



*Embassy of the
Islamic Republic of Iran
Copenhagen*

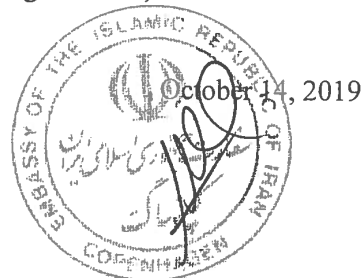
In the Name of God

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The Embassy of the Islamic Republic of Iran in Copenhagen presents its compliments to the Protocol Department, Royal Danish Ministry of Foreign Affairs and has the honour to present, as enclosed, material – Directive for Safeguarding Human Dignity and Inherent Values in the Judiciary – issued by the Judiciary Branch of the Islamic Republic of Iran.

This Embassy requests the material be made available to pertinent Danish authorities, including legal department at the Ministry, Parliamentarians, and the Ministry of Justice for a better understanding of the steps taken to safeguard human dignity in judicial proceedings in Iran.

The Embassy of the Islamic Republic of Iran in Copenhagen avails itself of the opportunity to renew to the Protocol Department, Royal Danish Ministry of Foreign Affairs, the assurances of its highest consideration.



Cc:

- Ministry of Justice
- General Prosecutor's Office
- The Parliamentary Ombudsman
- Judicial Committee, Folketinget

Directive for Safeguarding Human Dignity and Inherent Values in the Judiciary

Considering the tenets of Islam in safeguarding the human dignity;

Taking into account the rights of the nation stipulated in the 'Chapter III' of the Constitution of the Islamic Republic of Iran;

Fulfilling 'Section XI' of Judiciary Grand Policy decreed by Iran's Supreme Leader on November 23rd, 2009 regarding "required measures for shortening trial proceedings for fast and easy access to judicial authorities in order to realize citizens' rights";

Considering Article 113 of Iran's sixth Economic, Social and Cultural Development Plan (2016) which assigns the Judiciary to increase accuracy and speed in delivering judicial services in order to realize judicial justice and revive public rights, and augment the quality and shorten the trial proceedings to create equal opportunity for people's access to judicial services;

Taking into account the Article 25 of Civil Service Management (2007) which assigns directors and staff of the national executive agencies to observe Islamic and administrative ethics and fulfil their duties in the best possible way to deliver service to the people and observing their legal rights;

Striving to improve the virtue, dignity, and status of the judicial and administrative staff of the Judiciary and the service delivered to them;

Taking into consideration the relevant rules and regulations namely, 'Respect to Legitimate Freedoms' Law, 'Safeguarding Citizen Rights' (2004) and 'Supervision over Judges' Behavior' Law (2011);

The Judiciary of the Islamic Republic of Iran has issued the 'Directive for Safeguarding Human Dignity and Values in the Judiciary' in five chapters, thirty-three articles and eight notes.

Chapter I. General Principles

Article 1. Terms

- A. Directive: Directive for Safeguarding Human Dignity and Values in the Judiciary;
- B. Concerned agencies: Judicial authorities and ad hoc divisions; Judiciary's deputies, centers and affiliated organizations; dispute settlement councils; offices for judicial e-services; notary public offices; marriage and divorce registration offices;

- C. Staff: All persons assigned to do functions in the Judiciary and in the entire employment levels either official or other ones.
- D. Client: A person referring to either concerned agencies personally or virtually in order to receive services within the Judiciary's functions under his/her authority or due to legal requirements;
- E. Criminal Procedure Code: Criminal Procedure Code (2013) with amendments and subsequent attachments;
- F. Islamic Penal Code: Islamic Penal Code (2013);
- G. Plan Law: the sixth five-term Economic, Social and Cultural Development Plan of the Islamic Republic of Iran (2016).

Article2. The Directive is based on related rules and regulations, Islamic values and principles of the Constitution including rule of law, zero discrimination policy, preservation of human virtue and dignity, access to information, freedom and security of people, as well as speed, accuracy and continuation of service delivery, maintaining judicial independence and improvement of staff status, decisions, processes and functions.

Article3. Directive's Objectives

- A. Attempting to observe human dignity and extending justice and legitimate freedoms;
- B. Enhancing effectiveness and accountability of concerned agencies and staff to clients;
- C. Increasing clients' satisfaction with the functions and performances of the concerned agencies and staff;
- D. Monitoring and assessing the quality and quantity of service delivery in concerned agencies with the purpose of revising and enhancing service delivery;
- E. Raising people's legal awareness;
- F. Maintaining Judges' independence and enhancing staff's status and dignity.

