

**INTERNATIONAL  
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ON CIVIL AND  
POLITICAL RIGHTS**



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Addendum

IRAN \*/

[29 May 1978]

I. THE LEGAL SYSTEM: AN OVERVIEW

The Iranian legal system is founded on the Constitution (the Fundamental Laws) of 1906 and the Supplementary Fundamental Laws of 1907 which brought to an end the then existing absolute and autocratic monarchy and established a Constitutional Monarchy and the rule of law. As will be described in section II of this report, many of the individual rights covered by the International Covenant on Civil and Political Rights have been recognized by the Iranian Constitution and the Supplementary Fundamental Laws as among the basic rights of the Iranian people.

According to Article 26 of the Constitution, "the powers of the State derive from the nation and the exercise of these powers is regulated by the Constitution." According to article 27 of the Supplementary Fundamental Laws, the powers of the State are divided among three branches: the legislative, the judicial and the executive; and by virtue of Article 28, "these three powers shall always remain distinct and separate from one another."

The legislative power, comprised of His Imperial Majesty, the National Consultative Assembly and the Senate, enact the laws. According to Article 2 of the Constitution, "the National Consultative Assembly represents the whole of the people of Iran who are [thus] associated in the political and economic affairs of their country."

Article 45 of the Supplementary Fundamental Laws provides for a Senate of 60 members drawn from the experienced, knowledgeable, pious and reputable persons of the kingdom, half of whom are selected by His Imperial Majesty and half selected by the people.

\*/ The Iranian Government has indicated that the present report was complementary to its initial report issued in document CCPR/C/1/Add.16.

The enactment of laws requires the approval of the National Consultative Assembly and the Senate, and the Royal signature. The initiation and enactment of laws pertaining to the revenues and expenditures of the State are reserved to the National Consultative Assembly.

The judicial power is charged with determining the right, and this power is reserved to the religious courts in religious matters and to the civil courts in civil matters. According to Article 71 of the Supplementary Fundamental Laws, "the Supreme Court and the judicial courts are the official bodies for the hearing of public complaints; and the hearing of religious matters rests with the doctors of theology possessing the requisite qualifications." At the present time, under the common law, the jurisdiction of the religious courts is limited to hearing claims pertaining to marriage and divorce. The religious courts are thus treated as special courts.

Article 73 of the Supplementary Fundamental Laws states that "the establishment of civil courts depends on the authority of the law, and no one, under any title or pretext, may establish courts contrary to the provisions of the law."

Article 75 provides for the establishment of a Supreme Court for the entire country, and Article 86 provides for the establishment of a court of appeals in the administrative centre of each province. The Supreme Court and provincial courts have been established according to this provision, and courts of the first instance have been established under provisions of the common law. The courts hear civil suits, complaints and penal charges within the limits of their jurisdiction.

On the basis of Article 87 of the Supplementary Fundamental Laws and the common law, military tribunals have been established throughout the country which, in addition to military offences, hear cases relating to other specified offences, even though the accused may be a civilian.

A judge of the judiciary courts cannot be removed, or transferred, except by his own consent, unless his case is tried and an offence is proven. (Articles 81 and 82 of the Supplementary Fundamental Laws).

Judgements by the courts must be based on the laws, and according to Article 78 of the Supplementary Fundamental Laws, "judgements of the courts must be reasoned and supported by proof; they must cite the articles of law on which the judgement was based, and they must be read out publicly."

Judges who violate the laws are liable to prosecution and disciplinary proceedings; where an offence is proven, disciplinary (administrative) courts shall impose disciplinary (administrative) punishments.

Due to the large number of suits brought before the courts, the shortage of judges, the expanse of the country and the scattered pattern of human settlement, in addition to the judiciary courts, Equity Courts have been established in villages and Arbitration Councils in towns. The members of these bodies are

elected by the local inhabitants and hear minor cases; they are charged by the law to seek a settlement between the parties to a dispute on the basis of mutual agreement. In the event they are unable to do so, these bodies are empowered to pass judgement based on equity. In addition, commissions and review bodies have been established to hear specific complaints and disputes, such as disputes related to taxes and customs duties, disputes between workers and employers, etc.

