



## Abstracts

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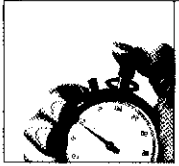
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مرکز تحقیقات کامپیوتری علوم اسلامی (نور) جهت ارائه مجلات عرضه شده در پایگاه، مجوز لازم را از صاحبان مجلات، دریافت نموده است، بر این اساس همه حقوق مادی برآمده از ورود اطلاعات مقالات، مجلات و تألیفات موجود در پایگاه، متعلق به "مرکز نور" می باشد. بنابر 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.



an intent for registration law but at last this law was approved and the properties registration became compulsory in 1931. So despite of this clear text in the registration law, there is no doubt for the courts concerning this issue...



**Timesharing**

Saeed shariati  
The Judiciary Jural  
Research Center  
Second Part

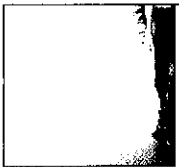
In the last issue, the concept of Timesharing, the subject of this article was set forth. In this issue we study the proofs of the provisional ownership deniers. The followings are mentioned in this issue:

First: Description of the Subject  
Second: Proofs of the Provisional Ownership Deniers: Six proofs are expressed concerning nullification and non-legitimacy of the provisional ownership. Out of these ones, two have philosophical aspect, two have jural aspect and two have legal aspect which are inserted respectively...

For identification with the real concept of the ownership, paying attention to the following affairs is necessary.

Each of these affairs is really indicative of one of the aspects of concept of ownership in the Islam...

With respect to the definition of ownership and its difference with proprietary dominion, we reply to the sixth proof of deniers of the provisional ownership.



**Thesis  
Prediction Ability  
of Damage in the  
Civil Liability**

Prepared by Majid  
Ghamami

Prediction ability of damage in the civil liability, as one of the fundamentals of the liability or one of the qualities of damage

which can be compensated, more or less has been accepted in all the legal systems or is subject at hand. Study of the different verdicts, clarifies two points... So, the main point of this theory can be expressed as follows: Civil ability, whether in general aspect which is made firm on the thought of fault, whether in particular and exceptional aspect which is mere and absolute, has root in social and civil ethic rules and is surrounded by the borders which are determined by this ethics. One of these borders is limitation of the ability by the expected results of the routine human behaviors. This limitation is revealed in the rule of "Prediction Ability of Damage in the Civil Liability" and this rule is a sign in the legal and ethic deep link.



**A selection of  
World Legal News**

1- Congo military court sentences 13 soldiers to life for Ituri war crimes 2- Nigeria VP indicted on corruption charges. 3- Chechnya torturing prisoners: Council of Europe rights chief 4- Former Liberia interim president charged with corruption. 5- Russian prosecutors to investigate bribery, extortion in traffic police. 6- US says would not extradite CIA agents to Italy. 7- Malawi VP pleads not guilty to treason, conspiring to murder president . 8- Japan high court rules schools can force teachers to play national anthem



**Foreign Part**

*Supervision Report of Human Rights  
Observance Quality in the Countries*  
[www.noormags.ir](http://www.noormags.ir)

*of Latin America (Period: Aug. 2005)  
Prepared by: Division of Foreign  
Supervision on Human Rights  
Observance – Latin America Section  
First Part*

**D**ivision of Foreign Supervision of Islamic Human Rights Commission engaged in supervision on the effective affairs of the human rights (deficiencies and violations and affairs related to improvement of the human rights) in the countries of the world five continents. The activity of division of foreign supervisions in the evaluation of these affairs includes 16 priorities: -Expansion of political-social and democratic partnership -Support of freedom of speech and cultural thought and rights of the society -Development of the rights of minorities including, religious, ethnical, language and racial -Support of the women and children rights -Support of the prisoners rights -Improvement of the judicial affairs and reinforcement of the neutral, independent and justice executive judicial system -Support of the workers rights -Support of the youth rights -Support of the healthy environment -Support of the society healthy -Support of the adults rights -Support of the invalids rights -Support of stable and multilateral economic development in the people's rights strengthening -Support of the rights of the refugees and emigrants -Support of the rights of human security and peace and terrorism control -Propagation of international humanitarian rights observance

expressed by honorable colleagues, verdicts of said board of arbitrator is not essentially objectionable

**373-Is the Article 547 of Islamic Penalty Law applied to the cases which during them a defendant escape at the time of dispatching to the public prosecutor's office or court or hospital?**

*Opinion of unanimity of votes of members of the current commission in the session dated Feb 8, 2007*  
With regard to exchange of views & above expressed reasons, if the prisoner escape at the cases which said in question, Article 547 of Islamic penalty Law will not apply to him.