Chapter II. Fair trial and Means for its Ensuring

Article4. In Iran's judicial system, fair trial is based on numerous principles of the Iran's Constitution including Articles 19, 20, 22, 32, 34-39, 165-169 and other rules and regulations and in that regard, the judicial agencies are obliged to meet legal regulations namely public trial, legality of crime and punishment, people's equality before law and zero discrimination policy, prohibition of Arbitrary Detention briefing the accused about the charge, immediate trial and access to lawyer, presumption of Innocence no torture for the purpose of confession, rights to petition, judicial authority's independence and neutrality, equality in pleading, compatibility and protection of human dignity, preservation of human virtue as well as safeguarding one's life, assets, rights, housing and job in the entire trial proceeding.

Article5. Subject to Article 165 of Iran's Constitution on public trial and in regard to meeting public opinions and providing information about proceedings for vital cases, especially those may relate to the public rights, the concerned agencies are obliged to carry out the following measures, depending on their activities:

- A. Laying the grounds for the people's presence, and the press in particular, in court hearings with respect to Article 165 of Iran's Constitution, Section 6 of the Article 6 of Press Law (2000) and provisions 352, 353, 400 and 413 of the Criminal Procedure Code and providing a proper place for holding court hearings;
- B. Public accessibility to verdicts issued by the judicial authorities via uploading them in the Database of the Judiciary's Research Center, by cooperating with the Judiciary's Center for Statistics and IT and also observing the principle of confidentiality in regards to people's reputation;
- C. Immediate release of the final verdict for crimes stipulated in Article 36 of the Islamic Penal Code in the Islamic Republic of Iran's Broadcasting (IRIB) or one of the mass-circulated dailies as well as release of the final verdict stipulated in the outset of this Article in one of the local dailies, in case it may not disturb the public order or security.
- D. Holding regular sessions from the Judiciary's spokesperson with the press and disseminating information about cases and other Judiciary's news along with improving and enhancing the process for information dissemination in a way that does not disturb the hearing proceeding and the principle of neutrality;
- E. Releasing the Judiciary's annual activities, especially information about functions, structures, procedures and steps for delivering service to the public as well as public complaints of the concerned agencies' decisions or actions in line with the decree stipulated in Article 10 of the 'Freedom of Information Access' Law (2009) and Chapter IV of the aforementioned Law.

Article6. Subject to Articles 36 and 37 of Iran's Constitution and the Code of Criminal Procedure regarding the legality of the crime, punishment and the presumption of innocence, the judicial authorities are obliged to meet the following provisions:

- A. No summoning or capture of individuals without the existence or availability of the evidence and/or indications for their alleged crimes;
- B. No temporary detention extension with the purpose of collecting evidence in order to attribute an offence to an accused;
- C. Briefing the accused at the earliest possible time, in case of attributionality of the offence to the accused.
- D. Acceleration and facilitation of the bail acceptance or bailsmen introduced by the accused under the quia timet bills.

Article7. Subject to Article 32 of the Iran's Constitution about prevention from arbitrary detentions, the judicial authorities are obliged to carry out the following measures:

- A. Establishing 'Office of Accused and Convicted' in office of the public prosecutor and regional court with observing regulations for e-trial (in line with Article 49 of Code of Criminal Procedure) in order to register information of these individuals on a daily basis, follow up their situations and updating their families on their wellbeing;
- B. Appointing deputy judge, solicitor-general and/or special magistrate supervising law enforcement officers (in case of necessity) by the prosecutor or the chief of regional judiciary for constant and impromptu visit to the detention centers and police stations on a 24/7 basis, with the purpose of monitoring the function of law enforcement officers, following up the situation of the accused and providing prosecutor or chief of regional judiciary with visit report;
- C. Prosecutors' and judges' constant visiting of the detention centers and the 'Juvenile Correction and Rehabilitation Center' at least every 15 days and meeting with the accused and convicted persons, particularly those who are about to be put into jail and hearing their statements as well as issuing required judicial orders;
- D. Refraining from keeping the accused persons in the detention centers of the police stations for more than 24 hours;
- E. Refraining from sending the juvenile accused to detention centers and immediately introducing them to courts or juvenile courts, in line with Note 2, Article 285 of Code of Criminal Procedure; unless they may commit a serious crime namely murder, organized crimes and armed robbery;
- F. Refraining from issuing temporary detention orders; unless for crimes stipulated in Article 237 Code of Criminal Procedure, with meeting criteria stated in Article 238 of the Code of Criminal Procedure or other declared issues in specific laws;
- G. Notifying prosecutors or chief of regional judiciary for temporary detention order which will end up to detention;
- H. Refraining from issuing general and vague orders with respect to complaint notes or cases which are sent to the police station or Iranian Police Criminal Investigation Department; necessity of transparent indication of judicial orders and determination of the law enforcement officers' terms of reference;
- I. Refraining from issuing orders or general/unlimited permissions for executing case-by-case projects by the law enforcement officers; necessity of pre-trainings for the law enforcement officers and supervision over the good performance of these projects;