The executive power is reserved to the monarch, in that laws and regulations are implemented by the ministers and officials of the government in conformity with the provisions of the law in the name of His Imperial Majesty. (Article 27, paragraph 3 of the Supplementary Fundamental Laws). The executive branch thus carries out its duties on the basis of the law. The ministers are responsible to His Imperial Majesty and the two Houses of Parliament for the execution of the laws.

Iranian law provides for three ways and means, in addition to recourse to the courts, for supervision of the executive branch in the fulfilment of its duties:

1. Supervision by the National Consultative Assembly: According to Article 32 of the Constitution, "any individual may submit in writing to the Secretariat of the Petitions Office of the Assembly a statement of his case, or of any criticisms or complaints. If the matter concerns the Assembly itself, it shall give him a satisfactory reply; but if the matter concerns one of the ministries, the Assembly will refer it to that ministry, in order that the ministry investigate and return a sufficient answer."
2. Judicial supervision: A law enacted in 1960 provides for the creation of a body, to be called the Council of State, to hear complaints from persons claiming violations of the laws by the government and the municipalities, seeking cancellation of illegal decisions, or seeking injunctions for enforcement of the laws. This law has remained unimplemented due to the lack of means for putting it into effect.
3. Administrative supervision. A law enacted in 1968 provides for the establishment of the Imperial Inspectorate. Article 1 of this law reads as follows: "In order to hear complaints from the public against employees of the ministries, government agencies, commercial organizations affiliated to the government, security organizations (the National Police and National Gendarmerie), municipalities where the mayor is an appointed official, non-profit organizations and all other organizations part or all of whose capital is held by the government or over which the government exercises some form of supervision, an organization, entitled the Imperial Inspectorate and functioning under the high supervision of the Shahanshah, shall be established. The prime minister shall be responsible before the two Houses of Parliament for affairs relating to the Imperial Inspectorate."

To the general information provided above, the following may be added:

- (a) The country's laws contain no specific mention of the precedence of the Constitution over the common laws. However, the precedence of the Constitution over the common laws may be inferred from the oath of office taken

by the sovereign before he accedes to the throne, as set down by Article 39 of the Supplementary Fundamental Laws, and by which the monarch undertakes to protect the Constitution. The country's laws, in any case, made no provision for review of complaints regarding conflicts between common and Constitutional law.

(b) According to Articles 71 and 72 of the Supplementary Fundamental Laws, the hearing of complaints regarding the violation of political and civil rights, in general and aside from exceptional cases, falls within the jurisdiction of the judicial courts.

(c) The courts, and other bodies that hear suits and disputes, enforce the domestic laws. Thus principles of the Covenant not incorporated into domestic laws cannot be directly enforced by these courts and judicial bodies.

(d) The violation of political or civil rights may, or may not, be considered an offence and liable to punishment under the laws. In the first instance, the law requires the guilty party both to be punished and also to compensate the injured party for damages suffered. In the second instance, the judgement of the court restores the rights of the plaintiff; and the person guilty of causing damage must provide compensation. No punishment is imposed in this case.

Among the penal guarantees for the political rights of individuals is Article 83 of the Public Penal Law, under which a minister, member of Parliament and officer or agent of the State who, in violation of the law, violates the individual freedoms of Iranians or denies them rights granted by the Constitution, becomes liable to dismissal from office and loss of his civil liberties for a period of between five and ten years.

