

Compensation for Innocent Accused and Wrongfully Convicted the in the Legal System of Iran and Canada

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Abstract

Compensation for the Accused and convicted whose innocence is proven by obvious consequent factors is one of the challenging issues in private and criminal law. In the past few years, Iranian legal system has experienced positive changes in the compensation of acquitted accused but until now, no coherent mechanism is foreseen to those who have endured part or all of the sentence and their innocence has been proven. This is contrariwise in the Canadian legal system and only innocent convicts who have served part of the wrongful sentence are deserving to compensation. Rational logic and justice along by the general rules of civil liability and the text of the United Nations International Convention of Civil and Political Rights demonstrate that compensation of two above mentioned damages in all legal systems are necessary. In this research, while investigating the international binding rules governing the subject, we try to provide an integrative theory included of eliminating deficiencies, changing extant rules, and legislation by a comparative study on legal systems of Iran and Canada to more realize the fairness and justice.

Keywords: Wrongful Conviction; Judicial Mistake; Compensation; Innocent Accused and Convicted.

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