

## **Extradition Law**

Approved on May 4, 1960

### **Chapter 1: Extradition Conditions**

Article 1- If there is a extradition treaty concluded between Iran and foreign states, extradition should be performed according to the provisions of that treaty, and if there is no extradition treaty or an extradition treaty is concluded but it does not include all required points, extradition should be performed according to the conditions of this law subject to reciprocal treatment.

Article 2- Extradition shall be accepted by the Iranian government if the requested person has been under criminal prosecution or convicted because of one of the crimes mentioned in this law.

Article 3- The Iranian Government may extradite foreigners domiciling in Iran territory to the requesting states upon their request and subject to the following conditions:

- 1- Commissioned crime or offense shall be a crime or offense previously commissioned by the citizens of that state or another state.
- 2- Commissioned crime or offense shall be the one commissioned by the citizens of that state out of the territory of the requesting state.
- 3- Commissioned crime or offense shall be the one commissioned by a person not citizen of the requesting state out of the territory of the requesting state.

Provided that the commissioned crime or offense is not harmful to the public interests of the requesting state.

Article 4- Applying for rejection or acceptance of extradition is only possible for the following crimes subject to observance of the conditions stipulated in Articles 2 and 3 of this law:

- 1- Any action which leads to a punishment for a felony according to the laws of the requesting state.
- 2- Any action which leads to a punishment for a misdemeanor, according to the laws of the requesting country, provided that the maximum penalty stipulated in the law is not less than one year of imprisonment. For those people who are

convicted. Extradition is possible only in case that the duration of conviction is more than two months.

In all of the cases mentioned in this article, the Iranian government will accept extradition if the commissioned action entails punishments for a felony or a misdemeanor.

Article 5 – When the requested person has commissioned more than one crime or offense, extradition shall be possible if the maximum punishment considered for the whole crimes or offenses is not less than one year according to the laws of the requesting state.

Article 6- If the requested person has previously sentenced to more than 2 months imprisonment because of commissioning one of the public offenses, and after that he/she has commissioned a crime of misdemeanor, extradition shall be possible even if the punishment considered for the later crime or offense be less than one year of imprisonment according to the law, or the conviction for the later crime or offense be less than 2 months.

Article 7- To attempt a crime, considering the issue of extradition, shall be covered by the stipulated provisions of this law.

Article 8- Extradition shall not be accepted in the following cases:

- 1- When the requested person is a citizen of Iran.
- 2- When the commissioned crime is of a political nature or it becomes clear that extradition has been performed for political objectives.

In cases of civil wars or internal disputes, extradition shall not be accepted unless the commissioned actions are brutal and in contradiction to the war rules, in such cases extradition shall be performed after termination of civil wars.

Cases of assassination will not be considered a political offense or crime.

- 3- When the crime or offense is commissioned within the territory of Iranian Government and/or if it is commissioned out of the Iranian Government territory, the perpetrator is prosecuted and/or convicted within the territory of Iranian Government.
- 4- When the commissioned crime is of military nature.
- 5- When, according to the Iranian laws or the laws of requesting state, prosecution or punishment is barred by statute of limitations or for any legal reason the

requested person is not liable to prosecution or punishment according to the laws of the requesting state.

Article 9- When several states request for extradition of a criminal for commissioning of one and the same crime or offense, the requested person shall be extradited to that state, the crime or offense has been commissioned in its territory or against its interests.

Article 10- When several states request for extradition of a criminal for several different crimes or offenses, the requested person shall be extradited to the state which has the priority.

Note: Priority in articles 9 and 10 shall be determined considering the importance of crime, place of its commissioning and date of request for extradition and the commitments of the requesting states regarding re-extradition of the criminal.

Article 11- When the requested person is prosecuted or convicted in Iran, extradition shall be performed if the criminal prosecution or punishment is terminated; However the Iranian Government can extradite the requested person to the requesting state temporarily, provided that the requesting state undertakes to surrender the criminal to the Iranian Government after termination of investigation. The provisions of this article shall apply on the cases in which the requested person is arrested because of refusal of payment of debt.

