death in this category are ethnic Kurds and members of other ethnic minority groups.<sup>116</sup> Authorities often sentence these government critics to death for the vaguely defined crimes of *efsad-fil-arz*, *baghy*, or *moharebeh*.<sup>117</sup> Among the at least 39 people executed on these charges in 2023 were 8 Kurdish people, 7 Baluch people, and 3 Arabs.<sup>118</sup>



44. Between 2010 and 2023, Iran executed at least 154 people for being affiliated with banned political and armed groups.<sup>119</sup> Nearly half were Kurdish, 29% were Baluch, and 16% were Arab, primarily Sunni Muslims.<sup>120</sup>
45. In 2023, Authorities executed 150 people in the four Iranian provinces of West and East Azerbaijan, Kurdistan, and Sistan and Baluchestan, which are the home provinces to the Baluch, Turkish, and Kurdish ethnic minorities. Moreover, these figures do not account for executions of ethnic minorities taking place outside those provinces.<sup>121</sup> Executions “of Baluch prisoners are in many cases carried out in prisons outside the Baluchistan region.”<sup>122</sup> In 2023, authorities across Iran executed 167 Baluch individuals, accounting for 20% of all known executions, while Baluch individuals constitute approximately 2-6% of the overall population.<sup>123</sup> Five of the 167 Baluchs executed in 2023 were women.<sup>124</sup> In 2024, four Kurdish-Sunni political prisoners were executed in a 7-defendant show trial.<sup>125</sup> Two of the defendants were executed in 2023, and one remains imprisoned, at risk of execution.<sup>126</sup>
46. IHRNGO posits that Iranian authorities may “use more violence to create fear due to higher opposition amongst the population” in predominantly Kurdish and Baluch regions, labeling protesters “separatists” and deploying violence under the pretext of fighting terrorism.<sup>127</sup> Those regions had “the longest-lasting [Woman, Life, Freedom] protests, and almost half of all protesters killed on the streets were from Baluchistan, Kurdistan and other Kurdish towns in other provinces.”<sup>128</sup>
47. Case studies illustrate how Iran targets members of ethnic minority groups and subjects them to forced confessions and the death penalty:
- Authorities executed Kurdish political prisoner Mohiyedin Ebrahimi in 2023. After the Islamic Revolutionary Guard Corps (IRGC) arrested him in 2017, authorities tortured him into “confessing” to possessing firearms and being a member of political groups. At trial, he was denied access to a lawyer and the right to a fair trial.<sup>129</sup>
  - In 2023, authorities secretly executed Kurdish political prisoner Sarkout Ahmadi. IRGC forces had arrested him in 2020 as he tried to leave the country into Turkiye. A Revolutionary Court sentenced him to death for “*moharebeh* through membership of Komeleh party and the murder of a traffic officer” Authorities broadcast his torture-tainted confessions on state media.<sup>130</sup>
  - In 2023, authorities secretly executed three Baluch political prisoners. After arrest, the IRGC Intelligence Operation severely tortured them to extract confessions. A Revolutionary Court sentenced them to death for *efsad-fil-arz* for alleged terrorist bombings in 2018 and 2019.<sup>131</sup>
48. Afghans are the largest non-Iranian ethnic group on death row and the number of executions of Afghans more than tripled from 2021 to 2022 and nearly doubled from 2022 to 2023. Authorities carried out many of these executions in secret.<sup>132</sup> In 2021, the first executions of Afghans took place soon after the Taliban takeover, with a total of five executions in 2021.<sup>133</sup> In 2022, Iranian authorities executed 16 Afghan nationals, including one woman and one child offender.<sup>134</sup> In 2023 the figure rose to 25.<sup>135</sup> Through May 2024, Iranian authorities are on pace to continue their upward trend, executing 13 Afghan

nationals in only five months.<sup>136</sup> Evidence suggests that Afghan nationals are disproportionately represented on death row. Yet authorities typically do not announce executions of Afghans and Afghans under sentence of death do not usually have lawyers or a network of supporters to raise awareness about their cases.<sup>137</sup> The true numbers may be even greater.<sup>138</sup>

