



**JUBILEE CAMPAIGN
ECOSOC Special Consultative Status (2003)**

**Submission to the United Nations Human Rights Committee regarding
The Islamic Republic of Iran
For the 139th Session
9 October - 3 November 2023
STATES PARTIES REPORTS**

Submission by
Jubilee Campaign

Jubilee Campaign is a non-governmental organization in consultative status with the Economic and Social Council since 2003. Our work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children - to protect them from bodily harm and exploitation.

I. Introduction

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Islamic Republic of Iran as a contribution to the States Parties to be Examined by the Human Rights Committee during its 139th Session in October and November 2023.

II. International Covenant on Civil and Political Rights¹ - Articles relevant to present submission

Article 6 (1, 2, 4)

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

The Committee further notes in its General Comment No. 36 (2019)²:

Paragraphs 2, 4, 5 and 6 of the Covenant set out specific safeguards to ensure that in States parties that have not yet abolished the death penalty, death sentences are not applied except for the most serious crimes, and then only in the most exceptional cases and under the strictest limits (see part IV below). The prohibition on arbitrary deprivation of life contained in article 6(1) further limits the ability of States parties to apply the death penalty.

The second sentence of article 6(1) requires that the right to life be protected by law, while the third sentence requires that no one be arbitrarily deprived of life. The two requirements partly overlap in that a deprivation of life that lacks a legal basis or is otherwise inconsistent with life-protecting laws and procedures is, as a rule, arbitrary in nature. For example, a death sentence issued following legal proceedings conducted in violation of domestic laws of criminal procedure or evidence will generally be both unlawful and arbitrary.

The term “most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing.

Under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant, including adultery, homosexuality, apostasy, establishing political opposition groups or offending a head of State.

¹ UN General Assembly, [International Covenant on Civil and Political Rights](#), 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

² UN Human Rights Committee, *General Comment No. 36*, [CCPR/C/GC/36](#), 3 September 2019.

Failure to provide individuals on death row with timely notification about the date of their execution constitutes, as a rule, a form of ill-treatment, which renders the subsequent execution contrary to article 7 of the Covenant. Extreme delays in the implementation of a death penalty sentence that exceed any reasonable period of time necessary to exhaust all legal remedies may also entail the violation of article 7 of the Covenant, especially when the long time on death row exposes sentenced persons to harsh and stressful conditions, including solitary confinement....

Violation of the fair trial guarantees provided for in article 14 of the Covenant in proceedings resulting in the imposition of the death penalty would render the sentence arbitrary in nature, and in violation of article 6 of the Covenant. Such violations might involve the use of forced confessions; the inability of the accused to question relevant witnesses; lack of effective representation involving confidential attorney-client meetings during all stages of criminal proceedings.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

The Human Rights Committee in its General Comment No. 20 (1992)³ further clarifies:

The Covenant does not contain any definition of the concepts covered by article 7, nor does the Committee consider it necessary to draw up a list of prohibited acts or to establish sharp distinctions between different kinds of punishment or treatment; the distinctions depend on the nature, purpose and severity of the treatment applied.

Article 9 (1-5)

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

Anyone who is denied of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

The Committee provides supplementary information in General Comment No. 35 (2014)⁴:

The right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained. For

³ UN Human Rights Committee, *General Comment No. 20*, [HRI/GEN/1/Rev.9 \(Vol. I\)](#), 10 March 1992.

⁴ UN Human Rights Committee, *General Comment No. 35*, [CCPR/C/GC/35](#), 16 December 2014.

example, officials of States parties violate the right to personal security when they unjustifiably inflict bodily injury.

An arrest or detention may be authorized by law and nonetheless be arbitrary. The notion of “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.

Article 10 (1, 2a)

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

Article 14 (1, 3b, 3c, 3d)

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees: to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; to be tried without undue delay; to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

The Committee in its General Comment No. 32 (2007)⁵ elaborates:

While article 14 explicitly addresses the guarantee of legal assistance in criminal proceedings in paragraph 3(d), States are encouraged to provide free legal aid in other cases, for individuals who do not have sufficient means to pay for it. In some cases, they may even be obliged to do so. For instance, where[as] a person sentenced to death seeks available constitutional review of irregularities in a criminal trial but does not have sufficient means to meet the costs of legal assistance in order to pursue such remedy, the State is obliged to provide legal assistance....

⁵ UN Human Rights Committee, *General Comment No. 32*, [CCPR/C/GC/32](#), 23 August 2007.

Article 14, paragraph 3 (g), guarantees the right not to be compelled to testify against oneself or to confess guilt. This safeguard must be understood in terms of the absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt.

