Amendments to the Islamic Republic of Iran's Code of Criminal Procedure – Part 2

On June 22, 2015, an amended Code of Criminal Procedure (CCP) went into effect in the Islamic Republic of Iran (IRI). While the original draft of this code, which was passed in February 2014, was considered a relatively positive development, last-minute amendments made just before the law was to be implemented have raised serious concerns of further deterioration of the state of the rights of defendants in Iranian courts. IHRDC explored some of these amendments in a previous translation on our website. The remainder of the amendments to the CCP are explored and further explained below.

Notable amendments discussed in this article include a change to Article 80, which now states that if a judge decides to discontinue the prosecution of a criminal case, the prosecutor may appeal this decision in a Court of Appeals within ten days. Previously, such appeals were to be heard at the courts that made the initial decision.

As a result of changes made to Article 190, if a defendant is not afforded counsel during the pretrial investigation phase, this failure no longer invalidates the results of the investigation, or any conviction secured thereon.

Another significant change involves Article 293. The amended version of this article vests the head of the judiciary with the authority to decide whether a verdict complies with Islamic or legal principles in cases involving public rights, complaints regarding the government, charities, public endowments, and the affairs of legally incapacitated persons or missing individuals who do not have a guardian. In the previous version of this Code the Supreme Court was vested with this authority.

Under the amended version of Article 298, Courts for Children and Adolescents will be comprised of one judge and one counselor each instead of one judge and two counselors. This change reduces the impact of trained professionals in cases heard at the Courts for Children and Adolescents.

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in 2013	Changes Proposed by the Parliamentary Research Center	Final Wording of the Law	Explanation of Change	Practical Effect
Article 7	l '			No practical change from

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- 1	, and the second		f		the first draft
	criminal	criminal	ľ	the IPC was	passed in 2013.
- 1	Ē	*	authorized officers	corrected.	
- 1	judiciary officials,	r ·	of the Ministry of		
- 1			Justice, and others		
- 1	of the Ministry of	l	involved in the		
	•	l '	judicial process,		
- 1		involved in the	must respect civil		
- 1		-	rights specified in		
- 1	must respect civil	_	the Law to Respect		
- 1	rights specified in	~ -	Legitimate		
		the Law to Respect			
	Respect	Legitimate	Protect Civil		
- 1	Legitimate	Freedoms and	Rights, passed on		
- 1			May 4, 2004. Those		
		0 /1	in violation of this		
- 1		May 4, 2004. Those			
- 1	,		addition to		
	Those in violation	F	restituting the		
	· •		injury, are to be		
- 1		restituting the	sentenced in		
	restituting the	" " "	accordance to		
- 1	J 5,		Article 570 of the		
		accordance to	[Fifth Book] of the		
	accordance to	Article 570 of the	Islamic Penal Code		
		r -	(Ta'zir and		
- 1		Islamic Penal Code	Deterring		
	Islamic Penal	(Ta'zir and	Punishments),		
	Code (Ta'zir and	Deterring	passed on May 22,		
- 1	Deterring	Punishments),	1996, unless a more		
	Punishments),	passed on May 22,	serious		
	passed on June	1996, unless a more	r I		
- 1	., , , ,	serious	specified in other		
	more serious	punishment is	laws.		
- 1	punishment is	specified in other			
	specified in other	laws.			
	laws.				
	Article 29	Article 29	Article 29	This change	For several
	Authorized	Authorized officers			years the
- 1			of the Ministry of	Intelligence	Intelligence
- 1	Ministry of Justice	l	Justice are the	Division of the	Division of the
	are the following:		following:		IRGC has acted
	are me ronowing.		, , , , , , , , , , , , , , , , , , ,	Revolutionary	as an enforcer

		General officers,	Guard Corps	of internal
		including	(IRGC) to the	national
,	General officers,	commanders,	list of	security laws
including		officers and ranked	authorized	that target
commanders,	commanders,	officials of the	officers of the	dissidents and
officers and	officers and ranked	Islamic Republic of	Ministry of	activists,
ranked officials of	officials of the			among others.
the Islamic	Islamic Republic of	who have gone		This change
Republic of Iran's	_	through the		makes official
police force who	kula harra mana	required training.		what has been
have gone through	through the			practice for
<u> </u>	•	Specialized		several years.
training.	la • 1• 1	officers, including		v
C '-1' - 1	l. cc:	officials who,		
Specialized	officers, including	under specific laws		
officers, including	· '	and within		
officials who,		specified limits, are		
*		considered as		
		authorized officers		
specified limits,	considered as	of the Ministry of		
		Justice. These		
authorized officers	·	include heads,		
	Justice. These	deputies and		
	include heads,	officials of prisons		
•	deputies and	with respect to the		
_	officials of prisons	affairs of prisoners,		
_		officials with the		
=		Ministry of		
affairs of	officials with the	Intelligence,		
prisoners, officials	1 "	Intelligence		
-		Division of the		
of Intelligence,	Intelligence	Islamic		
and officials with	Division of the	Revolutionary		
•	Islamic	Guard Corps, and		
Resistance Force		officials with the		
under the Islamic	Guard Corps, and	Basij Resistance		
Revolutionary	officials with the	Force under the		
Guard Corps. In		Islamic		
addition, other	Force under the	Revolutionary		
armed forces that	Islamic	Guard Corps. In		
in certain	Revolutionary	addition, other		
instances are	Ια 1 α т .	armed forces that		
charged with all or	addition, other	in certain instances		
	armed forces that	are charged with all		
authorized officers	in certain instances	or some of duties of		
of the Ministry of	are charged with all	authorized officers		
Justice under the	or some of duties of			