## II. PROVISIONS OF THE LAWS OF THE GOVERNMENT OF IRAN WHICH CORRESPOND TO SOME OF THE ARTICLES OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS

Provisions of the Laws of the Government of Iran which correspond to Articles of the Covenant are as follows:

1. Article 2, paragraph 1 of the Covenant (regarding equality before the law, regardless of race, sex, language, religion, etc.): Equality before the law is guaranteed by Article 8 of the Supplementary Fundamental Laws. Common laws have reaffirmed such equality. Particularly in recent years, basic steps have been taken to remove discrimination regarding the rights of men and women. In February 1963, His Imperial Majesty announced the grant of the right to vote (and to run for office) to women as a principle of the Revolution; and this right was enacted into law by Parliament a few months later. Other legislative and administrative measures were implemented to remove legal inequalities in the rights of men and women. The right to divorce, which under Iranian law was reserved to the man who could dissolve a marriage by a unilateral act, has under the Family Protection Law been placed under the jurisdiction of the Family Courts. Women have been granted equal rights to initiate divorce proceedings. In addition, the right of women to custody over children in the case of dissolution of marriage or death of the father have been strengthened.

2. Article 6, paragraph 1 of the Covenant: Article 9 of the Supplementary Fundamental Laws recognises the right to life, and protects and guarantees not only life but also the homes and honour of individuals against arbitrary trespass and molestation. No one can be interfered with, except in accordance with the law. Article 170 of the Public Penal Law lays down the death penalty for one who wilfully takes the life of another. The death sentence, according to Iranian penal law, is laid down for major crimes. The imposition of a death sentence is reserved to the competent courts. According to Article 6 of the Public Penal Law, the death sentence and every sentence must be based on laws existing at the time the offence was committed. In addition, the accused or guilty party must be given every benefit allowed him under the law.

3. Article 6, paragraph 3 of the Covenant: The Iranian government is party to the covenant prohibiting genocide; and since, as already explained, wilful killing of an individual is a crime under Iranian law, on the same principle genocide is necessarily also prohibited and punishable.

4. Article 6, paragraph 4 of the Covenant: According to Article 56 of the Public Penal Code, the death sentence may be commuted. A plea for pardon by a person sentenced to death is reviewed and approved or rejected according to special criteria. Under the provisions of this article, in the case of political offences, the guilty person may be pardoned or a lighter sentence imposed; in the case of other offences, the sentence of a person against whom a final judgement has been handed down may be commuted according to procedures foreseen in this same article of the law.

5. Article 6, paragraph 5 of the Covenant: Iran has prohibited the death sentence for persons under 13 years of age. According to Article 35 of the Public Penal Law the maximum sentence for minors is eight years at a correction centre. In addition, under the provisions of Article 484 of the Code of Penal Procedures,

the carrying out of the death sentence is prohibited in regard to pregnant women or women who have recently given birth, until three months after delivery. The carrying out of the death sentence is also prohibited in the case of breast-feeding mothers, until the infant reaches the age of two, where it is evident damage would be inflicted on the child if the sentence were carried out during this period.

6. Article 7 of the Covenant: Article 151 of the Public Penal Code prohibits the infliction of torture or cruel punishment, for the purpose of extracting confessions, by judiciary or non-judiciary officials, and it makes such officials liable to three to six years imprisonment of the first degree for a felonious offence. The same sentence is laid down for persons who order such punishment to be carried out. In addition, Articles 132, 135 and 136 of the Public Penal Code prohibit the practices cited in Article 7 of the Covenant.

7. Article 8 of the Covenant: Iran is party to the international conventions prohibiting slavery, servitude and forced labour. The Iranian law, enacted in 1950, prohibiting trade in slaves fixes the penalty for persons who engage in the buying and selling of slaves at one to three years of imprisonment for a felonious offence.

Forced labour is banned under Article 135 of the Public Penal Law. A person found guilty of such practices, if a government employee, is liable to up to two years imprisonment and, if a non-government employee, is liable to up to six months imprisonment. In both instances, the guilty person is liable to the payment of a fine and also compensatory wages to the person on whom forced labour was imposed.

