

# Table of Capital Offenses in the Islamic Republic of Iran, and their Sources in Statute Law and Islamic Law

(updated in November 2010)

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The Project on **Extra-Legal Executions in Iran (ELEI)** was established by the Iranian Refugees' Alliance Inc, a non-governmental organization working from the US since 1995, to collect and analyze data on capital crimes, judicial proceedings in capital cases, and judicial executions in Iran that violate binding international legal standards on capital punishment.

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## I. Table of Sources

### 1. Codified Law

| Legislation   | Date ratified by legislative body   |   |   |
|---|---|---|---|
|   | Islamic Consultative Assembly <sup>1</sup>  | The Guardian Council <sup>2</sup>   | Assembly for Discernment of Exigencies <sup>3</sup>   |
| <p><b>The Islamic Criminal Code of Iran<sup>4</sup></b><br/>           Volume 1 – General provisions, Volume 2 – <i>Huddud</i>, Volume 3 – <i>Qisas</i>,* Volume 4 – <i>Diyat</i>,** Volume 5 – <i>Ta'zirat</i></p> <p>*Articles 239-254 amended in 2002<br/>           **Article 297 amended in 2003</p> | <p><b>8 Jan. 1991</b><br/>           [18.10.1369]<sup>5</sup><br/>           (Volumes 1-4, trial basis)</p> <p><b>22 May 1996</b><br/>           [02.03.1375]<br/>           (Volume 5)</p> | <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><b>26 May 1996</b><br/>           [06.03.1375]<br/>           (Volume 5)</p> | <p><b>28 Nov. 1991</b><br/>           [07.09.1370]<br/>           (Volumes 1-4, trial basis)</p> <p>.....</p> <p>.....</p> <p>.....</p> |
| <p><b>Law Concerning Amendments and Annexations to the Anti-Narcotic Drug Law</b> (<i>qanun-e eslah-e qanun-e mobarezeh ba mavad-e mokhader va elhaq-e mavadi</i>)</p>  | <p>.....</p> <p>.....</p>   | <p>.....</p> <p>.....</p>   | <p><b>8 Nov. 1997</b><br/>           [17.08.1376]</p>   |

<sup>1</sup> **The Islamic Consultative Assembly** (*Majles-e Shoraye Eslami*) also called the Parliament, is constitutionally vested with the power to legislate. However, another body, the Council of Guardians, must affirm that any legislation passed by the Assembly is not in conflict with the principles of Islam and the Constitution. The Assembly's members (currently 290) are elected by popular vote to serve four-year terms. Only candidates whose Islamic background has been approved by the Guardian Council can stand for election, other than the five seats set aside for religious minority communities.

<sup>2</sup> **The Council of Guardians** (*Shoraye Negahban*) is a body of twelve theologians and jurists, half of whom are appointed by the Supreme Leader of the Islamic Republic and half by the Islamic Consultative Assembly. Besides having the authority to veto legislation which it considers inconsistent with the Constitution or Islamic law, the Council screens all potential candidates for the Islamic Consultative Assembly, the Presidency, and the Assembly of Experts (a body of 86 clerics charged with electing the Supreme Leader and supervising his activities).

<sup>3</sup> **The Assembly for the Discernment of Exigencies of the State** (*Majma'e- Tashkhis-e Maslehat-e- Nezam*) was established in February 1988 by decree of Ayatollah Khomeini to resolve a series of disputes between the Consultative Assembly and the Council of Guardians which were paralyzing the legislative process. The Assembly was also decreed to act as a legislative body in some matters and to enact laws without passing them through the Consultative Assembly. All its 34 members, including the Head of the Judiciary, are appointed by the Supreme Leader.

<sup>4</sup> The Islamic Criminal Code, the main criminal statute in the Islamic Republic of Iran, was initially issued as separate laws in 1982 (The Law Concerning Islamic Punishment) and 1983 (The Law on *Huddud* and *Qisas* and The Law on *Ta'zirat*) on a trial basis for five years. In 1991 these laws (with the exception of the Law on *Ta'zirat*) were brought together in the Islamic Criminal Code, again on a trial basis for five years, after vetting by the Guardian Council. The trial term has since been extended six times, in 1996 for ten years and since 2006 for one-year terms. In 1996, the 1983 *Ta'zirat* law was replaced by a new permanent law and inserted in the Islamic Criminal Code as volume five of the Islamic Criminal Code after vetting by the Assembly for the Discernment of Exigencies.

<sup>5</sup> The Iranian calendar (*hijri shamsi*) is made up of 12 months commencing on 21 March in the western calendar. For each corresponding western date, the Iranian date is included in brackets in the form day/month/year.

