

The application of the principle of the prohibition of double punishment for offenses committed by Iranians abroad

Mostafa KARAMIPOUR (PH.D candidat of law Almustafa international university)

Adel SARIKHANI (Associat professor of law faculty of shahid Beheshti university)

Abstract

One of the most important rules in the international criminal law is the "Double jeopardy" which has been adopted in Iran with different approaches; So that the rule had accepted before the Islamic Revolution in Iran and then had been removed in the post-revolutionary law until 1392. The legislative authority, in the "Islamic Penal Code" which has been approved in 1392, accepted the "Double jeopardy" explicitly in the category of "Tazir offenses" which constits the major part of the crimes in the "Penal law" of Iran. Given the separation of "Tazir offenses" to the definite and the indefinite under Sharia Islamic law, it is important to apply the rule on sanctions of "Hadds", "Qisas" (retaliation), "Diyat" (weregild), and the definite "Tazir offenses"s under Sharia Islamic law. The current research, in addition to explaining this issue, studies the execution of sanctions under Sharia Islamic law against an Iranian criminal who has committed a crime abroad, adhere to all rules under Sharia Islamic law and retrial after he/ she returns to Iran.

Key Words:

Double jeopardy, sanctions under Sharia Islamic law, Hadds, Qisas (retaliation), the definite "Tazir offenses"s under Sharia Islamic law