law, are considered as authorized officer of the Ministry of Justice.	authorized officers of the Ministry of Justice under the law, are considered as authorized officers of the Ministry of Justice.	Justice under the law, are considered		
Article 80 In cases of crimes punishable by class seven and eight ta'zir punishments, if there is no complainant, or if he or she has withdrawn the complaint, when the defendant effectively does not have a criminal record, the judiciary official, after arraignment, and considering the defendant's social status and background as well as the circumstances that led to the commission of a crime, may, if necessary, obtain a written pledge from the defendant in accordance with applicable regulations, and	seven and eight ta'zir punishments, if there is no complainant, or if he or she has withdrawn the complaint, when the defendant effectively does not have a criminal record, the judiciary official, after arraignment, and considering the defendant's social status and background as well as the circumstances that led to the commission of a crime, may, if necessary, obtain a written pledge from the defendant	In cases of crimes punishable by class seven and eight ta'zir punishments, if there is no complainant, or if he or she has withdrawn the complaint, when the defendant effectively does not have a criminal record, the judiciary official, after arraignment, and considering the defendant's social status and	certain criminal cases was changed from the same trial courts that made the initial decision to the Courts of Appeals.	that an appeal from a decision to discontinue prosecution of certain criminal cases
accordance with applicable	discontinue the prosecution of the	discontinue the prosecution of the		

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	prosecution of the defendant, provided that this occurs only once. The judiciary official may archive the case file at this point.	occurs only once. The judiciary official may archive the case file at this point. This decision may be appealed within ten days after being communicated [to	the case file at this		
	days after being communicated [to the defendant].	the decision discussed in this article, and other appealable decisions pertaining to the preliminary investigation of offences that are directly addressed by the court, are to be heard by the	Note: Appeals from the decision discussed in this article, and other appealable decisions pertaining to the preliminary investigation of offences that are directly addressed by the court, are to be heard by the Court of Appeals.		
	In cases where diya is to be paid from public funds, when the legal decisions have been reached in other aspects of the case, the prosecutor is to send the case file to the court for	In cases where diya is to be paid from public funds, when the legal decisions have been reached in other aspects of the case, the prosecutor is to send the case file to the court for appropriate	In cases where diya is to be paid from public funds, when the legal decisions have been reached in other aspects of the case, the prosecutor is to	provide more clarity regarding the adjudication of cases that involve the payment of diya.	The first added note indicates that when a case involving the payment of diya is resolved in the prosecutor's office, the procedures to be implemented should be the same as if the case was resolved in the

Note 1: When a family member [of |provision is also a perpetrator] is responsible for diya, if there is adequate evidence, and observing applicable regulations, he or she is warned to appear [in court] to yet the decision present his or her defense. When he or she appears [in court], the issue is explained to him or her, and his or her defense is heard. None of the requirements or restrictions applicable to the defendant are not enforceable against the family member responsible for paying diya.

Note 2: This provision is also applicable in cases where the investigation ends at the prosecutor's office, through a decision to stop the defense is heard. linvestigation or any other decision, vet the decision regarding the payment of diya is still pending.

Note 1: This applicable in cases where the investigation ends at the prosecutor's office, through a decision to stop the investigation or any other decision, regarding the payment of diya is still pending.

Note 2: When a family member [of a perpetrator] is responsible for diya, if there is adequate evidence, he or she is warned to appear [in court], in accordance with applicable regulations, to present his or her defense. When he or she appears [in court], the issue is explained to him or her, and his or her None of the requirements or restrictions applicable to the defendant are not enforceable against the family member responsible for

court. The second note explains what procedures are to be implemented when a family member of a perpetrator becomes responsible for paying the diya.

paying diya.

Article 92	Article 92		The first change is a semantic	This change gives the
The procurator is	No changes	The	change,	judiciary more
responsible for	recommended by	1.1. 6.	reflecting the	discretion in
conducting	the Parliament		fact certain	delegating the
preliminary	Research Center.	1:	crimes are	tasks of
investigations in		investigations in all	categorized by	procurators
all offences. In		offences. In crimes	the kinds of	(who are
crimes other than			punishments	involved with
those specified in			r	gathering the
Article 302 of this		'C' 1 ' A ' . 1 .	ı	evidence used
code, when a		ana Cultura I.	is that the final	in a
procurator is not		1	bill makes it	prosecution) to
available, the		1.1	possible to rely	prosecutors
prosecutor will		mus sumstans the	on prosecutors	prosecutors
have all duties and		. •11	to carry out the	
powers that a		h 11 1 . · 1	duties of	
procurator		norwana that a	procurators	
possesses. In this			whenever there	
situation, if the		la a a a a a a a a a Tan Albia	is a shortage of	
prosecutor		dituation if the	procurators,	
delegates the			whereas	
preliminary		3-1	previously this	
investigation to an		1 1	was possible	
assistant		l	only if a	
prosecutor, the		aggigtant	procurator was	
final decisions of		nnogogyton the	unavailable.	
the assistant		final decisions of	and vands re-	
prosecutor, and		the assistant		
the decision to		prosecutor, and the		
detain a		decision to detain a		
defendant, must		defendant, must be		
be communicated		communicated to		
to the prosecutor,		the prosecutor, and		
and the		the prosecutor		
prosecutor must		must state his		
state his opinion		opinion on the		
on the matter		matter within 24		
within 24 hours.		hours.		
Note: If a		Note: If a		
procurator is not		procurator is not		
available or if he		available or if he or		
or she is excused		she is excused from		
from carrying out		carrying out his or		
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his or her duty,		her duty, and if		
and if another		another procurator		
procurator is not		is not available in		
available in the		the prosecutor's		
prosecutor's		office, when		
office, when		addressing an		
addressing an		offence mentioned		
offence		in Article 302 of		
mentioned in		this Code, the		
Article 302 of this		judge, with the		
Code, the judge,		request of the		
with the request of		prosecutor and		
the prosecutor		through the		
and through the		appointment of the		
appointment of		head of the judicial		
the head of the		district, will		
judicial district,		assume the		
will assume the		responsibilities of		
responsibilities of		the procurator as		
the procurator as		long as the		
long as the		situation remains		
situation remains		the same.		
the same.				
Article 190	Article 190	Article 190	Under the final	This change
		· ·		allows a
During the	During the	During the	results of an	prosecution to
investigation	investigation phase	investigation phase	investigation	go ahead even
	a defendant may be	a defendant may be	are not to be	if there is a
may be	accompanied by an	accompanied by an	considered	serious breach
accompanied by	attorney. This right		invalid if	of a
an attorney. This	l		defendants'	defendant's
right should be	communicated to	communicated to	rights have been	right to
communicated to		the defendant by		counsel.
the defendant by	the procurator	the procurator		Instead of
the procurator before the	before the initiation of the	before the initiation of the		ending a
initiation of the	l			prosecution, a
investigation. If a	defendant is	investigation. If a defendant is		judiciary
defendant is	summoned, this	summoned, this		official can be
summoned, this	· ·	right is		punished by
right is	communicated to	communicated to		temporary
1 ~	l	him or her in the		dismissal
him or her in the	summons. The	summons. The		between one to
r or mor mi the	F		I	ı İ