Note1. Regarding the Sec. A of this Article, the justice courts are obliged to provide reports about the detention cases for the courts' Office of Accused and Convicted at most until the end of every workday.

Note2. Besides the deputy or jurist consult for the law enforcement related to Sec. B of this Article, the prosecutor is obliged to constantly and unexpectedly visit police stations and detention centers and issue required judicial orders through pursuing the quality and the situation of the arrested accused and hearing their statements.

Article8. Implementing article 38 of the Constitution of the Islamic Republic of Iran that forbids torture in order to obtain confession or information, the judicial authorities are obliged to observe the following:

- A. Prohibition of Issuance of any oral or written order addressed to law enforcement officers that implies illegal means of investigation that would cause physical or mental harm to the detainee;
- B. Hearing and writing the statements of the accused alleging physical or mental torture must be done by solicitor general or special magistrate supervising law enforcement officers, and bringing the accused to forensic medicine and sending the report to the prosecutor;

Note1. Concerning the order specified in Clause A, the prosecutor is obliged to prosecute the perpetrator, whether they are agents or principals, and submit the respective report to the office of the Public Prosecutor or supervisory and inspection agencies associated with law enforcement officers.

Note2. Concerning the order specified in Clause B, in case there is a possibility that the alleged torture leads to pardon or drop of the case, the deputy or special magistrate supervising law enforcement officers shall order and pursue the transfer of the accused to another detention center.

Article9. Implementing Article 39 of the Constitution of the Islamic Republic of Iran that prohibits violation against the honor and dignity of any person who is legally arrested, detained, imprisoned, or sent into exile, the judicial authorities shall observe the following:

- A. Restrain from any type of treatment which degrades and causes the defendants or convicts any physical or mental harm.
- B. Restrain from any type of illegal treatment, such as head shaving, using leg cuffs, blindfolding, covering the face, sitting behind the defendant, or his/her transfer to unknown places by judicial authorities during interrogation;
- C. Restrain from inspecting documents or objects irrelevant to the attributed crime or the belongings of a third party, as well as disclosure of the content of the documents, writings, images, and family videos of the defendants or convicts, or their storage and copying; unless there is a judicial order in line with the discovery of the attributed crime.

Article10. In order to comply with the principle of independence and impartiality, the staff shall refrain from any conduct that promotes suspicion of taking side with one party, including the following:

- A. Conducting abnormal personal communication with lawyers and legal experts such as attending their offices;
- B. Introducing a lawyer or juris consult to a client or recommending them a lawyer;
- C. Communicating with either party to the case or their intermediaries and relatives;

- D. Accepting judicial or administrative requests outside the administrative environment, unless it is required by law;
- E. Conducting activities involving intermediation, dealership, or other abnormal businesses;
- F. Requiring or obtaining any illegal or abnormal privilege or profit from governmental agencies and public and non-governmental organizations and institutions, and generally from natural or legal persons whose lawsuits, for or against them, are ongoing in judiciary departments, or there is a strong suspicion of filing a lawsuit associated with them;
- G. Interference and partiality in political, factional, party, organizational, electoral, and union disputes and any formal comments on their disputed issues;
- H. Any comment on the nature of the lawsuit before the final court order, particularly by press interview announcing information about cases in a manner that expresses the judge's tendency, willingness, or determination toward the nature or content of the final decision;

Note. The prohibition specified in Clause G of this article also addresses the statements of spokesmen and other judicial officials.

