



IHRDC Translation of the

New Islamic Penal Code of the Islamic Republic of Iran – Books One and Two

Adopted by the Legal Affairs Commission of the Islamic Consultative Assembly on April 21,
2013

Iran Human Rights Documentation Center
129 Church Street
Suite 304
New Haven, CT 06510
USA

Islamic Penal Code

Table of Contents

BOOK ONE- PRELIMINARY

Part One- General Articles

Chapter One- Definitions

Chapter Two- Scope of Application of Penal Laws According to Place

Chapter Three- Scope of Application of Penal Laws According to Time

Chapter Four- Legality of Crimes, Punishments and Criminal Procedures

Part Two- Punishments

Chapter One- Main Punishments

Chapter Two- Complementary and Consequential Punishments

Chapter Three- Method of Determining and Executing the Punishments

Chapter Four- Mitigation of, and Exemption from, Punishment

Chapter Five- Postponement of Deliverance of Judgment

Chapter Six- Suspension of Execution of Punishment

Chapter Seven- Regime of 'Half-release' [open prison]

Chapter Eight- Regime of Conditional Release

Chapter Nine- Substitute Punishments for Imprisonment

Chapter Ten- Punishment and Security and Correctional Measures for Children and Young People

Chapter Eleven- Cessation of Punishment

Section One- Pardon

Section Two- Repeal of the law

Section Three- Forgiveness by complainant

Section Four- Lapse of time

Section Five- Repentance of the offender

Section Six- Application of principle of *Dar'a*

Part Three- Offenses

- Chapter One- Attempt to Commit an Offense
- Chapter Two- Accomplices to the Offense
- Chapter Three- Accessories to the Offense
- Chapter Four- Leading a Gang of Organized Criminals
- Chapter Five- Multiplicity of Offenses
- Chapter Six- Reoffending

Part Four- Conditions and Obstacles of Criminal Responsibility

- Chapter One- Conditions of Criminal Responsibility
- Chapter Two- Obstacles of Criminal Responsibility

Part Five- Evidence Rules in Criminal Cases

- Chapter One- General Articles
- Chapter Two- Confession
- Chapter Three- Testimony
- Chapter Four- Oath
- Chapter Five- Knowledge of the Judge

Part Six- Miscellaneous Issues

BOOK TWO – HUDUD

Part One- General Articles

Part Two- Offenses punishable by *Hadd*

- Chapter One- *Zina*
- Chapter Two- *Livat*, *Tafkhiz*, and *Musaheqeh*
- Chapter Three- *Procuring/Pandering*

Chapter Four- Qazf [false accusation of sexual offenses]

Chapter Five- *Sabb-e nabi* (Swearing at the Prophet)

Chapter Six- Consumption of intoxicants

Chapter Seven- Theft

Chapter Eight- *Moharebeh*

Chapter Nine- *Baqy* (Rebellion) and *Efsad-e-fel-arz* (Corruption on Earth)

BOOK ONE- PRELIMINARY
Part One- General Articles

Chapter One- Definitions

Article 1- The Islamic Penal Code consists of crimes and punishments of *hudud*, *qisas*, *diyat*, *ta'zirat*, the security and correctional measures, requirements and barriers of criminal responsibility and the rules that apply to them.

Article 2- Any conduct, including action or omission, for which punishment is provided by law, constitutes an offense.

Chapter Two- Scope of Application of Penal Laws According to Place

Article 3- Iran's criminal laws shall apply to all persons who commit a crime within the territorial, maritime and aerial jurisdiction of the Islamic Republic of Iran, unless otherwise provided by law.

Article 4- When part of an offense or its result occurred inside Iranian territory, the offense shall be deemed as having been committed inside the Islamic Republic of Iran.

Article 5- Any Iranian or non-Iranian person who commits one of the following offenses, or offenses prescribed in specific laws, outside Iran's jurisdiction, shall be tried and punished in accordance with the laws of the Islamic Republic of Iran; and when prosecution of these crimes outside of Iran have resulted in legal conviction and the punishment is carried out, the Iranian court, when determining the ta'zir punishments, shall consider the amount of punishment which is carried out:

- (a) Acting against the regime, and the internal and external security, and territorial integrity or the independence of the Islamic Republic of Iran.
- (b) Forging a stamp, signature, decree, order, or handwriting of the Leader or using them.
- (c) Forging the official stamp, signature, decree, order, or handwriting of the President, Head of Judiciary, Chairperson and Members of Islamic Consultative Assembly [Parliament], Chairperson of Experts Assembly, Head of Supreme Court, Attorney General, Members of Guardian Council, Chairperson and Members of Expediency Discernment Council of Regime, any of the Ministers or Vice Presidents, or using them.
- (d) Forging decisions or writs issued by judicial authorities or other legal bodies, or using them.
- (e) Counterfeiting Iranian current banknotes or the banks' binding documents, and also forging treasury bills, bonds issued or guaranteed by government, or counterfeiting coins and distributing counterfeit current domestic coins.

Article 6- Offenses committed by Iranian or non-Iranian employees of the Government of the Islamic Republic of Iran outside Iranian territory in relation to their office and duties, as well as any offense committed by Iranian diplomats and consulate agents and other dependants of the Iranian Government that enjoy diplomatic immunity, shall be dealt with in accordance with the laws of the Islamic Republic of Iran.

Article 7- In addition to the cases mentioned in the articles above, any Iranian national who commits a crime outside Iran and is found in, or extradited to, Iran shall be prosecuted and punished in accordance with the laws of the Islamic Republic of Iran, provided that:

- (a) The committed conduct is deemed an offense under the law of the Islamic Republic of Iran.
- (b) If the committed crime is punishable by ta'zir, the accused person is not tried and acquitted in the place of the commission of the crime, or in the case of conviction the punishment is not, wholly or partly, carried out against him.
- (c) According to Iranian laws there is no basis for removal or discontinuation of prosecution or discontinuation or cancellation of execution of the punishment.

Article 8- When a non-Iranian person outside Iran commits a crime other than those mentioned in previous articles against an Iranian person or the Iranian State and is found in, or extradited to, Iran, his crime shall be dealt with in accordance with the criminal laws of the Islamic Republic of Iran, provided that:

- (a) In the case of crimes punishable by ta'zir, the accused person is not tried and acquitted in the place of commission of the crime, or in the case of conviction, the punishment is not, wholly or partly, carried out against him.
- (b) In the case of crimes punishable by ta'zir, the committed conduct is deemed an offense under the law of the Islamic Republic of Iran and the law of the place of the commission.

Article 9- Perpetrator of the offenses, which, according to a special law or international Conventions and laws shall be prosecuted in the country that he is found, if arrested in Iran shall be prosecuted and punished in accordance with the laws of the Islamic Republic of Iran.

Chapter Three- Scope of Application of Penal Laws According to Time

Article 10- In governmental regulations and arrangements, punishment and security and correction measures must be in accordance with a law adopted prior to commission of the crime; and no one who has committed any conduct including any act or omission is punishable by the law passed subsequently. However, if, after the offense is committed, a law is passed which provides mitigation or abolition of the punishment or security and correction measures or is favorable to the perpetrator in some other way, it is applicable to the offenses committed prior to the passage of the law until the final judgment is issued. In cases where a final binding judgment is issued under a previous law, action shall be taken according to the following procedure:

- (a) In case the conduct, which was an offense in the past, is not considered as an offense under a subsequent law, the final judgment shall not be executed, and if it is in the process of execution, it shall be suspended; and in these cases, and also in cases where the judgment has already been executed, there shall be no criminal consequences.
- (b) In case the punishment of an offense is reduced under a subsequent law, the enforcement judge is obliged, before, or during, the execution, to ask the court which

has issued the final judgment to correct it according the subsequent law. The convict, too, may apply for the commutation of the punishment from the issuing court. The issuing court, considering the subsequent law, shall reduce the previous punishment. The same rules mentioned in this paragraph shall be applicable on security and correction measures imposed on minor offenders. In such cases, the natural or judicial guardian of [the minor offender], too, can apply for the commutation of the security and correction measures.

Note- Unless otherwise stipulated by the subsequent law, the above mentioned provisions shall not be applicable on laws adopted for a specific period or specific cases.

Article 11- The following laws shall be given immediate effect towards the crimes committed prior to the adoption of the law:

- (a) Laws relating to judicial structure and jurisdiction
- (b) Laws relating to evidence before the judgment is executed
- (c) Laws relating to judicial procedures
- (d) Laws relating to 'lapse of time'

Note- If in the case of paragraph (a) above, a final judgment has been issued, the case shall be sent to the court which has issued the final judgment to be reviewed.

Chapter Four- Legality of crimes, punishments and criminal procedures

Article 12- Imposing and executing a punishment or security and correctional measures shall be carried out by a competent court and in accordance with the law and subject to conditions and requirements specified in the law.

Article 13- Imposing and executing a punishment or security and correctional measures shall not breach the limit and conditions specified in the law or the judgment; and any loss or damage, if caused deliberately or negligently shall be followed by criminal and civil liability accordingly; otherwise, the loss shall be recovered from the public treasury.

Part Two- Punishments

Chapter One- Main Punishments

Article 14- Punishments provided in this law are divided into four categories:

- (a) *Hadd*
- (b) *Qisas*
- (c) *Diya*
- (d) *Ta'zir*

Note- If causality between a legal person's conduct and a loss is established, *diya* and damages can be claimed. Imposing *ta'zir* punishments against legal persons shall be in accordance with article 20.

Article 15- *Hadd* is a punishment for which the grounds for, type, amount and conditions of execution are specified in holy Shari'a.

Article 16- *Qisas* is the main punishment for intentional bodily crimes against life, limbs, and abilities which shall be applied in accordance with Book One of this law.

Article 17- *Diya*, whether fixed or unfixed, is monetary amount under holy Shari'a which is determined by law and shall be paid for unintentional bodily crimes against life, limbs and abilities or for intentional crimes when for whatever reason *qisas* is not applicable.

Article 18- Ta'zir is a punishment which does not fall under the categories of *hadd*, *qisas*, or *diya* and is determined by law for commission of prohibited acts under Shari'a or violation of state rules. The type, amount, conditions of execution as well as mitigation, suspension, cancellation and other relevant rules of ta'zir crimes shall be determined by law. In making decisions in ta'zir crimes, while complying with legal rules, the court shall consider the following issues:

- (a) The offender's motivation and his/her mental and psychological conditions when committed the crime
- (b) Method of committing the crime, extent of a breach of duty and its harmful consequences
- (c) Conduct of the offender after committing the crime
- (d) The offender's personal, family, and social background and the effect of the ta'zir punishment on him/her

Article 19- Ta'zir punishments are divided into eight degrees:

First Degree

- Imprisonment for over twenty-five years
- Fine of more than one billion (1,000,000,000) Rials
- Confiscation of whole assets
- Dissolution of the legal person

Second Degree

- Imprisonment from fifteen to twenty-five years
- Fine from five hundred and fifty million (550,000,000) Rials to one billion (1,000,000,000) Rials

Third Degree

- Imprisonment from ten to fifteen years
- Fine from three hundred and sixty million (360,000,000) Rials to fifty-five million (550,000,000) Rials

Fourth Degree

- Imprisonment from five to ten years
- Fine from one hundred and eighty million (180,000,000) Rials to three hundred and sixty million (360,000,000) Rials

Fifth Degree

- Imprisonment from two to five years
- Fine from eighty million (80,000,000) Rials to one hundred eighty million

- (180,000,000) Rials
- Deprivation from social rights from five to fifteen years
- Permanent ban from one or more professional or social activity (activities) for legal persons
- Permanent ban from public invitation to increase the capital for legal persons

Sixth Degree

- Imprisonment from six months to two years
- Fine from twenty million (20,000,000) Rials to eighty million (80,000,000) Rials
- Flogging from thirty-one to seventy-four lashes and up to ninety-nine lashes in indecent crimes
- Deprivation from social rights from six months to five years
- Publication of the final judgment in the media
- Ban from one or more professional or social activity (activities) for legal persons for up to five years
- Ban from public invitation to increase the capital for legal persons for up to five years
- Ban from drawing some commercial bills by legal persons for up to five years

Seventh Degree

- Imprisonment from ninety-one days to six months
- Fine from ten million (10,000,000) Rials to twenty (20,000,000) million Rials
- Flogging from eleven to thirty lashes
- Deprivation from social rights up to six months

Eighth Degree

- Imprisonment up to three months
- Fine up to ten million (10,000,000) Rials
- Flogging up to ten lashes

Note 1- The cases of deprivation of social rights are the same as referred to under consequential punishments.

Note 2- Any punishment for which its minimum amount does not fit into any one of the abovementioned degrees and its maximum fits into a higher degree shall be regarded as the higher degree.

Note 3- In the event of multiplicity of the punishments, the most severe punishment, and, if it is not possible to determine the most severe punishment, the length of the imprisonment, shall be the determining factor. Also, if a punishment does not fit into any of the abovementioned eight sections, it shall be regarded as seventh degree.

Note 4- The sections of this article and its notes are only aimed to classify the punishments and shall have no effect on the minimum and maximum of the punishments provided in the current laws.

Note 5- Confiscation of the property and the objects that are used, or aimed to use, as the instrument of committing the offense, shall fall outside of this article and paragraph (b) of article 20 and shall be dealt with in accordance with article 215 of this law. In any event that an order of confiscation of properties is issued, reasonable living costs of the convict and their dependants must be excluded from confiscation.

Article 20- If a legal person is held responsible under article 143 of this law, considering the severity of the crime and its harmful consequences, it shall be sentenced to one or two of the following, although this shall not prevent punishing the natural person:

- (a) Dissolution of the legal person
- (b) Confiscation of all properties
- (c) Ban from one or more social or professional activity (activities) permanently or for up to five years
- (d) Ban from public invitation to increase the capital for legal persons permanently or for up to five years
- (e) Ban from drawing some commercial bills for up to five years
- (f) Fine
- (g) Publication of the convicting judgment in the media

Note- The punishment provided in this article shall not be applied on governmental bodies or public or non-governmental entities that implement the state administration.

Article 21- The fine applicable on legal persons shall be from two times up to four times of the amount provided by law for committing the same crime by natural persons.

Article 22- Dissolution of a legal person and confiscation of its properties shall be given when it has been established to commit a crime or if it has changed its direction exclusively towards committing crimes despite its initial lawful goals.