summons. The defendant's attorney may get linformation regarding the charge and the evidence on which the charge is based, the charge is based, and he or she may make statements aimed discovering the at discovering the truth, defending truth, defending the defendant, or enforcing the law. The attorney's The attorney's statements are recorded.

Note 1: Denial of the right to be accompanied by an attorney, or lfailure to communicate this right to the right to the defendant, results in invalidation of in invalidation of the investigation.

Note 2: When a crime is punishable by death or life imprisonment, if a defendant does not introduce an attorney during the preliminary investigation, the procurator will select a courtappointed attorney for the defendant.

defendant's attorney may get linformation regarding the charge and the evidence on which and he or she may make statements laimed at the defendant, or enforcing the law. statements are recorded.

Note 1: Denial of the right to be attorney, or the failure to communicate this defendant, results the portion of the investigation that pertains to him or her.

defendant's attorney may get linformation regarding the charge and the evidence on which the charge is based, and he or she may make statements aimed at discovering the truth, defending the defendant, or enforcing the law. The attorney's statements are recorded.

Note 1: Denial of the right to be accompanied by an accompanied by an attorney, or the failure to communicate this right to the defendant, are punishable by class eight and class three disciplinary punishments, respectively.[1]

> Note 2: When a crime is punishable by death or life imprisonment, if a defendant does not introduce an attorney during the preliminary investigation, the procurator will select a courtappointed attorney for the defendant.

six months for denying the right to be accompanied by a lawyer, and an up to one-third deduction of monthly wages up to six months for failure to communicate this right to a defendant.

Note 3: Regarding the article, and also if the charge pertains to crimes of a sexual nature, Article 191 shall apply.		Note 3: Regarding the article, and also if the charge pertains to crimes of a sexual nature, Article 191 shall apply.		
Article 236	Article 236	Article 236	A note has been added to this	Note 2 of the final version of
If a defendant,	If a defendant,	If a defendant,		this article
after the issuance	after the issuance	after the issuance	ľ	states that if a
of the prosecutor's	of the prosecutor's	of the prosecutor's		foreign citizen
order for the	order for the	order for the		is facing
payment of the	payment of the	payment of the	foreign national	
sum stipulated in	sum stipulated in	l . 1 . 1 .	_	the office of the
the penalty clause,	the penalty clause,	the penalty clause,		Attorney
I .		the sum a promisor		General is to be
I .		is obligated to pay if		notified so that
		a defendant flees or		proper
1		is otherwise		authorities can
1	· ·	unavailable, or the		be informed
unavailable, or the		order to take		about the case.
	possession of the	possession of the		If a foreign
r .	bail, and before the			national is
'	end of the of the	end of the of the		convicted, a
1	enforcement	enforcement		summary of
1	'	action, appears in		the court
1 ' **	court or the	court or the		opinion is to be
I	promisor or the	promisor or the		submitted to
lt l		bailor make him or		the office of the
I	her appear, the	her appear, the		Attorney
	prosecutor is to	prosecutor is to		General.
f	revoke the order	revoke the order		
	and issue a new	and issue a new		
I	order to take or	order to take or		
I	confiscate up to a	confiscate up to a		
1 1		fourth of the		
		amount [which was		
I -	_	to be taken]. In this		
	situation the	situation the		
1	security decision	security decision remains valid.		
•	remains valid. Whenever the			
decision remains	winemever me	Whenever the		

valid. Whenever	defendant has	defendant has
the defendant has	l	provided his or her
1	own bail, her or she	r
<u>r</u>	is required to	
own bail, her or	1 *	is required to
she is required to	provide the	provide the
provide the	required sum. If a	required sum. If a
required sum. If a	third party has	third party has
third party has	I -	acted as a promisor
acted as a	or provided bail,	or provided bail,
promisor or	and he or she does	and he or she does
provided bail, and	1 -	not request to be
he or she does not	relieved of his or	relieved of his or
request to be	her obligation, he	her obligation, he
relieved of his or	or she is	or she is
her obligation, he	responsible for	responsible for
or she is	providing the	providing the
responsible for	required sum. If	required sum. If
providing the	the third party	the third party
required sum. If	requests to be	requests to be
the third party	relieved of his or	relieved of his or
requests to be		her legal obligation,
relieved of his or	l	the defendant is to
her legal	introduce a new	introduce a new
obligation, the	promisor or bailor.	promisor or bailor.
defendant is to		
defendant is to introduce a new	Note 1: Whenever	Note 1: Whenever
defendant is to introduce a new promisor or	Note 1: Whenever the defendant, the	Note 1: Whenever the defendant, the
defendant is to introduce a new	Note 1: Whenever the defendant, the bailor, or the	Note 1: Whenever the defendant, the bailor, or the
defendant is to introduce a new promisor or bailor.	Note 1: Whenever the defendant, the bailor, or the promisor deposits	Note 1: Whenever the defendant, the bailor, or the promisor deposits
defendant is to introduce a new promisor or bailor. Note: Whenever	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay,	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay,
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay,	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision will remain in	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision will remain in
defendant is to introduce a new promisor or bailor. Note: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision will remain in force.	Note 1: Whenever the defendant, the bailor, or the promisor deposits the required sum into the government's account within ten days after the issuance of the order to take a portion of the bail or the amount the promisor is obligated to pay, the taking will not take place, and the security decision

