

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

Ref.: UA IRN 17/2024

(Please use this reference in your reply)

15 October 2024

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolution 55/19.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the imminent execution of Mr. Abbas Karimi.

According to the information received:

Abbas Karimi, a 36-year-old man, was arrested in 2015 and accused of murder, after a fight resulting in the death of an individual. He was sentenced by the Criminal Court to qisas (retribution-in-kind). He is currently being held in the Isfahan Central Prison.

In the case of Mr Karimi, the family of the victim chose the sanction of "diya" or commonly referred to as "blood money." However, the diya amount set by the family amounted to 70 billion toman (€1,060,000), almost 60 times higher than the indicative amount set by the judiciary. Karimi's family could not afford that amount; as a result he has been facing the death penalty .

On 19 May 2024, Karimi was transferred to solitary confinement in preparation for his execution; however, his family was able to obtain a first extension from the victim's family but did not succeed in raising the amount requested. On 1 October 2024, Karimi was reportedly transferred to the pre-execution solitary confinement cell of Isfahan Central Prison for his execution that was reportedly planned for 3 October 2024.

That same day the victim's family agreed for another extension and the reduction of the requested amount to 40 billion toman, agreeing for 10 billion toman to be paid by Karimi's family in early October and for the remaining 30 billion tomans to be paid by 5 December. This amount remained significantly higher than the indicative amount set by the judiciary and the family of Karimi did not succeed in paying the new indicated amount. According to the information received the execution of Abbas Karimi will reportedly take place on 17 October 2024.

Without prejudging the accuracy of the information received, I remain concerned at the imminent threat of execution of Karimi, due to the impossibility of paying the sum requested. I am particularly concerned that qisas, which places the responsibility on the victim's family to choose between the offender's life and death, as well as the discretionary amount of diya, ultimately results in uneven and disproportionate sentencing. For the same offense, the offender's fate may differ

simply based on the relative wealth of their families, resulting in a system that would determine the fate of offenders differently based on their socioeconomic background.

I would also like to remind your Excellency's Government of its obligations under articles 6(1) of the International Covenant on Civil and Political Rights prohibits the arbitrary deprivation of life. The different socioeconomic background of offenders and their families means that the qisas practice may be applied in a discriminatory manner, resulting in an arbitrary deprivation of life for persons accused of murder.

Additionally, article 6(2) and article 9 (3) requires that the sentence of death can only be carried out pursuant to a final judgement rendered by a competent court. The practice of diya effectively terminates prosecution proceedings, meaning the safeguards in place to protect the right to a fair trial and the principle of non-discrimination cannot be effectively followed.

I 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, ratified by the Islamic Republic of 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', a finding also reflected in paragraph 1 of the United Nations Safeguards guaranteeing protection of the rights of those facing the death penalty (Safeguards), approved by the Economic and Social Council on 25 May 1984 (resolution 1984/50). Similarly, it was submitted in a report by the mandate on extrajudicial, summary or arbitrary executions to the Human Rights Council that a death sentence can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life (A/HRC/4/20, para. 53).

In view of the urgency of the matter, the irreversibility of the punishment of the death penalty, and the ongoing development of an emerging customary law standard prohibiting the death penalty as a form of cruel, inhuman, or degrading punishment, we respectfully urge the relevant authorities of your Excellency's Government to ensure that the above-mentioned individual is not executed. I would also appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the nature of the offense for which Karimi was convicted. To what extent does Iranian Penal Code distinguish between different levels of *mens rea* for homicides (e.g. intentional murder, or other forms of homicides), noting that the ICCPR only permits the application of the death penalty for 'intentional' killing

3. Please provide information concerning whether or not Abbas Karimi had exhausted all his avenues of appeal.
4. Please provide information on any reviews carried out on diya. In particular: Please provide any efforts, if any, to abolish the practice of diya. Please provide any efforts, if any, to set an upper limit to diya. Please provide information on any efforts to encourage victims' families to follow the indicative amount set by the judiciary for diya
5. Please also provide details on efforts made to ensure the practice of diya does not result in arbitrary deaths or unfair outcomes contrary to article 6 and 9 of the ICCPR.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and if the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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

Mai Sato
Special Rapporteur on the situation of human rights in the Islamic Republic of
Iran