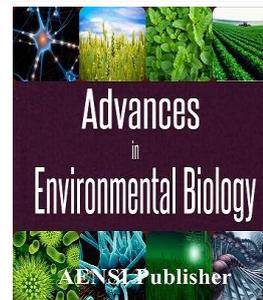




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## Execution analysis in Iran law

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### ABSTRACT

Iran law predict execution as one of religious punishment and it'd so limited and religious law makers was care about approving and performing it and sometimes it has been approving and performing it and sometimes it has been approved but not performed based on some factors like the stone woman for adultery using this punishment is to avoid society abnormalities and act against drug crimes and economic crimes and securities and this policy change Iran face in the world as a ugly face while these executions didn't effect on such crimes and it didn't contain all convicts and just contain some of them and others continue to do their job. In this paper we try to analyze Iran law policy about execution and talking about types we do not try to say it is nether essential nor has benefits.

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## INTRODUCTION

Holy god based on philosophy about justification and benefits of individuals and society explain the punishment and one of this punishments is execution and its one of religious punishments god predict its borders and said: wherever you have daub about it don't perform it al hodod bel shabehat but we should know god knows about any aspect of our life and impact of execution on it and approve hard terms to perform this punishment to decrease the execution on it and approve hard terms to perform this punishment to decrease the execution so the law makers should be careful about using this punishment based on their knowledge and substituted suitable element because most of Shia jurors believes that the basement of punishment is to avoid crime. We don't have substituted execution in Islam, this punishment face with some international challenges to perform and some disagree with it as a social contract (crimes and punishment translate by Mohammad Ali Ardabili) in international organizations we see struggles, in 20<sup>th</sup> of November of 1959 the united nation got mission to the society organization to study about execution and its performance based in decision number 1396 and study its impacts on life and the result says the globe willing to omit execution and substituted with suitable crime like jmil (mark ansel execution translated by Mustafa Rahimi) this willing had a great impact on U.N on 16 December on 1966 and they omit execution, country that didn't omit it use if really limited with different procedures. Some like Europeans limit it and some fully omit it like Scandinavian countries and Austria and some said it's useful and insist on it (execution based on international conference of cerakoz Italy monochehr khazae)

*First: execution in Islam:*

*Execution has two types based on Islamic rules:*

A) Hadi execution: hadi means to avoid and here means an action that the marriage of it defines before by Islam (amend 15 Islamic punishment law and also in fegh-h we have "punishment of certain crime" that perform on doer and amewht of it will describe by jurors (shahid sani kenab masalek) so we could define it as a punishment by Quran and prophet and we couldn't decrease the amount hadi execution has below types (analyze of execution Mohammad Ibrahim shams, P84)

- 1) Sexual crime like adultery (it contain all types of adultery) and pederasty.
- 2) Crimes against religion and social security like corruption and apostasy.

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3) Crime based on repetition like three time adultery or drinking and in fourth one execution performs. We should be answer about nemesis in Islam and it punishment of killing and if it happens execution performs but there we see the impact of private accuser and if he agree the nemesis will cancel and turn to jail but in nemesis we need jurator permission.

*B) Taziri execution:*

Taziri means to punish that didn't clear its amount in religion and it's based on jurors idea so taziri execution is to punish based in jurors idea jurors believes taziri is more than (had) but to perform it we need below elements 1) society benefits 2) corruption 3) avoid of bad things sonnet jurors struggles about it but accept taziri execution in some cases.

In term of execution, socially nemesis and god limits and west laws are different (analyze of execution Mohammad Ibrahim Shams, P161) because Islam laws refers to go and it's different with western philosophy that said human is law makers. Based on Islamic ideology god knowledge is comprehensible about our world and environments so god het hard terms to perform execution and if rarely perform.

*Second: agrees? Disagrees reasons:*

*A) Disagrees reasons:*

1) Execution is like attack to basis humanity rights (amends 3-5 human right) living is heaven source and no one couldn't take it back expect god and laws are smallest part of freedom how the smallest part of society could gave the biggest bless of god so this punishment isn't right and it a national war against person and they said his destroy has benefits so execution is nether essential nor beneficiary (Cesar bekata 16<sup>th</sup> chapter crimes and punishments)

*2) Un avoiding and unscrew:*

Estimation shows that execution could scare other criminal and them to reduce amount of crime on performing country in the other word execution not only didn't decrease crime but also it increase the period and some countries omit execution base their population growth they didn't watch any crime increasing

Scariness of execution is really essential while estimates shows that psychological analyze didn't express this as well most of countries that omit execution like Scandinavian countries and Austria in America countries yet said execution is legal and has doubt about scariness like Spain and turkey. Based on execution disagrees as its cancelled.

In some countries it lost its value (execution based on international conference in siroccos Italy manochehr khazali).

*3) Revenge and its improvement on society:*

Disagrees criticizes this features and said the execution cause to improve revenge in dead person family (do you agree with execution gars translate by Hossain Vafa).

*4) God acceptance of criminal punishment:*

Most of criminals wasn't guilty after performance and sometimes they needed just a few moments and it couldn't be makeup from 1973 we saw 119 persons wasn't guilty and get back to life but execution gas no way to back and it may the most important reason to be disagree with execution. Nothing bother the corneous of society more than killing an ungainly person. So the execution won't be essential and also it's legal expect in term of life imprisonment that do another crime in jail (Morris Garson the same).