The right of appeal is of particular importance in death penalty cases. A denial of legal aid by the court reviewing the death sentence of an indigent convicted person constitutes not only a violation of article 14, paragraph 3 (d), but at the same time also article 14, paragraph 5, as in such cases the denial of legal aid for an appeal effectively precludes an effective review of the conviction and sentence by the higher instance court.

Article 18 (1-3)

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 19

Everyone shall have the right to hold opinions without interference.

The Committee in General Comment No. 34 (2011)⁶ notes the following:

All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature. It is incompatible with paragraph 1 to criminalize the holding of an opinion. The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1.

Paragraph 2 protects all forms of expression and the means of their dissemination. Such forms include spoken, written and sign language and such non-verbal expression as images and objects of art. Means of expression include books, newspapers, pamphlets, posters, banners, dress and legal submissions. They include all forms of audio-visual as well as electronic and internet-based modes of expression.

III. Freedom of thought, conscience, and religion (Article 18), as it relates to freedom of expression, opinion (Article 19); freedom from torture (Article 7); and freedom from arbitrary deprivation of life

⁶ UN Human Rights Committee, *General Comment No. 34*, [CCPR/C/GC/34](#), 12 September 2011.

Book Five, Chapter Two of the 1991 Islamic Penal Code of Iran addresses a multitude of religious offenses. Article 513, for example, prescribes the death penalty or a term of imprisonment between one to five years for “insulting the sacred values of Islam or any of the Great Prophets or [twelve] Imams or the Holy Fatima”.⁷ Article 514 stipulates that any individual who insults the founder of the Islamic Republic of Iran, Ruhollah Khomeini, shall face imprisonment for between six months and two years. In early 2021, the Iranian Parliament passed two additional provisions to the Islamic Penal Code. The first, Article 499 bis 1, states that “anyone who insults Iranian ethnicities or divine religions or Islamic schools of thought recognized under the Constitution with the intent to cause violence or tensions in the society” will be sentenced to between two and five years in prison if such insult directly foments violence, or between six months and two years’ imprisonment if no violence occurs. The second provision added to the Penal Code, Article 500, prescribes two to five years’ imprisonment upon any individual who engages in proselytism or evangelism.⁸

With regards to article 6 on arbitrary deprivation of life, Iran in its 2021 States party report to the Committee noted the country’s position that “the right to life is the key right in Islamic teachings and the Iranian Constitution, so that, unjust killing of one person is considered synonymous with killing all human beings”. Iran claims that the majority of death sentences handed out are to individuals who use terrorist tactics and semi-automatic firearms during drug trafficking and smuggling operations. The other crimes for which Iran voluntarily reports on using the death penalty as a sanction include premeditated murder, and the nation makes a very broad statement that “prohibition of insults and hatred towards Sunni symbols, the Supreme Leader, considering his religious and governmental position, has declared any insult and spreading hatred towards Sunni symbols religiously forbidden” though it declines to clarify such crime and its relation to capital punishment as is prescribed in the nation’s penal code.⁹

In May 2023, the Iranian government executed two men - Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare - for their establishment of and participation in a Telegram (social media application) channel called “Critique of Superstition and Religion” in which they allegedly shared opinions about religion which were considered blasphemous and derogatory towards the Prophet.¹⁰ As is codified in articles 18 and 19 of the Covenant, individuals have the right to hold religious and or non-religious beliefs and opinions as well as share such beliefs. This has been further clarified by the Committee in its General Comment No. 34 which clarifies that the rights to opinion and expression include the freedom to disseminate ideas “of a political, scientific, historic, moral or nature” in written form as well as through social media. Moreover, the Committee and other UN mechanisms - the Human Rights Council and the Secretary-General, have each clarified that “most serious crimes” for which capital punishment may be levied as a penalty do not include expression of religion or belief:

*Under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant, including adultery, homosexuality, apostasy, establishing political opposition groups or offending a head of State. The term “most serious crimes” must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing.*¹¹ [Human Rights Committee General Comment No. 36]

⁷ Iran Human Rights Documentation Center, [Islamic Penal Code of the Islamic Republic of Iran – Book Five](#), 15 July 2013. ; [Iran] [Islamic Penal Code of Iran](#).

⁸ End Blasphemy Laws, [“Iran: Parliament passes law to further choke freedoms and target minorities”](#), 19 February 2021. ; Dr. Ewelina Ochab, [“Are New Iranian Criminal Laws Curtailing Freedom Of Religion Or Belief?”](#), *Forbes*, 5 July 2021.

⁹ UN Human Rights Committee [Iran], *Fourth periodic report submitted by the Islamic Republic of Iran under article 40 of the Covenant, due in 2014*, [CCPR/C/IRN/4](#), 23 August 2021.