|  |                                     |                                     |                                     |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| <i>be an)</i>  |                                     |                                     |                                     |
| <b>The Press Code</b> ( <i>qanun-e matbu'at</i> )  | <b>13 Mar. 1986</b><br>[22.12.1364] | <b>17 Mar. 1986</b><br>[26.12.1364] | .....<br>.....                      |
| Amendment  | 18 Apr. 2000<br>[30.01.1379]        | 26 Apr. 2000<br>[07.02.1379]        | .....<br>.....                      |
| <b>Law Concerning Increase of Penalties for Bill Counterfeiters and Persons who Import, Distribute or Pass Counterfeit Bills</b> ( <i>qanun-e tashdid mojazat ja'elin eskenas va vared-konandegan, tozi-konandegan va masraf-konandegan eskenaz-e maj'ul</i> ) | .....<br>.....                      | .....<br>.....                      | <b>18 Apr. 1989</b><br>[29.01.1368] |
| <b>Law Concerning Punishment of Persons who Disrupt the National Economic System</b> ( <i>qanun-e mojazat-e ikhlalgaran dar nezam eqtesadi keshvar</i> )   | <b>10 Dec. 1990</b><br>[19.09.1369] | <b>19 Dec. 1990</b><br>[28.09.1369] | .....<br>.....                      |
| <b>Law Concerning Increase of Penalties for Receiving Bribes, Embezzlement and Fraud</b> ( <i>eslah va tayid mavadi az layeh-e tashdid mojazat mortakebin-e ertisha, ekhtilas va kolahbardari</i> )  | <b>19 Sep. 1985</b><br>[28.06.1364] | .....<br>.....                      | <b>6 Dec. 1988</b><br>[15.09.1367]  |
| <b>Law Concerning Increase of Penalties for Speculators and Profiteers</b> ( <i>qanun-e tashdid-e mojazat-e mohtakeran va geranforushan</i> )  | <b>12 Apr. 1988</b><br>[23.01.1367] | <b>24 Apr. 1988</b><br>04.02.1367]  |                                     |
| <b>Law Concerning Penalties for Persons Involved in Illicit Audio-visual Activities</b> ( <i>qanun-e nahveh mojazat-e ashkhasi keh dar omur-e sami va basari fa'aliathaye qayre-mojaz minamayand</i> )   | <b>6 Jan. 2008</b><br>[16.10.1386]  | <b>9 Jan. 2008</b><br>[19.10.1386]  |                                     |
| <b>Law Concerning Cyber Crimes</b> ( <i>qanun-e jarayem-e rayaneh-i</i> )  | <b>26 May 2009</b><br>[05.03.1388]  | <b>13 Jun. 2009</b><br>[23.03.1388] | .....<br>.....                      |
| <b>Law to Combat Human Trafficking</b> ( <i>qanun-e mobarezeh ba qachaq insan</i> )  | <b>29 June 2004</b><br>[08.04.1383] | <b>29 June 2004</b><br>[08.04.1383] | .....<br>.....                      |
| <b>Law Concerning Penalties for Crimes Committed by Members of the Armed</b>   | <b>6 Dec. 2003</b>                  | <b>22 Dec. 2003</b>                 | .....                               |

|   |                                     |                |                         |
|---|-------------------------------------|----------------|-------------------------|
| <b>Forces</b> ( <i>qanun-e mojazat-e niruhaye mosalah</i> )   | [09.10.1382]                        | [25.10.1382]   | .....                   |
| <b>Pending legislation</b>  |                                     |                |                         |
| <b>Bill of the Islamic Criminal Code</b> (draft submitted on 11 Dec. 2007)<br>(replacing Volumes 1 to 4 of the above 1991/96 Islamic Criminal Code)   | <b>16 Dec. 2009</b><br>[25.09.1388] | Under review   | .....<br>.....          |
| <b>Draft Bill Concerning Increase of Penalties for Disturbing the Psychological Security of Society</b><br>( <i>tashdid-e mojazat-e jarayem ikhlal dar amniyat-e ravani-ye jame'e</i> )                                 | Under review since 2008             | .....<br>..... | .....<br>.....          |
| <b>Draft Bill Concerning Penalties for Smuggling of Arms and Ammunition and Possession of illegal Arms and Ammunition</b> ( <i>mojazat-e qachaq aslaheh va mohemat va darandegan-e selah va mohemat-e qayre-mojaz</i> ) | Under review since 2008             | .....<br>..... | .....<br>.....          |
| <b>Further Amendments to Law Concerning Amendments and Annexations to the Anti-Narcotic Drug Law</b>  | .....<br>.....                      | .....<br>..... | Under review since 2008 |

## 2. Uncodified Law (primary source)

|  |   |   |
|--|---|---|
| <p><b><i>Tahrir al-Wasileh</i></b> (Commentaries on the Vehicle)<sup>6</sup><br/>(reference in this document are based on the hard cover four-volume Farsi translation by Ali Islami.)</p> | <p>Written in the 1960s in Arabic by the late Grand Ayatollah Ruhollah Khomeini (1902-1989)</p> | <p>Standard reference is in the form of three numbers ###/###/###, (e.g.: 4/200/5 = volume 4, page 200, issue 5.)</p> |
|--|---|---|

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<sup>6</sup> *Tahrir al-wasileh* (Commentaries on the vehicle) is Ayatollah Khomeini's (1902-1989) most comprehensive treatise. It consists of his commentaries on Ayatollah Seyyed Abul-Hassan Isfahani's (1867-1946) book *Wasilat-al-nijat* (Vehicle to salvation). It was written in Arabic during his exile years in Turkey in the 1960s and was initially printed in two volumes in early 1980s. Later reprints have four volumes. Each volume consists of several books, sections, and *masaleh* (issues) formulated as solutions to concrete or speculative questions. There are at least two known Farsi translations by Ali Islami and Seyyed Mohammad Baqer Mousavi Hamedani. Both translations were published in four volumes by the Qhom Theological Seminary. The Encyclopedia of the World of Islam regards *Tahrir al-wasileh* as "one of the best practical jurisprudential texts" and "the only one addressing the entire range of topics in Islamic jurisprudence".

