

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Book 2: Islamic Punishment (Penance/STRAF)

Chapter 1: Penance for Adultery

Section 1: Penance for adultery	(Article 63 - 67)
Section 2 -Means of proving adultery in court	(Article 68 - 81)
Section 3 -Different kinds of penance for adultery	(Article 82 - 97)
Section 4: Manner of execution of penance	(Article 98 - 107)

Chapter 2 -Penance for sodomy

Section 1 -Definition and reasons of penance for sodomy	(Article 108 - 113)
Section 2 -Means of proving sodomy in the court	(Article 114 - 126)

Chapter 3: Lesbianism (Article 127 -134)

Chapter 4: Pimping (Article 135 -138)

Chapter 5: Ghavaf/false accusation (Article 139 - 164)

Chapter 6:

Section 1- Penance for [consuming] intoxicating liquors	(Article 165)
Section 2 -Conditions of penance for [consuming intoxicants]	(Article 166 - 175)
Section 3 -Manner of execution of penance_	(Article 176 - 180)
Section 4 -Conditions of nullification or pardon of penance for [consumption] of an intoxicant	(Article 181 - 182)

Chapter 7 -Propagation of moharebeh and corruption on earth

Section 1 -Definition	(Article 183 - 188)
Section 2 -Means of proving propagation of moharebeh and corruption on earth	(Article 189)
Section 3 -Penance [punishment] for moharebeh and corruption on earth	(Article 190 - 195)

Chapter 8 -Penance of theft [or punishment of theft]

Section 1 -Definition and conditions	(Article 196 - 198)
Section 2 -Means of proving theft	(Article 199)
Section 3 -Conditions and execution of penance	(Article 200)
Section 4 -Penance [punishment] for theft	(Article 201 - 203)

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Book III -Talio [or retaliation]

Chapter 1 -Retaliation of life

Section 1 -Premeditated murder	(Article 204 - 210)
Section 2 -Reluctance in [committing] murder	(Article 211)
Section 3 -Accessory to murder	(Article 212 - 218)
Section 4-Conditions of retaliation	(Article 219 - 226)
Section 5 -Conditions of litigation for murder	(Article 227 - 230)
Section 6 -Means of proving murderSection	(Article 231 - 256)
Section 7 -Manner of enforcement of retaliation	(Article 257 - 268)

Chapter 2 -Retaliation of limb

Section 1 -Definition and reasons for retaliation for limb:	(Article 269 - 271)
Section 2 -Conditions and manner of retaliation for limb	(Article 272 - 293)

Book IV -Mulcts

[compensation] can equally be used throughout the entire translation]

Chapter 1 -Definition of mulct and its cases	(Article 294 -296)
Chapter 2 -Amount of mulct for murder	(Article 297 - 301)
Chapter 3 -Period of respite for payment of mulct	(Article 302 - 303)
Chapter 4 -Responsibility of paying the mulct	(Article 304 - 315)
Chapter 5 -Causes of responsibility	(Article 316 - 333)
Chapter 6 -Accessory in crime	(Article 334 - 339)
Chapter 7 -Cause [of. article 318] in Crime	(Article 340 - 362)
Chapter 8 -Combination of Cause and Conduction or Combination of Several Causes	(Article 363 - 366)
Chapter 9 -Mulct (compensation) for Limbs	(Article 367)
Section 1 -Mulct for Hair	(Article 368 - 374)
Section 2 -Mulct for Eye	(Article 375 - 379)
Section 3 -Mulct for Nose	(Article 380 - 385)
Section 4 -Mulct for ear	(Article 386 - 390)
Section 5 -Mulct for lips	(Article 391- 395)
Section 6 -Mulct for tongue	(Article 396 - 402)
Section 7 -Mulct for Teeth	(Article 403 - 411)
Section 8 -Mulct for Neck	(Article 412 - 416)