49. Over 250 foreign nationals, mostly Afghan and Pakistani, are currently imprisoned and have been sentenced to death for drug-related charges.<sup>139</sup>
50. Iran has admitted to using foreign nationals as political pawns and hostages to achieve its international goals.<sup>140</sup> In 2023, authorities executed two Iranians with dual citizenship. They had kidnapped one of them in Turkey prior to his 2020 arrest, and they charged both men with vague offenses such as espionage and *efsad-e fel arz*. Authorities executed both men in secret locations after unfair trials.<sup>141</sup>

## **D25 Prohibition of torture and cruel, inhumane or degrading treatment**

### **Status of Implementation: “Partially Accepted”, Not Implemented**

51. In the third-cycle UPR, Iran received nine recommendations related to torture,<sup>142</sup> but supported only one,<sup>143</sup> that called on Iran to “[e]nsure freedom from torture while in detention.”<sup>144</sup>
5. Despite constitutional prohibitions,<sup>145</sup> investigating authorities commonly use torture to extract forced confessions for political purposes.<sup>146</sup> Authorities often use televised confessions as a means of convicting defendants.<sup>147</sup>
52. Such torture appears to be systematic. In compiling its most recent Annual Report, IHRNGO reported that every person on death row whom researchers contacted said that they had been subjected to torture in order to confess to the crimes with which they were charged.<sup>148</sup>
53. Authorities use forms of torture ranging from sexual violence, beatings and other physical violence, and psychological torture such as prolonged solitary confinement.<sup>149</sup> Ghasema Abasteh still had visible evidence of torture on his body at the time of his sentencing, despite years having passed since his interrogation.<sup>150</sup>
54. Following the 2022 protests, IHRNGO concluded that authorities were systematically engaging physical torture, sexual assault, and rape of protesters to force false confessions.<sup>151</sup>

## **D28 Gender-based violence; D29 Domestic violence; F12 Discrimination against women**

### **Status of Implementation: “Partially Accepted”, Not Implemented**

55. In the third-cycle UPR, Iran received 27 recommendations related to women’s rights, gender equality, discrimination against women, and gender-based violence<sup>152</sup> and fully supported 16,<sup>153</sup> including to “[c]ontinue strengthening the judicial system, especially in relation to the rights of women,” and to “provide comprehensive frameworks for the non-discrimination of women and the protection of women . . . from violence, including domestic violence.”<sup>154</sup>

