

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE:
UA IRN 17/2020

18 June 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 40/18 and 35/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged imminent execution of Mr. [REDACTED], sentenced to death for *lavat-e be-onf* (forced male to male anal intercourse), which is a crime that does not meet the threshold for the imposition of the death penalty under international human rights law.

According to information received:

On [REDACTED] was arrested by the police for the [REDACTED], [REDACTED]. The child was reportedly ten years old at the time.

On [REDACTED] was convicted and sentenced to death by Branch 1 of Criminal Court One of Alborz Province. The court verdict indicates that he may have been under the influence of a combination of drugs and alcohol at the time of the act. The sentence has subsequently been upheld on appeal by Branch 31 of the Supreme Court. Since then, two requests for judicial review have been rejected.

In [REDACTED], following the Supreme Court decision to uphold the appeal,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] lawyer has reportedly appealed to the head of the judiciary to stop the execution and to order a review of the case, but further requests for judicial review have also been rejected. Religious opinions from several high-profile Shia clerics have also reportedly been submitted to support legal efforts to prevent the execution of [REDACTED].

It is reported that Mr. [REDACTED] is scheduled to be executed [REDACTED]. Information received indicates that there are concerns that the execution may take place earlier.

Without prejudging the accuracy of the received information, and while acknowledging the serious nature of the alleged crime against a child, we express grave concern that the death penalty may be carried out against Mr. [REDACTED] for an alleged act that does not meet the threshold of “most serious crimes” under international human rights law.

We would like to remind your Excellency’s Government of its obligations under international human rights law. Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Iran on 24 June 1975, states that the death penalty may be imposed only for the most serious crimes. In General Comment No. 36 (para. 35), the Human Rights Committee has noted that the term “most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. While we do not wish to prejudge the accuracy of these allegations, the above information seems to indicate a prima facie violation of the right of every individual to life and security and not to be arbitrarily deprived of his life or liberty, as set forth in articles 6 (1) and 9 of the ICCPR .

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, and of the irreversibility of the punishment of the death penalty, we call upon your Excellency’s Government to immediately halt any steps being taken towards the execution of Mr. [REDACTED] which, on the basis of the information made available to us would violate international human rights law and standards, and thus constitute an arbitrary execution. We further urge your Excellency’s Government to ensure that the death sentence against the aforementioned individual is annulled and that he is re-tried in full compliance with international human rights law and standards.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide the details of the proceedings against Mr. [REDACTED] identified above, and the legal basis and evidence used in court to sentence him to death.

3. Please provide detailed information on the measures taken to provide Mr. [REDACTED] with a fair trial and due process guarantees, as provided under international human rights law, in particular articles 9, 14 and 15 of the ICCPR.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions