



University of Guilan



Iranian association of penal law

*Criminal Law Research*

*Vol. 8, No. 1, (Serial 15)*

*Spring & Summer 2017*

**The Basics and Legal Status of Compensation for Unjustified  
Detention in Iranian Criminal Procedure**

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**Received: 2016/1/11**

**Accepted: 2017/5/29**

According to a general rule, the Prosecutor's Office is deemed irresponsible for the defendants who after the prosecution, are exonerated due to order for suspension of prosecution or acquittal. Such a rule is included in order to maintain common good in criminal proceedings. In fact, the public interest, that is, the necessity to pursue vigorously all the defendants in order to find the truth, does not tolerate the excessive caution of prosecutor institution. However, when in the prosecution process and in accordance with the order of detention or orders leading to arrest the innocent defendant is deprived of liberty, non-responsibility is not fair. This is why the legislators of different countries anticipated compensation for damages caused by unjustified arrests and consider the government responsible of the days of arrest of an accused innocent. In Iran, before the adoption of the Code of Criminal Procedure 2013 (1392), there was no provision in this regard, and the only general rule was the current legal mistake rule. In the new law, the legislator with forecast of articles 256 - 259 adopted a realistic standpoint toward justice by predicting compensation for unjustified arrests.

**Key words:** *Unjustified detention, Compensation, Common good, Justice, Criminal procedure.*

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