

Islamic Penal Code of Iran

→ The Islamic Penal Law was approved by the Islamic Consultancy Parliament on 30 July **1991** and ratified by the High Expediency Council on 28 November 1991.

→ The Book Five of the Penal Code – *Ta'azirat* – has been ratified in May 22 of **1996**.

(Sources: www.ghavanin.com/detail.asp?id=1232 & http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/+qwwFqzywn_x9Wx8DFqnlRTPdFqo2IyP0HEPpzmwwwwwww3zmxwwwww/rsddocview.html)

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Book 1: General Concepts

Part 1: General principles

Part 2: Punishments

Chapter 1: Types of Punishments

Article 12: There are five types of punishments: a) *haad*; b) *ghesas*; c) *diyat*; d) *ta'azirat*, e) deterrent punishments.

Article 13: *haad* is a punishment that its degree and type is not been specified in the Shari'a.

Article 14: *Ghesas* is a punishment that should be equal to the crime. ("retaliated punishment).

Article 15: *Diye* is a financial punishment ["Blood Money"] that is sentenced by a judge.

Article 16: *Ta'azir* is a punishment that its degree and type is not been specified in the Shari'a and it is up to the decision of the judge. *Ta'azir* can be in the form of imprisonment, fines, or flogging (it should be less than *haad*).

Article 17: Deterrent punishment is a punishment that is imposed by the government in order to maintain the public order. It can be in the form of imprisonment, fines, or flogging (it should be less than *haad*).

Part 3: Offenses

Part 4: Limitations on responsibility for offenses

Book 2: Haads [punishments specified in Shari'a]

Part 1: Punishment for Adultery

Chapter 1: Definition of Adultery

Article 63: Adultery is the act of intercourse, including anal intercourse, between a man and a woman who are forbidden to each other, unless the act is committed unwittingly.

Article 64: Adultery shall be punishable (subject to hadd) when the adulterer or the adulteress is of age, sane, in control of his or her action and cognizant of the illicit nature of his or her act.

Article 65: Only the adulterer or the adulteress who is cognizant of the illicit nature of his or her act shall be punished for adultery.

Article 66: If either the adulterer or the adulteress claims ignorance of law or fact, he or she shall not be punished for adultery if his or her claim is presumed to have prima facie validity, even if no witnesses to verify said claim are produced.

Article 67: If either the adulterer or the adulteress claims to have been under duress while committing the act of adultery, he or she shall not be punished if his or her claim is not otherwise clearly disproved.

Chapter 2: Ways to Prove Adultery in Court

Article 68: If a man or a woman repeats his or her confession of adultery four lashes before the judge, he or she shall receive the designated punishment, but if he or she repeats his or her confession fewer than four lashes, the punishment shall be at the judge's discretion.

Article 73: Pregnancy of an unmarried woman shall not by itself be the cause of punishment unless relevant evidence, as defined in this code, proves that she has committed the act of adultery.

Article 74: Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women.

Article 75: If adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women.

Article 76: The testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act.

Article 81: If the adulterer or the adulteress repents prior to confessing to the act of adultery, he or she shall not be punished (subject to hadd). If, however, he or she repents following his or her confession the punishment for adultery shall apply.

Chapter 3: Types of Punishments for Adultery

Article 82: The penalty for adultery in the following cases shall be death, regardless of the age or marital status of the culprit: (1) Adultery with one's consanguineous relatives (close blood relatives forbidden to each other by religious law); (2) Adultery with one's stepmother in which the adulterer's punishment shall be death; (3) Adultery between a non-Muslim man and a Muslim woman, in which case the adulterer (non-Muslim man) shall receive the death penalty; (4) Forcible rape, in which case the rapist shall receive the death penalty.

Article 83: Adultery in the following cases shall be punishable by stoning: (1) Adultery by a married man who is wedded to a permanent wife with whom he has had intercourse and may have intercourse when he so desires; (2) Adultery of a married woman with an adult man provided the woman is permanently married and has had intercourse with her husband and is able to do so again.

Note. Adultery of a married woman with a minor is punishable by flogging.

Article 84: Old married adulterers and adulteresses shall be flogged before being stoned.

Article 85: Revocable divorce shall not relieve the husband or wife from the bond of marriage during the waiting period whereas irrevocable divorce shall do so.

Article 86: Adultery of a permanently married man or a permanently married woman who does not have access to his or her spouse, due to travel, incarceration or similar impediments, shall not require stoning.