¹⁰ United States Commission on International Religious Freedom (USCIRF), [Yusef Mehrdad](#), updated 8 May 2023. ; USCIRF, [Seyyed Sadrollah Fazeli Zare](#), updated 8 May 2023.

¹¹ UN Human Rights Committee, *General Comment No. 36*, [CCPR/C/GC/36](#), 3 September 2019.

*A number of States have expanded the application of the death penalty to behavior and conduct the criminalization of which may already be in breach of the International Covenant on Civil and Political Rights, such as adultery, consensual same-sex relations, blasphemy and apostasy. Implementation of such cases could thus constitute arbitrary deprivation of life.*¹² [UN Human Rights Council]

*“The death penalty should never be imposed as a sanction for non-violent conduct such as apostasy, blasphemy, witchcraft, adultery and same-sex relations”.*¹³ [UN General Assembly]

During the first two months of their pre-trial detention, Mehrdad and Fazeli-Zare were interned in solitary confinement units in Arak Prison in Markazi province, where they were routinely denied family visits and access to legal representation for an additional six months. In April 2021, Branch 1 of the Arak Criminal Court convicted Mehrdad and Fazeli-Zare of blasphemy and sentenced them to death in accordance with articles 513 and 262 of the Islamic Penal Code of Iran. Months later in May/June 2021, the Arak Revolutionary Court sentenced each man to eight years’ imprisonment on additional separate charges of “propaganda against the state”, “founding or leading an organization that aims to disrupt national security”, and “insulting the Supreme Leader” Ruhollah Khomeini, outlined in Penal Code Articles 500, 498, and 514, respectively.

The Iranian Supreme Court reprehensibly rejected Mehrdad’s and Fazeli-Zare’s appeals and upheld their unjust sentences in July/August of 2021, citing that the two individuals had allegedly confessed to their crimes. The validity of this claim is dubious, as the Iranian government has a nefarious record of exercising physical torture against detainees in order to extract coerced confessions, with the most recent revelation being the discovery of a network of no fewer than 40 facilities where prisoners are brutalized into making forced admissions of guilt.¹⁴ In May 2023, the Mizan media agency of the Iranian judicial system reported that Mehrdad and Fazeli-Zare had been remanded to solitary confinement prior to their impending execution for operating the Telegram channel in question which appeared “dedicated to atheism and desecration of the sanctities”.¹⁵ The Human Rights Activists News Agency (HRANA) in Iran reported more comprehensively that the two defendants’ convictions also included apostasy and “accusing the Prophet of Islam’s mother of adultery”. The sudden news of Mehrdad’s and Fazeli-Zare’s upcoming execution and their transfer once again to solitary confinement caused great anger and confusion; international human rights and religious freedom activists criticized the sentencing, and in response to the condemnation the Iranian government sent the two men back to the general prison population. Within days, however, Mehrdad and Fazeli-Zare removed from prison and executed.

Numerous questionable details in the case of Mehrdad and Fazeli-Zare exhibit Iran’s violation of numerous articles of the Covenant, and some violations of the nation’s own domestic legal provisions:

- Denial of access to legal representation for approximately half a year violates the CCPR Article 14 right to “communicate with counsel of his own choosing” and “defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right”.

¹² Human Rights Council, *Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty*, [A/HRC/42/28](#), 28 August 2019.

¹³ UN General Assembly, *Moratorium on the use of the death penalty - Report of the Secretary General*, [A/75/309](#), 13 August 2020, , para. 66.

¹⁴ Iran International, [“Iran Uses Secret Prisons To Get Forced Confession From Protesters: CNN”](#), 22 February 2023. ; Allyson Horn, [“Iranian protesters recount daily beatings, forced confessions and torture tactics while in detention”](#), *ABC News Australia*, 15 March 2023.

¹⁵ David Gritten, [“Iran executes two men convicted of blasphemy”](#), *BBC*, 8 May 2023.

- Additional charges of “insulting the Supreme Leader” contravenes the Committee’s analysis of CCPR Article 6 as outlined in General Comment No. 36 which states that “under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant, including...offending a head of State.”
- Use of physical torture to extract confessions, though not confirmed in the case of Mehrdad and Fazeli-Zare, is generally an observed trend, and would violate CCPR Article 14, as the Committee in General Comment No. 32 requires that legitimate criminal procedures display an “absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt.”
- The Human Rights Activists News Agency of Iran notes that Mehrdad and Fazeli-Zare were additionally convicted of apostasy, which would not only violate numerous CCPR articles and General Comments, but also retrospectively invalidates Iran’s claims in its previous States parties report in 2021 that “there is no article in the IPC of Iran entitled apostasy and execution of apostates, and no one has been executed for apostasy”.
- As blasphemy and apostasy do not fall under the widely accepted umbrella of ‘most serious crimes’ , the use of capital punishment as a penalty for such conduct - the criminalization of which may already be in breach of the International Covenant on Civil and Political Rights” - is entirely unacceptable. The Committee in its General Comment No. 35 regarding CCPR Article 9 notes that imprisonment characterized by “inappropriateness” and “disproportionality” constitutes arbitrary detention, and therefore it can be surmised that capital punishment for apostasy and blasphemy is incontrovertibly more inappropriate and disproportionate.
- The unexpected and unpredictable transfer of defendants Mehrdad and Fazeli-Zare between solitary confinement and general prison population, and Iran’s postponement of the execution by three days, constitutes “failure to provide individuals on death row with timely notification about the date of their execution” [General Comment No. 36]