Chapter Two- Complementary and Consequential Punishments

Article 23- Considering the requirements provided in this law and proportionate to the committed crime and character of the offender, the court can sentence a person who has been sentenced to *hadd*, *qisas*, or *ta'zir* punishments from sixth to first degree, to one or more punishment(s) from the following complementary punishments:

- (a) Compulsory residence in a specified place
- (b) Ban from residing in (a) specified place(s)
- (c) Ban from holding a specified profession, career or job
- (d) Dismissal from governmental and public offices
- (e) Ban from driving or operating motor vehicles
- (f) Ban from having a checkbook or drawing commercial bills
- (g) Ban from carrying a gun
- (h) Ban from leaving the country for Iranian citizens
- (i) Deportation of foreign nationals
- (j) Providing public services
- (k) Ban from membership of political or social parties and groups
- (l) Seizure of the means for commission of the offense or the media or organization involved in commission of the offense
- (m) Compulsory learning of a specified profession, career, or job
- (n) Compulsory education
- (o) Publication of the final judgment

Note 1- The complementary punishment shall not exceed more than two years unless otherwise provided by law.

Note 2- If the complementary punishment and main punishment are of the same type, only the main punishment shall be given.

Note 3- The regulations of the conditions of execution of complementary punishments shall be prepared by the Minister of Justice and approved by the Head of Judiciary within six months after this law is enforceable.

Article 24- If the convict does not comply with the content of the judgment during the period of execution of the complementary punishment, the trial court, upon the proposal of the judge in charge of execution of judgments, shall increase the period of the complementary punishment up to one third in the first occasion, and if it is repeated, shall replace the remaining period with either imprisonment or fine of the seventh or eighth degree. In addition, after half of the period of the complementary punishment is passed, upon the proposal of the judge in charge of execution of the judgment and provided that there is confidence that the convict is corrected and will not repeat the crime, the court can remove or reduce the period of his complementary punishment.

Article 25- Final criminal conviction of intentional crimes after the sentence was executed or subjected to lapse of time, shall deprive the convict from social rights as a consequential punishment during the period provided in this article:

- (a) Seven years from the date the execution of the main punishment is stopped, in the case of sentences of deprivation of life and life imprisonments
- (b) Three years in the case of sentences of limb amputation, *qisas* of limb if the *diya* of the suffered injury exceeds half of the victim's *diya*, banishment, and imprisonment of the fourth degree
- (c) Two years in the case of sentences of *hadd* flogging, *qisas* of limb if the *diya* of the suffered injury is half or less than half of the victim's *diya*, and imprisonment of the fifth degree

Note 1- In cases other than those mentioned above, the conviction shall be recorded in the convict's criminal record but shall not be reflected in the certificates issued by the relative authorities unless requested by judicial bodies in order to determine or review the sentence.

Note 2- In the case of forgivable crimes, if the execution of the sentence is discontinued because of forgiveness by the complainant or private claimant, the consequential effects shall be removed as well.

Note 3- In the case of pardon and conditional release, the consequential effects shall be removed after the passage of the abovementioned periods from the date of pardon or the end of conditional release. The convict shall be deprived from social rights during the period of conditional release as well as during the execution of the sentence.

Article 26- Social rights referred to in this law are:

- (a) Right to become a candidate in the elections for Presidency, Assembly of Experts of the Leadership, Islamic Consultative Assembly (Majlis), and City and Villages Councils
- (b) Membership in the Guardian Council and Expediency Discernment Council or the Cabinet and being appointed as the Deputy of the President
- (c) To become the Head of Judiciary, Public Prosecutor of the State, President of the Supreme Court, President of the Court of Administrative Justice
- (d) Membership in all societies, councils, parties, and associations either through public elections or by virtue of law
- (e) Membership in juries and boards of trustees and Reconciliation Councils
- (f) Holding an editorial or supervisory job in public media

- (g) To be employed in all state bodies, including the three branches of power and their dependant companies and institutes, Islamic Republic of Iran Broadcasting, armed forces and other organs under the supervision of the Leader, municipalities, public services institutes, and departments that their names should be stipulated in order to be included in the law
- (h) To become and function as an attorney at law and manager, and assistant, of a notary public and marriage and divorce registry offices
- (i) To be elected as a guardian, trustee, administrator, overseer, or operator of public endowments
- (j) To be elected as an arbitrator and expert in official bodies
- (k) To use state medals and medallions and honorary titles
- (l) To establish, manage, or membership, in the board of directors of governmental, cooperative, and private companies or to register a commercial name or an educational, research, cultural or scientific institute

Note 1- If servants of state departments have been deprived of social rights, whether as a main or complementary or consequential punishment, shall be suspended from the service for the period provided in the judgment or law, whichever is the case.

Note 2- Anyone who has been deprived of social rights as a consequential punishment, shall be rehabilitated after the lapse of the periods provided in article (25) of this law and the consequential effects shall be removed unless in the cases of paragraphs (a), (b), and (c) of this article in which cases the deprivation is permanent.

Chapter Three- Method of Determining and Executing the Punishments

Article 27- The period of imprisonment starts from the day on which the convict is imprisoned in accordance with a final and enforceable judgment. If the individual, due to charge(s) brought against him in the case, has been detained before the judgment was issued, the time he has spent in detention shall be calculated in the sentence. If the sentence given in the judgment is a ta'zir flogging or a fine, every day in detention shall be [calculated] as three lashes or three hundred thousand (300,000) Rials. If the punishment[s] are multiple, they shall be calculated in order, first the imprisonment, then the flogging and then the fine.

Article 28- All the amounts of money referred to in this law and other laws including fines, shall be modified every three years upon the proposal of the Minister of Justice and adoption of the Cabinet, according to the rate of inflation announced by the Central Bank; and it shall be enforceable on the judgments that will be issued afterwards.

Article 29- When a detention which is alternative to a fine is together with an imprisonment, such alternative detention shall be started from the date the imprisonment ends; it shall not exceed the maximum imprisonment provided for the same crime, and an alternative detention to a fine shall not exceed three years in any event.

Article 30- A ban from holding a specified profession, career or job shall require revocation of the license of the same profession, career or job, provided that the crime is committed as a result of [that] profession, career or job or if it has facilitated the commission of the crime.

Article 31- A ban from driving and operating motor vehicles shall require revocation of the

driving license and ban from a new application.

Article 32- A ban from drawing checks shall require nullification of the blank checks of the checkbook and blocking of the current account and ban from new application for opening a current account.

Article 33- A ban from carrying a permitted gun shall require revocation of the permission of carrying a gun and also seizure of the gun.

Article 34- A ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application.

Article 35- Temporary or permanent deportation of condemned foreign nationals shall be carried out after the sentence is executed and in accordance with the court's decision.

Article 36- Court judgments regarding the final conviction of *hadd* crimes of *moharebeh* and *efsad-e fel-arz*, or *ta'zir* crimes of up to the fourth degree, and also fraud of more than one billion (1,000,000,000) Rials, if not considered against the public order or security, shall be publicized once in a local newspaper.

Note- Publication of a judgment of a final conviction is mandatory in the following crimes in which the subject of the crime is valued at one billion (1,000,000,000) Rials or more; and it shall be publicized in the national broadcasting or one of the widely circulated newspapers:

- (a) Paying and receiving a bribe
- (b) Embezzlement
- (c) Unlawful and undue influence in cases where the offender or a third party has gained property from the offense
- (d) Intervention of Ministers and Members of Parliament and civil servants in governmental and state contracts
- (e) Conspiracy in governmental contracts
- (f) Receiving commission/percentage for foreign contracts
- (g) Infringements of civil servants against the government
- (h) Customs offenses
- (i) Trafficking of goods and foreign exchanges
- (j) Tax offenses
- (k) Money laundering
- (l) Disruption of economic order of the country
- (m) Unlawful possession of public or state properties

Chapter Four- Mitigation of, and exemption from, Punishment

Article 37- If there is one, or more, mitigating factor(s), the court may mitigate or replace the *ta'zir* punishment as explained below in a way which is in the interest of the accused:

- (a) Reducing the imprisonment period from one to three degree(s)
- (b) Replacing the confiscation of properties with a fine of the first to fourth degree
- (c) Replacing the permanent dismissal to temporary suspension from five to fifteen years

- (d) Reducing one or two degrees of the same or other types of punishments for other ta'zir punishments

Article 38- Mitigating factors are:

- (a) Forgiveness by complainant or private claimant
- (b) Effective cooperation of the accused in recognition of accomplices and accessories to the offense and in finding the proceeds of the offense or discovering the properties and goods resulted from, or the means used in commission of, the offense
- (c) Specific circumstances under the influence of which the accused has committed the offense; such as: inflammatory conduct or talk of the victim or honorable motive for committing the offense
- (d) Statement of the accused prior to prosecution, or his/her effective confession during investigation and prosecution
- (e) Regret, good reputation or specific condition of the accused such as his/her age or illness
- (f) Efforts by the accused in order to reduce the effects of the offense and his/her measures to compensate the loss resulting from it
- (g) When the loss imposed to the victim of the offense or the consequences of the offense are slight
- (h) Slight contribution of accomplice or accessory to the offense in commission of the offense

Note 1 -The court must stipulate the mitigating factors in its judgment.

Note 2 -If the same mitigating factors as mentioned in this article are provided in specific articles, the court may not mitigate the punishment again for the same mitigating factors.

Article 39- In ta'zir crimes of the seventh and eighth degree, when mitigating factors are recognized, if the court finds the accused guilty but believes that the offender will be corrected even without execution of the punishment, provided that s/he has no effective criminal record and the complainant has forgiven the offender and the losses are already compensated or appropriate measures are taken to compensate the loss, the court may decide to exempt the offender from punishment.

Chapter Five- Postponement of Deliverance of Judgment

Article 40- In ta'zir offenses of the sixth to eighth degree, after the accused is found guilty, the court, subject to the following conditions and considering his/her personal, family, and social conditions and backgrounds and the circumstances that resulted in commission of the offense, may postpone the deliverance of the judgment from six to two years:

- (a) Existence of mitigating factors
- (b) Foreseeable correction of the offender
- (c) Compensation of, or taking appropriate measures to compensate, the loss
- (d) Lack of effective criminal record

Note- An effective conviction is a conviction that deprives the convict from social rights following the execution of the sentence in accordance with article 25 of this law.

Article 41- Postponement [of deliverance of the judgment] has two forms: simple and supervised.

- (a) In simple postponement, the offender shall promise in writing that in the period determined by the court, s/he will not commit any crime, and it is believed from his/her behavior that s/he will not commit any crime in the future too.
- (b) In supervised postponement, in addition to the conditions mentioned for simple postponement, the offender promises to comply with and execute the orders and measures set by the court during the period of postponement.

Note 1- The court cannot issue the warrant of postponement of deliverance of judgment in absentia.

Note 2- If the accused is in custody, the court, after issuing the warrant of postponement of deliverance of judgment, shall immediately order his/her release. In such cases the court can obtain an appropriate guarantee. In any event, however, obtaining the guarantee shall not result in detention of the offender.

Article 42- In supervised postponement the following measures shall be taken:

- (a) On-time attendance at the time and place determined by the judicial authority or the supervisory social worker.
- (b) Providing the required information and documents in order to facilitate the supervision of the social worker over the compliance of the convict with his/her obligations
- (c) Declaring any change of job, residence, or relocation within fifteen days and providing the report to the social worker
- (d) Application to the judicial authority for permission for travelling abroad

Note- The abovementioned measures can be accompanied by the court with some supportive measures such as referral of the offender to support organizations.

Article 43- In supervised postponement, the court, while considering the offense committed and characteristics of the offender and conditions of his/her life, can require the offender to carry out one or more of the following orders during the period of postponement, provided that this will not significantly and hugely disrupt his/her own, and his/her family's, life:

- (a) Learning or holding a specific profession or job
- (b) Residence or non-residence in a specific place
- (c) Treatment of an illness or rehabilitation of an addiction
- (d) Payment of *nafaqa* (allowance) to those required by law
- (e) Refraining from operating all or some motor vehicles
- (f) Refraining from professional activity relating to the offense committed or using the means of the offense
- (g) Refraining from contacting and associating with accomplices and accessories to the offense or other people such as the victim of the offense at the discretion of the court
- (h) Attending (a) special program(s) for training and learning basic skills for life or participating in training, ethical, religious, educational or sport classes

Article 44- If the offender commits a *hadd* or *qisas* crime or intentional crimes punishable by *diya* or *ta'zir* of up to the seventh degree during the period of postponement, then the court

shall cancel the warrant of postponement and deliver the judgment of conviction. In the case of non-compliance with the court orders, the court, for one time, can either add to the period of postponement up to half of the time determined in the warrant, or deliver the judgment of conviction.

Note- When the warrant of postponement is canceled and judgment of conviction delivered, then it is forbidden to issue a writ of suspension of execution of punishment.

Article 45- After the period of postponement ends, considering the level of the offender's compliance with the court orders, reports of the social worker and taking into account the conditions of the offender, the court shall either sentence or exempt the offender from punishment.

Chapter Six- Suspension of Execution of Punishment

Article 46- In ta'zir crimes of the third to eighth degree, the court can suspend execution of all or part of the punishment from one to five years, subject to the [same] requirements provided for postponement of deliverance of judgment. Also, the public prosecutor or judge in charge of execution of criminal judgments, after execution of one third of the punishment, can ask the court to suspend [execution of the punishment]. Also, the convict, after spending one third of the punishment, subject to legal requirements, can request suspension through the Public Prosecutor or Prosecutor in charge of execution of criminal judgments.

Article 47- Deliverance of judgment and execution of punishment shall not be postponed or suspended in the following offenses and attempts to commit them:

- (a) Offenses against the domestic and foreign security of the country, destruction of water, electricity, gas, oil, and telecommunication facilities.
- (b) Organized crimes, armed robbery or robbery that involves assault, abduction, and acid attack
- (c) Flaunting strength and disturbing people by resorting to knives or any other weapon, offenses against public chastity, the establishment or management of places for corruption and prostitution
- (d) Large-scale smuggling of narcotic or psychedelic drugs, alcoholic beverages, guns and ammunition, and human trafficking
- (e) Ta'zir punishments alternative to *qisas* of life, accessory to murder, *moharebeh* and *efsad-e fel-arz*
- (f) Economic offenses if the subject of the crime is valued over one hundred million (1,000,000) Rials

Article 48- Suspension of execution of judgment, subject to the [same] provisions provided for postponement of deliverance of judgment, can take two forms: simple and supervised.

