



## Abstracts

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مرکز تحقیقات کامپیوتری علوم اسلامی (نور) جهت ارائه مجلات عرضه شده در پایگاه، مجوز لازم را از صاحبان مجلات، دریافت نموده است، بر این اساس همه حقوق مادی برآمده از ورود اطلاعات مقالات، مجلات و تألیفات موجود در پایگاه، متعلق به "مرکز نور" می باشد. بنابر این، هرگونه نشر و عرضه مقالات در قالب نوشتار و تصویر به صورت کاغذی و مانند آن، یا به صورت دیجیتالی که حاصل و بر گرفته از این پایگاه باشد، نیازمند کسب مجوز لازم، از صاحبان مجلات و مرکز تحقیقات کامپیوتری علوم اسلامی (نور) می باشد و تخلف از آن موجب پیگرد قانونی است. به منظور کسب اطلاعات بیشتر به صفحه **قوانین و مقررات** استفاده از پایگاه مجلات تخصصی نور مراجعه فرمائید.



## عناوین مشابه

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septembre 2006, élaboré par la haute cour disciplinaire des juges : choisir des experts non officiel pour l'exécution de l'expertise alors que l'on peut facilement avoir accès à un expert officiel est considéré comme une violation disciplinaire.

## PAGE61

### Une Voix, Une Expérience

Une voix une expérience dans cette issue considère les cas suivants :

> La responsabilité civile de gouvernement envers des citoyens, particulièrement dans les domaines où le gouvernement a une activité exclusive, est très importante. Ce sujet est si important qu'il ne peut en aucun cas être ignoré. La cour pense que même si les lois de la responsabilité civile ne faisaient pas parties des lois courantes du pays, en s'appuyant sur les principes numéros 164, 167, 171 et 40 de la constitution, la responsabilité civile du gouvernement est indéniable, particulièrement au moins dans des domaines où il fournit des services et des activités économiques.

> L'un des hémophiles qui est devenu malade suite à une transfusion du sang a demandé, "si le gouvernement islamique à cause d'une mauvaise équipement in vitro et médical de la médecine et la transfusion sanguin du pays, et également l'inattention des autorités responsables, cause la transmission des maladies au patient, selon le gouvernement religieux doit-il payer une compensation?". L'unanimité des autorités religieuses shiite répondent dans leurs jugements que le paiement de la compensation est légal.

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### La Critique d'écriture

Critique d'écriture d'un verdict.

M.Reza Khosravi.

Dans ce numéro l'auteur se penche sur un plan nommé "le festival des verdicts".

La conclusion des études faites dans ce domaine est comme la suite :

- 1-L'idée d'honorer l'émetteur des meilleurs verdicts élus est très louable.
- 2-Parmi les verdicts recommandés comme élus, les meilleurs étaient ceux de Mazandaran et d'Ispahan
- 3-L'utilisation des structures lourdes qui ne sont pas aussi nécessaires, ont causé l'élection des verdicts.
- 4-A la fin, l'auteur se demande si l'élection de tels verdicts qui sont aussi incorrects et malpropres mérite d'être célébrée ?

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### L'article 1

Vue d'ensemble de l'essai de Saddam Hussein et ses aspects.

1. Les événements passés avant le tribunal
2. Les accusations, Saddam Hussein et ses complices
3. Les témoignages contre et pour Saddam Hussein.
4. Saddam Hussein et ses avocats de défenses.
5. La peine de mort pour Saddam Hussein et deux de ses complices.
6. La réaction de jurisconsulte et la communauté judiciaire du monde entier au verdict délivré pour Saddam Hussein.
7. Le retour de Saddam Hussein à la cour pour étudier le dossier d'Anfal.
8. La condamnation à mort de Saddam par le court d'appel de la Iraq et la fin du dossier de sa vie.

