Developments to stop the use of the death penalty

**Preamble:**

Based on the invitation by the Secretary-General of the United Nations to States, governmental and non-governmental organizations, civil society organizations, and other stakeholders to provide an update on developments since 16 December 2020 on the issue of a moratorium on the use of the death penalty and other issues listed in General Assembly Resolution 75/183. Including the provision of safeguards to ensure the protection of the rights of persons facing the death penalty, provision of information disaggregated by sex, age, nationality, race, and other applicable standards regarding the use of the death penalty, a gradual restriction of the use of the death penalty and the non-imposition of the death penalty for crimes committed by children under the age of For 18 years, and a moratorium on executions to abolish the death penalty. Maat for Peace, Development, and Human Rights presents its interventions with a special focus on the countries of the Middle East region as follows:

**Developments relating to moratorium on the use of the death penalty in law and practice**

Maat for Peace, Development and Human Rights regrets there were no developments or changes to the legal framework on the death penalty in the Middle East countries; since December 2020, when the United Nations General Assembly resolution was passed on the moratorium on the use of the death penalty. Maat did not notice since the date of issuance of the decision, the accession in the Middle East countries to any of the international and regional instruments that abolition of the death penalty, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty. In addition, Maat did not notice that any of the Middle East countries developed or adopted any new national legislation aimed at abolishing the use of the death penalty or launched any local legal initiatives or processes with the aim of adopting new laws to abolish this punishment at the national level.

Maat regrets the increase in the number of death sentences issued and executed in Iran since the United Nations General Assembly resolution on December 16, 2020. And about the continued expansion of resorting to the use of execution as a punishment for many crimes in the Islamic Republic of Iran in the provisions contravention of the law International Human Rights Council, which states that the death penalty should be restricted to the most serious crimes. It is a term that applies only to crimes that include acts leading to premeditated murder and no other crimes. In this context, during 2021 alone, the Iranian authorities executed more than 275 people, including at least two children and ten women, on charges related to murder, drug crimes, enmity, corruption on the land, armed rebellion, prostitution, and rape. Maat noted that the number of executions against people accused of drug-related crimes reached more than 80, including a woman and four Afghanistan citizens, since the General Assembly resolution in December 2020. Maat also noted an increase in executions of individuals Belonging to ethnic minorities in Iran. More than 40 people from the Baluch minority and more than 50 people from the Kurdish minority were executed during January 1, 2021, and November 17, 2021[[1]](#footnote-1).

**Safeguards guaranteeing protection of the rights of people facing the death penalty**

Following the decision of the United Nations General Assembly on a moratorium on the use of the death penalty in December 2020, Maat noted that some countries in the Middle East region ignored the guarantees protecting the rights of people facing the death penalty in the annex to Economic and Social Council Resolution 1984/50[[2]](#footnote-2). These include restricting the use of the death penalty for the most serious crimes, the right to seek pardon or commutation of punishment, fair trial guarantees, methods of carrying out death sentences that ensure minimal suffering, and the prohibition of public executions.

In Iran, following the issuance of the Resolution, Iranian authorities issued and executed death sentences against persons convicted of crimes that do not apply to the most serious crimes term such as drug crimes, enmity, corruption on earth, armed rebellion, prostitution, and rape. More than 80 executions during 2021 against people convicted of drug-related charges. More than 40% of all executions carried out during the past year were related to drug crimes. The Iranian authorities have also continued to ignore all the calls made by some of those sentenced to death and by international organizations, including the United Nations, to commute their death sentences or seek pardon and replace the sentence with other, lesser penalties in contravention of Article 6 (4) of the International Covenant on Civil and Political Rights. It affirms the right of any person sentenced to death to seek a special pardon, a commutation of the sentence, a general amnesty, a special pardon, or the death penalty commutation in all cases.