Article 49- Writ of suspension of execution of punishment shall be issued by the court within the judgment of conviction or after that. Anyone, whose execution of punishment has been wholly suspended, if s/he is in custody, shall be released immediately.

Article 50- If a convict whose punishment has been suspended, without a reasonable excuse does not comply with the court orders during the period of suspension, the court of the final judgment, upon the proposal of the public prosecutor or the judge in charge of execution of

judgments, can add one to two years to the period of suspension or cancel the writ of suspension for the first time. Non-compliance with the court orders for the second time shall result in cancellation of the writ of suspension and execution of the punishment.

Article 51- Suspension of execution of punishment shall have no effect on the rights of the private claimant and the decision requiring payment of damages or *diyya* shall be executed in such cases.

Article 52- If the convict does not commit any intentional offense punishable by *hadd*, *qisas*, *diyya*, or *ta'zir* of up to the seventh degree, then the suspended punishment shall be ineffective.

Article 53- If part of the punishment, or one of the punishments, given in the judgment is suspended, the period of suspension shall begin from the date the execution of the unsuspended punishment ends.

Note- In cases where, according to administrative and employment laws, a criminal record results in dismissal, in the case of suspension, a suspended conviction shall not result in dismissal, unless [otherwise] stipulated in the law or if the writ of suspension is cancelled.

Article 54- When the convict commits any of the intentional offenses punishable by *hadd*, *qisas*, *diyya*, or *ta'zir* of up to the seventh degree during the period from issuance of the warrant to the end of the period of suspension, after the recent judgment becomes final the court shall cancel the writ of suspension and issue an order of execution of the suspended conviction and also inform the court that had issued the warrant of suspension. While issuing the warrant of suspension, the court shall explicitly declare to the convict that if s/he commits any of the abovementioned offenses during the suspension period, in addition to the punishment of the recent offense, the suspended punishment, too, will be executed on him.

Article 55- If, after issuing the warrant of suspension, the court finds out that the convict had an effective criminal record or other final convictions among which there had been a suspended conviction, and the punishment has been suspended without taking it into account, then the court shall cancel the warrant of suspension. Also if the public prosecutor, or the judge in charge of execution of judgments, becomes aware of the abovementioned cases, they are obliged to ask the court to cancel the suspension of the punishment. This article shall also apply to cases of postponement of deliverance of judgment.

Chapter Seven- Regime of 'Half-release' [open prison]

Article 56- The regime of half-release [open prison] is a method according to which the convict can pursue his/her professional and educational activities, training, treatment, and the like outside of prison while serving the imprisonment sentence. These activities shall be supervised by the Centers of Half-release which shall be established in the Organization of Prisons and Security and Correctional Measures.

Article 57- In *ta'zir* imprisonments of the fifth to seventh degree, subject to forgiveness of the complainant and pledging an appropriate guarantee and promising to pursue a vocational, professional, or educational activity or contributing in continuity of the family life, or treating an addiction or illness which are effective in the process of rehabilitation [of

the convict] or compensation of the victim, the court of final judgment can put the convict, with his/her consent, under the regime of half-release. Additionally, the convict can request the order of half-release while serving his sentence, provided that s/he meets the legal requirements and the court is obliged to consider the request.

Chapter Eight- Regime of Conditional Release

Article 58- In cases of convictions to ta'zir imprisonment, upon the proposal of the public prosecutor or the judge in charge of execution of judgments, and subject to the following conditions, the deciding court can issue the order of conditional release for convicts sentenced to more than ten years' imprisonment after half of the sentence is served, and in other cases after one-third of the sentence is served:

- (a) The convict constantly shows good behavior whilst serving his/her sentence.
- (b) From the conditions and behaviors of the convict, it is predicted that s/he will not commit any offense after being released.
- (c) The court can confirm that the convict has compensated, or has arranged to be paid, the loss or damage contained in the judgment or agreed upon by the private claimant.
- (d) The convict has not previously used conditional release.

Lapse of the abovementioned periods as well the conditions mentioned in paragraphs (a) and (b) of this article, after being reported by the warden of the prison shall be approved by the judge in charge of execution of judgments. The judge in charge of execution of judgments is obliged to consider the prescribed periods as well as condition of the prisoner and checks whether the requirements are met, in which case he must submit the proposal for conditional release to the court.

Article 59- The period of conditional release shall be the same as the remaining duration of the sentence; however, the court can change its duration. In any event it cannot be less than one year and more than five years; unless, where the remaining sentence is less than one year, in which case the period of the conditional release shall be the same as the remaining duration of the sentence.

Article 60- Considering the circumstances in which the crime has been committed and the convict's psychological conditions and character, the court can require the convict to comply with the [same] orders provided in the [chapter of] postponement of deliverance of judgment during the conditional release term. The court, in its judgment, shall state and inform the convict about the said requirements and the consequences of non-compliance with them and also the consequences of committing a new offense.

Article 61- If the convict, without a reasonable excuse, does not comply with the orders of the court during the conditional release term, for the first occasion one to two years shall be added to the conditional release term. If [non compliance with orders] is repeated or in the case of commission of an intentional offense punishable by *hadd*, *qisas*, *diya*, or *ta'zir* of up to the seventh degree, then, in addition to the punishment for the new crime, the remaining duration of the [original] sentence shall be executed; otherwise, his/her release shall become unconditional.

Article 62- In ta'zir offenses of the fifth to eighth degree, subject to the [same] conditions provided for supervised postponement [of deliverance of judgment], the court, with the convict's consent, can put the convict under the supervision of electronic systems inside a specific area.

Note- If required, the court can put the convict subject to supervised orders or the orders provided for supervised postponement [of deliverance of judgment].

Article 63- The relevant executive regulation on the regimes of half-release and conditional release shall be prepared by the Organization of Prisons and Security and Correctional Measures and adopted by the Head of Judiciary within six months from when this law comes into force.

Chapter Nine- Substitute Punishments for Imprisonment

Article 64- Substitute punishments for imprisonment include: supervised period, unpaid public service, fine, daily fine, and deprivation of social rights, which shall be given subject to forgiveness of the complainant and existence of mitigating factors and taking into account the type of the offense and the circumstances in which the crime was committed and its consequences, and the convict's age, skills, conditions, character and records, and also conditions of the victim and other circumstances and conditions.

Note- The court, in its judgment, shall stipulate the compatibility and proportionality of the given sentence with the requirements and conditions provided in this article. The court cannot give more than two of the substitute punishments.

Article 65- Perpetrators of intentional offenses, whose punishments as prescribed by the law range from ninety-one days to six months' imprisonment, shall be sentenced to substitute punishments instead of imprisonment; unless they have a criminal record in the five years prior as explained below:

- (a) More than one account of final conviction to up to six months' imprisonment or a fine of more than ten million (10,000,000) Rials or a ta'zir flogging
- (b) One account of final conviction to more than six months' imprisonment or a *hadd* or *qisas* punishment or payment of more than one fifth of [a full] *diya*

Article 67- The court can sentence offenders of intentional offenses whose punishment as prescribed by the law is from six months to one year's imprisonment, to substitute punishments; [however] if the conditions of article 66 of this law exist then giving substitute punishments for imprisonment shall be prohibited.

Article 68- Offenders of unintentional offenses must be sentenced to substitute punishments for imprisonment; unless, the punishment provided in law for the crime committed is more than two years' imprisonment, in which case it is at the discretion [of the court] to give a substitute punishment for imprisonment.

Article 69- Offenders of the offenses that the type or amount of their ta'zir punishment is not specified in statutory laws shall be sentenced to substitute punishments for imprisonment.

Article 70- The court, when determining the substitute punishment for the imprisonment, shall determine the term of imprisonment as well, in order to be executed in case the substitute punishment becomes impossible to execute or if [the offender] does not comply with the court orders or is unable to pay the fine.

Article 71- Application of substitute punishments of imprisonment is prohibited for crimes against the domestic or foreign security of the country.

Article 72- Multiplicity of intentional offenses for which punishment of at least one of them as prescribed by the law is more than six months' imprisonment shall prevent giving a substitute punishment for imprisonment.

Article 73- In the case of intentional offenses, for which punishment as prescribed by the law is more than one year's imprisonment, if the punishment is mitigated to less than one year, the court cannot give a substitute punishment for the imprisonment.

Article 74- The provisions of this chapter shall not be applicable on final judgments that are delivered before this law comes into force.

Article 75- The fact that an imprisonment sentence is accompanied by other punishments, shall not prevent a substitute punishment for imprisonment from being given. In such cases the court can sentence [the offender] to the aforementioned punishments along with the substitute punishment for imprisonment.

Article 76- The deciding factor on jurisdiction of the court and appeal against the judgment of conviction to a substitute punishment for imprisonment shall be the [original] punishment as prescribed by law.

Article 77- Considering the condition of the convict and circumstances and consequences of execution of the judgment, the judge in charge of execution of judgments can propose aggravation, mitigation, alteration, or temporary suspension of the punishment given to the issuing court. The abovementioned judge shall be assisted by a sufficient number of social workers and supervising officers.

Article 78- The convict, during the term of his/her conviction shall report any changes such as change of job and place of residence which may disrupt execution of the judgment to the judge in charge of execution of judgments.

Article 79- The types of public services and the governmental and public organizations and departments that can receive [such services from] convicts and the process of their cooperation with the judge in charge of execution of judgments and the convict, shall be determined in accordance with the regulations that shall be prepared by the Ministries of Interior Affairs and Justice within three months after this law comes into force, and after approval by the Head of Judiciary, are then adopted by the Cabinet. Provision of this chapter shall be enforceable after the regulations referred to in this article are adopted.

Article 80- If the convict's compliance with the judgment shows his/her correction, the court, upon the proposal of the judge in charge of execution of judgments, [only] for one time, can reduce the rest of the sentence up to a half.

Article 81- If the convict infringes the judgment or court orders, upon the proposal of the judge in charge of execution of judgments and decision of the court, on the first occasion from one-quarter to a half shall be added to the sentence given, and if repeated, the imprisonment sentence shall be executed.

Note- The court, in its judgment, shall explicitly stipulate and inform the convict about the consequences of compliance and infringement of the judgment. In addition, the judge in charge of execution of judgments, while the sentence is being executed, and subject to the content of the judgment and relevant provisions, shall determine the method of supervision and control of the victim.

Article 82- If execution of substitute punishments for imprisonment, wholly or partly, becomes problematic, the sentence given, or the un-executed part of it, shall be executed after the obstacle is removed. If the obstacle is caused by a deliberate behavior of the convict in order to stop the execution of the sentence, then the original sentence shall be executed.

Article 83- The supervised period is a period during which the convict shall be ordered, according to the judgment of the court and under supervision of the judge in charge of execution of judgments, to carry out one or more of the [same] orders provided [earlier] for supervised suspension as explained below:

- (a) In the case of offenses which their punishment prescribed by law is maximum three months' imprisonment, up to six months
- (b) In the case of offenses which their punishment prescribed by law is from ninety one days to six months' imprisonment as well as offenses that the type or amount of their ta'zir punishment is not specified in statutory laws, from six months to one year
- (c) In the case of offenses which their punishment prescribed by law is from six months to one year's [imprisonment], from one to two years
- (d) In the case of unintentional offenses which their punishment prescribed by law is more than one year's [imprisonment], from two to four years

Article 84- Unpaid public services are those services that, with the consent of the convict, shall be given in the judgment as explained below and shall be executed under the supervision of the judge in charge of execution of judgments:

- (a) Offenses mentioned in paragraph (a) of article 83, up to two hundred and seventy hours
- (b) Offenses mentioned in paragraph (b) of article 83, from two hundred and seventy to five hundred and forty hours
- (c) Offenses mentioned in paragraph (c) of article 83, from five hundred and forty to one thousand and eighty hours
- (d) Offenses mentioned in paragraph (d) of article 83, from one thousand and eighty to two thousand and one hundred and sixty hours

Note 1- Hours of providing public services shall not exceed four hours a day for employed people and eight hours a day for unemployed people. In any event, providing the services during the day time shall not disrupt the convict from earning a reasonable living.

Note 2- The order of providing public services shall be subject to all legal regulations and provisions relating to the same service including the conditions for the work of women and

young people, safety and hygiene standards, and regulations for hard and harmful jobs.

Note 3- The court cannot order more than one public service provided in the regulations referred to in this chapter. In any event, in the case that the convict does not consent to provide public services, the original sentence shall be given.

Note 4- Considering the physical condition and needs of medical services or family-related excuses and the like, the judge in charge of execution of judgments can temporarily suspend the public services up to three months within the period or propose to the issuing court to replace it with another substitute punishment.

Article 85- Daily fine is defined as one-eighth to one-quarter of the daily income of the convict which shall be given as explained below and shall be received under the supervision of [the judge in charge of] the execution of judgments:

- (a) Offenses mentioned in paragraph (a) of article 83, up to one hundred and eighty days
- (b) Offenses mentioned in paragraph (b) of article 83, from one hundred and eighty to three hundred and sixty days
- (c) Offenses mentioned in paragraph (c) of article 83, from three hundred and sixty days to seven hundred and twenty days
- (d) Offenses mentioned in paragraph (d) of article 83, from seven hundred and twenty days to one thousand and four hundred and forty days

Note- The convict is obliged to pay the daily fines of each month within ten days after the end of the month.

Article 86- The amount of fine substitute to imprisonment is as follows:

- (a) Offenses mentioned in paragraph (a) of article 83, up to nine million (9,000,000) Rials
- (b) Offenses mentioned in paragraph (b) of article 83, from nine million (9,000,000) Rials to eighteen million (18,000,000) Rials
- (c) Offenses mentioned in paragraph (c) of article 83, from eighteen million (18,000,000) Rials to thirty-six million (36,000,000) Rials
- (d) Offenses mentioned in paragraph (d) of article 83, from thirty-six million (36,000,000) Rials to seventy-two million (72,000,000) Rials

Article 87- The court while giving a substitute punishment for the imprisonment can sentence the convict to one or more of the consequential or supplementary punishments taking into account the offense committed and condition of the convict. In this case, such sentences shall not exceed two years.