Article11. In order to maintain the dignity and honor of the client, the staff are obliged to observe the following:

- A. Politeness and human values in dealing with the client;
- B. Maintaining the dignity and honor and privacy of the client;
- C. Protecting confidentiality and contents of the case;
- D. Being responsive toward the client after identifying him/her;
- E. Refraining from installing any sign or written texts that threaten punishment in case of insulting the employees;
- F. Observing Islamic ethics and standards in behaving with women.

Article12. In order to maintain the dignity and honor of the client, the following shall be observed:

- A. If possible, using undercover and electronic surveillance equipment instead of physical inspection, unless in sensitive cases and instances without alternative;
- B. Training physical-protection officers on appropriate inspection procedures;
- C. Removing unnecessary inspection;
- D. Refraining from physical inspections in case the person is not wearing clothes, or inspecting the internal body parts of defendants and convicts, unless it is required, and if it is, it must be carried out by trained staff of the same sex;

- E. Informing clients of permitted and prohibited items carried by them and anticipating safe and cost-free facilities and safe boxes for their belongings.

Article13. In order to maintain the dignity of and honor of the lawyers, juris consults and experts upon attending judiciary meetings, as far as possible, physical inspection instead of electronic equipment shall be prohibited.

Article14. Agencies subject to the Directive, particularly the judicial departments, are required to provide appropriate facilities for lawyers, their conversation and meetings with their clients.

Article15. In accordance with preserving the security and freedom of citizens, and rapid, accurate, service delivery with consistency, the subjected agencies shall comply with the following:

- A. The presence of judicial and administrative staff in non-working hours and holidays at judicial departments;
- B. Refraining from sending a defendant to jail before the end of the official working hours while he/she is ready to deposit a bail or a nominated trustee.
- C. Launching an online electronic system aimed at accelerating the assessment and confiscating property in cooperation with the Association of Official Experts of Judiciary System and the State Organization or Registration of Deeds and Landed Properties;

Note. Concerning the order specified in Clause B of this Article, the hearing judge is also obliged to decide on the nominated trustee or bail outside working hours or to provide the on-call judge with the relevant documents for legal action.

Chapter III. Methods of Providing Services in Concerned Agencies

Article16. In order to respect clients and improve the services, the following shall be observed by the concerned agencies:

- A. Avoiding the creation or development of unnecessary administrative procedures and formalities;
- B. Centralizing the areas allocated to the interconnected administrative units;
- C. Centralizing the administrative processes of each service;
- D. Developing or improving the office automation system (electronic network system);
- E. Using electronic and mechanized methods and minimizing the need for presence in order to provide assistance for the clients;
- F. Obtaining clients' suggestions, views, criticism and complaints by installing suggestion boxes in waiting places, using telephone and computer systems, distributing survey

worksheets about employees' performance, and collecting and using its results in order to improve the processes and encourage or punish the employees;

- G. Designing and setting up a comprehensive system for receiving suggestions and criticisms and anticipating the capacities for clients' responsiveness, information, communication and scoring the performance of each employee and sending documents of employees' violations to relevant officials;
- H. Launching the IVR system;
- I. Installing information boards at the entrance of buildings and floors to introduce sectors of the concerned agencies and use electronic equipment to guide the clients;
- J. Inserting the job description summary and outline of the main duties of employees at their place of residence;
- K. Allocating days or hours for managers' direct and indirect communication with clients and follow-up of their requests;
- L. Observance of employees' working hours and their full-time presence at their workplaces, and not leaving their workplace unless they are off or on a tour of duty, provided that an alternative cleric is chosen to respond to clients instead;
- M. Avoiding doing personal affairs in the presence of clients and generally during office hours;
- N. Taking measures to prevent clients' loss of their objects or documents or the disclosure of their personal information;
- O. Avoiding electronic surveillance contrary to the privacy of clients, unless required by law;
- P. Avoiding considering a new time for proceedings if the judge is off or on a tour of duty, and the need to refer the case to another judge;
- Q. Making the most use of the capacity of electronic equipment to carry out communication and inquiries and refrain from using paper in communications;
- R. Performing religious duties in the predetermined time in order not to delay the provision of services to clients;
- S. Allocating appropriate space and waiting time for clients and providing and installing essential equipment such as adequate chairs, heating and cooling apparatus, drinkable water, proper WCs, and facilitating access to the prayer room;
- T. Cleaning the office space continuously;
- U. Installing ATMs and, if required, using the queue management system and equipment, and developing a bank branch where necessary;
- V. Predicting and providing easy and low-cost access of clients to the concerned agencies through coordination with local officials and urban transport management;