## PAGE59

### L'article 2

L'indépendance juridique dans les textes internationaux des droits de l'homme. Par la Commission des droits de l'homme. L'un des accomplissements importants du 7ème congrès de l'O.N.U au sujet de la prévention de crime et la manière de traiter les criminels qui a tenu à Milan en Italie à partir du 26 août au 26 septembre 1985, c'est l'adoption "des principes fondamentaux au sujet de l'indépendance du système juridique".

Dans ladite résolution, les participants ont recommandé une mesure internationale, régionale et nationale et ont demandé au comité de la prévention des crimes d'étudier l'exécution efficace des recommandations mentionnées comme étant priorité.

## PAGE66

### La partie Etrangère

Rapport de voyage en Belgique

Par : Mohammad Sarikhani

Deuxième partie

Dans la présente partie, les sujets suivants sont déterminés :

Organisation juridique de la Belgique.

> La Cour Suprême.

1. Le bureau du procureur public de la cour suprême.
2. L'association de barre de cour suprême.
3. Les branches de cour suprême.
4. La réunion générale de cour suprême.

> Les Bureaux Du Procureur Public.

1. Le Bureau Du Procureur Public et

royale.

2. Le Bureau Du Procureur Public Fédéral.

> Les types de cours.

1. Cours de premier exemple.

2. Cours d'appel.

> Les Droits De Famille.

## PAGE54

### Le rapport

La position juridique de l'énergie nucléaire de la République islamique de l'Iran en examinant la résolution 1696 du Conseil de sécurité de l'O.N.U.

Par Reza Hamidzadeh

Dans cette issue les activités nucléaires ainsi que la position juridique de l'Iran sont étudiés.

## PAGE65

### Les Nouvelles juridique Du Monde

> Refus de ministère de la justice des Etats Unis d'un rapport légal entre les avocats et les détenus qui pourrait révéler les techniques de CIA

> La première femme Taiwanaise accusé des frais de corruption.

> La condamnation de l'un des anciens commandants serbe de 26 ans de prison.

> La condamnation d'un soldat américain pour avoir l'abus d'utilisation des chiens pour la torture des prisonniers d'Abu Graib.

> L'annonce du verdict concernant le dossier de transfusion du virus de Sida à 400 nouveaux nés.

## PAGE14

### La sélection

Dr. Najafi Irandabadi.

"La sécurité privée" a un effet considérable dans l'empêchement des crimes.

Dans certains pays tels que les Etats Unis et le Canada le nombre de personnels travaillant dans les compagnies de la production ou de la vente est plus que le nombre d'employés de police, de juges de criminel et des unités de sécurité.

Ainsi les propriétaires des centres commerciaux, hôpitaux, bâtiments résidentiels s'informant de l'efficacité limitée de la police, se réfugient dans la sécurité privée.

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### La Note du Rédacteur en chef

Enfin après tous les efforts, la naissance de la police juridique n'a pas eu lieu et a été remplacée avec une forme de rang juridique par la force disciplinaire. On a supposé 800 employés assignés à cette affaire dont le premier cours de formation a eu lieu dans le département d'éducation de l'administration de justice de Téhéran. A cette occasion, la tête honorée de l'administration de justice a fait un discours digne de cette occasion dont nous déterminons quelques extraits dans ce numéro à la place de la note du rédacteur en chef.

## PAGE 6

### Une sélection des plus Définites Approbations Légales

> verdict numéro 361 daté du 27 août 2006 de la cour administrative de justice au sujet de l'annulation de la date du décès du premier note de la circulaire 24/1 de la sécurité sociale.  
> verdict numéro 365 daté du 27 août 2006

de la cour administrative de justice au sujet de l'annulation de la circulaire 18420/3/34/11731 daté du 9 fév. 1997 du ministère de l'intérieur.

> verdict numéro 374 datés du 27 août 2006 de la cour administrative de justice concernant le droit du fonctionnaire de recevoir pour les jours congés non utilisés, le salaire supplémentaire, l'allocation familiale et l'aide financière pour les individus qui ont une famille ou des personnes à charge.