)/8	3/2016 I ran	Human Rights Documentati	on Center - Amendments to
	security decision	Note 2: When	Note 2: When
	will remain in	foreign citizens are	foreign citizens are
	force.	subject to	subject to
		prosecution, if they	prosecution, if they
		request so, the	request so, the
		procurator is	procurator is
		required to	required to
		immediately	immediately
		provide their	provide their
		information and	information and
		the charges they are	the charges they are
		facing to the office	facing to the office
		of the Attorney	of the Attorney
		General, so that the	General, so that the
		appropriate	appropriate
		authorities are	authorities are
		notified in	notified in
		accordance with	accordance with
		applicable	applicable
		_	regulations. If their
		prosecution results	prosecution results
		in a final	in a final
		conviction, the	conviction, the
		judge in charge of	judge in charge of
		carrying out the	carrying out the
		sentence is to	sentence is to
		provide a summary	
		of the court	of the court
		opinion to the	opinion to the
		office of the	office of the
		Attorney General	Attorney General
		in accordance with	
			this article. If
		consulates or other	
		individuals request	· · ·
		•	a visit, the Attorney
		General's office is	General's office is
		notified so that it	notified so that it
		can take action in	can take action in
		accordance with	accordance with
		applicable	applicable
		regulations.	regulations.
	I	l	ı l

Article 237	Suggestions:	Article 237	Crimes carrying	
Article 237:	Inserting the	Article 237:	out the punishment of	change individuals
Temporary	phrase "life	Temporary	r	charged with
detention is not	imprisonment"	ldatantian ia nat	imprisonment	crimes such as
permissible,	after the phrase	permissible, unless	l -	putting
unless for the	"death" in	for the following		someone
following	subsection A.	offences, when		under duress to
offences, when		there is enough		commit
there is enough	Deleting the phrase	evidence to make a		murder
evidence to make	"crimes" in	connection	• • •	(Article 375 of
a connection	subsection A.	between a		the IPC) may
between a		defendant and the	-	be held in pre-
defendant and the		charged offense.		trial detention.
charged offense.				trial determon.
-		Crimes that are		
Crimes that are		punishable by		
punishable by		death, life		
death or		imprisonment,		
amputation under		amputation or		
the law, and also		intentional crimes		
intentional crimes		against bodily		
against bodily		integrity that are		
integrity that are		punishable by		
punishable by		compensatory		
compensatory		payments equaling		
payments		or exceeding one-		
equaling or		third of the		
exceeding one-		compensatory		
third of the		payment for		
compensatory		wrongful death.		
payment for		Crimes punishable		
wrongful death.		by category four or		
 Crimes punishable		higher ta'zir		
by category four		punishments.		
or higher ta'zir		punisimients.		
punishments.		Crimes against		
pamomiento.		internal or external		
Crimes against		security that are		
internal or		punishable by		
external security		category five or		
that are		higher ta'zir		
punishable by		punishments.		
category five or				
category live of				

Article 286	Article 286	Article 286	
Code comes into force.			
repealed the day on which this			
armed forces, are		comes into force.	
committed by		which this Code	
offences		repealed the day on	
governing the		armed forces, are	
laws, except laws		committed by	
required in special		offences	
detention is		governing the	
temporary		laws, except laws	
instances in which		required in special	
Note: The		detention is	
ermnes.		temporary	
crimes.		instances in which	
of the aforementioned		Note: The	
convicted of any		crimes.	
previously been		aforementioned	
defendant has		the	
apply and the		convicted of any of	
article does not		previously been	
if section B of this		defendant has	
forged document,		apply and the	
forgery or using a		article does not	
breach of trust,		if section B of this	
embezzlement,		forged document,	
bribery,		forgery or using a	
Theft, fraud,		breach of trust,	
		embezzlement,	
weapon.		bribery,	
knife or any other		Theft, fraud,	
individuals with a		weapon.	
harassing		knife or any other	
showing force and		individuals with a	
pretending,		harassing	
and children, and		showing force and	
Bothering and harassing women		pretending,	
Datharin - an d		and children, and	
punishments.		harassing women	
higher ta'zir	ı	Bothering and	1

. s s . s		S. S. S. ROI THITOHAMIONO	and idiamino i topublio of	5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6
mentioned in Article 302 of this Code, in crimes punishable by category five or category six ta'zir punishments, it is also required to form a character case file about children and adolescents by the prosecutor's office or the children	instances mentioned in Article 203 of this Code, in crimes punishable by category five or category six ta'zir punishments, it is also required to form a character case file about children and adolescents by the	Article 286 In addition to the instances mentioned in Article 203 of this Code, in crimes punishable by category five or category six ta'zir punishments, it is also required to form a character case file about children and adolescents by the prosecutor's office or the children and adolescents' court.	Article 203	The final version corrected an error in the original version.
Article 293 Whenever a final court decision is issued in matters involving public rights, complaints regarding the government, charities, public endowments, the affairs of legally incapacitated persons or missing individuals who do not have a guardian, and the Attorney General considers the verdict inconsistent with		issued in matters involving public rights, complaints regarding the	version of this article gives the ultimate responsibility to the head of the judiciary regarding this issue rather than the Supreme Court.	ultimate authority whether to decide a decision violates religious or