## II. Table of Capital Offenses (133 offences)

| <b>1. Qisas (four offenses)</b>  |  |                               |                          |  |
|--|--|-------------------------------|--------------------------|--|
| <p><i>Qisas</i> (literally, ‘retaliation’) is defined in the law as a punishment ‘equivalent to the crime, which God has prescribed for <i>jinayat</i> (murder or bodily harm).’ <i>Qisas-e nafs</i> (‘retaliation with a life’) is the Islamic term for mandatory capital punishment in <i>qatl-e amd</i> (‘intentional homicide’).<sup>7</sup></p> |  |                               |                          |  |
|  | Offense  | Sources                       |                          | Bill of Islamic Criminal Code (2007 draft/2009 pre-vetted) |
|  |  | Islamic Criminal Code 1991/96 | <i>Tahrir al-Wasileh</i> |  |
| <b>1</b>   | <b>1</b> Murder committed with intent (n.b. intent does not require deliberation or premeditation).  | 206-a                         | 4/269/1                  | 311-2-a/<br>291-1  |
| <b>2</b>   | <b>2</b> Murder committed by means of an act which is typically lethal (n.b. actual intent to kill is not a required condition).   | 206-b                         |                          | 311-2-b/<br>291-2  |
| <b>3</b>   | <b>3</b> Murder committed by means of an act typically lethal to the victim in question (i.e. an act which would be typically lethal to a person who is for example elderly or sick even if intent to kill is absent). | 206-c                         |                          | 311-2-c/<br>291-3  |
| <b>4</b>   | <b>4</b> Commanding or inducing an insane person or an undiscerning minor to commit murder.  | 211                           | 4/279/34                 | 322-2-c/<br>376-1  |

<sup>7</sup> 1991/96 Islamic Criminal Code of Iran, Article 14 and 207.

## 2. *Huddud* (31 offenses)

*Hadd*, (plural: *huddud*. Literally, ‘boundary or limit’) is a punishment for which ‘*shari’a* has fixed the measure, the degree and the method.’<sup>8</sup> It is by definition unchangeable, irreducible and mandatory.

|   | Offense | Sources   |                          | Bill of Islamic Criminal Code (2007 draft/2009 pre-vetted) |                                   |
|---|---------|---|--------------------------|--|-----------------------------------|
|   |         | Islamic Criminal Code 1991/96   | <i>Tahrir al-Wasileh</i> |  |                                   |
| <b>a. <i>Zina</i> (consensual or non-consensual illicit heterosexual vaginal or anal sex), seven offenses</b> |         |   |                          |  |                                   |
| 5   | 1       | <i>Zina</i> with relatives with whom marriage is prohibited.  | 82-a                     | 4/187  | 221-5-a/<br>225-a                 |
| 6   | 2       | <i>Zina</i> with step-mother.   | 82-b                     |  | 221-5-b/<br>225-b                 |
| 7   | 3       | <i>Zina</i> between non-Muslim male and Muslim female.  | 82-c                     |  | 221-5-c/<br>225-c                 |
| 8   | 4       | Male to female rape ( <i>zina-be-onf</i> ).   | 82-d                     |  | 221-5-d/<br>225-d                 |
| 9   | 5       | <i>Zina</i> by married male ( <i>zina-e-mohsen</i> ).   | 83-a                     | 4/187/2  | 221-5-e/<br>220, 221 <sup>9</sup> |
| 10  | 6       | <i>Zina</i> by married female with mature male ( <i>zina-e-mohseneh</i> ).                                | 83-b                     |  | 221-5-e/<br>220, 221              |
| 11  | 7       | Fourth conviction of an unmarried person for <i>zina</i> (lesser convictions are punished by 100 lashes). | 90                       | 4/187/6  | 216-2/<br>135                     |
| <b>b. <i>Lavat</i> (consensual or non-consensual penetrative male homosexual sex), three offenses</b>         |         |   |                          |  |                                   |
| 12  | 8       | <i>Lavat</i> between mature males.  | 110                      | 4/199  | 221-9/ <sup>10</sup>              |

<sup>8</sup> 1991/96 Islamic Criminal Code of Iran, Article 13.

<sup>9</sup> The Islamic Consultative Assembly which passed the Islamic Criminal Code on 16 December 2009 [25.09.88] removed the explicit reference to this offense provided in the 2007 Draft Bill and substituted it with a new provision in Articles 220 and 221 which state that for ‘all *huddud* offenses not specified in the Code’ judges shall pursuant to Article 167 of the Constitution act on ‘*fatwas* issued by the Supreme Leader’s or by an official appointed by him.’

<sup>10</sup> The 2007 Draft Bill of the Islamic Criminal Code Article 221-9 excludes the active party from death penalty if he is not married. The 1991/96 Code imposes the death penalty on both the active and the passive parties.