Article 88: The punishment for an unmarried adulterer or adulteress shall be one hundred lashes.

Article 90: If a man or a woman has committed the act of adultery several lashes and has been punished after each act, he or she shall be put to death following his or her fourth act of adultery.

Article 91: An adulteress shall not be punished while pregnant or in menstruation or when, following birth and in the absence of a guardian, the newborn's life is in danger. If, however, the newborn becomes the ward of a guardian the punishment shall be carried out.

Article 92: If the flogging of a pregnant woman or a woman nursing her child poses risks to the unborn or to the child respectively, the execution of the punishment shall be delayed until the said risk is no longer present.

Article 93: If an ailing woman or a woman in menstruation has been condemned to death or stoning, the punishment shall be carried out. If, however, she is condemned to flogging, the punishment shall be delayed until she is recovered or her menstruation period is over.

Chapter 4: Quality of Punishment

Article 100: The flogging of an adulterer shall be carried out while he is standing upright and his body bare except for his genitals. The lashes shall strike all parts of his body-- except his face, head and genitals-- with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.

Article 102: The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.

Part 2: Punishment for Sodomy

Chapter 1: Definition of Sodomy

Article 108: Sodomy is sexual intercourse with a male.

Article 109: In case of sodomy both the active and the passive persons will be condemned to its punishment.

Article 110: Punishment for sodomy is killing; the Sharia judge decides on how to carry out the killing.

Article 111: Sodomy involves killing if both the active and passive persons are mature, of sound mind and have free will.

Article 112: If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to Ta'azir of 74 lashes if not under duress.

Article 113: If an immature person commits sexual intercourse with another immature person, both of them will be subject to Ta'azir of 74 lashes unless one of them was under duress.

Chapter 2: Ways of proving sodomy in court

Article 114: By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.

Article 115: A confession made less than four lashes (to having committed sodomy) does not involve punishment of “Had” but the confessor will be subject to Ta’azir (lesser punishments).

Article 116: A confession is valid only if the confessor is mature, of sound mind, has will and intention.

Article 117: Sodomy is proved by the testimony of four righteous men who might have observed it.

Article 118: If less than four righteous men testify, sodomy is not proved and the witnesses shall be condemned to punishment for Qazf (malicious accusation).

Article 119: Testimony of women alone or together with a man does not prove sodomy.

Article 120: The Shariajudge may act according to his own knowledge which is derived through customary methods.

Article 121: Punishment for Tafhiz (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.

Article 122: If Tafhiz and the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.

Article 123: If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to Ta’azir of up to 99 lashes.

Article 124: If someone kisses another with lust, he will be subject to Ta’azir of 60 lashes.

Article 125: If the one committing Tafhiz and the like or a homosexual man, repents before the giving of testimony by the witnesses, his punishment will be quashed; if he repents after the giving of testimony, the punishment will not be quashed.

Article 126: If sodomy or Tafhiz is proved by confession and thereafter he repents the Shariajudge may request the leader (Valie Amr) to pardon him.

Part 3: Lesbianism

Article 127: Mosaheqeh (lesbianism) is homosexuality of women by genitals.

Article 128: The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.

Article 129: Punishment for lesbianism is hundred (100) lashes for each party.

Article 130: Punishment for lesbianism will be established vis-a -vis someone who is mature, of sound mind, has free will and intention.

Note: In the punishment for lesbianism there will be no distinction between the doer and the subject as well as a Muslim or non-Muslim.

Article 131: If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.

Article 132: If a lesbian repents before the giving of testimony by the witnesses, the punishment will be quashed; if she does so after the giving of testimony, the punishment will not be quashed.

Article 133: If the act of lesbianism is proved by the confession of the doer and she repents accordingly, the Sharia judge may request the leader (ValieAmr) to pardon her.

Article 134: If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (Ta'azir). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time.

Part 4: Punishment for Pimping

Article 135: Pimping means that someone brings two individuals together or puts them in contact with each other for fornication or homosexuality.

Article 136: Pimping is proved by two confessions if the confessor is mature, of sound mind has free will and intention.

Article 137: Pimping is proved by the testimony of two righteous men.

Article 138: Punishment of a man for pimping is seventy (70) lashes and exile from the place of (his) domicile for a period of 3 months up to one year and punishment of pimping by a woman is seventy five (75) lashes only.

Part 5: Sexual Malicious Accusations

Article 139: Qazf (malicious accusation) means that someone associates fornication or sodomy with a certain person.

