

ORAL STATEMENT

by

Project on **Extra-Legal Executions in Iran (ELEI)**

REVIEW OF THE THIRD PERIODIC REPORT OF IRAN (CCPR/C/IRN/Q/3) 103rd session of the Human Rights Committee

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The Project on **Extra-Legal Executions in Iran** thanks the Committee for the opportunity to submit these comments during consideration of Iran's third periodic report on its implementation of the Covenant.

Iran's persistent violations of the Covenant continue and the scope of the death penalty is actually being extended. There are now no less than 135 offenses for which the death penalty can be applied under statute or *shari'a* law, and in many cases these sentences are fixed and mandatory. A further 24 capital offenses are planned in pending legislation. Most capital provisions are for non-lethal offences, and many of which should never have been criminalized at all. (information on proliferation of capital crimes is provided in pages 7-8, 9-19 and in Appendix I-Table of Capital Offenses in the Islamic Republic of Iran and their Sources in Statute Law and Islamic law)

The only offense which may constitute a 'most serious crime' under Article 6 of the Covenant for which a capital sentence may be considered is intentional homicide. But the State Party's *qisas* laws on offences against the person make no meaningful distinction between intentional homicide and manslaughter, so that often unpremeditated and even unintentional homicides carry a mandatory death sentence, including for juvenile offenders. (information on the broad definition of the term "intentional" in the *qisas* laws of the State Party is provided pages 7, 10-11 and legal provisions for execution of juveniles are discussed in pages 36-38 and Appendix II- Table of juvenile death penalty provisions in the Islamic Republic of Iran, and current and pending legislation)

By a horrible irony, those same laws on offences against the person grant full or near impunity to a range of extrajudicial killers who feel that according to Islamic standards, their victims "deserved" death. (information on legal extra-judicial executions in law and practice is provided in pages 39-44 and Appendix VII- Pending provisions on *mahdoor-ol-dam* in the 2007 draft Bill of Islamic Criminal Code and the 2009 revised Bill still under vetting by the Guardian Council)

Hanging, the most common method of execution in Iran, is carried out in a particularly inhuman manner, and other cruel and degrading methods of execution such as stoning, beheading and throwing from a high place, can and are carried out under statute or *shari'a* law. (information on all methods of executions provided in pages 8, 20-27 and

Appendix III- Table of Execution Methods in the Islamic Republic of Iran and their Sources in Statute Law and Islamic Law)

The State Party tries to hide the shocking scale of executions, but a proportion of executions publicized officially for their supposed retributive and deterrent effects and those exposed by unofficial sources show that executions are taking place in Iran at a rate of almost two a day. ([information on State Party's underreporting of executions and on-going large-scale executions provided in pages 6, 28-35 and Appendix IX –Statistic on publicly reported executions \(2008-2011\)](#))

State officials addressing UN human rights bodies make promises about legal reform, but new legislation such as the Bill of the Islamic Criminal Code merely reformulates capital punishment provisions to make them more opaque. Officials have openly confessed that the purpose of these initiatives is to fend off international blame. ([information on reformulation of capital punishment provisions such offenses like apostasy, execution methods like stoning, and terms like *mahdoor-ol-dam* is provided in sections noted above and official statements on the purpose of making laws more opaque are provided in Appendix IV- The Islamic Consultative Assembly's comments on the removal of execution by stoning from the new draft Bill of the Islamic Criminal Code](#))

Three decades of constructive criticism and recommendations from the Committee and other UN human rights monitoring bodies has not introduced any improvements into the State Party's death penalty system. In this field, Iran is falling about as far short of international standards as it is possible to do. The prohibition on the execution of children is one area where the UN's prohibition on execution is unconditional, but the State Party continues to execute juveniles. The State Party's only concession to international condemnation is to make its death penalty practices more opaque.

The Project on Extra-legal Executions in Iran therefore urges the Committee to pay utmost attention to the State Party's death penalty laws and practice, an area that the State Party has for more than three decades persistently and callously violated the most important of all human rights, the right to life.