|   |    |  |   |          |  |
|---|----|--|---|----------|--|
| 13  | 9  | Male to male rape ( <i>lavat-be-onf</i> ).   |   |          | 233  |
| 14  | 10 | <i>Lavat</i> with minor.   | 112   |          |  |
| <b>c. <i>Tafkhiz</i> (consensual or non-consensual non-penetrative male homosexual sex), two offenses</b> |    |  |   |          |  |
| 15  | 11 | <i>Tafkhiz</i> between non-Muslim (active party) and Muslim.   | 121   | 4/199/4  | 221-22/<br>235-clause                          |
| 16  | 12 | Fourth conviction of <i>tafkhiz</i> (lesser convictions are punished by 100 lashes).   | 122   | 4/199/6  | 216-2/<br>135                                  |
| <b>d. <i>Mosaheqeh</i> (consensual or non-consensual female homosexual sex), one offense</b>              |    |  |   |          |  |
| 17  | 13 | Fourth conviction of <i>mosaheqeh</i> (lesser convictions are punished by 100 lashes).                                       | 131   | 4/201/10 | 216-2/<br>135                                  |
| <b>e. <i>Vaty-e heyvanat va Mayet-e-insan</i> (bestiality and necrophilia), four offenses</b>             |    |  |   |          |  |
| 18  | 14 | <i>Zina</i> by married man with dead woman other than his wife.  | Art.103 of the 1982 Law on <i>Huddud</i> and <i>Qisas</i> . <sup>11</sup> | 4/247/4  | 221-3/<br>223                                  |
| 19  | 15 | Fourth conviction of <i>zina</i> by unmarried man with dead woman (lesser convictions are punished by 100 lashes).           |   |          |  |
| 20  | 16 | <i>Lavat</i> with dead male.   | Not included in 1991/96 criminal code or other legislation.               | 4/247/3  | Not included in 2007 draft or 2009 pre-vetted. |
| 21  | 17 | Fourth conviction of intercourse with animals (lesser convictions are punished by <i>ta'zir</i> as determined by the judge). |   |          |  |
| <b>f. <i>Qazf</i> (unfounded accusation of illicit penetrative intercourse), one offense</b>              |    |  |   |          |  |
| 22  | 18 | Fourth conviction (lesser convictions are punished by 80 lashes).  | 157   | 4/209/3  | 216-2/<br>135                                  |

<sup>11</sup> The Law on *Huddud* and *Qisas* (*qanune huddud va qisas*) consisting of 218 articles was passed by the Islamic Consultative Assembly and the Council of Guardians respectively on 24 August 1982 [03.06.1361] and [27.07.1361] for five years on a trial basis.

| <b>g. Shurb-e khamr (alcohol consumption), one offense</b>   |    |   |   |          |                             |
|--|----|---|---|----------|-----------------------------|
| 23   | 19 | Third conviction (lesser convictions are punished by 80 lashes).  | 179   | 4/217/12 | 216-2/ <sup>12</sup><br>135 |
| <b>h. Sirqat (theft), one offense</b>  |    |   |   |          |                             |
| 24   | 20 | Fourth conviction (first conviction: amputation of right four fingers; second conviction: amputation of left forefoot; third conviction: life imprisonment).  | 201-d   | 4/233/1  | 216-2/<br>135, 279-d        |
| <b>i. Irtidad (apostasy), three offenses</b>   |    |   |   |          |                             |
| 25   | 21 | Innate ( <i>fitri</i> ) apostasy, in which a male, at least one of whose parents is Muslim, and who has declared himself a Muslim at maturity, has subsequently abandoned the religion.   | Not included in 1991/96 criminal code or other legislation. | 4/243/1  | 225-7<br>220, 221           |
| 26   | 22 | National ( <i>meli</i> ) apostasy, in which a male whose parents are non-Muslims or non-practicing Muslims, subsequently adopted Islam and then later abandoned the religion and who given three days of reprieve, does not repent. |   |          | 225-8<br>220, 221           |
| 27   | 23 | Fourth conviction of renewed national apostasy.   |   | 4/243/6  | 216-2/<br>135               |
| <b>j. Sabb al-nabbi, Idiya-e nabovat and Sihr (blasphemy, heresy and witchcraft), three offenses</b> |    |   |   |          |                             |
| 28   | 24 | Blasphemy/cursing the prophet.  | (see 513 in <i>ta'zirat</i> )                               | 4/211/a1 | 225-11/<br>263              |
| 29   | 25 | Heresy.   | Not included in 1991/96 criminal code or other legislation. | 4/211/a2 | 225-11/<br>220, 221         |
| 30   | 26 | Witchcraft.   |   | 4/211/a3 |                             |
| <b>k. Moharebeh and Ifsad-e fil arz (Enmity with God's</b>   |    |   |   |          |                             |

<sup>12</sup> In the new Bill of the Islamic Criminal Code, the death penalty is imposed on the fourth conviction. *Tahrir-al-Wasileh* also 'cautions' that the death penalty should be imposed on the fourth conviction rather than the third.