Article 140: Punishment for Qazf (malicious accusation) is 80 lashes for a man or woman.

Article 145. Any insult that causes indignation to the victim but which does not constitute false accusation of adultery or male homosexuality, such as when a husband tells his wife: 'You were not a virgin,' is punishable by up to 74 lashes.

Article 150: If the husband falsely accuses of adultery his deceased wife who is survived only by a child from him, no punishment shall apply. If, however, the said deceased wife is survived by inheritors other than the said child, the penalty shall apply.

Article 164: The right to demand punishment for false accusation belongs to all survivors except the husband and the wife. Any one of the survivors may demand the application of said punishment even if other survivors waive their right.

Part 6: Punishment for Intoxication

Article 174: The punishment for intoxication is 80 lashes for both men and women.

Article 176: When flogging is carried out, the man being flogged shall be in a standing position and be bared except for his genitals, whereas the woman being flogged shall be seated and her clothing tightly bound to her body.

Note. The face and head and genitals of the condemned shall not be struck by the lashes during flogging.

Part 7: Punishment for Civil Unrest

Part 8: Punishment for Theft

Book 3: *Ghesas* [Retaliated Punishments]

Part 1: Retaliated Punishments as Dead Penalty

Chapter 1: Murder of the First Degree

Article 209: If a Muslim man commits first-degree murder against a Muslim woman, the penalty of retribution shall apply. The victim's next of kin, however, shall pay to the culprit half of his blood money before the act of retribution is carried out.

Article 210: If a non-Muslim commits first-degree murder against another non-Muslim, retribution shall apply even if the culprit and his or her victim profess to two different religions. In the said case, if the victim is a woman her next of kin shall pay the culprit half his blood money before retribution is carried out.

Chapter 6: Ways to Prove Murder in Court

Article 237: (1) First degree murder shall be proven by testimony of two just men; (2) Evidence for second-degree murder or manslaughter shall consist in the testimony of two just men, or that of one just man and two just women, or the testimony of one just man and the sworn testimony of the accuser.

Article 243: The claimant [in the case of murder] may be either a man or a woman but in either case he or she must be one of the victim's inheritors.

Article 248: In case of doubt, first-degree murder may be proved by the sworn testimony of 50 men who must be sanguineous relatives of the claimant.

Note 1.If the number of the sworn testimonies does not reach 50, any of the male testifiers may repeat his oath as many lashes as it is necessary to constitute 50 testimonies.

Note 2.If the claimant cannot present any of his sanguineous male relatives to provide sworn testimony in support of his or her claim, the claimant may repeat the sworn testimony 50 lashes, even if she is a woman.

Chapter 7: Retributions and Retaliated Punishments

Article 258: If a man murders a woman, the woman's next of kin may ask for retribution if he pays the murderer half of his blood money or they may agree to a settlement whereby the murderer pays him an amount less or more than the victim's blood money.

Article 261: Only the inheritors of the victim of a murder shall have the option of retribution or pardon. The victim's husband or wife, however, shall have no say in either retribution, pardon or execution of the punishment.

Article 262: Retribution shall not be carried out against a pregnant woman. In said case, if post-delivery retribution endangers the newborn's survival it shall be delayed until such time as the child's life is no longer in danger.

Part 2: Retaliated Punishments to Body Organs

Article 273: In retribution for injury to, or loss of, bodily organs men and women shall be treated equally. Thus, a male culprit who has maimed a woman or otherwise caused her bodily injury shall be subject to commensurate retribution unless the blood money for the lost organ is a third or more than a third of the full blood money, in which case the female victim pay the culprit half of the blood money for said organ.

Book 4: *Diyat* [Blood Money]

Part 2: Blood money for Murder

Article 300: The blood money for the first- or second-degree murder of a Muslim woman is half of that of a murdered Muslim man.

Article 301: The blood money is the same for men and women except when it reaches a third of full blood money, in which case a woman's blood money shall be half of a man's.

Part 9: Blood Money for Body Organs

Chapter 17: Blood Money for

Article 441: Defloration of a virgin by insertion of a finger that results in incontinence shall entitle the victim to her full blood money plus a sum equal to her potential dowry.

Chapter 21: Blood Money for Eye Sight

Article 459: In case of disagreement between the culprit and the victim, the testimony of two just male experts or that of one male expert and two just female experts asserting unrecoverable loss of sight or loss of sight for an indeterminate period shall entitle the victim to blood money. In the said case, the blood money is due the victim if the eyesight is not recovered at the time predicted by the experts, or if the victim dies before his or her eyesight is restored, or if someone else gouges his or her eye.