Chapter Ten- Punishment and Security and Correctional Measures for Children and Young People

Article 88- The court shall make one of the following decisions, whichever is more appropriate, about the children and young people who have committed ta'zir offenses whose age at the time of commission is between nine to fifteen years according to the solar calendar:

- (a) Handing over to parents or natural or legal guardians while taking promises to correct and educate the child or youth and taking care of their good behavior

Note- When the court finds it in the best interest [of the child], it can take promises from the persons mentioned in this paragraph to take measures such as the following and report the result to the court in a specified time:

- 1- Referral of the child or youth to a social worker or psychologist or other specialists and cooperation with them
- 2- Sending the child or youth to an educational and cultural institute in order to study or learn a skill
- 3- Required measures in order to treat or rehabilitate the addiction of the child or youth under the supervision of a doctor
- 4- Banning the child or youth from the harmful association with and contacting [specific] people at the discretion of the court
- 5- Banning the child or youth from going to specific places

- (b) Handing over to other natural or legal persons that the court finds to be in the best interest of the child or youth by ordering the measures mentioned in paragraph (a) where, considering article 1173 of the Civil Code, the parents or natural or legal guardians of the child or youth or not competent or available

Note- Handing the child to competent people is subject to their acceptance.

- (c) Advising [the child or youth] by the judge
(d) Cautioning and warning or taking a written promise not to commit an offense again
(e) Detention in the Correction and Rehabilitation Center from three months to one year in the case of ta'zir offenses of the first to fifth degree

Note 1- Decisions mentioned in paragraphs (d) and (e) shall only be applicable on a child or youth between twelve and fifteen years. In the case of commission of ta'zir crimes of the first to fifth degree, application of provisions of paragraph (e) shall be mandatory.

Note 2- If a child who has not become mature commits any of offenses punishable by *hadd* or *qisas*, if s/he is from twelve to fifteen years of age, s/he shall be sentenced to one of the measures provided in paragraphs (d) or (e); otherwise, one of the measures provided in paragraphs (a) to (c) of this article shall be applicable.

Note 3- In respect of the measures mentioned in paragraphs (a) and (b) of this article, the Children and Youth Court, taking into account the investigations made and also the reports of social workers about the condition of the child or youth and his/her behavior, can review its decision as many times as the best interest of the child or youth requires.

Article 89- The following punishments shall be given to young people who commit ta'zir crimes and they are between fifteen to eighteen years of age at the time of commission of the crime:

- (a) Detention in Correction and Rehabilitation Center from two to five years in the case of offenses punishable in law by a ta'zir punishment of the first to third degree.

- (b) Detention in Correction and Rehabilitation Center from one to three years in the case of offenses punishable in law by a ta'zir punishment of the fourth degree.
- (c) Detention in Correction and Rehabilitation Center from three months to one year or a fine of ten million (10,000,000) Rials to forty million (40,000,000) Rials or providing one hundred and eighty to seven hundred and twenty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the fifth degree.
- (d) A fine of one million (1,000,000) Rials to ten million (10,000,000) Rials or providing sixty to one hundred and eighty hours of unpaid public services in the case of offenses punishable in law by a ta'zir punishment of the sixth degree.
- (e) A fine of up to one million (1,000,000) Rials in the case of offenses punishable in law by a ta'zir punishment of the seventh and eighth degree.

Note 1- Hours of providing public services shall not exceed four hours a day.

Note 2- Considering the accused person's condition and the crime committed, the court, at its discretion, instead of sentencing him/her to detention or a fine prescribed in paragraphs (a) to (c) of this article, can order the offender to stay at home in specific hours determined by the court or detention in the Correction and Rehabilitation Center in the weekend for three months to five years.

Article 90- The court can review its decision for once according to the reports received about the condition of the child or youth and his/her behavior in Correction and Rehabilitation Center and may reduce the detention term up to one-third or replace the detention with handing over the child or youth to his/her natural or legal guardians. The court's decision to review [the original decision] shall be made if the child or youth has spent at least one-fifth of the detention term in Correction and Rehabilitation Center. The court's decision in these cases is deemed final; [however] this shall not prevent [him/her] enjoying conditional release and other mitigations prescribed in the law, when their requirements are met.

Article 91- In the cases of offenses punishable by *hadd* or *qisas*, if mature people under eighteen years do not realize the nature of the crime committed or its prohibition, or of there is uncertainty about their full mental development, according to their age, they shall be sentenced to the punishments prescribed in this chapter.

Note- The court may ask the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development.

Article 92- In the case of offenses punishable by *diyya* any payment of other types of financial damages, the Children and Young People Court shall make decisions according to the provision relating to *diyya* and damages.

Article 93- If it recognizes mitigating factors, the court can reduce the punishments up to half of the minimum punishment provided and replace security and correctional measures for children and young people with another measure.

Article 94- In the case of all ta'zir crimes committed by young people, the court can postpone the deliverance of the judgment or suspend the execution of the punishment.

Article 95- Criminal convictions of children and young offenders shall have no effect in criminal records.

Chapter Eleven- Cessation of Punishment

Section One- Pardon

Article 96- Pardon or mitigation of punishment of convicts, in accordance with Islamic principles, is upon the proposal of the Head of Judiciary and approval of the Leader.

Article 97- General pardon, which is given in accordance with the law in the cases of ta'zir crimes, shall cease prosecution and trial. If the judgment of conviction is delivered, execution of punishment shall be ceased and the criminal records shall be cleared.

Article 98- Pardon shall remove all the effects of the conviction however it has no effect on payment of *diya* and compensation of damages of to the victim.

Section Two- Repeal of the law

Article 99- Repeal of the law shall cease prosecution and execution of punishment. Effects of repeal of criminal laws are as explained in article 10 of this law.

Section Three- Forgiveness by complainant

Article 100- In forgivable ta'zir offenses, forgiveness by the complainant or private claimant shall result in cease of prosecution or cease of execution, whichever is applicable.

Note 1- Forgivable offenses are offenses for which the start and continuity of prosecution and trial and execution of the punishment is subject to making a complaint by the complainant and non-forgiveness by him/her.

Note 2- Non-forgivable offenses are offenses in which the complaint by the complainant and his/her forgiveness has no effect in the start of prosecution and trial and their continuity and execution of the punishment.

Note 3- Provisions relating to forgiveness by the complainant in the cases of *qisas* of life and limb, *hadd* punishment of *qazf*, and *hadd* punishment of theft, are the same as prescribed in Books Two (*Hudud*) and Three (*Qisas*) of this law. Forgiveness of the complainant in other *hadd* offenses has no effect in cessation or mitigation of the punishment.

Article 101- Forgiveness must be incontrovertible, and a conditional and suspended forgiveness shall not be considered unless the condition or the subject of suspension is materialized. Furthermore, repudiation from the forgiveness is not allowed.

Note 1- A conditional and suspended forgiveness shall not prevent the prosecution, trial and delivering the decision; however, execution of the punishment in the case of forgivable offenses shall be subject to non-materialization of the condition or subject to suspension. In this case, the accused shall be released on an appropriate warrant.

Note 2- Forgiveness by an occasional guardian shall be approved by the public prosecutor.

Article 102- If there are multiple victims of an offense, the criminal prosecution shall commence upon complaint of each one of them; but, cessation of prosecution, trial and execution of punishment is subject to forgiveness of all complainants.

Note- The right to forgiveness is inherited by the heirs of the victims of the offense. In case of forgiveness by all heirs, the prosecution, trial and execution of punishment, whichever is applicable, shall be ceased.

Article 103- If an offense is not expressly stated in the law as forgivable, it shall be deemed as unforgivable; unless it is categorized as *haq-ul-naas* (claim of people) and is forgivable under Shari'a.

Article 104- In addition to ta'zir offenses mentioned in the Book of Diyat and Chapter of Qazf of this law, and the offenses that are specified as forgivable under specific laws, the crimes mentioned in the latter parts of articles 596, 608, 622, 632, 642, 648, 668, 669, 676, 677, 679, 682, 684, 685, 690, 692, 694, 697, 698, 699, and 700 of the Fifth Book of "Ta'zirat" shall be deemed as forgivable.

Section Four- Lapse of time

Article 105- Lapse of time shall cease prosecution of the following ta'zir offenses only if the prosecution has not been commenced from the date of the commission of the offense until the following fixed times, or if since the last prosecutorial or investigative action until the following fixed times, it has not resulted in deliverance of the final judgment:

- (a) Ta'zir offenses of the first to three degree, after a lapse of fifteen years
- (b) Ta'zir offenses of the fourth degree, after a lapse of ten years
- (c) Ta'zir offenses of the fifth degree, after a lapse of seven years
- (d) Ta'zir offenses of the sixth degree, after a lapse of five years
- (e) Ta'zir offenses of the seventh and eighth degrees, after a lapse of three years

Note 1- A prosecutorial or investigatory action is an action taken by judicial authorities in performing a legal duty such as summoning, arresting, interrogating, hearing testimonies of witnesses and those with information [about the offense], local investigating or examining the place and judicial authorization.

Note 2- In the case of issuing a warrant of dependance, the lapse of time shall be commenced from the date on which the decision the prosecution depends on becomes final.

Article 106- In the case of forgivable ta'zir offenses, if the victim of the offense does not make a complaint after one year from the date s/he has become aware of the offense, his/her right to make a criminal complaint shall be ended unless s/he has been under

domination of the accused or if for any reason out of his/her control has not been able to make the complaint, in which case the abovementioned time shall be calculated from the date that the obstacle is removed. If the victim of the offense dies before the end of the abovementioned time and there is no evidence that s/he has decided not to make a complaint, then any of his/her heirs has the right to make a complaint within six months after his/her death.

Note- In cases other than when the complainant has been under domination of the accused, the complainant's, or his/her heirs', complaint shall be dealt with only if the offense in question has not been subject to the lapse of time prescribed in article 105 of this law.

Article 107- Lapse of time shall cease the execution of final ta'zir sentences, and it shall be commenced from the date the judgment of conviction becomes final as described below:

- (a) Ta'zir offenses of the first to three degree, after a lapse of twenty years
- (b) Ta'zir offenses of the fourth degree, after a lapse of fifteen years
- (c) Ta'zir offenses of the fifth degree, after a lapse of ten years
- (d) Ta'zir offenses of the sixth degree, after a lapse of seven years
- (e) Ta'zir offenses of the seventh and eighth degrees, after a lapse of five years

Note 1- If execution of the whole or the rest of the sentence is halted for a limited time or subject to removal of an obstacle, the lapse of time shall be calculated from the specific time or removal of the obstacle.

Note 2- Lapse of time for execution of foreign judgments in relation to Iranian citizens shall be dealt with under this law subject to legal provisions and agreements.

Article 108- Where the execution of a sentence is started but stopped for whatever reason, the lapse of time shall be commenced from the time the execution is stopped; and in cases where [the execution] is stopped for more than one time, the lapse of time shall be commenced from the last time the execution is stopped, unless the execution is stopped due to intentional conduct of the convict in which case the lapse of time shall not be applied.

Article 109- The lapse of time shall not applicable in relation to prosecution, deliverance of the judgment and execution of the sentence for the following offenses:

- (a) Crimes against the domestic and foreign security of the country
- (b) Economic offenses including fraud and the crimes mentioned in the note of article 36 of this law with consideration to the amount prescribed in that article
- (c) Offenses prescribed in the Anti-Narcotics Law

Article 110- Where according to one or more judgments, there are multiple final sentences delivered against a single individual, if execution of one of the sentences is started it shall discontinue the lapse of time for the other sentences.

Article 111- In the cases of suspension of a sentence or when a conditional release is granted, if the writ of suspension or the decision of conditional release is cancelled then the lapse of time shall begin from the date the writ or decision is cancelled.

Article 112- Discontinuation of the lapse of time is absolute and shall apply to all accomplices and accessories to the crime whether or not they are prosecuted, and even if the prosecution is commenced against only one of them. In addition, if execution of the sentence is started against some of the accomplices and accessories to the crime it shall discontinue the lapse of time for the other convicts.

Article 113- Cessation of the prosecution, deliverance of the judgment, or execution of the sentence shall not prevent the recovery of the rights of the private claimant; and the victim of the crime can make a private claim before the competent [judicial] body.

Section Five- Repentance of the offender

Article 114- In the case of offenses punishable by *hadd*, with the exception of *qazf* and *moharebeh*, if the accused repents anytime before the commission of the offense is proved, and his/her regret and correction is certain in the eyes of the judge, the *hadd* punishment shall not be given. In addition, if the abovementioned offenses, except for *qazf*, are proved by confession, if the offender repents, even after the commission of the offense is proved, the court, through the Head of Judiciary, can apply for pardon of the offender by the Leader.

Note 1- If a *mohareb* repents before s/he is arrested or held under control, the *hadd* punishment shall not be given.

Note 2- In the cases of *zina* and *livat*, when the offense is committed by force or coercion or deception of the victim, if the offender repents and the [hadd] punishment is not given according to this article, s/he shall be sentenced to ta'zir imprisonment or flogging, or both, of the sixth degree.

Article 115- In the case of ta'zir offenses of the sixth, seventh, or eighth degree, if the offender repents and his/her regret and correction is certain in the eyes of the judge, the punishment shall not be given. In other ta'zir offenses, [if the offender repents], the court can apply the provisions relating to mitigation of the punishment.

Note 1- The provisions relating to repentance shall not be applied on individuals to whom the provisions of re-offending of ta'zir offenses are applicable.

Note 2- Provisions of this article, as well as paragraph (b) of article 7 and paragraphs (a) and (b) of article 8, and also articles 28, 39, 40, 45, 46, 92, 93, and 105 of this law shall not be applicable on ta'zir offenses prescribed in Shari'a.

Article 116- *Diya*, *qisas*, and the *hadd* punishments of *qazf* and *moharebeh* shall not be removed by repentance.

Article 117- In cases where the repentance of the accused removes or reduces the punishment, his/her repentance and correction and regret must be established and the mere assertion of the offender shall not suffice. If after the provisions regarding repentance are applied, it is proved that the offender has pretended that s/he has repented, the removal and mitigation of the punishment given shall be annulled and the sentence shall be executed. In this case, if the sentence is a ta'zir punishment, the offender shall be sentenced to the maximum ta'zir punishment provided.

Article 118- Before the judgment becomes final, the accused can submit the evidence of his/her repentance to the body responsible for prosecution or trial, whichever is applicable.

Article 119- If the public prosecutor disagrees with the removal or mitigation of the punishment, he can protest to the responsible body for the appeal.

Section Six- Application of principle of *Dar'a*

Article 120- If there is any doubt or hesitation about commission of a crime or any of its elements or any of the requirements for criminal liability and no evidence is found to remove that, the offense or the requirement in question, whichever is applicable, shall not be proved.