| ordinances and creating corruption on earth), five offenses   |    |   |     |   |                           |
|---|----|---|-----|---|---------------------------|
| <p><b>Definitions:</b> The <i>Qur'anic</i> definition of the term is 'enmity with God's ordinances and creating corruption on earth.'<sup>13</sup></p> <p>The 1991/96 Islamic Criminal Code defines <i>mohareb</i> and <i>mofsed-e fil arz</i> as anyone who draws a weapon to create terror and fear, and divest people of their security and freedom.<sup>14</sup></p> <p><i>Tahrir-al-Wasileh</i> defines <i>mohareb</i> as anyone who draws his weapon from sheath or prepares it for the purpose of threatening or frightening people, and who intends <i>ifsad</i> (corruption) on earth.<sup>15</sup></p> <p><b>Punishments:</b> 1- <i>Qatl</i> (killing), 2- <i>Salb</i> (crucifixion), 3- Cross amputation of limbs or 4- Exile and banishment, to be chosen at the judge's discretion.<sup>16</sup></p> |    |   |     |   |                           |
| 31  | 27 | Armed robbery or highway banditry. ( <i>mohareb</i> <sup>17</sup> )   | 185 | Defined in general terms as quoted above. | 228-4/282                 |
| 32  | 28 | Members of any organized group which take up arms against the Islamic state, and supporters of any such group irrespective of whether or not they have committed violent acts. ( <i>mohareb</i> ) | 186 |   | 228-11/ <sup>18</sup> 288 |
| 33  | 29 | Plotting to overthrow the Islamic state, and procuring weapons and explosives for this purpose. ( <i>mohareb</i> and <i>mofsed-fil-arz</i> )  | 187 |   | 228-10/ <sup>19</sup> 287 |
| 34  | 30 | Deliberate and willful provision of financial means, tools, equipment or weapons to the above persons or organizations. ( <i>mohareb</i> and <i>mofsed-fil-arz</i> )                              |     |   |                           |
| 35  | 31 | Nomination for a significant post in a <i>coup d'état</i> government. ( <i>mohareb</i> and <i>mofsed-fil-arz</i> )  | 188 |   |                           |

<sup>13</sup> The *Qu'ran* (5:33) says: The punishment of those who wage war against Allah and His messenger and strive to make corruption in the land is only this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or they should be banished from the land; this shall be their disgrace in this world, and in the hereafter they shall have a grievous chastisement.

<sup>14</sup> 1991/96 Islamic Criminal Code, Article 183.

<sup>15</sup> *Tahrir al-Wasileh*, 4/239/1.

<sup>16</sup> 1991/96 Islamic Criminal Code, Article 190 and *Tahrir al-Wasileh*, 4/241/5.

<sup>17</sup> *Mohareb* is someone who commits *moharebeh* and *mofsed* is someone who commits *ifsad*.

<sup>18</sup> Members who have not engaged in armed activity are excluded.

<sup>19</sup> Punishable under the new provision of 'extensive acts against internal or external state security'. See section III.1.

### 3. *Ta'zirat* (98 offenses)

*Ta'zir* (plural: *ta'zirat*. Literally 'chastisement') is a punishment imposed for 'an act or an omission that is prohibited in the sacred Islamic *shari'a*'.<sup>20</sup> *Ta'zir* punishments are not specified in *shari'a* and are left to 'the discretion of the Islamic judge'. Islamic jurists generally agree that *ta'zir* is a 'lesser' punishment than *hadd* and statute law states that *ta'zirat* are punishments 'such as imprisonment, fines and lashes, the degree of which shall be less than *hadd*'.<sup>21</sup>

|   | Offense  | Article |
|---|--|---------|
| <b>a. Islamic Criminal Code (1991/96), eight offenses</b> |  |         |
|   | The following offenses are liable to be punished under the terms of <i>mohareb</i> (for definitions and punishments see above section 2.k):  |         |
| <b>36</b>   | <b>1</b> Inciting the armed forces to rebel, flee, surrender, or abandon their duty in order to overthrow the state or to cause the defeat of its forces.  | 504     |
| <b>37</b>   | <b>2</b> Setting fire to monuments, buildings, ships, airplanes, factories, warehouses, residential areas, forests, crops, agricultural produce, or farms, where such acts are directed against the Islamic state.   | 675     |
| <b>38</b>   | <b>3</b> Destruction, arson or damage of infrastructural or public service institutions aimed at disruption of national order and security.  | 687     |
|   | The following offenses are liable to be punished under the terms of <i>mohareb</i> and/or <i>ifsad-e fil-arz mohareb</i> (for definitions and punishments see above section 2.k):  |         |
| <b>39</b>   | <b>4</b> Aiding and abetting belligerent foreign states.   | 508     |
| <b>40</b>   | <b>5</b> Attempted assassination of the Supreme Leader, the heads of any of the three branches of power or prominent clerics who are sources of emulation.   | 515     |
| <b>41</b>   | <b>6</b> Forging domestic currency or bank notes and certificates such as checks, bonds or stocks, or importing or passing them for the purpose of disrupting the monetary, banking or economic system or subverting social and political order or state security. | 526     |

<sup>20</sup> 1997 Criminal Procedure Code for General and Revolutionary Courts, Article 2.

<sup>21</sup> 1991/96 Islamic Criminal Code of Iran, Article 16. It should be noted that *Ta'zir* crimes also include a subclass of offenses called 'deterrent punishments' (*mojazathay-e bazdarandeh*). These are offenses in the modern society that cannot be regarded as prohibited in Islamic law *per se*. Deterrent punishments are defined in the law as penalties 'determined by the State to protect public order and welfare such as imprisonment, fines, loss of social advantage, closure of business, license revocation, exile or prohibition to reside in certain locations, or similar measures.' Article 17.