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Section 9 -Mulct for Jaws	(Article 415 - 417)
Section 10 -Mulct for Hand and Foot	(Article 418 - 428)
Section 11 -Mulct for Fingernail	(Article 429)
Section 12 -Mulct for Backbone	(Article 430 - 432))
Section 13 -Mulct for Spinal Cord	(Article 433 - 434)
Section 14 -Mulct for Testicles	(Article 435 - 436)
Section 15 -Mulct for Ribs	(Article 437)
Section 16 -Mulct for Collar Bone	(Article 438)
Section 17 -Mulct for Bottom	(Article 439 - 441)
Section 18 -Mulct for Bones	(Article 442 - 443)
Section 19 -Mulct for Loss of Mind	(Article 444 - 448)
Section 20 -Mulct for Sense of Hearing	(Article 449 - 456)
Section 21 -Mulct for Sight	(Article 457 - 461)
Section 22 -Mulct for sense of smell	(Article 462 - 465)
Section 23 -Mulct for Sense of Taste	(Article 466 - 469)
Section 24 -Mulct for Voice and Speaking	(Article 470 - 473)
Section 25 -Mulct for Urinogenital Organs, Lack of Sleep, Sense of Touch	(Article 474 - 479)
 Chapter 10 -Mulct for Injuries	
Section 1 -Mulct for injuries to face and hand	(Article 480)
Section 2 -Mulct for causing internal wounds	(Article 481 - 482)
 Chapter 11- Mulct for crimes causing change of colour of skin or swelling	 (article 483 - 486)
 Chapter 12 -Mulct for abortion_	 (Article 487 - 493)
 Chapter 13 -Mulct for crimes against deceased	 (Article 494 - 497)

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Book II -Islamic Punishments (Penance)

Chapter 1: Section 1 -Penance for adultery

Article 63 -Adultery is [defined as] sexual intercourse of a man with a woman who is inherently prohibited to him even if it is anal intercourse, other than the cases where intercourse is made under mistaken identity.

Article 64 -Penance IS came out If the adulterer or adulteress is adult, sane and conSenting as well as being aware of the matter and its sentence.

Article 65 - If a woman or a man is aware that he/she is committing adultery whilst the other party is not aware and believes that this action is permissible, only the informed party will be sentenced to penance for adultery.

Article 66 - If the man or the woman who has committed adultery claims that he/she had made a mistake unknowingly, and if there is the likelihood that the claim is true, the claim will be accepted without resorting to witness and oath and the penance will become null.

Article 67 -If the adulterer or adulteress claims he/she has been forced to commit adultery, the claim will be accepted provided there is no proof to [believe] otherwise.

Section 2 -Means of proving adultery in court.

Article 68 -If a man or woman confesses to adultery four times in front of the judge, he/she will be sentenced to penance. If the confession is made on less than four occasions, the sentence will be according to Ta'zir [punishment].

Article 69 -The confession is valid provided the confessor is adult, sane, willing and at liberty [while confessing].

Article 70 -The confession must be explicit or be made in such a manner that there is no reasonable doubt to believe otherwise.

Article 71 -If a person confesses to adultery and subsequently denies it, if the sentence for the confessed adultery is execution or stoning to death, the subsequent denial renders the penance of execution or stoning to death void. Otherwise [i.e. when the penance is not execution or stoning to death] the penance will stay.

Article 72 -If a person confesses to adultery which is punishable by penance and subsequently the person repents, the judge can ask for his/her pardon from the Spiritual Leader, or the judge can execute the penance.

Article 73 -A pregnant, single woman will not be sentenced to penance, unless it is proven by one of the means mentioned in this law that she has committed adultery.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 74 -Adultery, having the penance of stoning to death or the penance of one hundred lashes will be proven by the testimony of four just men or three just men and [i. e. together with] two just women.

Article 75 -If the penance for adultery IS one hundred lashes, it will also be proven by the testimony of two just men together with four just women.

Article 76 -The testimony of women alone or their testimony alongside the testimony of one just man will not be proof of adultery. But the penance of false accusation of adultery will be executed on them.

Article 77 -The testimony of witnesses should be clear, vagueless and should be documented by [personal] observation. Conjectural testimony is not valid.

Article 78 - if the Witnesses describe specification of adultery, there should be no discrepancy in their description such as time, place etc. If there are discrepancies in the description of the witnesses not only the adultery is not proven, but also the witnesses will be sentenced to penance of false accusation of adultery.

Article 79 -The witnesses should testify one after another without lapse of time between their testimonies. If some of the witnesses do not testify and some others so not attend to testify whilst other witnesses have testified, the adultery will not be proven. In this case the testifying witnesses will be sentenced to penance of false accusation of adultery.

Article 80 - If the penance for adultery, other than in those cases mentioned in the later articles, should be executed forthwith.

Article 81 -If the adulterer or adulteress repents prior to the testimony [of the witnesses], the penance will be void. But if he/she repents after the testimony, the penance will not be void.

