

Pardon & Commutation of Punishments Meted Out to Tens of Thousands of Defendants & Convicts on 44th Anniversary of Victory of Islamic Revolution

**The High Council for Human Rights of
The Islamic Republic of Iran**

In the Name of GOD

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Introduction

On 5 February 2023, the Leader of the Islamic Revolution agreed to the 24 January 2023 proposal presented by the Chief of the Judiciary for the pardon and commutation of sentences meted out to a significant number of convicts and defendants arrested during the recent riots, and those convicted in Public Courts, Courts of Revolution, and the Judiciary Courts of the Armed Forces.

In his letter to the Leader of the Islamic Revolution, *Hujjat al-Islam wal-Muslimeen* Eje'i wrote: "In the recent unrest, a number of people, especially young ones, committed wrong behaviors and crimes due to the incitement and propaganda of the enemy. In addition to causing problems for themselves, they have also caused hardship for their families and relatives. Now that the schemes of the foreign enemies and the anti-Revolution movements against the people have been unmasked, a significant number of them are expressing regret and remorse and asking to be forgiven."

Special conditions and a request for pardon and commutation of punishment inflicted upon female convicts who are – on the strength of the Law – in charge of guardianship or custody of their children, for convicts diagnosed with refractory diseases, for male and female convicts aged over 70 and 60, and for convicts languishing behind bars due to insolvency were also announced in the letter.

A closer look at the details of the pardon and Islamic leniency indicates the fact that a wide range of individuals are eligible for pardon. This general pardon is one of the criterion-based pardons last proposed and approved by the Supreme Leader of the Islamic Revolution in 2018. Under such pardons, the Chief of the Judiciary presents specific criteria to the Leader of the Islamic Revolution, and if approved, any prisoner or detainee who falls within the framework thereof is granted pardon.

Difference Between Case- & Criterion-based Pardons

The Chief of the Judiciary proposes two types of pardons to the Leader of the Islamic Revolution, the first of which is case-based pardons. Such pardons mean that an independent case is once again opened for each convict, which the Central Commission of Amnesty of the Judiciary examines. Should members of the said Commission find convicts eligible for pardon, a list of them will be sent to the Chief of

the Judiciary on various occasions as specified in the By-Law of Pardon. Ultimately, with the approval of the Chief of the Judiciary, the final list will be sent to the Leader of the Islamic Revolution for decision.

Criterion-based pardons are the second type of pardon brought to the attention of the Leader of the Islamic Revolution. Under such pardons, the cases of individuals are not examined separately; instead, the Chief of the Judiciary announces specific criteria for pardoning or commuting the sentences by the Leader of the Islamic Revolution. Based upon those criteria and the Leader's approval, the judicial authorities across the Country apply the specified criteria to the cases and determine who qualifies for pardon.

Whose Cases Will be Closed?

The first part of the new round of pardons considers the convicts and defendants who have been arrested, detained, or prosecuted during the recent riots starting from 16 September 2022 until the announcement of this pardon. Should the arrested, detained, or charged individuals meet the following conditions, their judicial cases will be closed at any stage, whether the sentence has been issued thereagainst or is being enforced:

- Not having participated and assisted in the commission of crimes punishable by *moharebeh*¹, *ifsad-e-fel-arz*², and *baghi*³;
- Not having committed espionage for the benefit of foreigners;
- Not having direct communication with agents of foreign spy agencies;
- Not having committed intentional murder and injury;
- Not having committed significant destruction of and arson against State, military and public facilities;
- Not having been recognized as a member and affiliate of hostile and subversive groups;
- Not having over two criminal convictions;
- Not having a private plaintiff or claimant or, as the case may be, securing pardon thereof or compensating for damages inflicted thereon;
- Being ready to express remorse and produce a written commitment not to repeat a similar intentional crime.

¹ Striking fear and terror into the hearts of people

² Corruption on earth

³ Rebellion

Pardon Conditions for Convicts in Other Criminal Cases

The second part of pardon concerns the convicts of other criminal cases. Convicts whose prison sentences have been pronounced final by 11 February 2023 and who do not have a specific plaintiff are pardoned under the following conditions:

- The remainder of the convict's sentence for imprisonment being up to one year, provided they have served at least one month in prison;
- Three-quarters of a sentence to be pardoned for those sentenced to imprisonment for one to five years, provided they have served one-fifth of their punishment;
- Three-thirds of a sentence to be pardoned for those sentenced to imprisonment for five to ten years, provided they have served one-third of their punishment;
- Half of a sentence to be pardoned for those sentenced to imprisonment for ten to 20 years, provided they have at least served one year of their punishment;
- Half of a sentence to be pardoned for those sentenced to more than 20 years of imprisonment, provided they have served at least two years of their punishment;
- The remainder of the prison sentence meted out to all those convicted of unpremeditated crimes;
- The remainder of the imprisonment of women who are in charge of guardianship or custody of their children under the Law, provided they have served three years of sentence;
- The remainder of the imprisonment of the family members of martyrs and veterans (father, mother, wife, children), provided they have served at least one-fifth of the imprisonment for up to ten years and at least five years of the over-ten-years sentence;
- The remainder of the prison sentence of those suffering from refractory diseases whose ailment status is approved by the Legal Medicine Organization; and
- The remainder of the prison sentence of male convicts with more than 70 years of age and female convicts aged over 60, provided they have served at least one-fifth of non-life imprisonment and at least eight years of life imprisonment sentence.

How Can Those Sentenced to Pay Monetary Fines Be Pardoned?

Convicts languishing behind bars because of insolvency are eligible to receive pardon should they meet the following conditions:

- Those with a fine of up to IRR500,000,000 as the remainder of sentence;
- Those with a penalty of IRR500,000,000 up to IRR5,000,000,000 as the remainder of sentence, provided they have served at least three months of imprisonment for monetary fine;
- Those with a fine of over IRR5,000,000,000 as the remainder of their sentence, provided they have served at least one year of imprisonment for a monetary penalty.

Three Essential Conditions for Enjoyment from Recent Pardons

In order to enjoy the recently granted pardons, anyone meeting the following conditions shall be subject to a general pardon upon revision of the case:

- Not having more than two criminal convictions;
- Not committing a new crime punishable by degrees one to five at the time of conviction, execution of the sentence, or while on furlough; and
- Not having a plaintiff or a private claimant, or by securing pardon thereof and compensating for damages inflicted thereon until 20 March 2023.⁴

Upon the issuance of the new pardon order, all judicial units across the Country immediately started conducting necessary measures and investigations. It is expected that the cases of all those affected will be determined within two weeks, and pardon or commutation of punishment shall be granted thereto. The judicial units are obliged to submit the results of their investigations to the Judicial Deputy of the Chief of the Judiciary on a daily basis.

⁴ Note: There is no need to obtain the plaintiff's consent for aiding intentional homicide.