> verdict numéro 359 daté du 27 août 2006 de la cour administrative de justice au sujet de l'identification de la santé des individus afin de les employer dans les unités publiques.

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### La Table ronde

Les questions suivantes ont été discutées dans la table ronde, la majorité des commissions ou l'unanimité des voix est comme la suite:

Question 365:

Y a-t-il la possibilité d'établir un mandat de détention et d'autres mandats d'attachement par les branches de punitions gouvernementales concernant l'article 16 du règlement exécutif de la loi gouvernementale de punition approuvée en 2000 par le Conseil des ministres ?

L'Opinion de l'unanimité des voix des membres de la commission courante en session datée du 31 août 2006 est comme la suite:

L'organisation gouvernementale de punition est compétente de faire les recherches selon les lois et les règlements suivants :

1. L'article de la loi d'amendement pour la loi gouvernementale de punition approuvée en 14 mars 1989.
2. La note de l'article 4 de la punition gouvernementale concernant la contrebande et la marchandise des produits approuvée en 2 mai 1995.
3. L'article 4 de l'instruction sur la manière d'investigation des marchandises approuvée en 30 mai 1995 par l'ordre judiciaire.

Question 366:

Le rassemblement de probables dommages au sujet d'établissement de l'injonction de visite ou de garde d'enfant concernant l'article 319 du code de procédure des cours publiques et révolutionnaires des affaires civiles, est-elle nécessaire?

L'Opinion de l'unanimité des voix des membres de la commission courante en session datée du 31 août 2006 est comme

la suite:

L'article 319 du code civil de procédure au sujet d'établissement de l'injonction rend la cour exposée à rassembler les dommages probables et son établissement dépend de la garantie confiée par le plaignant.

Question 367:

Dans l'article 17 de loi de passeport détermine que "selon les règles du règlement, le gouvernement a l'autorité d'empêcher l'établissement du passeport et la sortie des débiteurs d'impôts et de jugement et également la sortie des individus ayant des mandats d'exécution publié par des notaires publics". Question : Si le règlement mentionné ci-dessus n'est pas approuvé, la prétention de l'article mentionné ci-dessus sera-t-elle exécutable ?

L'Opinion de l'unanimité des voix des membres de la commission courante en session datée du 31 août 2006 est comme la suite:

Si selon une loi, l'exécution d'un article a été dépendue de l'approbation d'un règlement, l'exécution de la loi mentionnée ou l'article sera illégale.

Ainsi si le règlement exécutif de l'article 17 de la loi du passeport n'est pas approuvé, l'article mentionné ne peut pas être exécutable.

## PAGE 10

### L'Ordre des Cours Disciplinaires des Juges

Avertissements Disciplinaires.

> Numéro 261 de jugement daté du 16 septembre 2005, élaboré par la haute cour disciplinaire des juges : les règlements de l'article 262 de procédure des codes criminels n'est pas applicable pour les assistants du procureur public.

> Numéro 287 de jugement daté du 25 septembre 2006, élaboré par la haute cour disciplinaire des juges : la réclamation du contrefaçon d'un document doit être classifiée avec la mention de la cause autrement la cour ne prend pas la mesure en considération.

> Numéro 256 de jugement daté du 20 septembre 2006, élaboré par la haute cour disciplinaire des juges : "en ce qui concerne l'article 656 du code pénal islamique, limiter la conviction du voleur au paiement de l'amende d'argent et rejeter la plainte du plaignant au sujet de donner la propriété originale ou l'équivalent de la propriété ou le prix de la propriété volée est considérée comme une violation disciplinaire."