Section 3 -Different kinds of penance for adultery:

Article 82 -In the following circumstance the penance for adultery is execution and there is no difference between young and old or between adultery with a married or unmarried woman.

- a) adultery with blood relations who are within the prohibited degree of marriage.
- b) adultery with step-mother. The adulterer will be executed.
- c) adultery of a non-Muslim man with a Muslim woman. The adulterer will be executed
- d) Rape. The adulterer will be executed.

Article 83 -In the following circumstances the penance for adultery is stoning to death.

- a) adultery of a married man, that is a man who has a permanent wife and has had sexual intercourse with her whilst she has been sane and can have sexual intercourse with her whenever he so wishes.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

b) adultery of a married woman ~1th an adult man. A married woman is one who has a permanent husband and the husband has had sexual intercourse with her whilst she has been sane and she can have sexual intercourse with her husband.

Note -Adultery of a married woman with a minor results in penance by lashes

Article 84 -An old adulterer or an old adulteress who has conditions of marriage [as mentioned above separately], prior to being stoned to death will receive 1ashes.

Article 85 -In a recoverable divorce during the legal period of abstention, the man or woman is regarded to be married. Whilst in irrecoverable divorce, they are regarded to be unmarried.

Article 86 -The adultery of a man or a woman who has a permanent wife or husband, but due to travel, imprisonment or other extraneous circumstances he or she has no access to his wife or her husband, will not be subject to penance or stoning to death.

Article 87 - If a mamed man commits adultery prior to consummation [not clear how in the text], he will be sentenced to penance by lashes, shaving his hair and bahishrnt for one year

Article 88 -The penance for adultery of an unmarried woman or an unmarried man is one hundred lashes.

Article 89 -If prior to the execution of penance, adultery is recommitted and the penances are the same, the)' will not be repeated [i.e. only one penance is executed]. But if there are different penances for different adulteries, for example the penance of one adultery is .Jashes and for another one it is stoning to death the penance of lashes will be executed. [syntax error is within the text].

Article 90 -If a woman or a man commits several adulteries and after each one she/he is punished, on the fourd1 occasion the adulterer/adulteress will be killed.

Article 91 -The execution of stoning to death or execution [punishment] will be stayed during pregnancy or lochia. Also after delivery if the child has no guardian and because of it the child's life is in danger the penance will not be executed. But if a guardian is found for the child the penance will be executed.

Article 92 -if execution of penance of lashing of a pregnant or nursing woman will cause harm to the foetus or the baby, the execution of penance will be postponed Wtil there is no danger to the foetus or to the child.

Article 93 -If a sick person or a woman having excessive or undue menstruation is sentenced to execution, or stoning to death, the penance will be executed, but if the penance is lashes the execution of the sentence will be postponed until the sick is recovered and undue menstruation is stopped.

Note -Menstruation does not prevent the penance being executed.

Article 94 -If there is no hope for the recovery of the sick person and the judge deems it appropriate for penance to be executed, a bunch of twigs or scrouges consisting of one hundred scrouges or twigs will be struck only once to the body of the condemned, although not all of the twigs or scrouges may strike the body

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 95 -If a person who is condemned to penance becomes an apostate [a born Muslim who changes his/her religion] or insane, the penance will not be valid.

Article 97 -The penance cannot be executed in the land of enemies of Islam.

Section 4 -Manner of execution of penance:

Article 98 - If a person is sentenced to several penances the arrangement of execution of each one of them should be made in a manner as not to prevent the execution of the next penance. Therefore if someone is sentenced to [both] lashes and stoning to death, first the penance for lashes should be executed followed by stoning to death.

Article 99 -If adultery of a married person is proven by his/her confession, the first stone is cast by the judge followed by others. If adultery is proven by testification of witnesses, the witnesses cast the stones first followed by the judge and then others.

Note -If the judge or witnesses do not attend [the stoning] or do not cast the stones, the penance is still valid and should be executed.

Article 100 -The penance of lashes for an adulterer is executed whilst he is standing and only his privy parts are covered. The lash will strike his body, other than his face or hand, severely. The adulteress will receive lashes whilst she is sitting and her cloth is tied to her body.

Article 101 -It is appropriate that the judge informs people of the time of execution of penance and it is necessary that more than three pious people are present during the execution of penance.

Article 102 -During stoning the stoned man is buried into a pit up to his waist and the stoned woman up to her breast.