Article 121- In the case of crimes punishable by *hadd*, with the exception of *moharebeh*, *efsad-e-fel-arz*, theft, and *qazf*, with a mere doubt or hesitation and without any need for further evidence, the offense or the requirement in question, whichever is applicable, shall not be proved.

Part Three- Offenses

Chapter One- Attempt to Commit an Offense

Article 122- Anyone who intends to commits a crime and attempts to commit it, but his intention is left frustrated because of a factor out of his/her control, shall be sentenced as prescribed below:

- (a) In the cases of offenses for which their punishments under law are deprivation of life, life imprisonment, or ta'zir imprisonment of the first to third degree, [they shall be sentenced] to a ta'zir imprisonment of the fourth degree
- (b) In the cases of offenses for which their punishments under law are amputation of limbs or a ta'zir imprisonment of the fourth degree, [they shall be sentenced] to a ta'zir imprisonment of the fifth degree
- (c) In the cases of offenses for which their punishments under law are a *hadd* flogging or a ta'zir imprisonment of the fifth degree, [they shall be sentenced] to a ta'zir imprisonment or flogging or fine of the sixth degree

Note- If the conduct of the offender has a direct connection with commission of the offense, but the commission of the offense is impossible due to material reasons that the offender was unaware of, the measures taken shall be deemed as an attempt to commit an offense.

Article 123- The mere intention to commit an offense or any operation or measures that are only the preparation of an offense and have no direct connection to commission of the offense, shall not be considered as an attempt to commit an offense and shall not be punishable in this respect.

Article 124- Where anyone attempts to commit an offense and gives it up on his/her own will, s/he shall not be prosecuted on the charge of attempting that offense; however, if what s/he has done up to that point is considered an offense, s/he shall be sentenced to the punishment provided for that offense.

Chapter Two- Accomplices to the offense

Article 125- Any person who associates with other person(s) in the operational stage of an offense, and where the offense is attributed to their collective conduct, whether or not the conduct of each one would be sufficient for committing the offense, and whether the result of their conduct is equal or different, shall be regarded as an accomplice to the offenses and his/her punishment shall be as though one person has individually committed the offense. In the case of unintentional offenses if the offense is committed as a result of wrongdoing of two or more people, the wrongdoers shall be regarded as accomplices to the offenses and the punishment for each offender shall be as though one person has individually committed the offense.

Note- Imposition of punishments of *hudud* and *qisas* and *diyat* upon accomplices of an offense shall be carried out according to the provisions of Books Two and Three and Four of this law.

Chapter Three- Accessories to the offense

Article 126- The following persons shall be considered as accessories to the offense:

- (a) Anyone, who encourages or threatens or suborns or incites someone else to commit an offense, or through a plot, deception, or abuse of power causes an offense to be committed.
- (b) Anyone who makes or provides the means for commission of an offense, or shows the offender the way to commit an offense
- (c) Anyone who facilitates the commission of an offense

Note- In order for abetment of an offense to take place, the act of the abettor must be prior or simultaneous to the act of the principal of the offense and both have the same intention. If the main principal of the offense commits an offense more severe than what intended by the abettor, the abettor shall be sentenced to the punishment for abetment of the lesser offense.

Article 127- Unless a different punishment is provided in law or Shari'a for the abettor, his/her punishment shall be as below:

- (a) In the cases of offenses for which their punishments as prescribed in law are deprivation of life, life imprisonment, or ta'zir imprisonment of the second to third degree, [s/he shall be sentenced] to a ta'zir imprisonment of the fourth degree
- (b) In the case of a theft punishable by a *hadd* punishment, or intentional amputation of limbs, [s/he shall be sentenced] to a ta'zir imprisonment of the fifth to sixth degree
- (c) In the cases of offenses for which their punishment as prescribed by law is the *hadd* punishment of flogging, [s/he shall be sentenced] to thirty-one to seventy-four lashes of ta'zir flogging of the sixth degree

(d) In the cases of offenses punishable by ta'zir, [s/he shall be sentenced] to a [ta'zir] punishment one or two degrees lesser than the punishment for the offense committed

Note 1- Regarding paragraph (d) of this article, the punishment for the abettor shall be of the same type of the punishment prescribed in law for the offense committed; unless in the cases of confiscation of properties, permanent dismissal, and publication of the judgment of conviction that the punishment for abettor shall be a fine of, respectively, the fourth, sixth and seventh degree.

Note 2- If for any reason a *qisas* of life or limb is not executed, the punishment of the abettor shall be given according to paragraph (d) of this article on the basis of the ta'zir punishment given to the main principal to the offense.

Article 128- Anyone who uses a non-mature child as a means to commit an offense which is attributable the offender, shall be sentenced to the maximum punishment provided for that offense. In addition, anyone who abets the criminal conduct of a non-mature child shall be sentenced to the maximum punishment provided for the abetment of that offense.

Article 129- If in commission of criminal conduct, the offender is not prosecutable, or the prosecution or execution of the sentence is ceased, for any reason such as being under the age [of criminal responsibility] or insanity, it shall have no effect on the prosecution and punishment of the accessory to the offense.

Chapter Four- Leading a Gang of Organized Criminals

Article 130- Anyone who holds the position of a leader of a criminal gang shall be sentenced to the maximum punishment provided for the most severe offense committed by the members of the gang in line with the aims of that gang; unless the committed offense is punishable by *hadd* or *qisas* or *diya* in which case s/he shall be sentenced to the maximum punishment provided for abetment of that offense. In the cases of *moharebeh* and *efsad-e-fel-arz*, if the leader of the gang can be considered as *mohareb* or *mufsed-e fel-arz*, s/he shall be sentenced to the punishment provided, respectively, for *mohareb* and *efsad-e-fel-arz*.

Note 1- A criminal gang is a relatively organized group consisting of more than three or more individuals, which is formed for commission of an offense, or where its aim is diverted to commission of an offense after its formation.

Note 2- Leadership is defined as forming, or planning, or organizing or directing a criminal gang.

Chapter Five- Multiplicity of Offenses

Article 131- In the cases of offenses punishable by ta'zir, if a single conduct falls under the title of multiple offenses, the offender shall be sentenced to the most severe punishment.

Article 132- In the cases of offenses punishable by *hadd*, multiple offenses shall be sentenced with multiple [*hadd*] punishments, except in cases where the offenses committed and their punishments are the same.

Note 1- If the offender is sentenced to death and imprisonment, or death and banishment, only the death penalty shall be executed.

Note 2- In the cases where two or more *hadd* offenses are in line and committed in the same occasion, only the most severe punishment shall be executed; for example *tafkhez* [rubbing a penis between a person's thighs without penetration] while committing *livat* in which case only the punishment for *livat* shall be executed.

Note 3- If a man and a woman commit *zina* together more than one time, if the death penalty and flogging or stoning and flogging are imposed, only the death penalty or stoning, whichever is applicable, shall be executed.

Note 4- If a *qazf* is committed against two or more individuals, two or more punishments shall be imposed.

Article 133- In the case of multiple offenses punishable by *hadd* and *qisas*, the punishments shall be added. However, if a *hadd* punishment obviates the *qisas* or causes delay in execution of the *qisas*, then execution of the *qisas* shall prevail, and unless immediate execution of *qisas* is not requested, or *qisas* is forgiven or replaced with *diya*, the *hadd* punishment shall be executed.

Article 134- In the cases of offenses punishable by *ta'zir*, where the offenses committed are not more than three, the court shall impose the maximum punishment provided for each offense; and if the offenses committed are more than three, [the court] shall impose more than the maximum punishment provided for each crime provided that it does not exceed more than the maximum plus one half of each punishment. In any of the abovementioned cases, only the most severe punishment shall be executed and if the most severe punishment is reduced or replaced or becomes non-executable for any legal reason, the next most severe punishment shall be executed. In any case where there is no maximum and minimum provided for the punishment, if the offenses committed are not more than three, up to one-fourth, and if the offenses committed are more than three, up to half of the punishment prescribed by law shall be added to the original punishment.

Note 1- If multiple criminal outcomes resulted from a single criminal conduct, it shall be dealt with according to the abovementioned provisions.

Note 2- If the offenses committed cumulatively fall under a specific title of an offense, then provisions regarding multiplicity of offenses shall not be applicable and the offender shall be sentenced to the punishment provided in law.

Note 3- In the case of multiplicity of offenses, if there are mitigating factors, the court can reduce the punishment of the offender down to the average between the maximum and minimum, and if there is no maximum and minimum provided for the punishment, down to a half.

Note 4- The provisions regarding multiplicity of offenses shall not be applied to *ta'zir* offenses of the seventh and eighth degree. Such punishments shall be added together as well as to *ta'zir* punishments of the first to sixth grade.

Article 135- In the case of multiplicity of offenses punishable by *hadd* and ta'zir and also *qisas* and ta'zir, the punishments shall be added and the *hadd* or *qisas* punishment shall be executed first; unless the *hadd* or *qisas* punishment is deprivation of life, or if the ta'zir punishment is a *haq-un-nas* (claim of people) or a specifically prescribed ta'zir punishment under Shari'a and does not cause any delay in execution of the *hadd* punishment, in which case the ta'zir punishment shall be executed first.

Note- If the *hadd* offense is of the same nature of the ta'zir offense, for example a theft punishable by *hadd* and a theft punishable by other than *hadd*, or a *zina* and an indecent relationship lesser than *zina*, then the offender shall only be sentenced to the *hadd* punishment and the ta'zir punishment shall be removed, unless in the case of *hadd* punishment for *qazf* that if it is considered as *qazf* to one person and insult to another, the offender shall be sentenced to both the punishments.

Chapter Six- Reoffending

Article 136- Where anyone commits the same offense punishable by *hadd* three times, and each time the *hadd* punishment is executed upon him/her, the *hadd* punishment on the fourth occasion shall be the death penalty.

Article 137- Anybody who is, according to a final judgment, sentenced to one of the ta'zir punishments of the first to sixth degree, and from the date the judgment has become final to either rehabilitation from the offense or lapse of time for execution of the punishment commits a further offense punishable by ta'zir of the first to sixth degree, s/he shall be sentenced to the maximum up to one and a half of the punishment provided.

Article 138- The provisions regarding reoffending shall not be applicable in the cases of political and press offenses and offenses committed by children.

Article 139- In the case of reoffending of ta'zir offenses, if there are mitigating factors, it shall be dealt with according to the following:

- (a) If there is a maximum and minimum for the punishment prescribed in law, the court can reduce the punishment of the offender down to the average of the maximum and minimum.
- (b) If the punishment is fixed or without a minimum, the court can reduce the punishment of the offender down to half of the punishment provided.

Note- If the offender has three or more counts of final convictions upon which the provisions of reoffending are applicable, then, the provisions of mitigation shall not be applied.

Part Four- Conditions and Obstacles of Criminal Responsibility

Chapter One- Conditions of Criminal Responsibility

Article 140- Criminal responsibility in the cases of *hudud*, *qisas*, and *ta'zirat* shall be

established only when the individual is sane, pubescent, and free at the time of commission of the offense, with the exception of coercion to murder which has been dealt with in the Third Book "*Qisas*".

Article 141- Criminal responsibility is personal.

Article 142- Criminal responsibility for conduct of another party shall be established only if the individual is deemed responsible by law for the acts of another person, or if s/he is at fault regarding the outcome of the conduct of another person.

Article 143- Regarding criminal responsibility, the natural person shall bear the responsibility by default and the legal person shall only bear the criminal responsibility if the legal representative of the legal person commits a crime under its name or in line with its interests. Criminal responsibility of legal persons shall not prevent the responsibility of natural persons who commit an offense.

Article 144- In commission of intentional offenses, in addition to knowledge of the offender about the subject of the offense, his/her intention to commit the criminal conduct shall be established. In cases of offenses in which commission of the offense is subject to materialization of the outcome, it must be established that [the offender had] the intention to achieve the outcome, or had known that the outcome would happen.

Article 145- Accomplishment of unintentional offenses is subject to establishing the fault of the offender. In cases of unintentional offenses against body and life, including quasi-intentional offenses or absolute negligence, the provisions of Books *Qisas* and *Diyat* shall be applied.

Note- Fault includes both negligence and recklessness. Indulgence, inattention, lack of skill and disregard of governmental regulations and so on, shall be considered as either negligence or recklessness, whichever is applicable.

Chapter Two- Obstacles of Criminal Responsibility

Article 146- Non-mature children have no criminal responsibility.

Article 147- The age of maturity for girls and boys are, respectively, a full nine and fifteen lunar years.

Article 148- In the cases of non-mature children, security and correctional measures shall be applied in accordance with the provisions of this law.

Article 149- When the offender at the time of commission of an offense had been suffering from a mental disorder in a way that s/he had no intention or sense of discernment, s/he shall be regarded as insane and has no criminal responsibility.

Article 150- If, at the time of commission of the offense, the offender is insane, or s/he becomes insane after the occurrence of the offense, and his/her insanity and dangerous state is established by a specialist, by the order of public prosecutor, s/he shall be kept in an appropriate place until such a dangerous state is ended. The detainee or his/her relatives

can protest this order to the court; in such a case, the court, in the presence of the protestor, and considering the opinion of the specialist, shall consider the issue in an administrative session and decide to either release the detainee if it believes that the dangerous state is ended or confirm the prosecutor's order. The decision shall be final, but the detainee or his/her relatives shall be entitled to protest against the decision if the detainee shows signs of improvement.

Note 1- If an offender of one the offenses punishable by *hadd*, becomes insane after the final judgment is delivered, the *hadd* punishment shall not be removed. If the insanity occurs before the final judgment is delivered, in the cases of *hadd* offenses that fall under the category of *huquq-ullah* (claims of God) the prosecution and trial shall be postponed until [the offender] is recovered. In the cases of offenses that fall under the category of *huquq-un-nas* (claims of people) such as *qisas* and *diya*, and also in which losses and damages resulted from the offense, insanity shall not prevent the prosecution and trial.

Note 2- The Judiciary is obliged to provide centers of security measures for keeping such individuals in every judicial district. Until such centers begin their work, one part of psychotherapy centers of Behzisti organization or available hospitals shall be allocated for such individuals.