56. Iran is one of the world's two leading executioners of women,<sup>155</sup> and Iran sentences and executes women and girls in a discriminatory manner. Between 2010 and 2023, Iranian authorities executed at least 210 women, including 22 women in 2023.<sup>156</sup> According to the Cornell Center on the Death Penalty Worldwide, "Iranian human rights lawyers estimate that there are dozens of women on death row in Iran."<sup>157</sup> Since January 2024, Iranian authorities have executed 10 women—a 67% increase over the same period in 2023.<sup>158</sup>
57. Among the 164 women executed between 2010 and October 2021, courts had sentenced at least 86 to death for drug-related offenses and at least 60 for murder.<sup>159</sup>
58. Global trends show that women sentenced to death face intersectional discrimination. According to a groundbreaking Cornell Center study, many women in criminal legal systems throughout the world, and the vast majority of women on death row, are from poor and marginalized communities.<sup>160</sup> Most women who are detained are unable to afford a lawyer and are more likely to be illiterate and unaware of their legal rights.<sup>161</sup> They are therefore more vulnerable to discrimination, coercion, and exploitation.<sup>162</sup>
59. Moreover, Iranian women do not have access to the legal channels required to protect themselves from domestic violence,<sup>163</sup> and this precarious position may prompt them to kill as an act of self-preservation.
60. Civil society reports suggest that most women on death row in Iran have been sentenced to death for killing their abusive husbands.<sup>164</sup> Indeed, at least 6 of the 22 women known to have been executed in 2023 had been sentenced to death for killing their husbands.<sup>165</sup> In 66% of the known murder cases between 2010 and 2021, women had been convicted of killing their husband or partner.<sup>166</sup> The Cornell Center reports that "[i]n many cases, these women were married at a young age, without the right to divorce their assailants."<sup>167</sup> For example, six women executed for murder between 2010 and 2021 had been "child brides," as was the case with at least two women executed in 2023.<sup>168</sup>
61. On a global scale, many women under sentence of death are victims of gender-based violence.<sup>169</sup> In many countries, however, courts fail to take into account a defendant's experience as a survivor of gender-based violence when making sentencing decisions.<sup>170</sup>
62. The manner in which Iranian authorities implement *qisas* can compound trauma for women and girls as well as other family members. For example, Maryam Karimi was executed in March 2021. She had experienced domestic violence, but her husband refused to consent to divorce. She spent 13 years on death row, and her father had also been sentenced to death, because he had helped her kill her husband. In accordance with Iranian *qisas* procedures, her own daughter carried out the execution. After the execution, authorities brought her father into the execution chamber so that he would see Maryam's body hanging from the noose.<sup>171</sup>
63. As mentioned in paragraph 69, Iranian courts also sentence women to death for drug-related offenses. Drug trafficking is the second most common offense for which women in Iran are sentenced to death, and in many cases these women come from disadvantaged socio-economic backgrounds, have no previous criminal history, and were found with only small quantities of narcotics.<sup>172</sup> At least three of the women executed in 2023 had been sentenced to death for drug-related offenses.<sup>173</sup> Of the ten women executed through May 2024, six were charged with drug-related offenses.<sup>174</sup>

64. The Cornell Center found that “[g]ender dynamics and female disempowerment are salient factors associated with women’s involvement in drug smuggling. Many women engage in drug smuggling to counteract their marginalization and improve their socioeconomic status.”<sup>175</sup> The study observed that “most drug offenses involving women are small-scale offenses committed by women from economically deprived backgrounds.”<sup>176</sup>
65. Zarkhatoun Mazarzehi was a 46-year-old widow who was executed in 2023. Authorities had arrested her on drug charges for possessing cosmetic materials, denied her access to a lawyer, and then executed her after a detention lasting nearly 6 years.<sup>177</sup>
66. Women in Iran are also at risk of being sentenced to death for sexual morality offenses such as adultery.<sup>178</sup> According to the Cornell Center, “[i]n Iran, married rape victims are at risk of execution for adultery.”<sup>179</sup> In one case, “a woman forced by her abusive husband into prostitution was convicted as an accomplice to murder when one of her male clients killed her husband. She was . . . sentenced to death by stoning for adultery. The male client, in contrast, was sentenced to a jail term of eight years.”<sup>180</sup> Courts impose daunting evidentiary rules, requiring that pregnant women suspected of adultery prove, by four eyewitness accounts, that their pregnancy resulted from rape.<sup>181</sup> IHRNGO reports that “in *qisas* cases, a woman’s testimony is considered worthless and they are not entitled to be witnesses.”<sup>182</sup>
67. Court procedures discriminate against women in other respects. According to the Cornell Center, “courts trying women capital defendants judge their whole lives, and not just the offense with which they are charged.”<sup>183</sup> IHRNGO confirms that although most executions of women are carried out in secret, when officials report on executions of women, they often portray the women “as evil mothers, femme fatales or conniving schemers.”<sup>184</sup> Research by the Cornell Center corroborates that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender norms, being cast as the “female fatale” or the “witch.” Women are often put on trial not only for acts they performed but also for allegedly being “a bad wife, a bad mother, and a bad woman.”<sup>185</sup> One Iranian lawyer told Cornell that “courts trying women capital defendants judge their whole lives, and not just the offense with which they are charged (particularly in cases where the defendant is accused of killing her spouse).”<sup>186</sup>

#### **IV. RECOMMENDATIONS**

68. The coauthors suggest the following recommendations:
- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
  - In the interim:
    - On an annual basis, publish data about all persons sentenced to death, living on death row, and executed, disaggregated by age, age on the date of the alleged offense, sex/gender, ethnicity, nationality, crime of conviction, court of conviction, date of arrest, date of charge, when the person first met with legal counsel, how the person obtained legal counsel, relationship to any victim or codefendants, status of any appeals or pardon requests, ages of any dependent children, measures taken to ensure the right to consular notification (if applicable), current location or date and place of execution.