- W. Designing and adapting places for the elderly and disabled and expediting and prioritizing the provision of services to them;
- X. Allocating appropriate space with facilities and educators for children and adolescents in family courts to prevent them from entering and passing through the courts, and allocating this place in other judicial places where necessary;
- Y. Developing judicial guidance and assistance units;
- Z. Developing or strengthening offices for the protection of women and children;
- AA. Strengthening electronic system infrastructure to facilitate access to the systems and removing related problems in the shortest time possible.

Article17. In accordance with the Executive Regulation of the Developing of Judicial Electronic Service Offices and their Centers adopted in 2017, the Statistics and Information Technology Center of the Judiciary must continuously monitor the performance of these Offices and the Judicial Electronic Service Office Center and is responsible for their quantitative and qualitative evaluation, reconsideration of the offices' standards in terms of facilities and amenities, and responsiveness to clients. It is necessary for lower and appeals courts to speed up the process of investigating the violations of these offices.

Article18. The Vice President Department of Human Resources of the Judiciary is required to:

- A. Hold continuous training courses and workshops of social skills, esp. communication skills, creative thinking, and stress and emotion management courses for employees to enhance their ability to meet challenges and develop and improve their life skills, and monitor and evaluate these courses and workshops;
- B. Hold in-service training courses to enhance the staff's level of knowledge and efficiency, esp. the staff of courts and tribunals and judicial members of commissions and boards;
- C. Avoiding the use of corporate employees, daily-wage employees, employees of the Dispute Settlement Council and the like in judicial positions without relevant training courses;

Note. The results of the courses and workshops subject to this Article shall be considered in employees' promotion and appointment and extension of their employment contracts.

Article19. The Prosecutor General of the State shall, within three months of the date of notification of this directive, formulate a procedure for regulating prisoners' leave of absence in accordance with the rules and regulations in order to prevent the infringement of their rights and submit them to the Head of the Judiciary for approval.

Article20. The Prisons Organization's duties include the following:

- A. Providing facilities for the development of criminal warrant execution deputies in prisons and cooperating with their staff in accordance with Note 2 of Article 484 of the

Criminal Procedure Code and executive regulations concerning the development of the criminal warrant execution deputy or a branch of it in prisons and criminal institutions adopted in 2016;

- B. Submitting reports to the Prosecutor General's Office every three months on the number and personal information of defendants under the quia timet bills in each court by announcing the type of their offense and the authority issuing them;
- C. Striving to maintain the mental and physical health of prisoners during detention or imprisonment and to facilitate their access to health and medical centers;
- D. Providing prisoners with access to mass media such as radio, television and highly circulated newspapers;
- E. Instantly reporting the deaths of prisoners to relevant judicial authorities, referring it to the Legal Medicine Organization and informing their families or relatives;
- F. Avoiding the requirement of female inmates to wear chador when attending judicial authorities, and avoiding the requirement for prisoners of political and press offenses to wear prison clothes;
- G. Completely and promptly executing the plan to separate and classify accused and convicted prisoners;
- H. Avoiding any obstacle or delay in prisoners' visit except by judicial order and after informing the visitors.

Article21. The Statistics and Information Technology Center of the Judiciary, with the cooperation of the Security and Information Center of that power, shall be required to accelerate designing and implementing an Efficient Inspection System implementation in accordance with Clause (B) of Article 116 of the law to detect staff violations and deal with offenders promptly.

Article22. In order to execute Article 23 of the Regulations of Criminal Records law adopted in 2005 with its subsequent amendments, and take preventive measures against the causes of crimes, the General Administration of Criminal Records and Amnesty of the Judiciary shall classify the offenses in terms of their types and causes, criminals' age, gender, family status, economic status, educational level and the like, and report it to the head of the Judiciary and other relevant departments.

Chapter IV. Monitoring and Evaluating Employees and Maintaining Their Human Dignity and Values

Article23. Managers of the concerned agencies must have weekly and unannounced inspections of the departments, seek the clients' views on the services and consider them in their subsequent decisions.