**374- Should the rate of marriage portion, subject of clause 3 of Article 148 of the Law for Executing the Civil Judgments, be computed at the current price?**

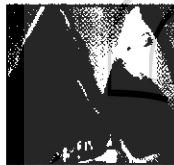
*Opinion of majority of votes of members of the current commission in the session dated Feb 8, 2007*  
The answer of this question is negative because generalizing the annexed note of Article 1082 of Civil Law to clause 3 of Article 148 of the Law for Executing the Civil Judgments is an expanded explanation of law and is contrary to the judicial principles, because paying the marriage portion is an exceptional judgment and in this regard should content to the letter of the said law. So woman's right of priority is about 20S(200000 R) which inserted in clause 3 of Article 148 of the Law for Executing the Civil Judgment.

**Writing Criticism of One Verdict**

*Mohammadreza Khosravi*

In this part, two verdicts have been mentioned, one of them

have been rendered by Tehran Public Court and the other by Court of Appeals of the Province, the followings are some of the criticisms have been set forth by the writer: Verdict of Tehran Public Court: 1. The defendants are four persons; sometimes all of them are mentioned, and sometimes the other names are added and they are omitted. 2. The sentences have no coherence and cohesion and punctuation rules have not been observed. 3. Two different relieves are mentioned for the verdict. 4. At the middle of the verdict, the relief of the plaintiff has been mentioned. Verdict of Court of Appeals of the Province: 1. There is no cohesion and coherence. 2. There is a dictation problem, which needs correction.



**Article**

**Investigation Procedure of Debt Exceptions (Property and Articles not Liable to Distrain for Debt) in Iran and Comparative Laws**

*Reza Shahhosseini – Chief Justice of Branch 2 of Varamin Court of Law*

**First Part**

In this article, it has been tried that the issues which are set forth about the debt exceptions in practice in the Iran Law, by emphasis on practice manner in the justice administration and a summary mentioning in the two non-justice administration authorities (Registration and Finance Departments) as well as a comparative study, are analyzed.

In the first section, discussions, competent authority, relying manner and investigation manner

of the debt exceptions are studied. At the end of first part, the competent authority that has competence for investigation of the issues in the debt exceptions is introduced.

Also "Manner of Relying on the Debt Exceptions" is reviewed at the second part. At the third part, investigation manner of the competent authority in the different stages of the executive operations that the subject of the parties dispute are occurred regarding the debt exceptions are mentioned.

In the second section, the discussion subject is type of decision of the competent authority, objection ability of this decision and the effects on the decision of the competent authority.

So from the beginning of the parties dispute setting forth regarding the debt exceptions (the competent authority) up to the end of it (effects of the executive operations), the issues mentioned, are studied in this article.



**Letter of Intent**

*Dr.kashani  
Second Part*

Letter on intent is not sale contract and in cases that the subject of contract is transfer of the registered property, drawing up the official deed is necessary. This subject can be inferred clearly from the text of Clause 1 of Article 46 and Articles 22 and 48 of Registration Law which is of Imperative Rules related to the public order and principally has been created for completion of the property disputes. Although at the beginning of establishment of Justice Administration in Iran, there was

► Judgment No 269 & 268 dated Sep 17 2006, drawn up by branch... of Judges' Disciplinary High Court, some of violations mentioned in this judgment are as: Making defendant understand the charge and obtaining of security of him without any reason; Recalling & arresting the defendant without any reason to indicate his charge; Lack of organizing a court session in the determined times; Lack of fair copy of verdict and lack of notify to the two sides.

► Judgment No 278 & 277 dated Oct 7 2006, drawn up by branch ...of Judges' Disciplinary High Court: Aggravation of penal security of the defendant after causing to understand the charge of relinquishment of maintenance because of that the compliance of wife was not ascertained, is violation.

► Judgment No 320 dated Oct 17 2006, drawn up by branch...of Judges' Disciplinary High Court: Arresting of the accused without any record of written recalling, following the accident of two cars that merely caused to damage and issuance of writ of pawn, it will be violation if the said accused be detained.

► Judgment No 267, dated Oct 7 2006, drawn up by branch ...of Judges' Disciplinary High Court: Issuance of undocumented verdict of defendant' conviction with the charge of forging document while the expert signed the said document blank that it conclude another penalty, is violation.



**One Vote,  
One Experience**

**Third Part**

Mr. Dr. Kheirabadi, as I/c of the mission dispatched to France for purchase of the second hand

refinery, while trying in description of the positive points of this purchase wrote on Oct. 13, 1997: "Due to the prohibition exercised by the legal institutions for providing the plasma products in the country (for lack of virus removing technology), these products are imported from the aboard. Now It can be said that about \$ 18,000,000/- of foreign currency is exited from the country for purchase of 3 types of the products from factor 8 and 9 of immunoglobulin and uses many subside in the country." So this reality was approved that the blood refinery had no virus removing technology and he took measure regarding this letter writing following to the order for closing the production line.

