

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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First Draft Passed in 2013	Changes Proposed by the Parliamentary Research Center	Final Wording of the Law	Explanation of Change	Practical Effect
Article 7	Article 7	In all stages of criminal	The date of the passage of the	No practical change from

<p>In all stages of criminal prosecution all judiciary officials, authorized officers of the Ministry of Justice, and others involved in the judicial process, must respect civil rights specified in the Law to Respect Legitimate Freedoms and Protect Civil Rights, passed on May 4, 2004. Those in violation of this provision, in addition to restituting the injury, are to be sentenced in accordance to Article 570 of the [Fifth Book] of the Islamic Penal Code (Ta'zir and Deterring Punishments), passed on June 24, 1996, unless a more serious punishment is specified in other laws.</p>	<p>In all stages of criminal prosecution all judiciary officials, authorized officers of the Ministry of Justice, and others involved in the judicial process, must respect civil rights specified in the Law to Respect Legitimate Freedoms and Protect Civil Rights, passed on May 4, 2004. Those in violation of this provision, in addition to restituting the injury, are to be sentenced in accordance to Article 570 of the [Fifth Book] of the Islamic Penal Code (Ta'zir and Deterring Punishments), passed on May 22, 1996, unless a more serious punishment is specified in other laws.</p>	<p>prosecution all judiciary officials, authorized officers of the Ministry of Justice, and others involved in the judicial process, must respect civil rights specified in the Law to Respect Legitimate Freedoms and Protect Civil Rights, passed on May 4, 2004. Those in violation of this provision, in addition to restituting the injury, are to be sentenced in accordance to Article 570 of the [Fifth Book] of the Islamic Penal Code (Ta'zir and Deterring Punishments), passed on May 22, 1996, unless a more serious punishment is specified in other laws.</p>	<p>Fifth Book of the IPC was corrected.</p>	<p>the first draft passed in 2013.</p>
<p>Article 29 Authorized officers of the Ministry of Justice are the following:</p>	<p>Article 29 Authorized officers of the Ministry of Justice are the following:</p>	<p>Article 29 Authorized officers of the Ministry of Justice are the following:</p>	<p>This change adds the Intelligence Division of the Islamic Revolutionary</p>	<p>For several years the Intelligence Division of the IRGC has acted as an enforcer</p>

<p>General officers, including commanders, officers and ranked officials of the Islamic Republic of Iran's police force who have gone through the required training.</p> <p>Specialized officers, including officials who, under specific laws and within specified limits, are considered as authorized officers of the Ministry of Justice. These include heads, deputies and officials of prisons with respect to the affairs of prisoners, officials with the Ministry of Intelligence, and officials with the Basij Resistance Force under the Islamic Revolutionary Guard Corps. In addition, other armed forces that in certain instances are charged with all or some of duties of authorized officers of the Ministry of Justice under the</p>	<p>General officers, including commanders, officers and ranked officials of the Islamic Republic of Iran's police force who have gone through the required training.</p> <p>Specialized officers, including officials who, under specific laws and within specified limits, are considered as authorized officers of the Ministry of Justice. These include heads, deputies and officials of prisons with respect to the affairs of prisoners, officials with the Ministry of Intelligence, Division of the Islamic Revolutionary Guard Corps, and officials with the Basij Resistance Force under the Islamic Revolutionary Guard Corps. In addition, other armed forces that in certain instances are charged with all or some of duties of</p>	<p>General officers, including commanders, officers and ranked officials of the Islamic Republic of Iran's police force who have gone through the required training.</p> <p>Specialized officers, including officials who, under specific laws and within specified limits, are considered as authorized officers of the Ministry of Justice. These include heads, deputies and officials of prisons with respect to the affairs of prisoners, Ministry of Intelligence, Intelligence Division of the Islamic Revolutionary Guard Corps, and officials with the Basij Resistance Force under the Islamic Revolutionary Guard Corps. In addition, other armed forces that in certain instances are charged with all or some of duties of authorized officers</p>	<p>Guard Corps (IRGC) to the list of authorized officers of the Ministry of Justice</p>	<p>of internal national security laws that target dissidents and activists, among others. This change makes official what has been practice for several years.</p>
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law, are considered as authorized officers 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.	of the Ministry of Justice under the law, are considered as authorized officers of the Ministry of Justice.		
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	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	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	The venue for appeals from decisions not to continue certain criminal cases was changed from the same trial courts that made the initial decision to the Courts of Appeals.	While the original version stated that an appeal from a decision to discontinue prosecution of certain criminal cases was to be filed with the same court making that decision, the amended article states that those appeals should be heard in the Court of Appeals.