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	Islamic or legal principles, he or she will provide an adequate argument and request the Supreme Court to overrule the decision. The Supreme Court, if agrees with the request, will overrule the verdict and remand the case for reconsideration to a branch at the same level of the court that issued the final decision.		principles, he or she will provide an adequate argument and refer the matter to the head of the judiciary for implantation of Article 477.		
	The Children and Adolescents Court will be comprised of one judge and two counselors. The opinions of	Adolescents Court	Adolescents Court will be comprised of one judge and	version reduced the number of counselors in the Children and Adolescents Court to one.	As a result of this change, trained professionals will likely have less influence over the outcomes of cases in the Children and Adolescents Court.
	Article 302 The following offences are adjudicated at the First Criminal Court.	Article 302 The following offences are adjudicated at the First Criminal Court.	Article 302 The following offences are adjudicated at the First Criminal Court.	version of the law makes two	Because of this change fewer cases will be heard by courts classified as

_	Crimes punishable	_		l I
by death.	by death.	l *	*	Courts.
by life imprisonment.	or exceeding one-half of the compensatory payment for a wrongful death. Crimes punishable by category three or higher ta'zir punishments. Political and press crimes.	Crimes punishable by life imprisonment. Crimes punishable by amputation or intentional crimes against bodily integrity with compensatory payments equaling or exceeding one-half of the compensatory payment for a wrongful death.	only cases involving compensatory payments equaling or exceeding one- half of the amount payable for a wrongful death case can be heard in the First Criminal Court. Second, crimes punishable by class three or higher ta'zir punishments.	Courts.
Article 306 The crimes of adultery, sodomy and other crimes involving illicit relations are directly heard at the appropriate court.	The Parliament Research Center recommended deleting the phrase "and other crimes involving illicit relations." It also recommended explicitly stating that this article did not apply to rape cases.	The crimes of adultery, sodomy and other crimes involving illicit	version of the article adds a note stating that other sexual crimes are also included in this provision.	sex-related crimes are

	illicit relations" refers to sexual crimes punishable by hadd punishments as well as crimes such as kissing and sleeping next to each other that are punishable by ta'zir punishments.		
Article 307 The charges against the heads of the three branches of the government, their deputies and advisors, the head of the Expediency Council and its other members, the members of the Guardian Council, members of the Islamic Consultative Assembly and the Assembly of Experts, ministers and their deputies, individuals holding judicial offices, the head and the prosecutor of the Supreme Audit Court, ambassadors, provincial governors, governors of	The charges against the heads of the three branches of the government, their deputies and advisors, the head of the Expediency Council and its other members, the members of the	the heads of the provincial Ministry of Intelligence offices to the list of officials who	the provincial Ministry of Intelligence offices are to be tried in criminal courts in Tehran if they face

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provincial
capitals, and the
general crimes
committed by
military and police
officers from
brigadier general
to higher ranks or
crimes committed
by a junior
brigadier general
officer serving in
the position of a
major general or
as the
commanding
officer of an
independent
brigade, are to be
heard by Tehran
criminal courts,
unless another
body has
jurisdiction to
address these
charges in
accordance with
other special laws.

Note 1: This article is applicable to individuals holding judicial offices and military and police officers if they are serving in the judiciary or armed forces.

Note 2: Addressing the charges against military and police officers mentioned in this

article, which is

committed by military and police officers from brigadier general to higher ranks or crimes committed by a junior brigadier general officer serving in the position of a major general or as the commanding officer of an independent brigade, and the offences of the heads of provincial Ministry of Intelligence offices are to be heard by Tehran criminal courts, unless another body has jurisdiction to address these charges in

Note 1: This article is applicable to individuals holding judicial offices and military and police officers if they are serving in the judiciary or armed forces.

accordance with other special laws.

Note 2: Addressing the charges against military and police officers mentioned in this article, which is under the jurisdiction of the Armed Forces

under the jurisdiction of the Armed Forces Judicial Organization, will take place in the First or Second Tehran Military Court.		Judicial Organization, will take place in the First or Second Tehran Military Court.		
adolescents commit an offence that falls under the jurisdiction of the First Criminal Court or the Revolutionary Court, their offences are addressed at the First Criminal Court's special division for the offences of	If adults under the age of 18 commit one of the crimes mentioned in Article 302(A-C) of this Code, their crimes are addressed at First Criminal Court's special division for the crimes of adolescents. The defendant is to be afforded all protections offered at the Children and Adolescents Court.	In cases where the First Criminal Court or the Revolutionary Court has jurisdiction, and when more than one judge hears the case, if a crime is committed by an adult under the age of 18, the case will be heard at the First Criminal Court's special adolescents division. The defendant is to be afforded all protections offered at the Children and Adolescents Court. Note 1: In each county a branch or a number of branches of the First Criminal Court entitled the "First Criminal Court entitled the "First Criminal Court's special division for the crimes of	version of this article establishes the operating criteria for the special adolescents' branch of the First Criminal Courts, which are the IRI's version of a juvenile court system.	This provision limits the jurisdiction of the First Criminal Court's special adolescents' branch to individuals who are considered as adults under the law but are under the age of 18. This includes boys between the ages of 15 lunar years and 18 solar years and girls between the ages of nine lunar years and 18 solar years.