Article 151- Anyone, who, as a result of an unbearable coercion, commits a conduct that is considered by law as an offense, shall not be punished. In the cases of offenses punishable by *ta'zir*, the coercer shall be sentenced to the punishment provided for the offender of the offense. In the cases of offenses punishable by *hadd* and *qisas*, the relevant provisions shall apply.

Article 152- If any person, during grave actual or imminent dangers such as fire, flood, storm, earthquake, or illness commits a conduct that is considered by law as an offense in order to save his/her, or someone else's, property or life, s/he shall not be punished, provided that s/he has not caused the danger intentionally and his/her conduct is in proportion to the danger and is necessary to counter it.

Note- Those who are obliged by law or duty to counter the danger cannot refuse to perform their legal duties by resorting to this article.

Article 153- Anyone who commits conduct that is considered by law as an offense while s/he is asleep or unconscious and the like, shall not be punished; unless s/he has intentionally slept or made him/herself unconscious while being certain that s/he would commit an offense during the sleep or unconsciousness.

Article 154- Drunkenness and indetermination resulting from voluntary consumption of alcoholic beverages, narcotic and psychedelic drugs, and the like, shall not prevent punishment, unless it is proved that the offender has totally lost his will. However, if it is proved that such substances were consumed in order to commit the offense, or with the knowledge that the offense would occur, and the intended offense [actually] occurs, the offender shall be punished for both offenses.

Article 155- Ignorance about the matter of law shall not prevent the punishment of the offender, unless it is reasonably impossible for him/her to become aware [of the law], or if ignorance about the law is considered an acceptable excuse under Shari'a.

Note- Ignorance about the type or amount of the punishment shall not prevent the punishment.

Article 156- If anyone commits a conduct that is considered as an offense by law in defense of his/her, or someone else's, life or honor or chastity or property or physical freedom, against any actual or imminent aggression or danger, provided that the stages of defense and the following conditions are met, s/he shall not be punished:

- (a) The conduct committed is necessary to counter the aggression or danger.
- (b) The defense is based on reasonable circumstances or rational fear.
- (c) The danger and aggression are not results of the person's voluntary action or his/her aggression and another person's defense.
- (d) Resorting to governmental forces is not practicable in a reasonable time, or the intervention of such forces is not effective in repelling the aggression and danger.

Note 1- Defending someone else's life, honor, chastity, property, or physical freedom is permissible provided that s/he has a close relationship with the defender or the defender has a duty to defend him/her or if s/he is not able to defend him/herself or calls for help or is in a situation where they are unable to call for help.

Note 2- Where the defense is basically established but whether or not the conditions are met is not proved, it is up to the aggressor to prove that the conditions for defense are not met.

Note 3- In the cases of lawful defense, diya, too, shall not be given with the exception of defense against an insane person in which case the diya shall be paid from *beyt-ul-mal* (public treasury).

Article 157- Resistance against police forces and other law enforcement officials whilst performing their duties shall not be considered a defense; however, if such forces exceed the scope of their duties and, on the basis of reasons and circumstances, there is a fear that their actions may cause death or injury or violation of honor or chastity, then, such a defense shall be permissible.

Article 158- In addition to the cases mentioned in previous articles, committing conduct which is considered by law as an offense, shall not be punished in the following cases:

- (a) If the commission of the conduct is mandated or permitted by law.
- (b) If the commission of the conduct is necessary for enforcement of a more important law.
- (c) If the conduct is committed upon the lawful order of a competent authority and the aforementioned order is not against Shari'a.
- (d) The acts committed by parents and legal guardians of minors and insane people in order to chastise or protect them provided that such actions are exercised within the customary limits and religious limits for chastisement and protection.
- (e) Athletic exercises and the accidents arising from them, provided that the causes of the accidents are not the violation of relevant rules of that sport, and such regulations do not violate the rules of Islamic Shari'a.
- (f) Every legitimate surgical or medical operation which is done by the consent of the patient or his/her parents or natural or legal guardians, or legal representatives, with due consideration given to technical and medical and governmental regulations. In

emergency cases obtaining consent is not required.

Article 159- When an offense is committed in compliance with an unlawful order of an official authority, both the commanding official and the offender shall be sentenced to the punishment provided by law. But for the offender who has committed the act in reliance on an acceptable mistake and on the assumption that it was lawful, s/he shall not be punished but the provisions of *diya* and financial compensation are applicable.

Part Five- Evidence Rules in Criminal Cases

Chapter One- General Articles

Article 160- Evidence [admissible] for proof of crimes are confession, testimony, *qasaameh*, and oath in the cases specified by law and also knowledge of the judge.

Note- Rules and conditions of *qasaameh* which are admissible for proof or refusal of *qisas* and *diya*, are dealt with in the Books “*Qisas*” and “*Diyat*” of this law.

Article 161- In cases where the criminal claim can be proved by relative evidence prescribed by Shari’a, the judge shall deliver the judgment on the basis of that evidence, unless it is contrary to his knowledge.

Article 162- Where the relevant evidence does not meet the requirements provided in law and Shari’a, they can be used as judicial signs [hearsay evidence] provided that, together with other circumstantial and hearsay evidences, they result in the knowledge of the judge.

Article 163- If after a judgment is executed, the evidence that was relied on to prove the offense is annulled, for example if it is proved in a court that the offender has been someone else or the offense has never happened, and as a result of execution of the judgment, the accused has suffered from physical or financial losses or has lost his/her life, those to whom the loss or damage is attributable, including one who has sworn, the complainant, or witness shall be sentenced to *qisas*, or *diya* or the ta’zir punishment, whichever is applicable, as prescribed in law, and compensation of financial losses.

Chapter Two- Confession

Article 164- Confession is defined as declaration of a person of commission of an offense by him/herself.

Article 165- Statements of an attorney/representative against the client, as well as natural or legal guardians against their wards shall not be considered as a confession.

Note- Confession of commission of an offense cannot be authorized to a third party.

Article 166- Confession must be made by [saying the] words or in writing; and, if [the above mentioned ways] are not possible, it can be made by an act such as a gesture; and in any event it should be clear and unambiguous.

Article 167- Confession must be incontrovertible; and, a conditional and suspended confession shall not be considered.

Article 168- A confession shall be admissible only if at the time of confession the confessor is sane, pubescent, intended [to make the confession] and free.

Article 169- A confession which is taken under coercion, force, torture, or mental or physical abuses, shall not be given any validity and weight and the court is obliged to interrogate the accused again.

Article 170- Confession of an individual who has no competence in financial issues according to a court decision, and also that of a bankrupt [individual], shall be admissible in criminal matters; however their confessions shall be inadmissible regarding the financial liability resulting from the offense.

Article 171- If an accused confesses to commission of an offense, his/her confession shall be admissible and there is no need for further evidence; unless according to the examination made by the trial judge, there is circumstantial and hearsay evidence contrary to the confession, in which case the court shall make the required investigation and examination and stipulate the contrary circumstantial and hearsay evidence in the judgment.

Article 172- Confession for one time shall be enough for all offenses, except for the following offenses which require [a different standard] as explained below:

- (a) Four times in the cases of *zina*, *livat*, *tafkhez*, and *musaheqeh*
- (b) Two times in the cases of consumption of intoxicants, procuring/pandering, *qazf*, and a theft punishable by *hadd*

Note 1- In order to prove the non-criminal aspects of all offenses, a confession made only one time shall suffice.

Note 2- In cases where confession for more than one time is required, the confession can be made in one or more session(s).

Article 173- The denial after confession shall not result in removal of the punishment except for confession to an offense which is punishable by stoning or the death penalty as a *hadd* punishment, in which case, at any stage, even during the execution, the aforementioned sentence shall be removed and, instead, one hundred lashes in the case of *zina* and *livat*, and a ta'zir imprisonment of the fifth degree in other offenses, shall be given.

Chapter Three- Testimony

Article 174- Testimony is defined as declaration of a third party of commission or non-commission of an offense by the accused, or any other matter before the judicial authority.

Article 175- An admissible testimony under Shari'a is one recognized by the lawmaker as valid and ultimate proof, whether or not it results in the knowledge [of the judge].

Article 176- If the witness does not meet the requirements provided for an admissible

testimony under Shari'a rules, his/her statements shall be heard. [However,] such statements shall be regarded as judicial signs (hearsay evidence) and the validity and weight given to them in the knowledge of the judge shall be decided by the court.

Article 177- An admissible witness under Shari'a rules shall meet the following requirements:

- (a) Puberty
- (b) Reason
- (c) Faith
- (d) Justice
- (e) Legitimacy of birth [born in wedlock]
- (f) Not being a beneficiary to the claim
- (g) Not being in conflict with any or both of the parties
- (h) Not chosen beggary as his/her occupation
- (i) Not being a vagrant

Note 1- The judge shall confirm that the requirements mentioned in this article are met.

Note 2- Regarding the requirement of 'not being in conflict', if the witness's testimony is in favor of the party s/he is in conflict with, it shall be accepted.

Article 178- Testimony of a periodically insane person shall be accepted when s/he is in a period of recovery, provided that the subject matter of the testimony, too, has happened in a period of recovery.

Article 179- If a witness is a non-pubescent who can discern between good and evil at the time that the subject matter of the testimony happened, but s/he has reached the age of puberty at the time of giving testimony, his/her testimony shall be admissible.

Article 180- Testimony of abnormal people such as a forgetful or amnesic person shall not be accepted as an admissible testimony under Shari'a rules, unless the judge believes that s/he has not forgotten or mistaken, etc the subject matter of the testimony.

Article 181- A just person is a person that in the eyes of the judge, or the [third] person who testifies to confirm his/her justice, is not sinful. Testimony of a person who is infamous for corruption, or commits capital sins or insists on commission of minor sins, shall not be accepted, until it is confirmed that s/he had changed his/her behavior and there is no doubt about his/her competence and just nature.

Article 182- Regarding admissible testimony under Shari'a rules, if there is more than one witness, it is necessary that they testify about the same subject matter, and the contents of their testimonies show no difference in relation to the facts and conditions which are effective in proving the offense. Where the contents of the testimonies are contradictory or are not about the same subject matter, it shall not be accepted as an admissible testimony under Shari'a rules.

Article 183- Testimony must be made with certainty and without doubt and be based on what is experienced by the person's own senses and through a reasonable way.

Article 184- Testimony must be made by [saying the] words or in writing; and, if [the above

mentioned ways] are not possible, it can be made by an act such as a gesture; and in any event it should be clear and unambiguous.

Article 185- If two testimonies which are admissible under Shari'a are contradictory none of them shall be admissible.

Article 186- If it is impossible for a witness to be present, his/her testimony shall be admissible in writing or live or recorded audio-video format, subject to the requirements and provided that it is certified that [the writing or recording] is attributable to [the witness].

Article 187- Regarding the admissible testimony under Shari'a, there must be no adverse knowledge/certainty against the content of the testimony. If there is circumstantial and hearsay evidence contrary to the admissible testimony under Shari'a, the court shall make the required investigations and examinations and if it concludes that the testimony lacks veracity, the testimony shall be inadmissible.

Article 188- A hearsay testimony [which reports to the court] of an admissible witness statement under Shari'a [made by a third party out of the court] shall be admissible only if the main witness is dead or is unable to attend because of absence, illness, etc.

Note 1- A witness of a hearsay testimony must meet the requirements provided for the main witness.

Note 2- A hearsay testimony of a further hearsay testimony shall not be admissible.

Article 189- Offenses punishable by *hadd* and *ta'zir* cannot be proved by a hearsay testimony; however, *qisas*, *diya*, and financial liability [resulting from an offense] can be proved by it.

Article 190- If the main witness, after the hearsay witness(es) gave their testimonies and before the judgment is delivered, denies their testimonies, the testimonies of the hearsay witnesses shall be inadmissible; however there must be no effect given to the denial after the judgment is delivered.

Article 191- A witness' credibility who meets the requirements under Shari'a can be attacked (*jarh*) and supported (*ta'dil*). [Therefore,] someone can testify that the witness is lacking the legal requirements provided for an admissible witness under Shari'a, which is called *jarh*; and [alternatively], someone else can testify that the witness is meeting such requirements for an admissible witness under Shari'a, which is called *ta'dil*.

Article 192- The judge is obliged to declare to the parties that they have a right to attack (*jarh*) and/or support (*ta'dil*) the witnesses.

Article 193- An attack on the credibility (*jarh*) of an admissible witness under Shari'a shall be made before s/he gives testimony; unless, the reasons for the attack on credibility (*jarh*) is revealed after the testimony is given. In such a case, attack on credibility (*jarh*) shall be made before the judgment is delivered, and in any event the court is obliged to hear the credibility (*jarh*) and make a decision.

Article 194- If a witness is rejected by the judge or his/her credibility is attacked (*jarh*), [the

burden of proof is on] the party who claims the witness meets the requirements and s/he shall give evidence to prove it.

Article 195- In attacking (*jarh*) or supporting (*ta'dil*) a witness' credibility, it is not necessary to mention the grounds, and the mere testimony to question or support the witness' credibility shall be sufficient, provided that the witness meets the requirements provided by Shari'a.

Note- In establishing or refusing the requirement of justice, the witness [who testifies for or against a main witness] must have knowledge about meeting or lacking the requirement of justice; and a mere reliance on a plausible demeanor shall not be sufficient for the purpose of establishing the requirement of justice.

Article 196- If the testimonies of the witnesses who are attacking (*jarh*) or supporting (*ta'dil*) a witness' credibility are contradictory they shall not be admissible.

Article 197- Where the court does not approve that the testifying witnesses meet the legal requirements; otherwise, it shall not consider the testimony as admissible under Shari'a; and if it does not have information about their status, shall postpone the trial for a period not more than ten days in order to examine their conditions and establish their status, and, then, it shall make the decision, unless, in the judge's opinion, it is not possible to establish their conditions within ten days.

Article 198- Withdrawal of an admissible testimony which meets the requirements under Shari'a rules, if made before the punishment is executed, shall invalidate the testimony; and, it shall not be admissible to revive a testimony after it is withdrawn.

Article 199- The standard [of proof] for testimony in all offenses shall be two male witnesses; unless in *zina*, *livat*, *tafkhez*, and *musaheqeh* which shall be proved by four male witnesses. In order to prove a *zina* punishable by the *hadd* punishment of flogging, shaving [of head] and/or banishment, testimony of two just men and four just women shall be sufficient. If the punishment provided is other than the above, testimony of at least three men and two women shall be required. In such cases, if two just men and four just women testify for the offense, only the *hadd* punishment of flogging shall be given. Bodily offenses punishable by *diya* shall also be proved by one male witness and two female witnesses.