<p>discontinue the prosecution of the defendant, provided that this occurs only once. The judiciary official may archive the case file at this point. This decision may be appealed in the relevant criminal court within ten days after being communicated [to the defendant].</p>	<p>provided that this 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 defendant].</p> <p>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.</p>	<p>provided that this 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 defendant].</p> <p>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.</p>		
<p>Article 85 In cases where <i>diya</i> 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 adjudication.</p>	<p>Article 85 In cases where <i>diya</i> 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 adjudication.</p>	<p>Article 85 In cases where <i>diya</i> 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 adjudication.</p>	<p>Two notes have been added to provide more clarity regarding the adjudication of cases that involve the payment of <i>diya</i>.</p>	<p>The first added note indicates that when a case involving the payment of <i>diya</i> is resolved in the prosecutor's office, the procedures to be implemented should be the same as if the case was resolved in the</p>

Note 1: When a family member [of 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 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 investigation or any other decision, yet the decision regarding the payment of diya is still pending.

Note 1: This provision is also applicable in cases where the investigation ends at the prosecutor's office, through a decision to stop the investigation or any other decision, yet the 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 defense is heard. None of the requirements or restrictions applicable to the defendant are not enforceable against the family member responsible for paying diya.

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

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

<p>summons. The defendant's attorney may get information 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.</p> <p>Note 1: Denial of the right to be accompanied by an attorney, or failure to communicate this right to the defendant, results in invalidation of the investigation.</p> <p>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 court-appointed attorney for the defendant.</p>	<p>defendant's attorney may get information 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.</p> <p>Note 1: Denial of the right to be accompanied by an attorney, or the failure to communicate this right to the defendant, results in invalidation of the portion of the investigation that pertains to him or her.</p>	<p>defendant's attorney may get information 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.</p> <p>Note 1: Denial of the right to be 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]</p> <p>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 court-appointed attorney for the defendant.</p>		<p>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.</p>
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<p>Note 3: Regarding the article, and also if the charge pertains to crimes of a sexual nature, Article 191 shall apply.</p>		<p>Note 3: Regarding the article, and also if the charge pertains to crimes of a sexual nature, Article 191 shall apply.</p>		
<p>Article 236</p> <p>If a defendant, after the issuance of the prosecutor's order for the payment of the sum stipulated in the penalty clause, the sum a promisor is obligated to pay if a defendant flees or is otherwise unavailable, or the order to take possession of the bail, and before the end of the of the enforcement action, appears in court or the promisor or the bailor make him or her appear, the prosecutor is to revoke the order and issue a new order to take or confiscate up to a fourth of the amount [which was to be taken]. In this situation the security decision remains</p>	<p>Article 236</p> <p>If a defendant, after the issuance of the prosecutor's order for the payment of the sum stipulated in the penalty clause, the sum a promisor is obligated to pay if a defendant flees or is otherwise unavailable, or the order to take possession of the bail, and before the end of the of the enforcement action, appears in court or the promisor or the bailor make him or her appear, the prosecutor is to revoke the order and issue a new order to take or confiscate up to a fourth of the amount [which was to be taken]. In this situation the security decision remains valid. Whenever the</p>	<p>Article 236</p> <p>If a defendant, after the issuance of the prosecutor's order for the payment of the sum stipulated in the penalty clause, the sum a promisor is obligated to pay if a defendant flees or is otherwise unavailable, or the order to take possession of the bail, and before the end of the of the enforcement action, appears in court or the promisor or the bailor make him or her appear, the prosecutor is to revoke the order and issue a new order to take or confiscate up to a fourth of the amount [which was to be taken]. In this situation the security decision remains valid. Whenever the</p>	<p>A note has been added to this provision to discuss what should take place if a foreign national faces prosecution.</p>	<p>Note 2 of the final version of this article states that if a foreign citizen is facing prosecution, the office of the Attorney General is to be notified so that proper authorities can be informed about the case. If a foreign national is convicted, a summary of the court opinion is to be submitted to the office of the Attorney General.</p>