		adolescents" is to be established, as needed. The fact that these branches are specialized does not preclude the referring of other cases to them. Note 2: The presence of counselors, provided that the conditions specified in this Code are observed, is required in the adjudication of the offences committed by adolescents in the First Criminal Court's special division for the crimes of adolescents.		
In instances not mentioned in Articles 340 and 341 of this Code the court schedules the trial date and announces that to the plaintiff, the defendant, their attorney(s), the prosecutor, and	In instances not mentioned in Articles 340 and 341 of this Code the court schedules the trial date and announces that to the plaintiff, the defendant, their attorney(s), the prosecutor, and other individuals who must appear in court, and it	In instances not mentioned in Articles 340 and 341 of this Code the court schedules the trial date and announces that to the plaintiff, the defendant, their attorney(s), the prosecutor, and other individuals who must appear in accurt and it	making compensatory payments to take part in proceedings that may lead to a diya payment	ensures that when a compensatory payment is sought from the government, the government is represented in the proceedings

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summons them to appear for the trial. An image of the indictment is to be sent to the defendant.	appear for the trial. An image of the indictment is to be sent to the	appear for the trial. An image of the indictment is to be sent to the defendant. Note: In cases involving demands for compensation under Article 260 of this Code or Article 30 of the Law to Oversee the Behavior of Judges, passed on October 9, 2011, and in instances in which	The Islamic Republic of	
		Behavior of Judges, passed on October 9, 2011, and in		
Article 404 At the end of the proceedings, members of the court, asking for God's assistance,	The Parliament Research Center did not recommend any changes to this article.	members of the court, asking for	wording of the provision allows for the possibility that a verdict does not	that a decision must be

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and relying on	
their honor and	ł
conscience, and	d
considering the	,
content of the	
case file, will	
consult and wil	l
issue a verdict i	n
that very meeting	ng.
If the members	of
the court do no	t
reach a	
unanimous	
decision, the	
decision of the	
majority is	
binding. The ch	ief
judge has the	
responsibility o	f
writing the cou	
opinion, unless	
or she is not in	
majority, in wh	ich
case a member	
who is in the	
majority and ha	as
more judicial	
experience, will	l
write the court	
opinion. After t	he
issuance of the	
verdict, the cou	rt
will reconvene	
publicly in the	
presence of the	
defendant or hi	
or her attorney	,
the prosecutor	
his or her	
representative,	
and the plaintif	f.
The court	
secretary will re	ead
the court opinio	
in a loud and cl	
voice, and the	
I	

and relying on their reached honor and conscience, and considering the content of the case of a trial. file, will consult and will issue a verdict in that very meeting. If that is not possible, they will do so as soon as possible and within one week at the latest. If the members of the court do not reach a unanimous decision, the decision of the majority is binding. The chief judge has the responsibility of writing the court opinion, unless he or she is not in the majority, in which case a member who is in the majority and has more judicial experience, will write the court opinion. If the verdict is issued immediately, the court will reconvene publicly in the presence of the defendant or his or her attorney, the prosecutor or his or her representative, and the plaintiff. The court secretary will read the court opinion in a loud

immediately reached after the conclusion

the conclusion of the trial.

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content of the		and clear voice,		
opinion is		and the content of		
communicated to		the opinion is		
the defendant. If		communicated to		
the verdict is to		the defendant. If		
acquit the		the verdict is to		
defendant or to		acquit the		
suspend his or her		defendant or to		
punishment, the		suspend his or her		
court will order		punishment, the		
the defendant to		court will order the		
be freed		defendant to be		
immediately.		freed immediately.		
Note: At the end		Note: At the end of		
of proceedings,		proceedings, the		
the members of		members of the		
the court must not	l	court must not		
disperse until they		disperse until they		
reach a decision		reach a decision		
and announce it		and announce it in		
in a public court		a public court		
session. This rule		session. This rule is		
is binding on		binding on		
members of the		members of the		
jury as well.		jury as well.		
Article 425	Article 425	Article 425	The final	The final
TA71.	TA71.	TA71		version is not
When a court is			article removed	l * I
comprised of	1 -	1 1 1 1 1		different from
several judges, if a		المحادية ومحادما		the original
challenge is raised	~	l 1· c		version.
"	"	regarding one of the members and	draft.	
that member	l	that member		
	l	recuses him or		
	l	herself, the court		
will be	will be	will be		
1		complemented		
I -	l *	with the addition of		
of another	l	another member,		
1	and it will consider			
	l	the case. If the		
win consider the	line case. II tille	ine case. If the		

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case. If the	challenge is not	challenge is not
challenge is not	accepted, the court	accepted, the court
accepted, the	will convene	will convene
court will convene	without the	without the
without the	presence of the	presence of the
presence of the	member about	member about
member about	whom the issue has	whom the issue has
whom the issue	been raised, and it	been raised, and it
has been raised,	will address the	will address the
and it will address	complaint within	complaint within
the complaint	business hours. The	business hours. The
within business	court will either	court will either
hours. The court	accept or reject the	accept or reject the
will either accept	challenge. If the	challenge. If the
or reject the	remaining	remaining
challenge. When	members of the	members of the
several of the	court are not in the	court are not in the
members of the	majority, and it is	majority, and it is
court are	not possible to	not possible to
challenged and	select an alternate	select an alternate
they do not recuse	member to address	member to address
themselves, if the	the challenge, a	the challenge, a
remaining	branch of the	branch of the
members of the	Supreme Court will	Supreme Court will
court form the	address the	address the
majority, the	challenge. If the	challenge. If the
majority of the	Supreme Court	Supreme Court
members will	accepts the	accepts the
address the	challenge, the case	challenge, the case
complaint within	will be sent to	will be sent to
business hours in	another court at	another court at
the absence of the	the same level as	the same level as
challenged	the initial court.	the initial court.
members, and		
they will either		
accept or reject		
the challenge. If		
the remaining		
members of the		
court are not in		
the majority, and		
it is not possible to		
select an alternate		
member to		
address the		
challenge, a		
1		