> Numéro 240 de jugement daté du 12

Reconstruction Manner of it approved on June 26, 2006 and its amendment in description of Single Article that was approved before Urban Lands Law that was approved on 1981 & 1987, the condition of ownership of individuals those were the owners of waste lands in the legal limit of cities based on former regime regulations, is determined. Also based on Article 6 of Urban Land Law approved Sep 13, 1981 "all of urban waste lands which control by individuals and public or private bodies, principally should be controlled by Islamic Republic and their former documents are valueless. Departments of Registration of Deeds and Real Estates bound to according to request of Ministry of Housing transfer their document to government unless the mentioned documents had been transferred to government from the date of Feb 11, 1989." Also the lands which transferred to individuals those are subject to Article 7 of Urban Land Law for the improvement, if they don't improve the mentioned lands within the time that determined by executive by-laws, those lands will be returned to government.

## PAGE19

### Writing Criticism of One Verdict

Mohammadreza Khosravi

I had heard that since first of year 2005 a plan has been suggested that with the help of it the Judges compete more together for issuance the firm & forcible verdicts as well as know the weak & strong points of verdicts, then by one way commend the issuer of elected verdicts. This plan has named "the festival of verdicts". Since the main objects of this plan is applicable to our objects that we follow in the name of "writing criticism of one verdict", so I decide to inform you of the conclusion of my studies in this field:

1-It is very commendable to take a decision for holding a festival to honor the issuer of elected verdicts.

2-Many of the 300 verdicts that were recommended as elected & admirable verdicts (from Mazandaran & Esfahan provinces) weren't so notable .

3-Evidently use of ponderous structures that aren't so necessary, have caused verdicts to be elected. However we should note that if a judge in issuance of one verdict instead of idiomatic phrase use of an unidiomatic phrase, not only he will not be commended, but also he should be punished.

4-At last, I ask you that is it deserve to celebrate for issuance of this kind of incorrect & messy verdicts?

## PAGE54

### Article

Legal Position of Nuclear Energy of the Islamic Republic of Iran in Review of Resolution 1696 of Security Council of the U.N. Organization By Reza Hamidzadeh – Judge of Justice Administration of Tehran holder of Master's Degree in International Law With respect to the resolution dated Aug. 11, 2005 of the Agency Governors' Council and Nuclear Weapons Expansion Prohibition Treaty and its attached Protocol, it shall be admitted that the Iran nuclear activities is according to the international regulations, and uranium enriching optional suspension recognized legal by Iran with non-binding explicitness, indicates that never Iran deviates to manufacturing nuclear weapons and taking action in the military phase during its nuclear activities. So Security Council, the Agency and the European countries cannot cause difficulty for Iran and its nuclear activities as per legal regulations, therefore, Iran should not give the work process of its nuclear activities to the other countries or contrary to the N.P.T. treaty, yield to the unlawful and illegal requests of the western governments.



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### Belgium

In this part, the following subjects are set forth:

Judicial Organization of Belgium

- Supreme Court

1) Public Prosecutor's Office of Supreme Court

2) Bar Association of Supreme Court

3) Branches of Supreme Court

4) General Meeting of Supreme Court

- Public Prosecutor's Offices

A) King & Public Prosecutor's Office

B) Federal Public Prosecutor's Office

- Types of Courts

A) Courts of First Instance

B) Courts of Appeal- Family Rights



## PAGE65

### The World Legal News

- DOJ (US Department of Justice) trying to block legal access to detainee who could disclose CIA techniques.

- Taiwan first lady indicted on corruption charges.

- Bosnia war crimes court sentences Serb commander to 26 years.

- US Army halts Iraq redeployment of Abu

Ghraib dog handler convicted of abuse.

- Libya AIDS trial verdict to be announced in December.

## PAGE59

### Article

Judicial Independence in the International Texts of Human Rights

By Human Rights Commission

One of the important achievements of the 7th congress of the U.N. Organization concerning prevention of crime and manner of treatment with the offender which held in Milan, Italy from Aug. 26 to Sept. 6, 1985, was adopting "fundamental principles about independence of judicial system". In the said resolution, the participants recommended the international, regional and national measures and requested from committee for prevention and control of crimes to study the effective execution of the mentioned recommendations as a priority.