<p>valid. Whenever the defendant has provided his or her own bail, her or she is required to provide the required sum. If a third party has acted as a promisor or provided bail, and he or she does not request to be relieved of his or her obligation, he or she is responsible for providing the required sum. If the third party requests to be relieved of his or her legal obligation, the defendant is to introduce a new promisor or bailor.</p> <p>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, the taking will not take place, and the</p>	<p>defendant has provided his or her own bail, her or she is required to provide the required sum. If a third party has acted as a promisor or provided bail, and he or she does not request to be relieved of his or her obligation, he or she is responsible for providing the required sum. If the third party requests to be relieved of his or her legal obligation, the defendant is to introduce a new promisor or bailor.</p> <p>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.</p>	<p>defendant has provided his or her own bail, her or she is required to provide the required sum. If a third party has acted as a promisor or provided bail, and he or she does not request to be relieved of his or her obligation, he or she is responsible for providing the required sum. If the third party requests to be relieved of his or her legal obligation, the defendant is to introduce a new promisor or bailor.</p> <p>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.</p>		
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security decision will remain in force.

Note 2: When foreign citizens are subject to prosecution, if they request so, the procurator is required to immediately provide their information and the charges they are facing to the office of the Attorney General, so that the appropriate authorities are notified in accordance with applicable regulations. If their prosecution results in a final conviction, the judge in charge of carrying out the sentence is to provide a summary of the court opinion to the office of the Attorney General in accordance with this article. If consulates or other individuals request a visit, the Attorney General's office is notified so that it can take action in accordance with applicable regulations.

Note 2: When foreign citizens are subject to prosecution, if they request so, the procurator is required to immediately provide their information and the charges they are facing to the office of the Attorney General, so that the appropriate authorities are notified in accordance with applicable regulations. If their prosecution results in a final conviction, the judge in charge of carrying out the sentence is to provide a summary of the court opinion to the office of the Attorney General in accordance with this article. If consulates or other individuals request a visit, the Attorney General's office is notified so that it can take action in accordance with applicable regulations.

<p>Article 237</p> <p>Article 237: Temporary detention is not permissible, unless for the following offences, when there is enough evidence to make a connection between a defendant and the charged offense.</p> <p>Crimes that are punishable by death or amputation under the law, and also intentional crimes against bodily integrity that are punishable by compensatory payments equaling or exceeding one-third of the compensatory payment for wrongful death.</p> <p>Crimes punishable by category four or higher ta'zir punishments.</p> <p>Crimes against internal or external security that are punishable by category five or</p>	<p>Suggestions:</p> <p>Inserting the phrase "life imprisonment" after the phrase "death" in subsection A.</p> <p>Deleting the phrase "crimes" in subsection A.</p>	<p>Article 237</p> <p>Article 237: Temporary detention is not permissible, unless for the following offences, when there is enough evidence to make a connection between a defendant and the charged offense.</p> <p>Crimes that are punishable by death, life imprisonment, amputation or intentional crimes against bodily integrity that are punishable by compensatory payments equaling or exceeding one-third of the compensatory payment for wrongful death.</p> <p>Crimes punishable by category four or higher ta'zir punishments.</p> <p>Crimes against internal or external security that are punishable by category five or higher ta'zir punishments.</p>	<p>Crimes carrying out the punishment of life imprisonment were added to the list of crimes for which temporary pre-trial detention is permissible.</p>	<p>After this change individuals charged with crimes such as putting someone under duress to commit murder (Article 375 of the IPC) may be held in pre-trial detention.</p>
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<p>higher ta'zir punishments.</p> <p>Bothering and harassing women and children, and pretending, showing force and harassing individuals with a knife or any other weapon.</p> <p>Theft, fraud, bribery, embezzlement, breach of trust, forgery or using a forged document, if section B of this article does not apply and the defendant has previously been convicted of any of the aforementioned crimes.</p> <p>Note: The instances in which temporary detention is required in special laws, except laws governing the offences committed by armed forces, are repealed the day on which this Code comes into force.</p>		<p>Bothering and harassing women and children, and pretending, showing force and harassing individuals with a knife or any other weapon.</p> <p>Theft, fraud, bribery, embezzlement, breach of trust, forgery or using a forged document, if section B of this article does not apply and the defendant has previously been convicted of any of the aforementioned crimes.</p> <p>Note: The instances in which temporary detention is required in special laws, except laws governing the offences committed by armed forces, are repealed the day on which this Code comes into force.</p>		
Article 286	Article 286	Article 286		