|   |    |   |          |
|---|----|---|----------|
| 42  | 7  | Violent plundering, ravaging or laying waste to property or goods by more than three persons.   | 683      |
|   |    | The following offense is liable to be punished under the terms of <i>sabb al-nabi</i> :   |          |
| 43  | 8  | Insulting the sanctity of Islam, the Prophet, any of the infallible Imams, or the Prophet's daughter.   | 513      |
| <b>b. Anti-Narcotic Drugs Law (1997), thirteen offenses</b> |    |   |          |
| 44  | 9  | Fourth conviction for cultivation of opium poppies or cannabis for the purpose of producing narcotic drugs.   | 2        |
|   |    | In the following offenses the term 'narcotic' refers to bhang, Indian hemp juice, opium, opium juice or residue.  |          |
| 45  | 10 | Import, export, production, manufacture, distribution, sale or supply of more than 5 kilograms of narcotic substances.<br><br>(The death penalty is commuted for first time offenders when distribution or sale was not accomplished and the amount is less than 20 kilograms)            | 4 (4)    |
| 46  | 11 | Third conviction for purchase, possession, concealment or transport of 5-20 kilograms of narcotic substances.   | 5(4)     |
| 47  | 12 | Repeat conviction for more than 20 kilograms of narcotic substances.  | 5(5)     |
| 48  | 13 | Repeat conviction for more than 5 kilograms of narcotic substances, if operated as a network and the narcotics were intended for domestic use inside Iran.  | 5 (note) |
| 49  | 14 | Repeat conviction of import, export, production, manufacture, distribution, sale, attempted sale, purchase, possession, concealment or transportation, when the total narcotics seized from all convictions exceeds 5 kilograms.  | 6        |
|   |    | In the following offenses the term 'narcotic' refers to heroin, morphine, cocaine or other chemical derivatives of morphine, and cocaine.   |          |
| 50  | 15 | Import, manufacture, production, distribution, export, purchase, sale, supply, possession, concealment or transportation of more than 30 grams. The death penalty is commuted for a first offender where distribution or sale was not accomplished and the amount is less than 100 grams. | 8(6)     |
| 51  | 16 | Fourth conviction for above where the total narcotics seized from all convictions exceeds 30 grams.   | 9        |
|   |    |   |          |
| 52  | 17 | Armed smuggling of any illegal narcotic drugs.  | 11       |
| 53  | 18 | Placing illegal narcotic drugs in a locality for the purpose of   | 26       |

|  |    |   |        |
|--|----|---|--------|
|  |    | accusing another person when the narcotic drugs offense is punishable by death.   |        |
|  |    | In the following offenses the term ‘substance’ refers to industrial/chemical substances such as acetic anhydride, anthranilic acid, phenylacetic acid, acetyl chloral and other substances mentioned in the Tables I and II of the United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988, and related amendments, codeine or methadone. |        |
| 54   | 19 | Third conviction for manufacture, purchase, sale, possession, transportation, import, export and supply of more than 5 kilograms of industrial/chemical substances or purchase, sale, manufacture, possession and export of codeine or methadone for the purpose of production or conversion to narcotic drugs.   | 40     |
| 55   | 20 | Repeat conviction for more than 20 kilograms of these substances.   | 40     |
| 56   | 21 | Repeat conviction for more than 5 kilograms of these substances, if operated as a network and the narcotics were intended for domestic use inside Iran.   | 40     |
| <b>c. The Press Code (1985/2000), one offense</b>  |    |   |        |
| 57   | 22 | Offending Islam and its sanctities in the press, where the offense amounts to <i>irtidad</i> (apostasy).  | 26     |
| <b>d. Law Concerning Increase of Penalties for Bill Counterfeiters and Persons who Import, Distribute or Pass Counterfeit Bills (1989), two offenses</b> |    |   |        |
|  |    | The following are subject to <i>idam</i> (execution) as <i>mofsed-e fil arz</i> .   |        |
| 58   | 23 | Counterfeiting of current domestic currency where the offender is a member of a gang, or is acting to combat the Islamic Republic of Iran.  | 1      |
| 59   | 24 | Deliberate and willful import of counterfeit bills where the offender is a member of a gang, or is acting to combat the Islamic Republic of Iran.   | 1      |
| <b>e. Law Concerning Punishment of Disruptors of the National Economic System (1990), seven offenses</b>   |    |   |        |
|  |    | The following offenses are punished under the terms of <i>mofsed-e fil arz</i> where the intention of the acts is to strike at the Islamic Republic of Iran and the nature and degree of the offense is sufficiently grave.   |        |
| 60   | 25 | Disrupting the monetary or exchange system through smuggling of   | 1-a, 2 |

|   |    |  |        |
|---|----|--|--------|
|   |    | currency or forging coinage.   |        |
| 61  | 26 | Disrupting the distribution of staple diet items through overpricing at a macro level or speculating and hoarding general goods and agricultural and other products. | 1-b, 2 |
| 62  | 27 | Disrupting the state production system by profiteering from the illegal sale of technological equipment on the open market or by major bribery.                      | 1-c, 2 |
| 63  | 28 | Any attempt to transport cultural heritage items or national treasures.  | 1-d, 2 |
| 64  | 29 | Receiving loans as part of fraudulent partnership investment schemes which waste the assets of members of the public, or disrupt the economy.                        | 1-e, 2 |
| 65  | 30 | Organized activities aiming at disruption of the national export system.   | 1-f, 2 |
| 66  | 31 | Initiating or representing pyramid schemes.  | 1-g, 2 |
| <b>f. Law Concerning Increase of Penalties for Receiving Bribes, Embezzlement and Fraud (1988), one offense</b>   |    |  |        |
| The following offense is punished under the terms of <i>mofsed-e fil arz.</i> (Article 4)   |    |  |        |
| 67  | 32 | Organizing or leading networks of persons in order to commit bribery, embezzlement or fraud, where the perpetrator is deemed tantamount to <i>mofsed-e fil arz.</i>  | 4      |
| <b>g. Law Concerning Increase of Penalties for Speculators and Profiteers (1988), nine offenses</b>   |    |  |        |
| The following offenses are punished under the terms of <i>moharebeh</i> where the intention of the acts is to strike at the Islamic Republic of Iran, and the nature and degree of the offenses are sufficiently grave. |    |  |        |
| 68  | 33 | Selling over-priced manufactured products.   | 5-1, 6 |
| 69  | 34 | Charging service fees or salaries above the established rate.  | 5-2, 6 |
| 70  | 35 | Fraudulently profiteering from commercial transactions.  | 5-3, 6 |
| 71  | 36 | Using substandard ingredients in the manufacture of goods or the provision of services.  | 5-4, 6 |
| 72  | 37 | Provision of improperly baked bread.   | 5-5, 6 |
| 73  | 38 | Delivery of underweight goods to customers.  | 5-6, 6 |
| 74  | 39 | Transporting government consigned goods to a different city or district, or selling them to persons other than the rightful recipients.                              | 5-7, 6 |
| 75  | 40 | Speculating in goods or services.  | 5-8, 6 |
| 76  | 41 | Refusing official price quotes or issuing false invoices.  | 5-9, 6 |