8. Article 9 of the Covenant (regarding security against arbitrary arrest, detention or exile): As already noted, such guarantees are clearly articulated in Article 10 of the Supplementary Fundamental Laws. In addition, Articles 24, 33, 121, 124 and 171 of the Code of Penal Procedures and Articles 164, 165 and 166 of Military Code of Penal Procedures provide for guarantees and security against arbitrary arrest and detention. Under the provisions of the Law for the Preservation of Public Security a person charged before the Public Security Committee and against whom a decision is handed down may file a complaint with the provincial court of the district in which the Public Security Committee sits and request an investigation (Article 4). In addition, Articles 108, 109, 111 and 125 of the Code of Penal Procedures lay down that the person arrested must be informed of the charges against him at the time of arrest or when brought before the investigating magistrate, and are designed to guarantee such liberties and security.

It must be pointed out, the arrest of an accused is not carried out by a general principle but only under the provisions of the law specified for specific charges and specific instances (Article 129, paragraph 5 and Article 130 of the Code of Penal Procedures); illegal arrest is recognized as an offence under Articles 193 and 194 of the Public Penal Code and carries penalties. Under the provisions of the Law of Civil Liabilities, enacted in 1960, and also under the provisions of Article 9 of the Code of Penal Procedures, the injured party may demand compensation for damages suffered due to illegal arrest. Articles 83, 85, 87, 88, 89 and 90 of the Public Penal Law are also applicable in this regard.

9. Article 10 of the Covenant: The prison regulations, based on Article 18 of the Public Penal Law, designate the manner of treatment of prisoners and are in general accordance with the intent of the Covenant. In addition, under the provisions of the law on juvenile delinquency and Article 55 of the Public Penal Law, offenders under 18 will be held in detention at centres of the Society for Correction and Education or other corrective centres, separately from adults. Charges against minors of a general nature are heard at special courts, under special regulations and with due speed. Charges for offences against public security are exceptionally heard by military tribunals.

10. Article 11 of the Covenant: This principle has been incorporated in a law, enacted in 1973, prohibiting the detention of debtors; no one may be arrested for failure to meet debts.

11. Article 12 of the Covenant: Iranian law places no restrictions on rights of residence and freedom of movement. The large number of Iranians who each year travel abroad, or who travel or change places of residence internally, reflects the use Iranians made of the freedom to travel and freely to select their place of residence. In addition, Articles 1 and 2, the sub-clause to Article 5 and Articles 16 and 17 of the Passport Law of 1973 provide for the guarantees enjoined by Article 12 of the Covenant.

12. Article 13 of the Covenant: Under Article 12 of the law regulating the entry and residence of foreigners in Iran, complaints can be filed with the Ministry of Interior against decisions regarding the expulsion of foreigners from the country.

13. Article 14 of the Covenant: Equality before the law and the right to open trial are guaranteed under several provisions of Iranian law.

Article 76 of the Supplementary Fundamental Laws states that all proceedings of the courts shall be public, unless such publicity would be injurious to public order or contravene public morality. In such instances, the courts must declare the necessity for closed hearings.

Article 77 of the Supplementary Fundamental Laws relates to the same subject. Article 136 of the Code of Civil Procedures and Articles 241 and 327 of the Code of Penal Procedures, Article 24 of the Family Protection Law and Article 9 of the law on juvenile courts specify the exceptional instances in the case of the civil courts, and Supplementary Article 192 of the Military Code of Penal Procedures specifies the exceptional instances in military tribunals, when secret and closed trials may be held.

Iranian law in general distinguishes between an accused and a person found guilty or sentenced by the courts. Thus only after guilt is established by a final indictment is the accused considered guilty.

The right of the accused to know the charges against him, to know the articles of law on which is based the order for detention, the right to select a lawyer, to be present in court, to have access to legal advice even when unable to pay for legal services and the general right to defend oneself, as specified in the Covenant, have been incorporated in Articles 125, 57, 171, 161, 162, 221

and 309 of the Code of Penal Procedures and Article 9 of the law establishing criminal courts. The right of the accused, where applicable, to the presence of a translator and to the translation of proceedings and documents is guaranteed under a Law enacted in 1957.

As noted above, hearing of charges against minors takes place in special courts, according to special procedures and in keeping with the special status and interests of minors.