## **Chapter 2: Arrangement of Extradition**

Article 12- Request for extradition should be submitted to Iran through diplomatic channels. The said request shall include the conviction verdict or warrant of arrest, order of arrest or any other documents with the same validity; the accusation, date of crime or offense commissioning, and the details of that should be mentioned in such documents. In addition, the requesting state shall enclose the copies of supporting documents to the request for extradition.

Article 13- The request for extradition shall be delivered to the Ministry of Justice through Ministry of Foreign Affairs, and in case the Ministry of Justice determines the extradition to be according to the provisions of this law, the case shall be referred to the public prosecutors office of the city in which the requested person domiciles. If the requested person has no known domicile, the case shall be referred to Tehran Public Prosecutor's Office to take necessary measures for arresting him/her.

Article 14- Within 24 hours from the time of detention, the prosecutor shall perform the necessary investigations, and after determination of his/her identity and announcement

of the reason of his/her detention, he shall send the file to the misdemeanor court for proceedings.

Article 15- The court shall investigate the case in a session out of turn and after hearing the statements of the prosecutor and the defenses of the requested person, it will issue its verdict concerning acceptance or rejection of the request for extradition and announce the facts to the Ministry of Justice and the prosecutor and if the court's verdict is against extradition the arrested person shall be released immediately.

The arrested person may employ an attorney at law or a translator for the hearing or ask the court to appoint an attorney or a translator for him.

Article 16- The court's verdict may be appealed within 10 days by the prosecutor or the requested person.

Article 17- Hearing in appeal by appellate court shall be out of turn and in an administrative session unless the court deems the presence of prosecutor or the requested person necessary for explanation. The verdict of appellate court in confirmation or cancellation of the misdemeanor court is final and unappealable and it shall be declared to the Ministry of Justice to take necessary measures according to the contents of verdict.

Article 18- If the final verdict is issued accepting the extradition, the Ministry of Justice shall order the prosecutor to execute it and the facts shall be declared to the Ministry of Foreign Affairs to inform the requesting state.

In case within one month from the date of declaration of Ministry of Foreign Affairs, the authorities of the requesting state take no action to take delivery of the requested person, he/she shall be released immediately and his/her extradition may no more be accepted for previously requested reasons.

Article 19- In case the requested person waives his rights stipulated in the provisions of this law and accepts to be surrendered to the requesting state, the facts shall be included in the related file and the Ministry of Justice shall take necessary measures to extradite that person.

Article 20- In emergency cases the public prosecutor can arrest the requested person based on direct request of judicial authorities of the requesting state, provided that in the said request it is mentioned that the extradition documents will be drawn up and sent according to the provisions of Article 12 of this law.

Request for extradition and the related documents shall be sent through diplomatic channels and simultaneous with the request for arrest.

Article 21- When the prosecutor arrests the requested person according to the provisions of Article 20, the facts should be declared to the Ministry of Justice immediately.

Article 22- If from the date of arrest of the requested person and within the periods stipulated in this article, the extradition documents are not received, the arrested person shall be released by the prosecutor's order and if later, the extradition documents are received, the provisions of this law shall apply. The mentioned period for the states neighboring Iran shall be one month and for other states it shall be 2 months.

Article 23- The person whose extradition is accepted may not be prosecuted or punished for another crime of offense done before the date of extradition unless through getting the agreement of the extraditing state.

The Iranian Government may agree with prosecution and/or punishment following the application of requesting state, even if the commissioned crime or offense is not one of the crimes or offenses mentioned in article 4 of this law.

Article 24- In cases mentioned in previous article, application for agreement shall be performed as stipulated in Article 12 of this law. The court shall declare its decision to agree or disagree after investigating the related documents. The court's verdict is final and will be declared to the requesting state as stipulated in this law.

Article 25- If a state wants to transit a person extradited from another state through the territory of Iran, it shall ask for permit from Iranian Government through diplomatic channels. Transit permit shall be issued by the Ministry of Foreign Affairs subject to reciprocal treatment.

Article 26- The costs of extradition and transit shall be borne by the requesting state.

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