- Abolish the death penalty for people who were under the age of 18 at the time of the alleged crime, and immediately commute the death sentences of any person not proven to have been at least 18 years old at the time of the alleged offense.
- Impose a moratorium on the death penalty with a view to its eventual abolition.
- Prohibit the death penalty as a potential punishment for any offense that does not include an intentional killing by the defendant.
- Make a distinction in law and practice between premeditated murder and manslaughter.
- Eliminate the death penalty for drug-related offenses.
- Eliminate the death penalty for non-violent offences, including blasphemy, adultery, alcohol consumption, consensual heterosexual and homosexual sex.
- End executions in public spaces.
- Ensure that all defendants in capital cases, including defendants accused of crimes against national security, are assured access to counsel of their choice during all stages of the investigation and judicial process.
- Amend the IPC and the Criminal Procedure Code to prohibit judges from using *qassameh* (oath taken by 50 non-witness male relatives of the victim) to determine guilt in capital cases.
- Set a cap for *diya* (blood money) in murder cases and ensure that no person is sentenced to death or executed due to lacking financial capacity to pay *diya* to the family of the victim.
- Raise the age of majority to 18 years of age for both boys and girls.
- Ensure that all sentencing authorities in capital cases, including courts overseeing *qisas*, take into account a woman defendant's experiences with child marriage and other forms of gender-based violence, particularly at the hands of her spouse, in determining whether to sentence her to death for killing her spouse.
- In collaboration with civil society and relevant international human rights institutions, develop and implement systematic training to ensure that judges, prosecutors, defense counsel, police, and other individuals in positions of power within the criminal legal system are knowledgeable about gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses
- Amend the IPC and the Criminal Procedure Code to ensure that confessions alone are not sufficient evidence for a finding of guilt and to bar the consideration of any evidence procured through torture, except as evidence of the torture itself.
- Implement procedures requiring an independent and impartial body to investigate all reports of torture or other ill-treatment and hold those responsible accountable.
- Dissolve the Revolutionary Courts, consistent with the recommendations of the Working Group on Arbitrary Detention and the Special Rapporteur on the human rights situation in Iran.

- Ensure the use of solitary confinement is consistent with the Nelson Mandela Rules and does not interfere with access to counsel.
- Repeal the amendment to Article 48 of the Criminal Procedure Code limiting a defendant's choice of counsel.
- Cease prosecution and harassment of human rights defenders expressing opposition to the death penalty and of attorneys representing individuals charged with capital offenses, and release all persons detained for legitimately and peacefully exercising their rights to freedom of expression.
- Continue constructive engagement with the Special Rapporteur on the situation of human rights in Iran by extending an invitation for a country visit.
- Cooperate fully with the Special Rapporteur on the situation of human rights in Iran and the UN Fact Finding Mission; permit unfettered access to visit the country; and provide all information necessary to allow the fulfilment of the mandates.
- Provide access to the Special Rapporteurs on extrajudicial, summary and arbitrary executions, on torture, on the independence of judges and lawyers, and to other Special Rapporteurs who have requested country visits.
- Respond positively to individual communications by international human rights mechanisms.
- Implement structural fundamental reforms to ensure complete independence of the judiciary.
- Release all political prisoners, including imprisoned human rights defenders, lawyers and anti-death penalty activists.

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<sup>8</sup> U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran, Addendum*, UN Doc. A/HRC/43/12/Add. 1 (Feb. 20, 2020), ¶ 5; U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran*, (Dec. 27, 2019), UN Doc A/HRC/43/12 ¶¶ 26.105, .11110, .114, .118.

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