<p>In addition to the instances 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 and adolescents' court.</p>	<p>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.</p>	<p>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.</p>	<p>Article 302 was changed to Article 203</p>	<p>The final version corrected an error in the original version.</p>
<p>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</p>		<p>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 Islamic or legal</p>	<p>The final version of this article gives the ultimate responsibility to the head of the judiciary regarding this issue rather than the Supreme Court.</p>	<p>By making the head of the judiciary the ultimate authority whether to decide a decision violates religious or legal principles in these cases, reversing an unfavorable decision has been made considerably more difficult and less likely.</p>

<p>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.</p>		<p>principles, he or she will provide an adequate argument and refer the matter to the head of the judiciary for implantation of Article 477.</p>		
<p>Article 298 The Children and Adolescents Court will be comprised of one judge and two counselors. The opinions of the counselors are advisory.</p>	<p>Article 298 The Children and Adolescents Court will be comprised of one judge and one counselor, and if necessary, two counselors. The opinions of the counselors are advisory.</p>	<p>Article 298 The Children and Adolescents Court will be comprised of one judge and one counselor. The opinion of the counselor is advisory.</p>	<p>The final version reduced the number of counselors in the Children and Adolescents Court to one.</p>	<p>As a result of this change, trained professionals will likely have less influence over the outcomes of cases in the Children and Adolescents Court.</p>
<p>Article 302 The following offences are adjudicated at the First Criminal Court.</p>	<p>Article 302 The following offences are adjudicated at the First Criminal Court.</p>	<p>Article 302 The following offences are adjudicated at the First Criminal Court.</p>	<p>The final version of the law makes two changes to the original version of this</p>	<p>Because of this change fewer cases will be heard by courts classified as</p>

Crimes punishable by death.	Crimes punishable by death.	Crimes punishable by death.	provision. First, only cases involving	First Criminal Courts.
Crimes punishable by life imprisonment.	Crimes punishable by life imprisonment.	Crimes punishable by life imprisonment.	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.	
Crimes punishable by amputation and intentional crimes against bodily integrity with compensatory payments equaling or exceeding one-third of the compensatory payment for a wrongful death.	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.	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.		
Crimes punishable by category four or higher ta'zir punishments.	Crimes punishable by category three or higher ta'zir punishments.	Crimes punishable by category three or higher ta'zir punishments.		
Political and press crimes.	Political and press crimes.	Political and press crimes.		
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.	Article 306 The crimes of adultery, sodomy and other crimes involving illicit relations are directly heard at the appropriate court. Note: The phrase “crimes involving	The final version of the article adds a note stating that other sexual crimes are also included in this provision.	The final version of this article makes it clear that all sex-related crimes are adjudicated directly at the court instead of the prosecutor's office.

		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		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 provincial capitals, general offences	The only change to this article is the addition of the heads of the provincial Ministry of Intelligence offices to the list of officials who are to be tried in criminal courts in Tehran if they face charges.	The heads of the provincial Ministry of Intelligence offices are to be tried in criminal courts in Tehran if they face charges.