Article 200- Regarding testimony in the cases of *zina* or *livat*, the witness must have personally seen the act by which *zina* or *livat* occurs, and if their testimonies are not based on eye-witnessing, and also if the number of witnesses does not meet the number required [by law], such testimonies in the cases of *zina* and *livat* shall be considered as *qazf* and punishable by a *hadd* punishment.

Chapter Four- Oath

Article 201- Oath is defined as calling for the God to be the witness of truthfulness of the person who takes the oath.

Article 202- The person who takes the oath shall be sane, pubescent, intending [to take the oath] and free.

Article 203- The oath must be taken as ordered by the court using the holy oaths of “*vallah*”, “*tallah*” or “*bellah*” or by saying the God almighty’s name in other languages, and if it is required to intensify the oath, provided that the person who takes the oath agrees, the court shall determine the conditions under which the oath should be taken, including the time, place, wording, etc. In any event, there shall be no difference between a Muslim and non-Muslim in taking an oath to the God almighty’s name.

Article 204- The oath must be in conformity with the claim, clearly show the intention without any ambiguity, and shall be said with certainty and without any doubt.

Article 205- The oath must be taken by [saying the] words; and, if it is not possible, it can be taken in writing or by a gesture which is clear and shows the intention.

Article 206- In cases where the gesture is not understandable, or if the judge is unfamiliar with the language of the person who takes the oath, the court shall discover his/her intention by using an interpreter or expert.

Article 207- An oath shall be effective only in relation between the parties to the claim and their successors.

Article 208- *Hudud* and *ta’zirat* cannot be proved or denied by an oath; however, *qisas*, *diya*, *arsh* (unfixed type of compensation for bodily injuries), and losses and damages resulting from the offense, can be proved by oath according to the provisions of this law.

Article 209- Where, in financial claims such as *diya* for bodily offenses, and also in claims which are about claiming a sum of money such as a negligent or quasi-intentional bodily offense which must be compensated by a *diya*, the private claimant is unable to provide an admissible evidence which meets the requirements under Shari’a, s/he [still] can produce one male witness or two female witnesses together with an oath and prove the financial part of his/her claim.

Note- In the cases mentioned in this article, the witness who meets the requirements shall give his/her testimony first and then the claimant shall take the oath.

Article 210- Where it is proved that an oath is a lie or the person who has taken an oath does not meet the requirements prescribed by law, such an oath shall be inadmissible.

Chapter Five- Knowledge of the Judge

Article 211- Knowledge of the judge is defined as a certainty resulting from manifest evidence in a matter brought before him. In cases where a judgment is based on the knowledge of the judge [as the proof of the offense], he is obliged to stipulate in the judgment the manifest circumstantial and hearsay evidence that has been the source of his knowledge.

Note- Means such as an expert opinion, examining the place, local inquiries, statements of people aware [of an issue], reports of law enforcement officers, and other circumstantial and hearsay evidence that typically results in knowledge [about a matter] can be referred to as

sources of the knowledge of the judge. In any event, a mere perceptive knowledge that typically does not result in the knowledge of the judge cannot be regarded as a deciding factor in delivering a judgment.

Article 212- If the knowledge of the judge is contradictory to other legal evidence, if the knowledge remains manifest [untouched], such evidence shall not be admissible for the judge, and the judge, explaining the reasons for his knowledge and the grounds for rejecting other evidence, shall deliver the judgment. If the judge does not arrive at certainty/knowledge, legal evidence shall be admissible and he shall deliver the judgment on their basis.

Article 213- In [the case of] conflicting evidence, confession must be given priority over testimony which meets the requirements under Shari'a, *qasameh*, and oath. Also, testimony which meets the requirements under Shari'a must have priority over *qasameh*, and oath.

Part Six- Miscellaneous Issues

Article 214- An offender must return the same property gained as a result of a crime to its owner, and if the same property does not exist anymore s/he must return a similar one, and if it is not possible to return a similar one, must pay its price to the owner, and [in all cases] must compensate the damages. Where an offender must pay a sum of money as a criminal sentence, the priority must be given to return the property [gained as a result of a crime] and compensation of private claimants.

Article 215- In case of issuance of orders of non-prosecution or cessation of persecution, the interrogator or prosecutor shall decide what should be done with the property and the objects that are found as the proof or instrument of the offense or acquired as a result of committing the offense or have been, or intended to be, used during the offense, as whether they are to be returned or confiscated or destroyed, whichever is appropriate. In case of confiscation, the court shall decide on the property and objects. Furthermore, the interrogator or prosecuting attorney, at the request of the beneficiary, shall issue the order of restoration of the abovementioned property and objects in accordance with the following conditions:

- (a) All or part of the objects and property that are not needed for the purpose of investigation or legal procedure.
- (b) The objects and property that are unclaimed [by a third party].
- (c) They are not among those objects or property subject to confiscation or destruction.

In all criminal cases, while issuing its judgment or order, or thereafter, whether convicting or declaring the accused innocent or issuing the order for cessation of prosecution, the court shall issue a judgment regarding the objects and property that are used as the instrument or acquired as a result of the offense or have been, or were intended to be, used during the offense, in regards to whether they should be returned or confiscated or destroyed.

Note 1 -The person affected by the order of interrogator or prosecutor or by the judgment or order of the court, according to the regulations, may file a complaint to the criminal court and request a review of their decisions on the objects and property cited in this article; even

though the order or judgment of the court regarding the criminal aspect is not challengeable.

Note 2 -The property, for which its maintenance requires undue expense by the government or causes its decay or gross loss of value, and for which preservation of the property is not necessary for the judicial procedure, as well as perishable properties, shall be sold at the price of the day, by the order of the public prosecutor or the court; and the proceedings shall be deposited in the account of the judicial administration until the final determination is made.

Article 216- Execution of *hadd*, *qisas*, and *ta'zir* punishments shall be in accordance with regulations that shall be prepared and served by the Head of Judiciary within six months after this law comes into force.

BOOK TWO – HUDUD

Part One- General Articles

Article 217- In cases of offenses punishable by *hadd*, the offender shall be liable only if, in addition to having knowledge, intention, and meeting the requirements for criminal responsibility, is aware of the prohibition of the conduct committed under Shari'a rules.

Article 218- In the cases of offenses punishable by *hadd*, if the accused claims that s/he, at the time of commission of the offense, did not have the knowledge or intention [to commit the offense], or [if s/he claims that] one of the obstacles to criminal liability exists, in the case that there is the likelihood of veracity of the claim, or if s/he claims that his/her confession has been made under threat or fear or torture, the claim shall be accepted without [resorting to] testimonies and oaths.

Note 1- In the cases of offenses of *moharebeh*, *efsad-e-fel-arz*, and indecent offenses committed by coercion, force, abduction, or deception, a mere claim cannot remove the *hadd* punishment and the court must carry out examination and investigation.

Note 2- Confession shall be admissible only if made before the judge in the court.

Article 219- The court cannot change the conditions, type, and amount of *hadd* punishments or reduce or replace, or remove the [*hadd*] punishment. Such punishments can only be removed, reduced, or replaced through repentance and pardon under the conditions prescribed in this law.

Article 220- Regarding the *hadd* punishments that are not mentioned in this law Article one hundred and sixty seven (167) of the Islamic Republic of Iran's Constitution shall be applicable.

Part Two- Offenses punishable by *Hadd*

Chapter One- *Zina*

Article 221- *Zina* is defined as sexual intercourse of a man and a woman who are not married to each other, and also provided that the intercourse is not done by mistake.

Note 1- A sexual intercourse occurs when the sex organ (penis) of a man, up to the point of circumcision, enters into the vagina or anus of a woman.

Note 2- If both parties or one of them are non-pubescent, *zina* occurs but for the non-pubescent [party(parties)] the *hadd* punishment shall not be given, but instead they shall be sentenced to security and correctional measures mentioned in the first book of this law.

Article 222- Sexual intercourse with a dead person shall be regarded as *zina*, unless a husband has sexual intercourse with his deceased wife, which is not *zina*; but, shall be punishable by thirty one to seventy four lashes of *ta'zir* punishment of the sixth grade.

Article 223- Where a person who is charged with *zina*, claims that s/he has been married to the other party or he has engaged in intercourse as a result of a mistake, his/her claim shall be accepted without [resorting to] testimonies and oaths, unless it is proved otherwise by an ultimate proof that meets the requirements under Shari'a.

Article 224- In the following cases the *hadd* punishment for *zina* is the death penalty:

- (a) *Zina* with blood relatives who are prohibited to marry.
- (b) *Zina* with a step-mother; in which case, the man who committed *zina* shall be sentenced to the death penalty.
- (c) *Zina* of a non-Muslim man with a Muslim woman; in which case, the man who committed *zina* shall be sentenced to the death penalty.
- (d) *Zina* committed by coercion or force [i.e. rape]; in which case, the man who committed *zina* by coercion or force shall be sentenced to the death penalty.

Note 1- Punishment of the woman who has committed *zina* in paragraphs (b) and (c) shall be in accordance with other provisions of *zina*.

Note 2- The conduct of anyone who commits *zina* with a woman who did not consent to engage in *zina* with him, while she is unconscious, asleep, or drunk, shall be regarded as *zina* committed by coercion [i.e. rape]. In cases of *zina* by deceiving and enticing a non-pubescent girl, or by abducting, threatening, or intimidating a woman, even if she surrenders herself as a result of that, the abovementioned rule shall apply.

Article 225- The *hadd* punishment for *zina* of a man and a woman who meet the conditions of *ihsan* shall be stoning to death. Where the execution of stoning is not possible, upon proposal of the court of final judgment and approval of the Head of Judiciary, if the offense is proved by testimony of witnesses, the man and a woman who have committed *zina* and meet the conditions of *ihsan* shall be sentenced to the death penalty [hanging]; otherwise, each one of them shall be given one hundred lashes.

Article 226- *Ihsan* shall be established for both men and women according to the following:

- (a) *Ihsan* of a man is defined as a status that a man is married to a permanent and pubescent wife and has had vaginal intercourse with her whilst he has been sane and pubescent and can have vaginal intercourse with her whenever he so wishes.
- (b) *Ihsan* of a woman is defined as a status that a woman who is married to her permanent and pubescent husband and the husband has had vaginal intercourse

with her whilst she was sane and pubescent and she is able to have vaginal intercourse with her husband.

Article 227- The parties to a marriage shall not meet the conditions of *ihsan* [mentioned in article 226] during periods such as travel, imprisonment, menstruation, lochia, any illness that prevents sexual intercourse, or any illness that puts the other party at risk such as AIDS and syphilis.

Article 228- In the case of a *zina* with blood relatives who are prohibited to marry and a *zina* that the offender meets the conditions of *ihsan*, if the woman who has committed *zina* is pubescent and the man who has committed *zina* is non-pubescent, the woman shall only be sentenced to one hundred lashes.

Article 229- If a man who is married to his permanent wife commits *zina* prior to any sexual intercourse [with his wife], he shall be sentenced to the *hadd* punishment of one hundred lashes and shaving his head, and banishment for one year.

Article 230- In cases where the offender does not meet the conditions of *ihsan* [mentioned in article 227], the *hadd* punishment for *zina* shall be one hundred lashes.

Article 231- In the case of *zina* committed by coercion or force [i.e. rape], if the woman is a virgin, the offender, in addition to the punishment provided, shall be convicted to pay the compensation for virginity and a *mahr-ul-methl* (a type of *mahr* that shall be paid to a woman at the rate payable for other women in a similar position); and if she is not a virgin, the offender shall be sentenced to the punishment and payment of a *mahr-ul-methl*.

Article 232- Where a man or woman confesses to *zina* less than four times, s/he shall be sentenced to thirty-one to seventy-four lashes of ta'zir punishment of the sixth grade. The same punishment mentioned in this article shall be applicable in the cases of *livat*, *tafkhez*, and *musaheqeh*.

Chapter Two- Livat, Tafkhez, and Musaheqeh

Article 233- *Livat* is defined as penetration of a man's sex organ (penis), up to the point of circumcision, into another male person's anus.

Article 234- The *hadd* punishment for *livat* shall be the death penalty for the insertive/active party if he has committed *livat* by using force, coercion, or in cases where he meets the conditions for *ihsan*; otherwise, he shall be sentenced to one hundred lashes. The *hadd* punishment for the receptive/passive party, in any case (whether or not he meets the conditions for *ihsan*) shall be the death penalty.

Note 1- If the insertive/active party is a non-Muslim and the receptive/passive party is a Muslim, the *hadd* punishment for the insertive/active party shall be the death penalty.

Note 2- *Ihsan* is defined as a status that a man is married to a permanent and pubescent wife and whilst he has been sane and pubescent has had a vaginal intercourse with the same wife while she was pubescent, and he can have an intercourse with her in the same way [vaginal] whenever he so wishes.

Article 235- *Tafkhiz* is defined as putting a man's sex organ (penis) between the thighs or buttocks of another male person.

Note- A penetration [of a penis into another male person's anus] that does not reach the point of circumcision shall be regarded as *tafkhiz*.

Article 236- In the case of *tafkhiz*, the *hadd* punishment for the active and passive party shall be one hundred lashes and it shall make no difference whether or not the offender meets the conditions of *ihsan* [mentioned in note 2 of article 234], or whether or not [the offender] has resorted to coercion.

Note- If the active party is a non-Muslim and the passive party is a Muslim, the *hadd* punishment for the active party shall be the death penalty.

Article 237- Homosexual acts of a male person in cases other than *livat* and *tafkhiz*, such as kissing or touching as a result of lust, shall be punishable by thirty-one to seventy-four lashes of *ta'zir* punishment of the sixth grade.

Note 1- This article shall be equally applicable in the case of a female person.

Note 2- This article shall not be applicable in the cases punishable by a *hadd* punishment under Shari'a rules.

Article 238- *Musaheqeh* is defined as where a female person puts her sex organ on the sex organ of another person of the same sex.

Article 239- The *hadd* punishment for *musaheqeh* shall be one hundred lashes.

Article 240- Regarding the *hadd* punishment for *musaheqeh*, there is no difference between the active or passive parties or between Muslims and non-Muslims, or between a person that meets the conditions for *ihsan* and a person who does not, and also whether or not [the offender] has resorted to coercion.