I/C of the corruption discovery department of police station in his report dated May 9, 1998 wrote to the former chief justice of branch 37 that: "The blood refinery has had no virus removing system and the reports to the government and economic council has been for purchase of virus removing system that authorization for tender leaving and budget allocation for it has been due to this purpose but based on the researches and the collected documents it has been clear that Dr. Kheirabadi and the mission have purchased production complete line equipment in which there is virus removing system."

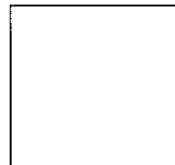
Masoud Saeidi, legal advisor of blood transfusion organization and the attorneys, while explicitly confirming that the refinery had no virus removing system, wrote: "Regarding the non-affixing label on the produced blood products vials of blood transfusion organization, there is no legal obligation in this regard as per the regulations."

Mr. Amini, director of investigation

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group of Ministry of Health & Medical Education in the General Inspectorate Organization, while directly specifying role of blood transfusion organization in import of the blood products during the years if 1981 to 1991 and non-performing virus removing in production of the coagulated factors of blood transfusion organization, denies the statements of the in charge persons of this organization...

Mr. Dr. Ramezanali Sharifian, head of Blood and Hemophilia Division of Imam Khomeini Hospital who is the main specialist of the country hemophilia states that: "A- There was no private or organizational interest in this regard... B- There was no intention in transfer of the pollution by the coagulated factors. C- The most imagination is that there was delay in virus removing system commissioning ..." Forensic medicine experts, after repeated investigation confirmed that Tehran blood refinery has had no ability for virus removing in relation with Hepatitis C.



**Around the Table**

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

**372- Verdicts rendered by stock exchange' s board of directors or board of arbitrators regarding to claims of individuals who sustained a damage, are objectionable in which source and within the what deadline?**

*Opinion of majority of votes of members of the current commission in the session dated Feb 8,2007*  
With regard to above well-documented reasons which



*In The name Of God*

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## Editor in Chief's Note

**P**oint in the initial verdicts and judgments of court of appeals

1. Request for distribution of legacy is not considered as action and its bringing has no special quality. According to Article 300 of Non-Litigious Jurisdiction Act, each of heirs can request from the court his inheritance portion distribution.
2. In the summons of rectify the defect, rate of stamp of the legal expenses and its payment to the related account should be inserted, if notice of the rectify the defect is issued without the said specifying, it has no legal effect.
3. A matter adjudged is for the judgments and some of the writs of the judicial authorities in the action affairs and the decisions made by the courts in the non-litigious affairs do not have such as validity.



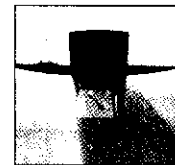
## A Selection of Latest Legal Approvals

**T**he law for amendment of Article 18 of the law of creating the Public & Revolutionary Courts

- ▶ The law for accession one Note to Article 336 of Civil Law approved 1929
- ▶ Article 40 of Law of Administrative Justice Court
- ▶ Amendment of Article 69 of By-Law of Execution of Official Deeds Contents
- ▶ Executive By-Law of Clause A of Article 131 of Law for 4<sup>th</sup> Plan of Economic, Social and Cultural Development of the Islamic Republic of Iran
- ▶ Verdict No. 609 of General Board of Administrative Justice Court regarding Office Deprivation Allowance

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- ▶ Verdict No. 651 of General Board of Administrative Justice Court regarding obligation of contractor for payment of his workers premium to the Social Security Organization
- ▶ Law for Amendment of Clause 2 of Article 27 of Elections Law of Islamic Consultative Assembly and Clause 2 of Article 36 of Elections Law of President of the Islamic Republic of Iran
- ▶ Verdicts Nos. 544 and 545 of General Board of Administrative Justice Court regarding entitlement of municipality for collection of charges from the manufacturing units outside of the legal limits of the cities
- ▶ Law for amendment of Clause 4 and Note 2 of Article 28 of Elections Law of the Islamic Republic of Iran approved in 1999
- ▶ Precedent Verdict of General Board of Supreme Court regarding competence of the board subject of Single Article of Lands, under Dispute, Suggesting the Proper Course



## Disciplinary Warnings

- ▶ Judgment No 385 dated Nov 14 2006, drawn up by branch... of Judges' Disciplinary High Court: Traverse of disciplinary indictment with regard to defenses of accused judge
- ▶ Judgment No 357 dated Nov 14 2006, drawn up by branch... of Judges' Disciplinary High Court: Issuance of verdict of acquittal of accused judge with regard to his defenses
- ▶ Judgment No 374 dated Oct 16 2006, drawn up by branch... of Judges' Disciplinary High Court: Disciplinary condemnation of interrogator because of arresting the defendant without sending a written recalling.