*B) Agree reasons:*

*1) Belief and philosophical reasons:*

We see in law makers and philosopher that agree with execution they said whenever living of criminals harm society that it harm is more than their benefits his execution is logical, disagrees said society has no authority to order to death but agrees reject this one and said this will contain all of punishments human has right to defense from freedom but its limited to other living rights and whenever man cross redlines he should punish (Ali abdi Abdul Hossain criminal law P19 Ferdosi publication 2007).

*2) Justice performance:*

Supporters believes that this punishment to some extent guarantee the justification of human, for a criminal that kill person really rough, execution is only punishment that we could be sure about justice because criminal will loss what that he avoid it from another person and its exact justify and its based on importance of crime and punishment relation (profgaro – abstract and actional study in law translate by zia aldin reghbat p28 Tehran ibn sina pub).

3) *Exceptional cause to scare or liminal:*

Agrees believes that this punishment is the best option to get afraid criminals and immune the society from new crimes based on this that it called beneficiary hypothesis execution with scare that create in peoples will avoid them do crimes, execution isn't for reforming but it will warn others (motnen – sadeghi mirmohammad – international criminal law, p380).

4) *Prison costs:*

With execution of guilty persons we could escape from jail expenses and society shouldn't expend the bad get of criminals and execution just need rope and pieces of wood and society will reach its aims and save money for people.

C) *Execution in Iran's political law:*

In Iran's law the execution used extendedly and we could divide it in two category of hadi and Taziri punishment.

A) *Hadi execution punishment:*

1) The punishment of purposely killing based on amend 4 of part 300 Islamic punishment law 2 punishment of fight amend A- 284 C.L 3- punishment of corruption amend 2861 C.L 4) this punishment when gun amend 287<sup>th</sup> C.L prophet abuse amend 2621 C.L 6-adultry punishment amend 3241 C.L

5) Pederasty punishment amend 2341 C.L -8) punishment of 4<sup>th</sup> robbery amend 274 C.L.

B) *Taziri execution*

1) Punishment of acid spray when cause to death approved 1337/12/16

2) Oil disruptions punishment amend 1 approved 1336/7/16

3) Malversation punishment and fraud lands amend 4 law

4) Industry disruption amend 2 approved 1353/2/2

5) Amend about promoting punishment of user, importers and exporters of fake cashes approved 68/1/29 maslehat nezam congress

6) Reform law act against drug amend 2,4,5,8

7) Economic disruption amend 2 punishment law approved 1981/9/16 with reforms

8) Gun and ammunition smuggler punishment amend 1-3 approved 1350/11/26

9) Amend 512 Islamic punishment law

10) Amend 578 Islamic punishment law (government ignorance cause to kill)

11) Amend 508 Islamic punishment law

12) Punishment of cash and goods smugglers amend 30-31 approved 2014/10/3 procedure of

5) *Execution in Iran's justice system:*

With analysis of justice procedures in Iran we could see that although the execution is curtail but in our system based on crimes it uses interchangeably, in term of nemesis based on its depends on family request actually judges have role to change the order to jail. In term of religions punishments based on what god decided about them in special cases just punishment will perform and in others without documents punishment omitted. But special topic is about them in special cases just punishment will perform and in others without documents punishment omitted. But special topic about drug executions that has most numbers in year any way the extending of addiction and inner and outer pressures force in 1960 Iran government to make punishments harder but ur wasn't a harmony and in different periods judges actions were different in recent days judges of enghelab courts change punishment to life jail with decreasing and its observed that judges wasn't interested to order execution and decrease it to life jail or long time jail but it depends on amount of drugs and they judges use execution just for persons with backgrounds of crimes in term of punishment sometimes based on the chairman of justice system order or lender order we had amnesty about other predicted executions and in term of economic corruptions we have just one case to punish recent years.

*Conclusion:*

Life is the most valuable option for human and it has heaven source and just god could take his bless back and any punishment should cross religious lines or less than it in term of execution and based on what god ordered and to approve performance we couldn't get it hard and based on this fact that we couldn't turn back exacted person and make it up so we should limit this punishment to religious orders and we couldn't imagine execution will avoid crimes to reject this idea we see most of countries hand drug smugglers but amount of it will rise overtime so governor should try to omit crime elements like unemployment and criminal reforms and take them back to society to save humanity life as important god bless and to keep the prestige of Islamic country and avoid international excuses for human rights to destroy the Islamic system prestige.

*Suggestions:*

- 1- Limit execution to just god ordered limitation
- 2- Decrease the amount of executions in term of the rule of avoid doubts in religion when we talk about religion issues
- 3- In extended crimes like security ones law makers said execution is essential and courts should have three to judges and they have about 12 years work background and able the order to be reformed in primer court to avoid mistakes in such crimes
- 4- Law makers try to reform laws and orders and change cases of execution to other punishments if possible
- 5- In crimes that necessary to execution able punishment like others to has delay to give chance to live in society once more to people has done crimes firstly and by mistake and with using completing crimes like avoiding social services or to grasp properties and take exact person in charge we will limit and avoid white collar criminal to escape

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