

Mutual Assistance in Criminal Matters and Extradition in Iranian Criminal Law With Emphasis on Drug-Related Offences

By: Ardebili, M.A.

[Table of contents](#)
[Introduction](#)

Table of contents

Preface

Chapter one: Mutual Judicial Assistance

General Considerations

Part 1: Cases of Mutual Judicial Assistance

1. Taking testimony or explanations from individuals
2. Service of judicial documents
3. Investigative operations and attachment of property
4. Search of property and places
5. Preservation of evidence
6. Securing the documents, certified copies, and relevant records including banking, financial, corporate and trade records
7. Identification of origin or tracing the proceeds, property, instruments or other items for the purpose of proving a crime
8. Confiscation of proceeds, property, instruments and other items referred to in para. 1
9. Enforcement of awards
10. Transfer of prisoners
11. Transfer of proceedings

Part 2: Procedures of Mutual Assistance

1. Competent authorities for mutual judicial assistance
2. Requests for mutual assistance
 - a. Requirements of requests
 - b. Cases of non-compliance with the request
 - c. Postponement of compliance with the request
 - d. Costs of mutual assistance

Chapter two: Extradition

General Considerations

Part 1: Substantive rules of extradition

1. Rules relating to the crime
 - a. Principle of double accusation
 - b. Principle of non-extradition in cases of political crime
 - c. Principle of observance of human rights
 - d. Principle of non-extradition for military crimes
 - e. Amnesty and prescription
2. Jurisdiction of the requested country
3. Jurisdiction of the requesting country
4. Multiplicity of requests and conflict of jurisdictions
5. Principle of non-extradition of a country's nationals
6. Covered extradition

Part 2: Procedural rules of extradition

1. Requirements of request and its annexes
2. Arrest
3. Handing over the requested person
4. Postponement of extradition and temporary hand-over
5. Transit

Chapter 3: Extradition effects

1. Nullifying extradition
2. Principle of exclusiveness
3. Re-extradition

Conclusion

Bibliography

Introduction

Following the signing of NOROUZ Programme between the Government of I.R. of Iran and the United Nations International Drug Control Programme in mid 1999, four specialized Project Reviews Committees were established with the task to ensure the proper implementation of the four projects of the NOROUZ Programme in the areas of supply reduction, treatment and rehabilitation of drug abusers, legal development, and drug abuse primary prevention.

The Project Review Committee of the DCHQ- UNDCP Legal Assistance Project (LAS PRC) was established with the objective of assisting national competent authorities and affiliated organizations in improving the anti-narcotics laws, filling the existing legal gaps in accordance with international regulations, and improving their overall efficiency and skillfulness in the areas of drug related crimes, as well as in increasing the capabilities of Iran in the areas of extradition, mutual assistance, controlled delivery, etc. The Committee intends to accomplish its work plan by using the abilities of universities and attracting the experts in executing organizations.

One of the priorities of the LAS project and its PRC Committee was identified as “making the national laws compatible with the international regulations and finding the loopholes, and cases of vagueness, preparing and drafting the necessary regulations”. In this respect, the LAS Project subcontracted to well known national scientific and university centers the carrying out of different research projects such as “laundering of illegal proceeds”, “mutual legal assistance”, “extradition of drug related offenders”, “alternative to imprisonment and other substitute penalties for drug related crimes ”. Considering high quality of the research paper presented to the LAS PRC and the importance of their findings within the context of the national and international debate on how to better fight the drug scourge, the LAS PRC considered their publishing as an additional due contribution to the fight against drug.

The present volume deals with the topic of mutual legal assistance and extradition of drug related offenders by reviewing and comparing laws and practical experiences worldwide. The study was executed by the Dr. Mohammad Ali Ardebili, Professor at the Faculty of Law, University of Shahid Beheshti.

We trust that the readers of this volume will certainly take advantage of its exhaustive contents, its scientific approach, and its well-balanced suggestions of criminal policy.