The laws provide, in specific instances, for the right to appeal against judgements to higher courts. Article 3, paragraph "h", sub-clause 3 of the Public Penal Law provides for protection against being punished twice for the same offence, as enjoined by Article 14, paragraph 7 of the Covenant.

14. Article 15, paragraph 1 of the Covenant: Article 6 of the Public Penal Code precisely reflects the intent of the Covenant in this regard.

15. Article 17 of the Covenant: Articles 9, 13 and 22 of the Supplementary Fundamental Laws and Articles 130, 133 and 139 of the Public Penal Code prohibit and make liable to prosecution arbitrary interference with the privacy and rights of others.

16. Article 18 of the Covenant: Although Article 1 of the Supplementary Fundamental Laws declares Islam according to the Ithna Ashariyya Ja'fari sect to be the official religion of Iran and requires the Shah of Iran to profess and promote it, and although the majority of Iranians are Shi'i Moslems, Article 21 of the Supplementary Fundamental Laws guarantees freedom of association to the followers of other faiths. In Iran for many years the places of worship of other faiths, such as the church, the synagogue and the fire temple, have stood alongside the Moslem mosque. The Zoroastrian, Jewish, Armenian and Assyrian minorities have their own representatives in the National Consultative Assembly. The parent or guardian of a minor is free in the religious education of his ward. A single article law, enacted in 1933, which leaves non-Shi'i Iranians free to follow the dictates of their own faith in matters of personal and family law, reaffirms these freedoms.

17. Article 19 of the Covenant: Freedom of speech and expression of beliefs and ideas through the press and in public assemblies is specified in Articles 20, 21 and 22 of the Supplementary Fundamental Laws. The Press Law also provides for the freedom of the press.

18. Article 20 of the Covenant: Iranian law makes no provision for prohibiting propaganda for war. However, incitement to religious, racial and national hatred is prohibited under recent legislation against racial discrimination.

19. Article 21 of the Covenant: The right of peaceful assembly is recognized under Article 21 of the Supplementary Fundamental Laws.

20. Article 22 of the Covenant: Article 25 of the Labour Law of 1953 permits the organization of all types of workers' syndicates or unions. The widespread existence of trade, professional and workers' associations in Iran reflects the



freedom of association and for labour activity that exists. Article 27 of the Labour law states: "Force, coercion and threat to compel workers to take up membership in syndicates or to prevent them from so doing is prohibited."

21. Article 25 of the Covenant: The right to found a family is among the civil rights of persons of marriage age in Iran. The formal conclusion of marriage is conditional on the voluntary intent and consent of both parties. Articles 1062, 1063, 1064, 1065 and 1067 of the Civil Code contain provisions regarding the legal age of marriage and the necessity for voluntary consent. In recent years, the Family Protection Law has established the minimum age for marriage at 18 for women and 20 for men, aside from exceptional cases. Articles 8, 12, 13 and 14 of the Family Protection Law of 1974 make necessary provision for the protection of minors in case of dissolution of the marriage.

22. Article 24 of the Covenant: Illegitimate children aside, Iranian laws make no distinction as to the rights of children and all enjoy the equal protection of the law. The registration of births and the naming of the new born child are compulsory under the law for the Registration of Births, Marriages and Deaths. Article 993 of the Civil Code requires the birth of each child and also every miscarriage after the sixth month of pregnancy to be reported to the Registry of Births, Marriages and Deaths. Under the provisions of Article 976 of the Civil Code, all the inhabitants of Iran, except those whose foreign nationality is established, and all persons born in Iran whose parents are unknown, are considered Iranian citizens.

23. Article 23 of the Covenant: The National Consultative Assembly, as a pillar of the legislative branch, according to Article 2 of the Constitution, "represents the whole of the people of Iran who are [thus] associated in the economic and political affairs of their country." The right to vote and be elected, according to the provisions of the law, is extended to all the people of Iran. In addition, of the 60-member Senate, another pillar of the legislative branch, 30 of the members (according to Article 45 of the Constitution) are selected by His Imperial Majesty and the other 30 are elected by the people. According to Article 30 of the Supplementary Fundamental Laws, "the Deputies of the National Consultative Assembly and the Senate represent the whole nation and not only the particular sections of the people or the provinces which have elected them". In addition to the right to vote and run for office, according to the provisions of the Constitution the people have the right to participate in the administration of the country. Exceptional cases aside, the right to hold public office is open to all.