branch of the Supreme Court will address the challenge. If the Supreme Court accepts the challenge, the case will be sent to another court at the same level as the initial court.				
Article 463 The Supreme Court has an adequate number of deputy judges who can assume the responsibilities of associate judges.	No particular suggestion made by the Parliament Research Center	The Supreme Court has an adequate number of deputy judges who can	version of the provision states that deputy judges can serve	flexibility in
	Research Center	Article 470 After the Supreme Court has reversed a decision, the judicial body responsible for	version added a line about what to do if the General Board of the Supreme Court finds that the investigation has been deficient.	Supreme Court finds that the investigation has been
If the decision has been reversed due to deficiencies in the investigation, the judicial body must perform the		If the decision has been reversed due to deficiencies in the investigation, the judicial body		consideration.

affirm the

decision. If not, the case will be

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investigation	must perform the	
deemed necessary	investigation	
by the Supreme	deemed necessary	
Court and then	by the Supreme	
issue a decision.	Court and then	
	issue a decision.	
If a procedural		
decision has been	If a procedural	
reversed and there	decision has been	
is a need for	reversed and there	
substantive	is a need for	
review, the judicial	substantive review,	
body must follow	the judicial body	
the opinion of the	must follow the	
Supreme Court,	opinion of the	
address the matter	Supreme Court,	
and write the	address the matter	
opinion, unless,	and write the	
after the reversal,	opinion, unless,	
new grounds	after the reversal,	
emerge for issuing	new grounds	
a judicial decision.	emerge for issuing	
	a judicial decision.	
If a decision has		
been reversed due	If a decision has	
to a different	been reversed due	
reason than those	to a different	
mentioned above,	reason than those	
the court can	mentioned above,	
insist on the	the court can insist	
content of the	on the content of	
previous opinion.	the previous	
If this decision is	opinion. If this	
appealed, and a	decision is	
Supreme Court	appealed, and a	
branch, after	Supreme Court	
reviewing the	branch, after	
decision, accepts	reviewing the	
the court's	decision, accepts	
reasoning, it will	the court's	
L cc: 11		

reasoning, it will affirm the decision.

If not, the case will

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referred to the	
Supreme Court	's
General Board	of
Criminal	
Branches. If thi	s
board approves	
the decision of t	the
court that issue	d
the opinion, the	<u>, </u>
decision is	
affirmed. If the	
board sides with	ı
the opinion of t	he
Supreme Court	
branch, the	
decision will be	
reversed and	
remanded to	
another branch	of
the court that	
issued the	
decision. This	
branch will issu	e a
decision based	on
the legal	
arguments of th	ie
Supreme Court	's
General Board.	
This decision w	ill
be final and it	
cannot be subje	ect
to an appeal.	
I	1

be referred to the Supreme Court's General Board of Criminal Branches. If this board approves the decision of the court that issued the opinion, the decision is affirmed. If the board sides with the opinion of the Supreme Court branch, the decision will be reversed and remanded to another branch of the court that issued the decision. This branch will issue a decision based on the legal arguments of the Supreme Court's General Board. This decision will be final and it cannot be subject to an appeal. If the General Board declares that the case cannot be considered due to deficiencies in the investigation, it will refer the case to the Supreme Court branch, indicating the instances in which the investigation has been deficient. The Supreme Court branch will act in

		accordance with Article 469(B) (2).		
Note to Article 478 Note: If the sentence issued is the death penalty or another corporal punishment, a branch of the Supreme Court, receiving a request to reconsider the case, will put the punishment on hold until it addresses the request and makes a decision about the case.		Note: If the sentence issued is the death penalty, another corporal punishment or demolition of a	version adds the demolition of a building to the list of punishments that can be put on hold pending the decision of a Supreme Court	is to be demolished can now request the demolition to be put on hold pending a final
charged with carrying out criminal sentences. The Office to Implement Penal Sentences, which is chaired and supervised by the prosecutor, and operates within public prosecutor's	The Office to Implement Penal Sentences, which is chaired and supervised by the prosecutor, and operates within prosecutor's offices in regions	The presentants	version deleted the term "public" before "prosecutor's offices."	This change in language does not alter the meaning of this provision.

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	head of the	judiciary, is to carry	judiciary, is to carry	
	judiciary, is to	out this duty.	out this duty.	
	carry out this duty.			
			Note 1: The Office	
		_	to Implement	
	to Implement	Penal Sentences	Penal Sentences	
		'	may, if necessary,	
	•	_	have specialized	
	have specialized	units for carrying	units for carrying	
	units for carrying	out the sentences.	out the sentences.	
	out the sentences.	Note 2: With the	Note 2: With the	
	Note 2: With the	approval of the	approval of the	
	approval of the	head of the	head of the	
	head of the	judiciary, the Office	judiciary, the Office	
	judiciary, the	to Implement	to Implement	
	Office to	Penal Sentences or	Penal Sentences or	
	Implement Penal	one of its units may	one of its units may	
	Sentences or one	be stationed in	be stationed in	
	of its units may be	prisons or other	prisons or other	
	stationed in	punitive	punitive	
	prisons or other	institutions. The	institutions. The	
	punitive	manner in which	manner in which	
	institutions. The	they are stationed	they are stationed	
	manner in which	and carry out their	and carry out their	
	they are stationed	duties will be in	duties will be in	
	and carry out their	accordance with a	accordance with a	
	duties will be in	regulatory code	regulatory code	
	accordance with a	that will be	that will be	
	regulatory code	produced by the	produced by the	
	that will be	Minister of Justice	Minister of Justice	
	produced by the	in cooperation with	in cooperation with	
	Minister of Justice	of the head of the	of the head of the	
	in cooperation	State Prisons and	State Prisons and	
	with of the head of	Security and	Security and	
	the State Prisons	Corrective	Corrective	
	and Security and	Measures	Measures	
	Corrective	Organization	Organization	
	Measures	within six months	within six months	
	Organization	after the date on	after the date on	
	within six months	which this Code	which this Code	
	after the date on	goes into effect.	goes into effect.	
	which this Code	The head of the	The head of the	
	goes into effect.	judiciary is to	judiciary is to	
	The head of the	approve this	approve this	
	judiciary is to	regulatory code.	regulatory code.	
	· · · · · · · · · · · · · · · · · · ·	•		