## PAGE14

### Article

Dr.Najafi Irandabadi

"Private Security" has a considerable effect in preventing of crimes. In some countries such as America & Canada the personnel of security agencies and units as well as the personnel of companies that work in the fields of producing, selling, or installing the security equipment are more than the number of personnel of police, criminal judges & the personnel of prisons. When the owners of trade centers, hospitals, residential buildings, selling places, etc inform of police limited efficiency take refuge in private security. However the private security is not introduced thoroughly. At first we should review the nature, importance & efficiencies of this issue and then set about to the development of it.

## PAGE50

### Article

Overview of Saddam Hussein Trial and its Aspects

1-Events that took place before the trial

2-Saddam Hossein's charges and his accomplices

3-Existing witnesses against and for Saddam Hossein

4-Saddam Hossein's attorneys and his defences

5-Issuance the death sentences for Saddam Hossein and two of his accomplices

6- Reaction of legal expert and communities to death sentences of Saddam Hossein

7-Return of Saddam Hossein to court for investigating the Anfal case



of constitution rule of deliberate & being the cause is executable regarding government Essentially, people through a natural relation use of the government services and in many cases they can not inquire into the government activity, because on the one hand they haven't science ability and permission for research regarding the faultless of medicines, on the other hand socially this kind of research is not logic and also hasn't executive guarantee as well as in different political systems this issue is part of government duties and hasn't a special law. The law for duties and establishment of Ministry of Health and the law for medical & chemical affairs regulation approved June 19,2006 and the law for regulation of eatable & drinkable stuffs, sanitary substances and cosmetics approved 1955 and its amendment especially this social necessity is conceded in Article 1 & 2 of it. In principal No.173 of constitution of Iran this social logic is mentioned and also it is established the public organizations & institutions for looking into the grievances and investigate the performance of governmental offices with regard to duties mentioned in law and damages sustained by the people. If probably the public institutions committed to an offense in doing their duties, principal No.167 of constitution will be used as a supervisor and the Judiciary always protect of damaged people. The court view in area of citizenship rights and government civil liability in face of citizens became clear by Article 171 of Constitution, Articles 1,2,8,9,10 of Law of Torts, Article 9 of Civil Procedure Code approved 1911, Articles 212,207 & 208 of Penal Code, Article 58 of Islamic Penal Code, Article 13 of Cheque Law approved 1976 & others. Based on Social Security Act, securing the citizens cure security is among main duties of government.

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### Around the Table

The following questions were discussed in the around table, the commission majority or unanimity of votes are as follows:

**365- Is there possibility of issuance of writ of detention and other writs of attachment by governmental punishments branches concerning Article 16 of Executive By-Law of Governmental Punishment Law approved in 2000 by council of ministers?**

Opinion of the members of the current commission in the session dated Aug. 31, 2006 and Oct. 2, 2006

Governmental Punishment Organization is competent for investigation as per the following laws and regulations: 1. Single Article of Amendment Law for Governmental Punishment Law approved on Mar. 14, 1989 by Expediency Council approved on Oct. 11, 1994 by Expediency Council 2. Note of Article 4 of Governmental Punishment Exercising Manner about Goods and Foreign Currency Smuggling approved on May 2, 1995 by Expediency Council 3. Article 4 of Instruction of Investigating Manner of Goods Smuggling Cases and Subject of Note 1 of Article 4 of Governmental Punishment Exercising Manner about Goods and Foreign Currency Smuggling approved on May 30, 1995 by the Judiciary with the next amendment, with respect to the following cases, 50% of the members declare positive opinion. – (Pro): On the strength of the above legal articles and articles 7, 8 and 11 of Executive By-Law of Governmental Punishment Exercising Manner Law about Goods and Foreign Currency Smuggling approved on May 29, and June 19, 2000 by council of ministers, with next amendments, as in Articles 7 and 8 of Executive By-Law, Governmental Punishment Branches were named under title of courts, also by virtue of Article 11 of the said by-law, all the powers of the judicial authorities were given to the governmental punishment branches, therefore, mentioning the competent court in Article 16 of the by-law, include the governmental punishment branches, so issuance of detention writ and other writs of attachment will provide for the governmental punishment branches because as branches of this organization have power of investigation and rendering of judgment, they will have power of issuance of writ of attachment such as temporary detention writ due to fear of collusion and concealing the crime proofs. In the meantime, by virtue of verdict No. 439 dated Feb. 12, 2004 of General Board of Administrative Justice Court, Article 11 of the above by-law is not considered contrary to the law.