24 and 25. For Article 26 of the Covenant see section 1 and for Article 27 see section 16 of this report.

### III. PROBLEMS, MEASURES AND ACHIEVEMENTS

#### A. Cultural and Economic Factors

In view of the fact that the protection of the political and civil rights of individuals envisaged in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights is not possible under conditions of illiteracy, ignorance and economic injustice and exploitation, all the measures implemented in Iran in recent years for the eradication of illiteracy and ignorance, to end economic exploitation of class by class, to expand economic rights and to develop the national economy constitute effective steps to create the necessary and suitable conditions for the fulfilment of individual political and civil rights.

The most important of these measures are constituted by the principles of the Revolution of the Shah and the People which, beginning in 1963, have gradually been enacted into law and are in the process of implementation. Some of these principles are directly related to the articles of the Charter and the Covenant; they include the break-up of the great estates through land reform, the eradication of the old feudal relationship in the villages, the despatch of Literacy, Health and Development Corpsmen to the rural areas to fight illiteracy, to teach, to strengthen health standards and raise the level of agricultural productivity; a profit-sharing plan to give workers a share of the profits of the industrial units in which they are employed; and a scheme to expand industrial share ownership. There is little doubt that these measures and other steps taken to develop the economy and raise living and cultural standards of the mass of the people are among the necessary means and conditions for the full realization of the principles of the Universal Declaration of Human Rights and the guarantees envisaged under the International Covenant on Civil and Political Rights.

#### B. Geographical Factors

Among the factors that have hampered the efforts of the courts to provide speedy and effective judicial services throughout the country have been the scattered pattern of human settlement in Iran over a relatively extensive land mass (in comparison to countries with larger populations, more centrally concentrated in a smaller geographical area) and an increase in the number of suits, complaints and offences to a level exceeding the capacity of the judicial administration. To overcome this difficulty limitations were placed on the right of general access to the judicial courts and right of appeal against judgements in cases falling under the jurisdiction of such courts.

Extension of the right of access of the people to the courts continues to be hampered by the excessive number of suits and the shortage of judges. The decision of the Ministry of Justice to establish a law college to help meet its requirements for judicial staff and the general decision to expand the capacity of existing law colleges are among the measures being taken to resolve or ameliorate this difficulty.

C. Religious Laws

According to Article 1 of the Supplementary Fundamental Laws, "the official religion of Iran is Islam according to the Ithna Ashariyya Ja'fari sect, which the Shah of Iran must profess and promote;" and according to Article 27, the laws must not be at variance with principles of Islam. The largest part of the Iranian Civil Code is derived from Islamic jurisprudence, and this contains certain inequalities, based on sex, in matters relating to marriage and inheritance rights. At the same time, the law accords recognition to the traditions and practices of other religious faiths in matters of personal and family law where inequalities based on sex also exist. The question arises as to how the respect for religious traditions, practices and teaching, as enjoined by Article 18, paragraph 1, of the Covenant can be reconciled with the legal measures to remove inequalities, as enjoined by Article 26 of the Covenant?

D. The Commission for Review of Iranian Laws in Relation to the Covenant

As previously announced, at the instructions of His Imperial Majesty the Shahanshah a commission was established under the chairmanship of the Minister of Justice and including responsible officials and legal experts to review Iranian laws and to draw up legislation for reconciling these laws with the Covenant where conflict between the two exists.

The Commission has completed its preliminary study, which covered both cases of direct conflict and instances where Iranian law is silent or inadequate in regard to rights envisaged by the Covenant, and has submitted a preliminary report to the Legal Department of the Ministry of Justice. The Legal Department, in turn, drew up a report which is now under study by the Commission.