Article 103 -If during stoning the stoned person flees from the pit and his/her adultery was proven by his/her confession, he/she will not be returned to the pit. But if his/her adultery was proven by the testifying of the witnesses, he/she will be returned to the pit for the stoning to be executed.

Note -If a person who is sentenced to lashes flees, he/she will be returned for execution of the penance [regarding whether the adultery was proven by his/her confession or testimony of witnesses].

Article 104 -The stone should not be big enough to kill the person by one or two strikes, neither should it be so small that it cannot be called a stone.

Article 105 -[Where] public or private rights [are violated], by stating his reasons, the judge can make a judgement according to his knowledge [of Islamic Law]. Execution of penance where the public rights are violated does not require any person's request, but when private rights are violated the execution of the penance must be at the request of the plaintiff.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 106 -If adultery is committed during sacred periods such as religious festivities, the month of Ramadan, Fridays, or at holy places such as mosques, apart from penance, Ta'zir will also be executed.

Article 107 -Presence of witnesses during execution of storiing to death is necessary although in their absence the penance can also be executed. But if the witnesses escape, the penance will be void.

Chapter 2 -Penance for sodomy

Section 1 -Definition and reasons of penance for sodomy:

Article 108 -Sodomy is sexual intercourse of males, whether it is of foreplay nature or consummation is made.

Article 109 -Both the active and passive parties will be sentenced to penance.

Article 110 -If consummation is made, the penance for sodomy is execution. The manner of execution is at the discretion of the judge.

Article 111 -Sodomy will result in execution provided both the active and passive parties are mature, sane and consenting.

Article 112 -If a mature man sodomizes a minor, the active party will be executed and provided that the passive party was consenting he will receive up to seventy four lashes.

Article 113 -If a minor sodomises another minor, each will receive up to seventy four lashes unless one of them was forced to commit sodomy [in which case he will not be punished].

Section 2 -Means of proving sodomy in the court

Article 115 -If "the confession is done on less than four times the confessor will not be subject to penance but will be punished according to the Ta'zir [i.e. punishment is at discretion of the judge].

Article 116 - If confession is valid provided the confessor is mature, sane, liberty and has intention [to confess].

Article 117 -The penance for sodomy if should have been sodomy alone] will be proven by the testimony of four just men who have witnessed committing of the sodomy.

Article 118 -Sodomy will not be proven by testimony of less than four just men. The witnesses themselves will be subject to penance for false accusation of sexual intercourse.

Article 119 -Testimony of women does not prove sodomy. Whether such testimonies are alone or alongside testimony of men [not clear how many men].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 120 -The judge can make his judgement according to his knowledge which is obtained through conventional methods.

Article 121 --if lthe penance for toereplay of two men without consummation is one hundred lashes for each one.

Note -if the active party is non-Muslim and the passive party is Muslim, the penance for the active party is execution.

Article 122 -If-toereplay and lts like is repeated three times and after each time the penance is executed, the penance on the fourth time is execution.

Article 123 -If two men who are not blood related lay naked under the same cover without any necessity, each one will receive up to ninety nine lashes.

Article 124 -If as a result of lust a person kisses another person, the active party will receive up to sixty lashes.

Article 125 -If a person who has committed sodomy or foreplay or the like, repents prior to testimony of witnesses the penance will be void, but if he repents after testimony the penance will be executed.

Article 126 -If sodomy, foreplay and the like are proven by the confession of a person and after confessing, that person repents, the judge can request his pardon from the Spiritual Leader.

Chapter 3: Lesbianism

Article 127 -Lesbianism is [defined as] homosexuality of women with their sexual organs.

Article 128 -Means of proving lesbianism are the same as that for sodomy.

Article 129 -The penance of lesbianism is one hundred lashes for each party.

Article 130 -The penance of lesbianism [should have been lesbianism alone] will be proven as committed by a person who is mature, sane, consenting and willing.

Note -There is no difference in the penances of lesbianism between the parties whether they are muslims or non-muslims.

Article 131 -If lesbianism is repeated three times and after each time the penance is executed, the penance on the fourth time is execution.

Article 132 -If the person committing lesbianism repents prior to the testimony of the witnesses the penance will be void but if the confession is made after testimony the penance will be executed.

Article 133 -If lesbianism IS proven by confession of a person after which she repents, the judge can request her pardon from the Spiritual Leader.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 134 -If two non-blood related women without any necessity lay under the same cover. they will be sentenced to less than one hundred lashes. If their action is repeated and after each repeat they receive the lashes. on the fourth occasion they will each receive one hundred lashes.