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 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 under the jurisdiction of the Armed Forces

<p>under the jurisdiction of the Armed Forces Judicial Organization, will take place in the First or Second Tehran Military Court.</p>		<p>Judicial Organization, will take place in the First or Second Tehran Military Court.</p>		
<p>Article 315 If children or 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 children and adolescents. The defendant is to be afforded all protections offered at the Children and Adolescents Court.</p>	<p>Article 315 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.</p>	<p>Article 315 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 division. The defendant is to be afforded all protections offered at the Children and Adolescents Court.</p> <p>Note 1: In each county a branch or a number of branches of the First Criminal Court entitled the "First Criminal Court's special division for the crimes of</p>	<p>The final 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.</p>	<p>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.</p>

		<p>adolescents” is to be established, as needed. The fact that these branches are specialized does not preclude the referring of other cases to them.</p> <p>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.</p>		
<p>Article 342</p> <p>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</p>	<p>Article 342</p> <p>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 summons them to</p>	<p>Article 342</p> <p>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 summons them to</p>	<p>The added note provides for invitation of the governmental agency responsible for making compensatory payments to take part in proceedings that may lead to a diya payment that will have to be paid by the state.[2]</p>	<p>This change ensures that when a compensatory payment is sought from the government, the government is represented in the proceedings before the court.</p>

<p>summons them to appear for the trial. An image of the indictment is to be sent to the defendant.</p>	<p>appear for the trial. An image of the indictment is to be sent to the defendant, except in cases of crimes involving illicit relations.</p>	<p>appear for the trial. An image of the indictment is to be sent to the defendant.</p> <p>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 there is a demand to pay diya from the treasury, the court is required to invite the governmental agency responsible for paying the compensatory payment or diya to take part in the proceedings so that it can protect the rights of the treasury. The said governmental agency has the right to appeal the court decision.</p>		
<p>Article 404</p> <p>At the end of the proceedings, members of the court, asking for God's assistance,</p>	<p>The Parliament Research Center did not recommend any changes to this article.</p>	<p>Article 404</p> <p>At the end of the proceedings, members of the court, asking for God's assistance,</p>	<p>The final wording of the provision allows for the possibility that a verdict does not have to be</p>	<p>The final version of this article states that a decision must be reached within one week after</p>

and relying on their honor and conscience, and considering the content of the case file, will consult and will issue a verdict in that very meeting. 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. After the issuance of the verdict, 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 and clear voice, and the

and relying on their honor and conscience, and considering the content of the case 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

reached immediately reached after the conclusion of a trial.

the conclusion of the trial.

<p>content of the opinion is communicated to the defendant. If the verdict is to acquit the defendant or to suspend his or her punishment, the court will order the defendant to be freed immediately.</p> <p>Note: At the end of proceedings, the members of the court must not disperse until they reach a decision and announce it in a public court session. This rule is binding on members of the jury as well.</p>		<p>and clear voice, and the content of the opinion is communicated to the defendant. If the verdict is to acquit the defendant or to suspend his or her punishment, the court will order the defendant to be freed immediately.</p> <p>Note: At the end of proceedings, the members of the court must not disperse until they reach a decision and announce it in a public court session. This rule is binding on members of the jury as well.</p>		
<p>Article 425</p> <p>When a court is comprised of several judges, if a challenge is raised regarding one of the members and that member recuses him or herself, the court will be complemented with the addition of another member, and it will consider the</p>	<p>Article 425</p> <p>When a court is comprised of several judges, if a challenge is raised regarding one of the members and that member recuses him or herself, the court will be complemented with the addition of another member, and it will consider the case. If the</p>	<p>Article 425</p> <p>When a court is comprised of several judges, if a challenge is raised regarding one of the members and that member recuses him or herself, the court will be complemented with the addition of another member, and it will consider the case. If the</p>	<p>The final version of this article removed an extraneous sentence from the original draft.</p>	<p>The final version is not materially different from the original version.</p>