| <b>h. Law Concerning Punishment of Persons Involved in Illicit Audio-Visual Activities (2008), six offenses</b> |    |   |       |
|---|----|---|-------|
|   |    | Perpetrators of the following offenses are punished under the terms of <i>mofsed-e fil-arz</i> provided that the nature and degree of their offense is tantamount to <i>mofsad-e fil-arz</i> .  |       |
| 77  | 42 | Principal agents of mass duplication (more than 10 copies) and distribution of obscene/pornographic audio-visual works. Distribution includes 'electronic transfers and websites.' (Article 10)   | 3-a   |
| 78  | 43 | Producers of obscene works made by means of force and coercion.   | 3-a-1 |
| 79  | 44 | Producers of obscene works made by means of the sexual abuse of others.   | 3-a-2 |
| 80  | 45 | Principal agents in production of obscene works.  | 3-a-3 |
| 81  | 46 | Officials who, by reason of their professional employment and position, come into possession of obscene materials and publish them for personal financial gain.   | 8     |
|   |    | The following offender is liable to punishment accorded to <i>zina-be-onf</i> (rape):   |       |
| 82  | 47 | Persons who induce their victims to commit <i>zina</i> with them through blackmail by threatened disclosure or distribution of obscene footage taken of them.   | 4     |
| <b>i. Law Concerning Cyber Crimes (2009), one offense</b>   |    |   |       |
|   |    | Perpetrators of the following offense are liable to capital punishment under the terms of <i>mofsed-e fil-arz</i> .   |       |
| 83  | 48 | Promoting, distributing or trading obscene material via computer or broadcast systems, electronic transfers of obscene/pornographic materials, or producing or storing such materials for trade or for creating corruption where such operations are carried out professionally or on an organized basis. | 17    |
| <b>j. Law on Combating Human Trafficking (2004), one offense</b>  |    |   |       |
|   |    | Perpetrators of the following offense are liable to capital punishment under the terms of <i>mohareb and mofsed-e fil-arz</i> .   |       |
| 84  | 49 | Trafficking of persons under the age of eighteen.   | 3-1   |
| <b>k. Law Concerning Punishments for Crimes Committed by</b>  |    |   |       |



| <b>Members of the Armed Forces (2003), 48 offenses</b> |  |              |  |
|--|--|--------------|--|
| <b>85-133</b>  | <table border="1"> <tr> <td style="background-color: yellow;"><b>50-98</b></td> <td>Arts. : 17, 19, 20, 21-a, 21-b, 21-c, 22, 23, 24-a, 24-c, 29, 30, 31, 32, 33-a, 33-b, 34, 35, 37-a, 37-b, 39, 42-a, 43, 44, 51, 61, 62, 63, 64, 71, 72, 73, 74, 78, 80, 81, 82, 83, 84, 85, 86, 88 in conjunction with 92, 89/92, 90/92, 91/92, 94, 112/115, and 113/115</td> </tr> </table> | <b>50-98</b> | Arts. : 17, 19, 20, 21-a, 21-b, 21-c, 22, 23, 24-a, 24-c, 29, 30, 31, 32, 33-a, 33-b, 34, 35, 37-a, 37-b, 39, 42-a, 43, 44, 51, 61, 62, 63, 64, 71, 72, 73, 74, 78, 80, 81, 82, 83, 84, 85, 86, 88 in conjunction with 92, 89/92, 90/92, 91/92, 94, 112/115, and 113/115 |
| <b>50-98</b>   | Arts. : 17, 19, 20, 21-a, 21-b, 21-c, 22, 23, 24-a, 24-c, 29, 30, 31, 32, 33-a, 33-b, 34, 35, 37-a, 37-b, 39, 42-a, 43, 44, 51, 61, 62, 63, 64, 71, 72, 73, 74, 78, 80, 81, 82, 83, 84, 85, 86, 88 in conjunction with 92, 89/92, 90/92, 91/92, 94, 112/115, and 113/115   |              |  |

