

Perjury in Iranian, English and Welsh Criminal Systems

*Amir E'etemadi**
*Mehran Zalipour***

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Abstract

Giving evidence plays an important role in proving offences in various criminal systems, but the validity of this evidence in the eyes of judicial authorities depends on the degree to which members of the community adhere to religious/moral principles, especially truthfulness. Accordingly, the criminal justice system must use mechanisms to combat perjury in a fair trial. In the Iranian criminal system, although perjury is provided as a *Ta'ziri* offense, its scope is limited to giving a false evidence before the court officials and there is no distinction between whether or not perjury is effective on the court judgement, and whether or not the witness benefits from giving a false evidence. However, in the English and Welsh criminal system, basically perjury requires the witness to make a false statement that is material to the judicial proceeding; an approach that has sparked some disagreements as to the need for the statement to influence the fate of the case off in the decisions of English and Welsh courts. Therefore, the present article seeks to clarify the positive and negative aspects of the mentioned legal systems by a comparative method, and through this, to propose to the Iranian legislature some strategies such as aggravating the *Ta'ziri* punishment of perjury if it influences the decision of judicial authorities.

Keywords: Witness; False Statement; Testimony; Perjury.

* LLD in Criminal Law and Criminology, Visiting Member of the Department of Criminal Law and Criminology, University of Tehran (Farabi College), Qom, Iran. (Corresponding Author)
Email: am.etemadi@gmail.com

** LLM in Criminal Law and Criminology, University of Tehran, Tehran, Iran.
Email: M.zalipour@alumni.ut.ac.ir



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