While there are no other known cases of the death sentence being handed down to citizens for alleged blasphemy or apostasy, there does persist a concerning trend by which Christian leaders and church members are routinely arrested and temporarily detained for their faith-based activities which the Iranian government mischaracterizes as treasonous. On 31 December 2021 and 1 January 2022, a group of nine Christians was finally acquitted and released after spending approximately three years in prison for “promoting Zionist Christianity” and “acting against national security”.¹⁶ In late 2020, a Christian couple - Sara Ahmadi and Homayoun Zhavah - was sentenced to eleven years’ imprisonment for establishing a house church and two years for membership in such a congregation, respectively. In April 2023, the couple was informed that their third appeal for a retrial of their case had finally been approved after their prior two requests were rejected in mid- and late-2021; Sara and Homayoun were finally acquitted and released on 9 May 2023.¹⁷

IV. Suggested questions for the Islamic Republic of Iran

1. Please explain in detail what justifications were presented to permit the inhumane application of the death penalty against two Iranian civilians Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare on blasphemous conduct which does not constitute egregious criminal activity and which is protected according to the CCPR. Provide information on if there have been any (i) reparations to

¹⁶ Church in Chains, [“IRAN: Nine Christian converts acquitted”](#), updated 8 March 2023.

¹⁷ Church in Chains, [Sara & Homayoun](#), updated 10 May 2023.

the deceased's' families, (ii) safeguards introduced to prevent the recurrence of such unjust executions, (iii) review of violations of due process as regards this present case, including, but not limited to: arbitrary and prolonged detention; physical torture for extracting confessions; and lack of legal representation; inaccessibility of appeal.

2. Please provide information on steps taken to reevaluate the non-compliance of national legislation with obligations pursuant to international conventions and covenants. This includes Articles 499, 500, 513, and 514 of the Penal Code of 1991 which criminalize acts of evangelism and alleged blasphemy and which are therefore in contravention of articles 18 and 19 of the present Covenant. Furthermore, please explain what progress is being made to align national legislation with international human rights obligations, whether it be via repeal, amendment, revision, etc.;
3. Please clarify what measures have been taken, if any, to abolish the death penalty for non-violent conduct - such as blasphemy, apostasy, drug trafficking, and adultery - which do not constitute the “most serious crimes” for which capital punishment may qualify as a proportionate penalty;
4. Please clarify the reasoning and justification behind your government’s vote against the United Nations General Assembly Moratorium on the use of the death penalty A/77/463/Add.2 DR XII;¹⁸
5. Please clarify the reasoning and justification behind your government’s abstention of the United Nations Third Committee Resolution on extrajudicial, summary or arbitrary executions;¹⁹
6. Please provide information on Iran’s progress - if any - in implementing the following commitments made to the Committee
 - “On application of the death penalty, the IRI as a sovereign State is fully committed to its obligations set forth under article 2 of the ICCPR and intends to limit the cases to the most serious ones.”²⁰
 - “Formulating and presenting the Discretionary Penalty Bill: In Iran’s system and for the crimes bearing discretionary punishments which constitute the bulk of criminal behaviours, it was felt that there is a need to review and compile a comprehensive and structured law on the grounds of demographic dispersion, disproportion of the punishment with the crime, and more importantly, the lack of a consistent criminal policy in criminalization and sentencing as also the necessity of revision to reduce the types of crimes and cut down on the use of prison sentences in accordance with paragraph 14 of the system’s general policies regarding judicial security”²¹

¹⁸ World Coalition Against the Death Penalty, [“9th Resolution for a moratorium on the death penalty: the trend is growing”](#), 20 December 2022.

¹⁹ International Service for Human Rights, [“UNGA 77: Resolution on Extrajudicial and Arbitrary Executions adopted again with a reference to sexual orientation and gender identity”](#), 11 November 2022.

²⁰ UN Human Rights Committee [Iran], *Replies of the Islamic Republic of Iran to the list of issues in relation to its fourth periodic report*, [CCPR/C/IRN/RQ/4](#), 5 July 2023.

²¹ *Ibid.*