

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

11 April 2021

# IRAN: HALT IMMINENT EXECUTION OF MAN CONVICTED OF RAPE

Amnesty International urges the head of Iran's judiciary to immediately halt the planned execution of a man sentenced to death for the rape of a child. Yesterday, Iranian officials transferred Farhad Salehi Jabehtar, 30, to solitary confinement in the Central Prison of Karaj in Alborz province in preparation for his execution. His execution is scheduled to take place at dawn on 13 April.

The organization recalls that, in addition to the fact that the use of the death penalty for the crime of rape is prohibited under international law, the death penalty is the ultimate cruel, inhuman and degrading punishment and is never the answer.

The Iranian authorities have scheduled the execution of Farhad Salehi Jabehtar even though a request for a judicial review of his case is pending before the Supreme Court. The child's parent has formally requested the authorities not to impose the death penalty on Farhad Salehi Jabehtar.

On 11 April 2021, Iran's Supreme Court informed Farhad Salehi Jabehtar's lawyer that the judicial review request will be examined in several weeks but rejected the lawyer's request to order a stay.

The UN High Commissioner for Human Rights has reiterated that there is no evidence to support the belief that the death penalty deters crime rates, including rape, saying: "evidence shows that the certainty of punishment, rather than its severity, deters crime."<sup>1</sup> The Iranian authorities frequently use the debunked claim of "deterrence" to justify their continued use of the death penalty, despite the lack of any credible evidence that the death penalty has a greater deterrent effect on crime than imprisonment, as noted by a number of domestic and comparative studies conducted around the world.<sup>2</sup>

Instead of perpetuating the cycle of violence by resorting to yet another death sentence, the Iranian authorities should improve access to justice and reparations for victims of sexual violence, including by adopting adequate laws and policies, and pursuing criminal investigations and prosecutions in accordance with international fair trial standards, Amnesty International said. The organization reiterates that punishment following a conviction of rape or other forms of sexual violence must not involve committing further human rights violations.

The International Covenant on Civil and Political Rights, to which Iran is a state party, provides in Article 6(2) that states that retain the death penalty must limit its use to the "most serious crimes." According to the UN Human Rights Committee, which monitors the implementation of the Covenant, "the term "most serious crimes" must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. Crimes not resulting directly and intentionally in death, such as [...] sexual offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty."<sup>3</sup>

### Judicial reviews rejected

Iranian law enforcement officials arrested Farhad Salehi Jabehtar on 10 June 2018 in connection with the sexual assault of a 10-year-old child in 2017, after the child's father filed a complaint. He was convicted of "forced male-male intercourse" (*lavat-e be-onf*) and sentenced to death by Branch 1 of Criminal Court One of Alborz Province on 12 March 2019. The conviction and sentence were upheld by Branch 31 of the Supreme Court on 10 August 2019.

<sup>1</sup> UN News, "Rape is wrong but death penalty, castration, not the answer: UN rights chief", 15 October 2020, online: <https://news.un.org/en/story/2020/10/1075452>

<sup>2</sup> Amnesty International, *Not making us safer: Crime, safety and the death penalty*, 10 October 2013 (Index number: ACT 51/002/2013). See also Amnesty International, *Death Penalty – The Ultimate Punishment: Campaigning Toolkit*, 1 June 2008 (Index number: ACT 50/015/2008).

<sup>3</sup> UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, para. 35.

In November 2019, the child's father expressed his opposition to the imposition of the death penalty on Farhad Salehi Jabehdar based on his conviction for "forced male-male intercourse" (*lavat-e be-onf*).

The father's statement was included, along with other evidence-related and religious submissions on why Farhad Salehi Jabehdar's offence did not meet the definition of "forced male-male intercourse" (*lavat-e be-onf*) under Iran's Islamic Penal Code, in three subsequent requests for judicial review, filed in 2019 and 2020. The Supreme Court dismissed the requests without giving any reasons.

Farhad Salehi Jabehdar's lawyer subsequently asked the head of the judiciary to order a judicial review of the case, and included, in his request, a number of religious opinions from several high-profile Shia clerics in support of legal efforts to save Farhad Salehi Jabehdar's life. To date, the head of the judiciary has not accepted this request.

Under Article 477 of Iran's Code of Criminal Procedure, the head of the judiciary is authorized to halt the implementation of a death sentence if he determines that the verdict in question is "evidently in contravention of Shari'a law." In such cases, the head of the judiciary would refer the case to a certain branch of the Supreme Court specially allocated to handle such matters. The special branch "shall overturn the conviction and sentence, re-try the case both on merit and procedural grounds, and issue a new verdict."

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life as proclaimed in the Universal Declaration of Human Rights.