approve this regulatory code. Note 3: In the county judicial district, the chief judge is in charge of carrying out penal sentences. In his absence, an alternate judge will carry out this duty.	carrying out penal sentences. In his absence, an alternate judge will	Note 3: In the county judicial district, the chief judge is in charge of carrying out penal sentences. In his absence, an alternate judge will carry out this duty.		
the applicable law, should pay the cost of a criminal complaint at the time he or she files the complaint. A private plaintiff who seeks restitution in a criminal matter should pay the cost of the judicial process in accordance with regulations governing civil cases. If the plaintiff is unable to afford the costs of the complaint, he or she will be exempt from making the payment. The prosecutor or the	of a criminal complaint at the time he or she files the complaint. A private plaintiff who seeks restitution in a criminal matter	accordance with the applicable law, should pay the cost of a criminal complaint at the time he or she files the complaint. A private plaintiff who seeks restitution in a criminal matter	version removed the	This change does not alter the meaning of this provision.

matter is	matter is	matter is
adjudicated will	adjudicated will	adjudicated will
make the finding	make the finding	make the finding
whether the	whether the	whether the
plaintiff can be	plaintiff can be	plaintiff can be
exempted from	ľ	exempted from this
this payment.	payment.	payment.
Whenever a	ר י	Whenever a private
private plaintiff	plaintiff cannot	plaintiff cannot
cannot afford the	afford the costs of	afford the costs of
costs of the	l	the judicial process,
judicial process,	the court may	the court may
the court may	·	temporarily
temporarily	exempt him or her	exempt him or her
exempt him or her		from paying the
from paying the	costs associated	costs associated
costs associated	l	with the particular
with the particular	· -	issue at question.
1 -	Addressing a	Addressing a
Addressing a		criminal complaint
criminal	should not be	should not be
1	delayed due to the	delayed due to the
not be delayed due	·	inability of a
to the inability of a	1 1	private plaintiff to
1	pay the costs of the	pay the costs of the
r -	r '	judicial process.
the judicial	Judiciai process.	Judiciai process.
process. Unless,	Note: When a	Note: When a
the property in	decision has been	decision has been
question falls in	issued and it is	issued and it is
the category of	being carried out,	being carried out,
exceptions of	the judge in charge	the judge in charge
debt[3] or it does	of carrying out	of carrying out
not equal an	punitive sentences	punitive sentences
amount that	is responsible for	is responsible for
would render the	recuperating the	recuperating the
person who wins	costs of the judicial	costs of the judicial
the case no longer	process from the	process from the
judgment proof.	property at	property at
) (1.4.0	question. Unless,	question. Unless,
Note: When a	the property in	the property in
decision has been	question falls in the	question falls in the
issued and it is	category of	category of
being carried out,	exceptions of debt	exceptions of debt
the judge in charge	or it does not equal	or it does not equal
of carrying out	an amount that	an amount that

punitive sentences	would render the	would render the	
is responsible for	person who wins	person who wins	
recuperating the	the case no longer	the case no longer	
costs of the	judgment proof.	judgment proof.	
judicial process			
from the property			
at question.			

[1] Under the Law to Oversee the Behavior of Judges, a class 8 punishment is defined as a temporary dismissal between one to six months. A Class three punishment is defined as an up to one-third deduction of monthly wages for one to six months.

[2] Under the Islamic Penal Code the state is responsible for payment of certain damages. These instances include cases wherein: i) a more severe punishment than that which is prescribed under the law is exacted unintentionally (Articles 13 and 485), ii) an insane person attacks someone and is injured by the self-defense of the individual who has been attacked (Article 156, Note 3), iii) one or more individuals accused of homicide take an oath on the request of their accuser and claim their innocence (Articles 333, 334, 477, 484), iv) public safety concerns require *qisas* but the individual requesting *qisas* cannot pay the difference between the value of the injury or the life of the victim and the value of the injury or the life of the perpetrator (Article 428), v) a perpetrator of an intentional or semi-intentional crime has died or has escaped (Articles 435 and 474), vi) the perpetrator does not have next of kin or the next of kin cannot afford to pay *diya* (Article 470), vii) an individual is killed by a lawful act of a government agent (Article 473), viii) an individual unknowingly steps into a designated restricted area and is shot (Note to Article 473), ix) after carrying out a punishment resulting in death or bodily it is determined that the sentence was wrongly issued (Article 486), or x) a murder takes place but the murderer is not identified or is killed in a stampede (Article 487).

- [3] Under Iranian law a debtor cannot be forced to forego the following in order to repay a debt:
- A. A residence commensurate with the status of the debtor.
- B. Necessary furniture
- C. Foodstuffs deemed necessary for a reasonable period.
- D. Books and research tools belonging to scientists and researchers.
- E. Tools necessary for merchants, tradesmen, farmers and others who may need them.
- F. A phone that the debtor needs.
- G. An amount paid to the landlord at the time of the lease contract, provided that paying the rent without that amount results in the renter becoming judgment proof, and that the rented property is commensurate with the circumstances of the debtor.