Article 241- In the cases of indecent offenses, in the absence of admissible legal evidence and with denial of the accused, any type of investigation and interrogation in order to discover hidden affairs and things concealed from the public eye shall be prohibited. In cases with the possibility of commission of an offense with force, coercion, assault, abduction, or deception, or cases which are considered as commission [of an offense] with resorting to force, this rule shall not be applicable.

Chapter Three- Procuring/Pandering

Article 242- Procuring/pandering is defined as [the act of] connecting two or more people together in order to commit *zina* or *livat*.

Note 1- The *hadd* punishment for procuring/pandering is subject to commission of the *zina* or *livat*; otherwise, the offender shall be punishable by the *ta'zir* punishment prescribed in article 244 of this law.

Note 2- In procuring/pandering, reoccurrence of the act shall not be necessary for commission of the offense.

Article 243- The *hadd* punishment for procuring/pandering is seventy-five lashes for men; and if committed for the second time, in addition to the *hadd* punishment of seventy-five lashes, [the offender] shall be sentenced to banishment from [his] area for a period of up to one year at the discretion of the judge, and it is only seventy-five lashes for women.

Article 244- Anyone who connects two or more non-pubescent persons together in order to commit *zina* or *livat* shall not be punishable by a *hadd* punishment but shall be sentenced to thirty-one to seventy-four lashes and a ta'zir imprisonment of the sixth degree.

Chapter Four- Qazf [false accusation of sexual offenses]

Article 245- *Qazf* is defined as a false accusation of *zina* or *livat* against someone else, even a dead person.

Article 246- *Qazf* must be clear and unambiguous and the accuser must be aware of the meaning of the word and have the intention to accuse, even though the victim, or listener, to the *qazf*, are not aware of its content at the time of commission of the *qazf*.

Note- In addition to oral and written, a *qazf* can be committed by electronic means as well.

Article 247- If a person tells his/her legitimate child "you are not my child", or, if they tell someone else's legitimate child "you are not your father's child", it shall be considered as *qazf* against his/her mother.

Note- If there is an indication that *qazf* is not intended, then, the *hadd* punishment shall not be given.

Article 249- If a person tells another person "you have committed *zina* with that woman or *livat* with that man", s/he shall be only regarded as having committed a *qazf* against the addressee.

Article 250- The *hadd* punishment for *qazf* is eighty lashes.

Article 251- *Qazf* shall result in the *hadd* punishment when the person who is the subject of the *qazf* is pubescent, sane, Muslim, specified [by the offender], and it is not evident that s/he commits *zina* or *livat*.

Note 1- If the person who is the subject of the *qazf* is non-pubescent, insane, non-Muslim, or unspecified [by the offender], the offender shall be sentenced to thirty-one to seventy-four lashes of ta'zir flogging of the sixth grade; however, it is not punishable to commit *qazf* against someone where it is evident that s/he commits *zina* or *livat*.

Note 2- In the commission of *qazf* against someone where it is evident that s/he commits *zina* or *livat*, if s/he is accused of what is not evident about him/her, shall be punishable by

the *hadd* punishment, such as accusing someone of *livat* while it is evident that he commits *zina*.

Article 252- If a person, intending to accuse another person of *zina* or *livat*, uses different words than *zina* or *livat* which clearly accuse the addressee's wife, father, mother, sister, brother, etc of *zina* or *livat*, the accuser, in regards to the accused person [i.e. the wife or mother or sister], shall be sentenced to the *hadd* punishment for *qazf*; and, in regards to the addressee who has been hurt by the accusation, [the accuser] shall be sentenced to the punishment prescribed for insult.

Article 253- Anyone who accuses another person of *zina* or *livat* which are not punishable by *hadd*, such as *zina* or *livat* under coercion or while s/he was non-pubescent, shall be sentenced to thirty-one to seventy-four lashes of ta'zir flogging of the sixth degree.

Article 254- It shall not be punishable to attribute *zina* or *livat* to a person who has been convicted to the *hadd* punishment for the same *zina* or *livat*, provided that it is before the addressee repents.

Article 255- The *hadd* punishment prescribed for *qazf* is a *haq-un-nas* (claim of people) and its prosecution and execution of the punishment shall be subject to the request of the victim of the *qazf*. If the victim of the *qazf* forgives [the offender] at any stage, the prosecution, trial, and execution of the punishment, whichever is applicable, shall be ceased.

Article 256- When a person commits *qazf* against more than one person separately, s/he shall receive the *hadd* punishment for the *qazf* of each person separately, whether the victims ask for *hadd* punishment together or separately.

Article 257- When a person, in the same statement, commits *qazf* against more than one person, each victim can separately make a complaint and ask for execution of the punishments if given by the court. However, if the victims of the *qazf* make a [collective] complaint together, s/he shall be sentenced to only one *hadd* punishment.

Article 258- If [a person] commits *qazf* against another person one, or more, time(s), with the same or different accusation(s), before the *hadd* punishment is executed, only one *hadd* punishment shall be given; however, if s/he repeats the *qazf* after receiving the *hadd* punishment, the *hadd* punishment shall be repeated, and if s/he insists what s/he said was right, s/he shall be sentenced to thirty-one to seventy-four lashes of ta'zir flogging of the sixth degree.

Article 259- If a father or parental grandfather commits *qazf* against his child [or grandchild] he shall be sentenced to thirty-one to seventy-four lashes of ta'zir flogging of the sixth degree.

Article 260- The *hadd* punishment for *qazf*, if neither executed nor forgiven by the victim, shall be transferred to the heirs [after the victim's death] but the wife or husband; and every one of the heirs can request the prosecution or execution of *hadd* punishment, although the rest of the heirs have forgiven.

Article 261- No matter at which stage the case is, the *hadd* punishment for *qazf* shall be removed in the following cases:

- (a) When the victim confirms the person who committed the *qazf*.
- (b) When what is attributed to the victim of the *qazf* is proved either by testimony of witnesses or knowledge of the judge.
- (c) When the victim of the *qazf*, and the case of his/her death, his/her heirs, forgive(s) [the offender]
- (d) When a man commits *qazf* against his wife and then carries out *le'ān* [imprecation; a specific religious procedure in which a husband accuses his wife of committing *zina* and imprecates himself if he lies. As a result their marriage shall be terminated] accusing her of a *zina* committed before or during the marriage.
- (e) When two persons commit *qazf* against each other, whether their accusations are similar or different.

Note- The offenders of paragraph (e) shall be sentenced to thirty-one to seventy-four lashes of ta'zir flogging of the sixth degree.

Chapter Five- *Sabb-e nabi* (Swearing at the Prophet)

Article 262- Anyone who swears at or commits *qazf* against the Great Prophet [of Islam] (peace be upon him) or any of the Great Prophets, shall be considered as *Sāb ul-nabi* [a person who swears at the Prophet], and shall be sentenced to the death penalty.

Note- Commission of *qazf* against, or swearing at, the [twelve] *Shi'ite* Imams (peace be upon them) or the Holy Fatima (peace be upon her) shall be regarded as *Sab-e nabi*.

Article 263- When the accused of a *sabb-e nabi* (swearing at the Prophet) claims that his/her statements have been under coercion or mistake, or in a state of drunkenness, or anger or slip of the tongue, or without paying attention to the meaning of the words, or quoting someone else, then s/he shall not be considered as *Sāb ul-nabi* [a person who swears at the Prophet].

Note- When a *sabb-e nabi* (swearing at the Prophet) is committed in the state of drunkenness, or anger or quoting someone else, if it is considered to be an insult, the offender shall be sentenced to a ta'zir punishment of up to seventy-four lashes.

Chapter Six- Consumption of intoxicants

Article 264- Consuming, including drinking, injecting, smoking, etc, of an intoxicant, whether [the amount] is a little or a lot, fluid or solid, intoxicated or not, pure or mixed, provided that the mixture does not exceed a certain limit so that it is not intoxicating any longer, shall be punishable by the *hadd* punishment.

Note- Consuming beer shall be punishable by the *hadd* punishment, even if it does not result in drunkenness.

Article 265- The *hadd* punishment for consumption of intoxicants is eighty lashes.

Article 266- A non-Muslim shall be sentenced to the *hadd* punishment only if s/he publicly consumes intoxicants.

Note- If consumption of alcohol by non-Muslims is not committed in public, but if the offender appears in public roads and places while s/he is drunk, he shall be sentenced to the punishment prescribed for openly committing a *harām* (sinful) act [art 638 of the Fifth Book].

Chapter Seven- Theft

Article 267- Theft is defined as stealing someone else's property.

Article 268- Theft shall be punishable by *hadd* punishment provided that all the following conditions are met:

- (a) The stolen property has a legitimate value.
- (b) The stolen property was placed in *herz* [a secure place]
- (c) The thief breached the *herz* [the secure place].
- (d) The thief takes out the property from the *herz* [the secure place].
- (e) The theft and breaching the *herz* [the secure place] are committed secretly.
- (f) The thief was not the father or paternal grandfather of the owner.
- (g) The stolen property, at the time it was taken out from the *herz* [the secure place] has a value equal to four and a half *nokhod* [a traditional unit of weight] of coined gold [equal to 0.87 g]
- (h) The stolen property is not the property of the government or a public property or a public endowment or an endowment for public good.
- (i) The theft was not committed in a time of famine
- (j) The owner of the property makes a complaint against the thief before judicial bodies
- (k) The owner of the property has not forgiven the thief prior to the proof of the theft
- (l) The stolen property is not returned to the owner prior to the proof of the theft
- (m) The stolen property is not entered into the thief's ownership prior to the proof of offense
- (n) The stolen property has not been gained through theft or usurpation

Article 269- *Herz* is defined as an appropriate place where the property is conventionally/reasonably secure from theft.

Article 270- If the place of keeping the property has been usurped from a person, it shall not be regarded as *herz* in relation to him/her and those who are authorized by him/her to have access to that place.

Article 271- Breach of *herz* is defined as an unlawful/unauthorized breach of a *herz* which can be committed through destroying or climbing a wall, opening or breaking a lock, and the like.

Article 272- If a person takes out the property from the *herz* by an insane person or a non-discerning child or an animal or any intention-less tool, s/he shall be regarded as the principal to the offense; and if the principal to the offense is a discerning child the conduct of the person who has issued the command(s) shall be punishable by the punishment prescribed for ta'zir thefts.

Article 273- If a property is placed in more than one *herz*, the offense is accomplished when the property is taken out from the most exterior *herz*.

Article 274- The minimum value of the stolen property [prescribed in paragraph (g) of article 268] must be stolen in a single theft.

Article 275- If two or more persons steal a property together, the share of each person shall reach the minimum value of the stolen property [prescribed in paragraph (g) of article 268].

Article 276- If a theft does not meet the conditions of the *hadd* punishment, it shall be punishable by the punishment prescribed for ta'zir thefts.

Article 277- If a partner, or owner of right, in a property, steals more than his/her share, and the extra amount reaches the minimum value of the stolen property [prescribed in paragraph (g) of article 268] s/he shall be sentenced to the *hadd* punishment.

Article 278- The *hadd* punishment for theft is as follows:

- (a) On the first occasion, amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain.
- (b) On the second occasion, amputation of the left foot from the end of the knob [on the foot] in such a manner that half of the sole and part of the place of anointing [during ablution] remain.
- (c) On the third occasion, life imprisonment.
- (d) On the fourth occasion, the death penalty even though the theft is committed in prison.

Note 1- When the thief is lacking the limb which shall be amputated, s/he shall be sentenced to the punishment prescribed for ta'zir thefts.

Note 2- Regarding paragraph (c) of this article and other thefts that do not fall under the category of ta'zir, if the offender repents during the execution of the punishment, and the Supreme Leader agrees with his/her release, s/he shall be pardoned and released. In addition the Supreme Leader can replace his/her punishment with another ta'zir punishment.

Chapter Eight- *Moharebeh*

Article 279- *Moharebeh* is defined as drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity. When a person draws a weapon on one or several specific persons because of personal enmities and his act is not against the public, and also a person who draws a weapon on people, but, due to inability does not cause insecurity, shall not be considered as a *mohareb* [i.e. a person who commits *moharebeh*].

Article 280- Any person or group that resorts to weapons in order to fight with *moharebs* shall not be considered as a *mohareb*.

Article 281- Robbers, thieves, or smugglers who resort to weapons and disrupt public security or the security of roads, shall be considered as a *mohareb*.

Article 282- The *hadd* punishment for *moharebeh* is one of the following four punishments:

- (a) The death penalty (hanging)
- (b) Crucifixion
- (c) Amputation of right hand and left foot
- (d) Banishment

Article 283- The judge has the discretion of choosing one of the four punishments prescribed in article 282.

Article 284- In any case, the length of the banishment shall not be less than one year even though the *mohareb* has repented after arrest; and if s/he does not repent s/he shall remain banished.

Article 285- In the case of banishment, the *mohareb* shall be put under supervision and be banned from associating, contacting, and socializing with other people.

Chapter Nine- *Baqû* (Rebellion) and *Efsad-e-fel-arz* (Corruption on Earth)

Article 286- Any person, who extensively commits felony against the bodily entity of people, offenses against internal or international security of the state, spreading lies, disruption of the economic system of the state, arson and destruction of properties, distribution of poisonous and bacterial and dangerous materials, and establishment of, or aiding and abetting in, places of corruption and prostitution, [on a scale] that causes severe disruption in the public order of the state and insecurity, or causes harsh damage to the bodily entity of people or public or private properties, or causes distribution of corruption and prostitution on a large scale, shall be considered as *mofsed-e-fel-arz* [corrupt on earth] and shall be sentenced to death.

Note- When, considering all the evidence and circumstances, the court does not establish the intention to cause extensive disruption in the public order, or creating insecurity, or causing vast damage or spreading corruption and prostitution in a large scale, or the knowledge of effectiveness of the acts committed, provided that the offense committed is not punishable under the title of a different offense, it shall sentence the offender to a *ta'zir* imprisonment of the fifth or sixth degree, considering the harmful consequences of the offense.

Article 287- Any group that wages armed rebellion against the state of the Islamic Republic of Iran, shall be regarded as *moharebs*, and if they use [their] weapon, its members shall be sentenced to the death penalty.

Article 288- When members of the rebel group are arrested before any conflict occurs or a weapon is used, if the organization or core of that group exists, they shall be sentenced to a *ta'zir* imprisonment of the third degree, and if the organization or core of that group cease to exist, they shall be sentenced to a *ta'zir* imprisonment of the fifth degree.