**366- Is collection of likely damage subject of Article 319 of Procedure Code of Public and Revolutionary Courts in Civil Affairs about issuance of injunction of visiting or custody of child, necessary?**

Opinion of the members of the current commission in the session dated Aug. 31, 2006 Article 319 of Civil Procedure Code concerning issuance of injunction makes court liable to collect the likely damage and its issuance depends on guarantee entrusting by the plaintiff. Now, regarding injunction, subject of question (Article 20 of the Protec-

tion of Family Act) is observance of Article 319 of Civil Procedure Code regarding collection of likely damage necessary or not? (Majority): The Protection of Family Act is a special act and has a protection aspect and Article 20 of this act which still remains in force, does not express any obligation for collection of likely damage for the court because visiting child and his (her) custody are the parents right and obligation and investigation of these issues is not subject to the formalities of Civil Procedure and collection of likely damage provides for the financial affairs. According to the above cases, it can be said that Article 20 of the mentioned law is not subject to regulations of Article 319 of Civil Procedure Code but if any damage has been sustained from viewpoint of the court, the court, by its recognition, can take necessary guarantee for issuance of injunction, subject of question.

**367- In Article 17 of Passport Law sets forth that "according to rules of by-law, the government have authority to prevent of issuance of passport and exit of tax debtors & judgment debtors as well as prevent of exit of individuals those writ of execution issued by notaries public against them and also offenders of carrying out of exchange obligations"**

Question: If the mentioned by-law not been approved, the purport of the above mentioned article will be executable?

Opinion of the member of current commission in the session dated Aug 13,2006 If according to one law, the executing of one Article has been depended on the approving of by-law, the executing of above mentioned law or Article will be illegal. So if the executive by-law of Article 17 of Passport Law was not been approved as well as order and rule of it not been determined, the mentioned Article is still defective & can not be executable.

**368- Is the Urban Land Commission authorized to determine & announce the lands which transferred to individuals and have precedent to governmental ownership, as Waste Lands?**

Opinion of the members of current commission in the session dated Nov 2,2006 Based on Principal 45 of Islamic Republic of Iran Constitution Spoils & Public wealth included of waste lands controls by Islamic Government to determine for those according to public interest. Also Based on Principal 47 of Constitution lawful private ownership is respected and rules of it will be determined by law. Concerning to above mentioned issues and Article 1 of Law for Cancellation of Urban Waste Lands Ownership &

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General Board of Administrative Justice Court concerning cancellation the date of death(March 21,2000)of Note (1)of circular No.24/1 of Social Security Organization(SSO) .  
 -Verdict No.365 dated Aug 27,2006 of General Board of Administrative Justice Court concerning cancellation the circular No.18420/3/34/11731 dated Feb 9,1997 of Ministry of the Interior.  
 -Verdict No,374 dated Aug 27,2006 of General Board of Administrative Justice Court concerning civil servant right for receiving the salary and allowance(extra payment) related to earned leaves that were not used included of right of children and financial help for the individuals that are in the state of being family man or having dependents.  
 -Verdict No.359 dated Aug 27,2006 of General Board of Administrative Justice Court concerning recognition the healthy of individuals in order to employ them in public units  
 -Verdicts No.429 dated Sep 10,2006 of General Board of Administrative Justice Court concerning executing the "Land Forms Act" for those lands that joined to the cities legitimate limit later.

