**Justifications in the Iranian Criminal Law**

**(Monday, 19/3/2018, 18:30, Trg Republike Hrvatske 14, Room 2)**



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In the 2013 Penal Code of Iran, the following general defenses are mentioned as obstacles to criminal responsibility: infancy, insanity, intoxication, duress, self defense, necessity, ignorance of law and mistake, law permission and consent. Although their exact effect is not regulated, lawyers and judges differentiate their legal effect between justifying conditions and excusatory conditions, which existed previously in Iranian criminal law. Obviously, this is not just a verbal difference. It has different legal impacts. For example, if we consider insanity a justifying condition, neither the insane person nor his assistant would be responsible, since the conduct is no longer a crime. However, if it is considered as an excusatory condition, the insane person will not be punished but his assistant shall has the criminal responsibility.

Assist. Prof. Dr. Gholamloo will focus on legal aspects of self-defense. Most Iranian lawyers consider permission of law as a basis for justifying self defense and believe that self defense refutes legal element of the crime. This reasoning means that the defender's behavior is not a crime and so are not those of his assistant. However, some people do not agree with this view, believing that the defender commits a crime in self-defense and is just not punished on the basis of lacking malice intention. Maybe one of the most important and challenging issu regarding in subject of self-defense in Iranian criminal law is the commiting a crime for defending honor and chasity; How can we consider them as a self-defense subjects? The killing in adultery shall also be discussed here.

1. **Assist. Prof. Dr. Jamshid Gholamloo** is an assistant professor of Department of Criminal Law and Criminology at University of Tehran, teaching criminal law and sociology of criminal justice. After the LLB. he studied LL.M. in criminal law and criminology at university of Tehran and earn his Ph.D. at Tarbiat Modares University, Tehran. His Ph.D. thesis was titled “The Criminological Analysis of Wrongful Conviction of the Innocent in Iran” for which he conducted research at the Max Planck Institute for Foreign and International Criminal Law in Freiburg (Germany). Dr. Gholamloo’s work focuses especially on efficiency for the proration of the police, prosecutor and courts. He is also attorney at law and director-in- chief of Journal of Criminal Law and Criminology Studies, University of Tehran. [↑](#footnote-ref-1)