The major points covered by the Commission's report regarding conflicts between Iranian laws and the principles of the Covenant are as follows:

1. The last paragraph of Article 7 of the Covenant prohibits the subjection of an individual to medical or scientific tests without that person's consent. Iranian law is silent on this issue.
2. Paragraph 2 of Article 12 of the Convention guarantees every person the right to leave any country, including his own; and paragraph 3 of the same article specifies that this right shall not be subject to any restrictions, except as provided under the law and for the express purpose of protecting national security, public order, the public health or morals or the rights and freedoms of others; it further specifies that these restrictions must not interfere with other rights recognized by the Covenant. Iranian law requires the payment of an exit tax by persons leaving the country. Such a tax is not listed among the exceptions allowed under paragraph 3, Article 12 of the Covenant.
3. Paragraph 1, Article 14 and Article 3 of the Covenant: Limitations on the jurisdiction of the courts, regulations regarding cases which may not be heard beyond courts of the first instance and the fact that certain judgements are not subject to appeal to a higher court were judged by the Commission as deserving further attention.

4. Paragraph 2, Article 14 of the Covenant asserts the right of every person to be considered innocent until proven guilty under the provisions of the law. According to Article 324 of the Code of Penal Procedures, a report in writing of officers acting for the judiciary in penal cases, and of persons appointed to investigate in criminal cases, is held to be valid, unless in conflict, in the view of the court, with the incontrovertible facts and conditions of the case. While the Iranian judicial system operates on the principle of assumption of innocence unless proven guilty, this clause in the laws, bearing as it does on the value of evidence, has been noted as an instance of possible conflict with paragraph 2, Article 14 of the Covenant.

5. In view of the articles of the Covenant regarding jurisdiction and the rights of the accused to defend himself, the Commission considered the following as deserving further study and review: the common laws regarding the powers of the commission on the intensification of penalties for convicted criminals and felons, the powers of the commission on the intensification of penalties for persons facilitating the unlawful crossing of the frontiers, and the powers of the Commission on Public Security.

6. According to paragraph 5, Article 14 of the Covenant, every person found guilty of an offence has the right to appeal the judgement and sentence to a higher court, under the provisions of the law. All the laws of the country which permit the passing of final judgements, not subject to review and appeal in penal cases, including among others by the courts of the substance of the criminal charges and evidence in criminal cases, were considered by Commission to be in conflict with paragraph 5, Article 14, of the Covenant.

7. Paragraph 5, Article 9 and paragraph 6, Article 14 of the Covenant: Iran has no law in this regard. Existing laws do not provide for compensation by the Government for damages suffered as a result of unwarranted or mistaken judgements. Compensation can of course be demanded from a plaintiff who brings false charges, under the provisions of Article 69 of the Code of Penal Procedures. According to Article 9 of this law, compensation may be demanded for damages arising out of libel. But these instances differ from damages resulting from unwarranted and wrong judgement as set down in paragraph 6, Article 14 of the Covenant.

8. Paragraph 7, Article 14 of the Covenant prohibits the trial and sentencing for a second time of a person for an offence for which he has already been tried, under the laws of any country, and found either guilty or innocent. Sub-clause 3, paragraph "h" of Article 3 of the General Penal Code prohibits the punishment (but not the trial) for a second time of a person for the same offence, and has thus been judged by the Commission to be in conflict with this provision of the Covenant.

9. Article 18 of the Covenant regarding the freedom of thought, conscience and religion: Iran has no comprehensive law in this regard, although election laws and laws regarding the recognition of the religious traditions of non-Shi'i Iranians in matters of personal and family law ensure far-reaching respect for these rights in the country.

10. Article 19 of the Covenant regarding the freedom of speech: there is no comprehensive and specific law in this regard in Iran. This right is recognized by inference in the principle of the Constitution relating to freedom of assembly and freedom of the press.

11. Paragraph 1, Article 20 of the Covenant regarding the prohibition of propaganda in favour of war: Iran has no specific law relating to this question.