concerning giving the original property or equivalent of the property or price of the stolen property is disciplinary violation."  
 \* Judgment No. 18 dated Apr. 23, 2004, drawn up by branch ... of Judges' Disciplinary High Court: "The mere statements of two witnesses without taking an oath and punishment explanation of perjury ... which the verdict has been based on it, is disciplinary violation."  
 \* Judgment No. 240 dated Sept. 12, 2006, drawn up by branch ... of Judges' Disciplinary High Court: "despite of access to the official expert, selection of non-official expert for performance of the expertise is disciplinary violation."  
 \* Quash of judgment of Judges' Disciplinary High Court concerning conviction of defendant judge to degradation of one judicial rank and its change to deduction of one-fifth of monthly salary for three months as described in Judgment No. 861 dated Aug. 26, 2006 of Judges' Disciplinary Appeals Supreme Board

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**Editor in Chief's Note**

At last revival of the judicial police did not result and disciplinary force was replaced by form of the judicial rank. It was supposed that 800 of employees of the disciplinary force are allocated to this affair that the first course of training the force was began in the Education Department of the Justice Administration of Tehran Province. At this session, the Honored Head of Justice Administration delivered a valuable speech and in this issue, this speech is set forth instead of the editor in chief's note.



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**Disciplinary Warnings**

\* Judgment No. 261 dated Sept. 16, 2005, drawn up by Branch ... of Judges' Disciplinary High Court: "Regulations of Article 262 of Criminal Procedure Codes and its Note is not applicable for the assistants to the public prosecutor's general".  
 \* Judgment No. 287 dated Sept. 25, 2006, drawn up by Branch ... of Judges' Disciplinary High Court: " Claim of forgery of a document shall be filed by mentioning reason otherwise the court does not take measure regarding it"  
 \* Judgment No. 257 dated Sept. 20, 2006, drawn up by branch No.... of Judges' Disciplinary High Court: "Investigation and rendering judgment concerning an action given to recover marriage portion, without issuance of decree of heirship, in case the defendant(s) does (do) not deny his (their) inheritance is not disciplinary violation."  
 \* Judgment No. 256 dated Sept. 20, 2006, drawn up by branch ... of Judges' Disciplinary High Court: "With respect to Article 656 of Islamic Penal Code, the thief's conviction limited to payment of cash fine as well as rejecting the complaint of the complainant



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**One Vote, One Experience**

One vote, one experience of this issue is regarding verdict of Hemofiliacs  
 Case,part one: Government civil liability toward citizens, specially in fields that government have a exclusive activity, is very tangible. This issue is so objective that can not be ignored by no means. Court believe that even if Law of Torts was not among the current laws of country, with depend on principles Nos.164,167,171& 40 of constitution ,the government civil liability is undeniable, especially at least while in the scope of government it deliver services in the fields of incumbency & economic activities. Some of Ayatollahs(high ranking Shiite clerics)in response to the question of one of the hemofiliacs that asked , "if in the result of improper in vitro and medical equipment in the medicine and transfusion of blood system, and carelessness of authorities in charge, illnesses transmitted to patient ,according to religious law government will be bound to pay compensation" said unanimously in their judgments that paying compensation is lawful. Honorable Leader of Islamic Revolution of Iran too in position of Shiite religious authority has said "it is all right to receiving the money as a compensation if it was based on regulations" Based on Articles 328 &335



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**A Selection of Latest Legal Approvals**

- Executive method of second chapter of instruction No.1 of comprehensive plan of removal of proceedings lengthening approved Oct 22,2006  
 "regulating the scope of power of attorneys and experts in settlement and arrangement" -Comprehensive law for controlling and national fighting against tobacco products Law for suggesting the proper of children of Iranian women who married with foreign men.  
 -Verdict No.361 dated Aug 27,2006 of