Chapter 25: Blood Money for Sexual Organs

Article 478: If a man's reproductive organ is severed from the circumcision line or lower he shall be entitled to his full blood money, otherwise the amount of blood money shall be proportional to the size of the severed part.

Article 479: If a woman's genital is totally severed she shall be entitled to her full blood money and if only half of her genital is severed half of her blood money is due her.

Part 10: Blood Money for Injuries

Article 483: Compensation for injury to hand or foot caused by spear or bullet shall be 100 diners if the injured party is male and commensurate with the injury if the injured party is female.

Part 12: Blood Money for Abortion

Article 487: Section 6. Blood money for the aborted fetus which has taken in the human spirit shall be paid in full if it is male, one-half if it is female, and three-quarters if its gender is in doubt.

Article 488: If the fetus is destroyed as a result of its mother's murder its blood money shall be added to the blood money of its mother.

Article 489: If a woman aborts her fetus at any stage of pregnancy she shall pay its full blood money and no share of the blood money shall go to her.

Article 490: Separate blood monies shall be paid for each aborted fetus if more than one is involved in an abortion.

Article 491: Blood money for loss of limb of, or injuries to, the fetus shall be proportionate to its full blood money.

Article 492: The blood money for the aborted fetus in cases involving deliberate intent shall be paid by the culprit, otherwise by the fetus's next of kin.

Book 5: Ta'azirat [Punishments NOT Specified in Shari'a] & Deterrent Punishments

Chapter 1- Crimes against National Security

Chapter 2 – Insulting the Religious Sanctities or State Officials

Article 513- Anyone who insults the Islamic sanctities or any of the *imams* or her excellency *Sadigheh Tahereh* should be executed if his insult equals to speaking disparagingly of Prophet Muhammad. Otherwise, should be imprisoned from one to five years.

Article 514- Anyone who somehow insults the founder of Islamic Republic of Iran – Khomeini, or the Supreme Leader of the country should be sentenced to imprisonment from six months to two years.

Article 515- Anyone who attempts at lives of the Spiritual Leader or any of the leaders of the three branches of the government should be sentenced to imprisonment from three to ten years.

Chapter 15- Personal Insults

Article 608- Insulting, such as swearing, or using profane language, if not punished based on the *haad* of malicious accusations, should be punished by flogging up to 74 lashes or a fine of 50,000 to 1,000,000 Ryal.

Article 609- Anyone who insults any of the leaders of the three branches of the government, or presidential deputies, or ministers, or any of the members of the parliament, or any of the staff of the ministries, or any other state employees, while they are at duty, should be punished by imprisonment from three to six months or flogging (74 lashes) or a fine of 50,000 to 1,000,000 Ryal.

Chapter 18- Offenses against Public Moral

Article 637 – Any man and woman who are not married and who commit a crime against public morality, excluding adultery, should be sentenced to flogging (99 lashes). If one of them did not consent to the crime, then only the one who initiated the crime should be punished.

Article 638- Anyone who explicitly violates any religious taboo in public beside being punished for the act should also be imprisoned from ten days to two months, or should be flogged (74 lashes).

Note- women who appear in public without a proper *hijab* should be imprisoned from ten days to two months or pay a fine of 50,000 to 500,000 Ryal.

Article 639 – The following people should be imprisoned from one to ten years, and in the case of category (a) the property should be confiscated according to decision of the court.

- a) anyone who manages a property where activities against public moral take place;
- b) anyone who encourages people to violate public moral;

Article 640 – The following people should be imprisoned from three months to one year and pay a fine of 1,500,000 to 6,000,000, and also be flogged up to 74 lashes, or any of these punishments.

- c) anyone who publicizes any picture, text, photo, drawing, article, newsletter, newspaper, movie, or any other thing that violates public morals;
- d) anyone who is included in the circulation of the above items;

Chapter 27- Libels and Revilements

Article 697- Anyone who through any printed press or any other media falsely accuses some one of an offense or crime should be sentenced to imprisonment from one month to one year or flogging up to 74 lashes (unless the punishment is specified in *haads*).

Article 698 – Anyone who in order to hurt some one else or to disturb public mentality or the officials publishes false information in the form of letter, or complaint, or report, or any other press, should be imprisoned from two months to two years or be flogged 74 lashes.

Article 700 – Anyone who publicizes satiristis materials should be imprisoned from one to six months.