### III. Table of Capital Offenses in pending legislation, (25 offenses)

|   | Offense | Article   |
|---|---------|---|
| <b>I. Bill of the Islamic Criminal Code (2007 draft/2009 pre-vetted), seven offenses</b>  |         |   |
| (The following <b>do not</b> include those Shari'a based offenses which are newly inserted in the 2007 Draft Bill of the Islamic Code but which under the Iranian Constitution have previously been applicable on the basis of Islamic sources (i.e. offenses stated in sections 1.i and 1.j).  |         |   |
| The following <i>hadd</i> offense is punished under the terms of <i>mohareb</i> :   |         |   |
| 134   | 1       | Smugglers or hooligans ( <i>ashrar</i> ) who draw a weapon to create terror and fear and divest people of their security and freedom. |
|   |         | 228-4/<br>282   |
| The following <i>hadd</i> offenses are punished under the terms of <i>mofsed-fil-arz</i> when they are committed 'on an extensive scale' and/or 'result in extensive disruption of the national order or cause insecurity or inflict damage in a major way to the physical integrity of people or to public or private property or spread corruption and prostitution on an extensive scale': |         |   |
| 135   | 2       | Commission of a crime against internal or external security .   |
| 136   | 3       | Arson.  |
| 137   | 4       | Destruction and terror.   |
| 138   | 5       | Distribution of poisonous, microbial and dangerous substances.  |
| 139   | 6       | Establishment of corruption and prostitution centers.   |
|   |         | 228-10/<br>287  |
| The following offense which is added as a <i>hadd</i> offence is not stipulated in <i>Tahrir al-wasileh</i> or any other famous Islamic source reviewed by ELEI:  |         |   |
| 140   | 7       | Fourth conviction of pimping ( <i>qavadi</i> ).   |
|   |         | 216-2/<br>135   |
| <b>m. Draft Bill Concerning Increase of Penalties for Disturbing the Psychological Security of Society, under review since 2008, seven offense</b>  |         |   |
| Perpetrators of the following offenses are liable to capital punishment under the terms of <i>mohareb</i> and <i>mofsed-e fil-arz</i> 'where no other <i>hadd</i> punishment is applicable'.  |         |   |
| 141   | 8       | Banditry and armed robbery  |
|   |         | 2-1   |
| 142   | 9       | Rape  |
|   |         | 2-2   |
| 143   | 10      | Establishment of corruption and prostitution rings  |
|   |         | 2-3   |
| 144   | 11      | Establishment of weblogs and websites promoting corruption  |
|   |         | 2-4   |

|  |    |  |             |
|--|----|--|-------------|
|  |    | prostitution and heresy  |             |
| 145  | 12 | Human trafficking for sexual exploitation  | 2-6         |
| 146  | 13 | Hooliganism ( <i>sherarat</i> )  | 2-7         |
| 147  | 14 | Abduction for the purpose of rape or ransom  | 2-8         |
| <b>n. Draft Bill Concerning Increase of Penalties for Smuggling of Arms and Ammunition and Possessors of illegal Arms and ammunition, under review since 2008, seven offense</b> |    |  |             |
| Perpetrators of the following offenses are liable to capital punishment under the terms of <i>mofsed-e fil-arz</i> .   |    |  |             |
| 148  | 15 | Armed resistance before government officials of at least one of the culprits involved in the smuggling of arms and ammunition.   | 5           |
| 149  | 16 | Possession, concealment, transportation, manufacturing, assembly and dealing of heavy arms.  | 6           |
| 150  | 17 | Possession, concealment, transportation, manufacturing, assembly and dealing of heavy ammunition.  | 7           |
| 151  | 18 | Armed resistance against government officials by at least one of a group of culprits involved in smuggling hunting weapons and ammunitions.  | 10          |
| 152  | 19 | Smuggling radioactive or microbial substances.   | 18-a        |
| 153  | 20 | Armed resistance against government officials by at least one of a group of culprits involved in the smuggling of controlled substances (radioactive, microbial, explosive or chemical substances).  | 18 (clause) |
| Perpetrators of the following offense are liable to capital punishment under the terms of <i>mohareb</i> .   |    |  |             |
| 154  | 21 | Any of the offenses defined in the present law committed for the purpose of disturbing state security.   | 20          |
| <b>o. Further Amendments to Law Concerning Amendments and Annexations to the Anti-Narcotic Drug Law, under review since 2008, four offenses</b>                                  |    |  |             |
| In the following offenses, the term ‘narcotic’ also refers to synthetic psychotropic drugs.  |    |  |             |
| 155  | 22 | Import, export, production, manufacture, distribution, sale or supply of more than 5 kilograms of narcotic substances.<br><br>(The death penalty is commuted for first time offenders when distribution or sale was not accomplished and the amount is less than 20 kilograms) | 4 (4)       |
| In the following offenses the term ‘narcotic’ also refers to synthetic psychotropic  |    |  |             |

|            |           |   |      |
|------------|-----------|---|------|
|            |           | drugs.  |      |
| <b>156</b> | <b>23</b> | Import, manufacture, production, distribution, export, purchase, sale, supply, possession, concealment or transportation of more than 30 grams. The death penalty is commuted for a first offender where distribution or sale was not accomplished and the amount is less than 100 grams. | 8(6) |
|            |           | In the following cases, the commander is sentenced to death.  |      |
| <b>157</b> | <b>24</b> | Instructing an employee or subordinate to commit any narcotics crime for which life imprisonment is imposed.  | 18   |
| <b>158</b> | <b>25</b> | Inducing an insane person or a person under the age of 18 to commit a narcotics crime for which life imprisonment is imposed.   | 35   |