<p>case. If the challenge is not accepted, the court will convene without the presence of the member about whom the issue has been raised, and it will address the complaint within business hours. The court will either accept or reject the challenge. When several of the members of the court are challenged and they do not recuse themselves, if the remaining members of the court form the majority, the majority of the members will address the complaint within business hours in the absence of the challenged 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</p>	<p>challenge is not accepted, the court will convene without the presence of the member about whom the issue has been raised, and it will address the complaint within business hours. The court 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 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.</p>	<p>challenge is not accepted, the court will convene without the presence of the member about whom the issue has been raised, and it will address the complaint within business hours. The court 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 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.</p>			
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<p>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.</p>				
<p>Article 463 The Supreme Court has an adequate number of deputy judges who can assume the responsibilities of associate judges.</p>	<p>No particular suggestion made by the Parliament Research Center</p>	<p>Article 463 The Supreme Court has an adequate number of deputy judges who can assume the responsibilities of associate or chief judges.</p>	<p>The final version of the provision states that deputy judges can serve as chief judges as well.</p>	<p>This change gives the judiciary more flexibility in using its resources.</p>
<p>Article 470 After the Supreme Court has reversed a decision, the judicial body responsible for reconsidering the case will act in the following manner: If the decision has been reversed due to deficiencies in the investigation, the judicial body must perform the</p>	<p>No particular suggestion made by the Parliament Research Center</p>	<p>Article 470 After the Supreme Court has reversed a decision, the judicial body responsible for reconsidering the case will act in the following manner: If the decision has been reversed due to deficiencies in the investigation, the judicial body</p>	<p>The final version added a line about what to do if the General Board of the Supreme Court finds that the investigation has been deficient.</p>	<p>If the General Board of the Supreme Court finds that the investigation has been deficient, the case will be referred to a Supreme Court branch for further consideration.</p>

investigation deemed necessary by the Supreme Court and then issue a decision.

If a procedural decision has been reversed and there is a need for substantive review, the judicial body must follow the opinion of the Supreme Court, address the matter and write the opinion, unless, after the reversal, new grounds emerge for issuing a judicial decision.

If a decision has been reversed due to a different reason than those mentioned above, the court can insist on the content of the previous opinion. If this decision is appealed, and a Supreme Court branch, after reviewing the decision, accepts the court's reasoning, it will affirm the decision. If not, the case will be

must perform the investigation deemed necessary by the Supreme Court and then issue a decision.

If a procedural decision has been reversed and there is a need for substantive review, the judicial body must follow the opinion of the Supreme Court, address the matter and write the opinion, unless, after the reversal, new grounds emerge for issuing a judicial decision.

If a decision has been reversed due to a different reason than those mentioned above, the court can insist on the content of the previous opinion. If this decision is appealed, and a Supreme Court branch, after reviewing the decision, accepts the court's reasoning, it will affirm the decision. If not, the case will

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.

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).		
<p>Note to Article 478</p> <p>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.</p>		<p>Note to Article 478</p> <p>Note: If the sentence issued is the death penalty, another corporal punishment or demolition of a building, 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.</p>	<p>The final 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 branch.</p>	<p>A person whose property is to be demolished can now request the demolition to be put on hold pending a final decision by the Supreme Court.</p>
<p>Article 484</p> <p>The prosecutor is 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 offices in regions determined by the</p>	<p>Article 484</p> <p>The prosecutor is charged with carrying out criminal sentences. The Office to Implement Penal Sentences, which is chaired and supervised by the prosecutor, and operates within prosecutor's offices in regions determined by the head of the</p>	<p>Article 484</p> <p>The prosecutor is charged with carrying out criminal sentences. The Office to Implement Penal Sentences, which is chaired and supervised by the prosecutor, and operates within prosecutor's offices in regions determined by the head of the</p>	<p>The final version deleted the term "public" before "prosecutor's offices."</p>	<p>This change in language does not alter the meaning of this provision.</p>

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

<p>approve this regulatory code.</p> <p>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.</p>	<p>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.</p>	<p>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.</p>		
<p>Article 559</p> <p>The plaintiff, in 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 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 court in which the</p>	<p>Article 559</p> <p>The plaintiff, in 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 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 court in which the</p>	<p>Article 559</p> <p>The plaintiff, in 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 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 court in which the</p>	<p>The final version removed the condition regarding exceptions to the properties that can be taken to repay a debt from the body of the article and added it to the note to this article.</p>	<p>This change does not alter the meaning of this provision.</p>

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

