



History of the Iranian Judicial System (1906-1979)

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Abstract

Iran has over 25 centuries of history. The sources of the law and the judicial system of this country have undergone numerous evolutions and submitted to a variety of influences.

As far as the judicial system is concerned however, the changes were quite minor until the end of the nineteenth century. Actually, the most significant and meaningful part of this history is that of the Twentieth century, when the Iranian judicial system was modernised, a modernisation which influenced the 1979 revolution and the resulting changes.

Two major events marked the judicial history of Iran during this period: the constitutional revolution of 1906, which gave the country its first Constitution and Bill of Rights, and the fall of the Qadjars and the rise of the Pahlavi Dynasty in the 1920's, when accession to a modern judicial organisation became one of Iran's greatest challenges.

This article examines the impact of these two events on the Iranian judicial system and its modernisation through the contributions of the European laws and experts.

Résumé

Malgré les grandes évolutions intervenues en Iran, aussi bien en ce qui concerne son droit que sa culture, le système judiciaire iranien n'a pas subi de grandes évolutions avant une période récente. De fait, la modernisation des institutions judiciaires et administratives de ce pays est la conséquence de deux événements majeurs qui se sont produits au 20^{ème} siècle : en premier lieu, la révolution constitutionnelle de 1906 qui a donné à ce pays sa première constitution ainsi que sa première charte des droits sur les modèles occidentaux ; en second lieu, l'avènement dans les années 1920 de la dynastie Pahlavi qui, grâce à des experts de très grande valeur – notamment le Ministre de la justice Davar – a entrepris une réforme en profondeur qui a structuré véritablement les institutions iraniennes les transformant en profondeur. L'analyse historique ainsi entreprise nous permettra de mieux comprendre les modifications ultérieures entreprises par le régime islamique ainsi que les machines arrières sans cesse déséquilibrant le système judiciaire minutieusement mis en place sous Davar.

Iran has over 25 centuries of history. The sources of the law and the judicial system of this country have undergone numerous evolutions and submitted to a variety of influences. These influences have been ethnic, religious and legal. Sometimes they were imposed on successive Iranian governments, but at other times they were accepted voluntarily.

Since the Arab invasion of Iran in the seventh century, the *Shi'ah* Islamic rules and sources of judicial organisation have been the foundation of Iranian law. Iran was, and still is, the only country in the world having *Shi'ah* Islam as its official religion¹.

¹ The *Shias* and *Sunnis* are the two main branches of Islam. Schism between appeared after the Prophet's death in 655. The *Sunnis* considered that the followers of the Prophet were to designate his successor upon his death, whereas the *Shias* considered that the prophet's successor was Ali, the Prophet's nephew and son-in-law. *Shias* believe that the Prophet chose