Article24. Managers of the concerned agencies shall be required, with the cooperation of supervisory authorities such as the High Disciplinary Court of Judges and the Security and

Information Center of the Judiciary, to evaluate the performance of each staff member at the end of each season according to the following criteria and consider its results in their promotion, appointment, extension of employment contracts, and encouragements:

- A. Punctuality, order and readiness to provide service to clients;
- B. Observance of courtesy, justice and equity in services;
- C. Acceptance of responsibility, honesty, trustworthiness and interest in work, and motivation to perform the assigned tasks properly;
- D. The spirit of partnership and cooperation with colleagues;
- E. Self-control skill and patience;
- F. Conscientiousness;
- G. Ability to interact with clients;
- H. The quality and quantity of services;
- I. Ability to consult with others;
- J. Courage and independence in decision-making, and not being influenced by others;
- K. Adherence to client confidentiality;
- L. Being knowledgeable and in tune with recent developments;
- M. Accuracy and speed in doing tasks;
- N. Tendency to use latest technologies regarding IT;
- O. Creativity and innovation;
- P. Being well trimmed and wearing suitable clothes;

Article25. Managers of the concerned agencies shall, in accordance with the provisions of the preceding article, provide the grounds for surveying clients on employee performance. The results of these surveys shall be included in the employees' annual performance appraisal.

Note: To increase surveillance and promote public surveillance, the concerned agencies shall cooperate with institutions such as the Center for Enjoining Good and Forbidding Wrong, Basij, congregational imams and trustees.

Article26. Managers of the concerned agencies shall, based on the appraisal results, introduce at most three employees who have received the highest points at the end of each season to encourage based on the available resources and facilities, by giving them certificates of appreciation, including them in their records, and pay appropriate remuneration to them.

Article27. The Human Resources Deputy of the Judiciary shall, based on the results of the appraisals, introduce a number of judicial and administrative employees to the head of the Judiciary for encouragement, as follows:

- A. Forwarding their Promotion for one year
- B. Granting incentive promotion;
- C. Appointment to a higher organizational position;
- D. Certificate of appreciation from the Head of the Judiciary.

Article28. The supervisory authorities and administrators of the concerned agencies shall, based on the results of the appreciation, report any possible crimes or violations to the Judicial Authority, the High Disciplinary Court of Judges or the Boards of Settlement of Administrative Offences, depending on the case.

Article29. If any of the concerned agencies are evaluated poorly in the surveys, its manager shall be called upon to explain the matter and receive the necessary guidance to change the methods and remove the obstacles.

Article30. In order to maintain the human dignity and values of the staff, the managers of the concerned agencies shall consider the following:

- A. Avoiding unfair treatment of employees;
- B. Striving to maintain the health and well-being of employees and to provide them with a minimum subsistence;
- C. Eliminating unjustified discrimination in their appointments and change of positions;
- D. Developing a fair pay and compensation system by emphasizing such components as good performance, empowerment, status and job characteristics in accordance with the laws and regulations.
- E. Removing any possible disruptions in the provision of services and developing justice in matters such as job promotion or geographical shifting of the employees' workplaces.
- F. Allocating specific days or hours to meeting staff and trying to solve their problems and follow up their affairs.
- G. Paving the way for receiving suggestions, initiatives and requests from the staff and anticipating their capacity for receiving response and sharing information.

Chapter V. Miscellaneous

Article31. Strategic, Financial, Support and Development Deputy Heads of the Judiciary are required to allocate the necessary funds and credits from the approved budget and prepare and supply the required equipment and perform the tasks set out in the Directive.

Article32. The Deputy Heads of the Judiciary, the Head of the Security and Information Center of the Judiciary, the heads of Supreme Court and the Administrative Justice Court, the Prosecutor General, the prosecutor of the High Disciplinary Court of Judges, the Heads of the Organizations Affiliated to the Judiciary, and the Heads of the Courts of Provinces shall strive to execute the provisions of this regulation, monitor the quality of its implementation, and submit the relevant report together with corrective suggestions to the first deputy of the Judiciary at the end of each season. The first deputy shall sum up the reports and present them to the Head of the Judiciary at the end of the year.

Article33. This directive consists of five chapters, thirty-three articles and eight notes, and was approved by the Head of the Judiciary on 13.07.2019 and shall be enforceable from the date of notification.
