

In the Name of the One,
whom Taught the Soul to Think

Editorial

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It is my honor as the Editor-in-Chief of the Journal of Islamic Studies on Human Rights and Democracy (IHRD) to present the third volume of the Journal to the academics who are interested in topics related to human rights law, especially from the perspective of Islam. Along with its main objectives and scope, the Journal covers the views of researchers from Islamic countries towards Human Rights.

In line with its main objective to promote human rights notions and theories, the Journal seeks to promote awareness and knowledge on matters of human rights law, peace and democracy within Iran. While the Journal's main focus is on academic subjects, it also covers the wider human rights practices and approaches, including concerned with law, policy, and fieldwork, at national, regional and international levels.

Within the present volume, the thematic section of the Journal includes four articles from Islamic scholars on the subject of political crime and its related aspects containing historical background, the genesis of the concept in Iranian legal system, typology of reactions to political crime and other connected issues.

Undoubtedly avoidance of arbitrariness necessitates the rule of law to set forth the limitations/powers of the elected and non-elected governmental bodies, also to restrain the attacks against security and public order by arbitrary non-governmental groups and individuals. Within Iranian legal system which is based on the Sharia law and the teachings of Islamic jurists, the notion of political crime is rarely examined, though exploration of political offenses various aspects is one of the main instruments to comprehend the process of criminal justice system in Iran, a system that defines the crimes, determines the culprit, and rules the just punishment based of the facts and merits of each case. Political crimes are commonly understood as the acts or omissions which impair the state political interests. Historically, various criminal acts are considered to be political offences such as treason. The thematic part of the present volume brings to focus the issue of political crime from the viewpoint of Iranian scholars.

The first article titled "The Emergence of Political Crime Concept" provides a brief but inclusive historical background of the evolution of political crime, the manner in which the political criminals were treated and punished by the authorities and the current approaches taken by states towards it in a historical from the formation of the first human societies. It draws a historical picture on the factors and the approach taken in various national legal systems to deal with this specific crime which relates mainly to the protection sphere provided for the sovereign.

The second article titled "The Islamic Concept of Political Crime and the Jury in Iran" deals with the concept of political crime from a historical perspective to its formation and transformation, mainly the era prior to the adoption of the Bill Defining 'Political Crimes' on January 24, 2016 by the Islamic Consultative Assembly (the Iran's Parliament).

The third article titled "A Glance at Political Crime" examines the ambiguity surrounding the definition of political crime, also the criteria to define a comprehensive definition. Then, it provides an all-inclusive but brief analysis of the background of political crime in Iran legal system, with an emphasis on the most striking features of Iran's Penal Code as adopted in 2016.

The fourth article titled "The Typology of the Reaction of Islamic Government to Political Crimes" explores the relation between the political crime and the tradition of Islamic jurisprudence (*Fiqh*) as a significant issue after the victory of Islamic Revolution in 1979 and the adoption of the Constitution of Islamic Republic of Iran.



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It deals with the concept of political crime by investigating into two various sets of thoughts on political crime, on the one hand, some scholars have ascribed the political crime to the well-known Islamic jurisprudential concepts of Islamic prescribed punishment (*Hudud*) and discretionary punishment (*Tazirat*), while on the other hand, the others have opposed to the recognition of political crime through this kind of ascription to the rules of Islamic prescribed punishment and foreseeable overlapping issues. Within this paper these Islamic jurisprudential thoughts are examined by the author through exploring the concept of political crime while bearing in mind the fact of presence of various ethnic and religious groups and minorities in Iran, as the social, political and historical context of the present research.

The second part of the present volume –the non-thematic part- is centralized on other issues relevant to the scope and aims of the Journal.

The fifth article titled “Protecting Victims of Terrorism as a Social Concern: With a View to International and Regional Developments” investigates terrorism as one of the most serious global issues from the standpoint of victimology and legal/social protections provided by the policymakers within UN system and European regional initiatives. The author explores the case of ISIS, to provide the solid base for legal arguments for protecting the rights of victims of terrorism based on the common protection-oriented stance of criminologists and victimologists towards these victims of the chaos fabricated by the serious crimes committed through non-state terrorist actors.

The sixth article titled “The Situation of Human Rights in Iran; Based on Documents of Human Rights Council” provides an inclusive examination of documents related international instruments to explore the situation of human rights in Iran. To accomplish the research objective, the author explores the UN instruments, especially the ones issued by The United Nations Council on Human Rights, formerly known as the United Nations Human Rights Commission, to assess the status of human rights in Iran.

The seventh article titled “Best Interests of the Child’s Status in the Iranian Legal System and the Precedent” begins with the fact that the ratification of the Convention on the Rights of the Child (CRC) by the Islamic Consultative Assembly (the Iranian parliament) in March 1994 has not introduced the notion of Best Interest of the Child (BIC) in the Iranian legal system, since the system is based on *Imamah* jurisprudence, it is familiar with the notion by the name of *Ghebt* which is considered to be a golden key in parental and judicial decisions about the interests of the child. The author explores in details the theoretical and jurisprudential foundations of the Best Interest of the Child, while analyzing the concept and its application in in different situations.

The eighth article titled “The Pathology of Judicial Justice in the Islamic Republic of Iran: Its Correction Mechanism” deals with the complicated issue of pursuing justice within the judicial system of Iran, also it explores this research question regarding to the obstacles and challenges in the way of implementation of judicial justice in the Islamic Republic of Iran. It also inspects the possible solutions to overcome those obstacles.

The ninth article titled “The Role and Place of Public Opinion on the Death Penalty for Drug Crimes in Iranian Criminal Law” provides an in depth examination into the role played by public opinion in the execution of the death sentence for crimes related to drug trafficking in Iranian criminal legal system. In addition to exploring the ramifications of the death penalty, the authors look into its effects not only on the criminals, but its severe negative consequences for their families which is contrary to the justice and principle of personal liability.

The last part of the present volume comprises of “A Review on the Book of Islam and Human Rights in Practice: Perspectives across the *Ummah*”, a book written by Shahram Akbarzadeh and Benjamin McQueen (2008, Routledge). In addition to introducing this title to Iran academic society, this reviewer intends to provide more facts with regard to the points set forth by the authors on the main question of “Is Islam compatible with internationally accepted standards of human rights?” To fully explore the various aspects of the concerned issue, the review takes an in-depth look at the issues and arguments set forward in the book.



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It is expected that this collection of papers would contribute to the process of establishing a firm legal and policy framework towards the achievement criminal justice and the realization of all human rights for all. I hope that this issue will stimulate other academic colleagues around the world to prepare more extensive articles in order to share their ideas or experiences with a wider audience.

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Editor-in-Chief of IHRD