Most of the death sentences issued in Iran after the General Assembly resolution lacked fair trial guarantees; they were issued after unfair trials that lacked the minimum guarantees of justice and were based on forced confessions extracted from the defendants under torture. Many sentences were implemented suddenly without providing those sentenced to death, their families, and their legal representatives with advance information about when the sentence will be implemented to allow them a final visit. On December 19, 2021, the Iranian authorities secretly executed the Kurdish prisoner Haider Qurbani in Sanandaj Central Prison without prior notification to his family and lawyer. And his body was secretly buried by the prison authorities, which contradicts General Assembly Resolution No. 75/183 regarding a moratorium on the use of the death penalty. It obligated states to provide the defendants themselves, their families, and their legal representatives with sufficient information about the date, time, and the execution location to allow them a final visit. While his case was still under consideration by the Supreme Court[[3]](#footnote-3), in January 2021, Javed Dehghan, an Iranian belonging to the Baluch minority, was executed following serious violations of his fair trial rights. It includes allegations of torture, prolonged solitary confinement, disappearance, forced coercion, allegations of confession, denial of the right to appeal, judicial review, and access to a lawyer throughout his detention[[4]](#footnote-4).

**The death penalty Implementation against children the death penalty against children**

According to Article 6 of the International Covenant on Civil and Political Rights and Article 37(a) of the Convention on the Child Rights, the death penalty may not be imposed for crimes committed by persons under 18. However, Maat noted that death sentences for crimes committed by persons under the age of eighteen were still legal and widely practiced in some Middle Eastern countries during the period following the issuance of the decision. In Iran, for example, at least two children were executed in 2021 based on Article 91 of the 2013 Islamic Penal Code. It allows the person's execution under 18 if his maturity is proven at the crime time. In this regard, on August 2, 2021, Sajjad Sinjari was executed in secret for the murder of a man when he was 15 years old. The court sentenced him to death in 2015, considering that he had reached adulthood at the time of the crime, without referring him to the Forensic Medicine Authority for an evaluation. On November 24, 2021, Arman Abdolali, who was under 18 at the time of his alleged crime, was executed after he was sentenced to death more than once following unfair trials that lacked fair guarantees. He was held in solitary confinement for long periods, forced to confess his guilt, and forced under torture. There are currently more than 85 prisoners on death row in Iran awaiting execution for crimes they committed when they were children[[5]](#footnote-5).

In Yemen, the Houthi group disregards the international human rights law provision and executes people for alleged crimes; they are under 18. On September 18, 2021, the Houthi group executed the Yemeni youth Abdulaziz Al-Aswad by firing squad in a public square in Sana’a based on a crime he allegedly committed when he was still a minor under 18. the group accused him of involvement in the assassination of a Houthi leader in 2018[[6]](#footnote-6).

**Recommendations:**

Maat recommends that countries in the Middle East that still apply the death penalty do the following:

* Joining the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the death penalty abolition.
* Immediately stop the use of the death penalty and abolish it in law and practice, or reduce the number of crimes for which the death penalty may be imposed and limit it to the most serious crimes.
* Not to impose the death penalty for crimes committed by persons under 18.
* Allow those facing the death penalty to exercise their right to apply for a pardon or commutation of the death penalty.
* Ensure that the death penalty is not applied based on discriminatory laws or as a discriminatory result or arbitrary application of the law.
* Provide those sentenced to death, their families, and their representatives with advance information about when the sentence will be carried out to allow them a final visit.

1. تقرير المقرر الخاص المعني بحالة حقوق الإنسان في جمهورية إيران الإسلامية، الجمعية العامة للامم المتحدة، 13 يناير 2022، الرابط: <https://bit.ly/3KDHzfP> [↑](#footnote-ref-1)
2. للاطلاع على مرفق القرار انظر الرابط التالي: <https://bit.ly/3uFKnmT> [↑](#footnote-ref-2)
3. خبراء أمميون يدينون إعدام سجين كردي سرا في إيران، اخبار الأمم المتحدة، 22 ديسمبر 2021، الرابط: <https://bit.ly/3M5FVE0> [↑](#footnote-ref-3)
4. إيران: خبراء أمميون يعربون عن خشيتهم من استمرار إعدام سجناء الأقلية البلوشية، اخبار الأمم المتحدة، 4 فبراير 2021، الرابط: <https://bit.ly/3uGlMyo> [↑](#footnote-ref-4)
5. تقرير المقرر الخاص المعني بحالة حقوق الإنسان في جمهورية إيران الإسلامية، مرجع سبق ذكره. [↑](#footnote-ref-5)
6. صورة تدمي القلب.. هكذا انهار طفل الحديدة أمام رصاص الحوثي، العربية، 18 سبتمبر 2021، الرابط: <https://bit.ly/3jHH6x6> [↑](#footnote-ref-6)