Chapter 4: Pimping

Article 135 -Pimping is [defined as] gathering or associating two or more people together in order to commit adultery or sodomy.

Article 136 -Pimping will be proven by two confessions provided the confessor is mature, sane, willing and intending [to confess].

Article 137 -Pimping will be proven by the testimony of two just men.

Article 138 -The penance for pimping for a male pimp is seventy five lashes and banishment from [his] area for a period of three to twelve months and for a female pimp it is seventy five lashes

Chapter 5: Ghavaf

[there is no English equivalent word for this term but it is defined in the next article]. False accusation of sodomy or adultery.

Article 139 -Ghavaf is [defined as] the false accusation of sodomy or adultery to someone else.

Article 140 -Penance for false accusation for a male or female accuser is eighty lashes.

Note -Execution of penance for false accusation is subject to the request of the accused.

Article 141 -False accusation should be clear and vagueless and the accuser should understand the meaning of the term [i.e. Ghazaf] even though the listener does not know the meaning of the term.

Article 142 -If a person tells his/her legitimate child you are not my child, he/she will be sentenced to penance for false accusation. Also if someone who tells someone else's legitimate child you are not. his/her child, he/she will be sentenced to penance for false accusation.

Note -In the cases in the above article, if there is an indication that false accusation was not meant, the penance for false accusation will not be proven. [should have been the false accusation will not be proven].

Article 143 -If someone else tells another person you have committed adultery or sodomy, this will be regarded as a false accusation to the second person and the teller will be sentenced to penance for false accusation.

Article 144 -If a person who intends to attribute adultery to another person, tells a second person your wife or mother or sister is a prostitute, the teller will be sentenced to penance for

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

false accusation in regard to the accused [i.e. mother, sister or wife] and the teller will be sentenced to up to seventy four lashes in regard to the second person who has been hurt [by the accusation].

Article 145 -Every swear which is not an attribution of false accusation but will hurt a second person, will result in sentence of the teller [of the swear] to up to seventy four lashes. An example is when someone tells his wife you were not a virgin [at the time of marriage].

Article 146 -False accusation Will result in penance if the accuser [i.e. the person who accuses] is mature, sane, at liberty and intentive and the accused is also mature, sane, Muslim and righteous. If the accuser and accused do not have one of these conditions, penance for false accusation will not be proven [should have been false accusation will not be proven].

Article 147 -If a discerning minor falsely accuses another person, by the decision of the judge' he/she will be subject to corrective measurements. If a mature and sane person falsely accuses a minor or a non-Muslim he/she will be sentenced to up to seventy four lashes.

Article 148 -If the person who has been falsely accused pretendS [to have committed the accusation] the accuser will not be penanced.

Article 149 -If a person falsely accuses his/her relatives, he/she will be penanced.

Note -If a father or parental grandfather falsely accuses his son or grandson, he will receive punishment according to the Ta'zir [up to seventy four lashes].

Article 150 -If a man falsely accuses his deceased wife and the deceased has no heir but that man's child, the penance [accusation] will not be proven, but if the deceased has a child other than from that man the penance will be proven [the penance is executed].

Article 151 -If a person falsely accuses several people separately he/she will receive penance for each accusation separately, whether the accused asks for penance together or separately.

Article 152 -If a person uses the same term for falsely accusing several people, if the accused have asked for separate penances, he/she will be penanced separately but if they have asked for the penance together, he/she will be penanced once.

Article 153 -False accusation will be proven by two confessions or by the testimony of two just men.

Article 154 -The confession is valid provided its confessor is mature, sane, free and intentive.

Article 155 -Lashes will be struck moderately on the conventional cloth [worn by the condemned].

Article 156 -Lashes should not be struck on the face, head or privy parts of the condemned.

Article 157 -If a person falsely accuses other people on several occasions and he/she is penanced after each occasion, on the fourth occasion he/she will be executed.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 158 -If the accused after receiving penance states what I had said was right [i.e. insists on his/her accusation] he will receive up to seventy four lashes

Article 159 -If [the accuser] falsely accuses another person of the same accusation such as adultery several times, [the accuser] will be penanced only once.

Article 160 -If. [the accuser] falsely accuses another person to different accusations such as adultery and sodomy, several penances will be executed.

Article 161 --If the penance for false accusations will be void in the following cases:

a) the accused accepts the accusation.

b) if necessary number of witnesses testify to the correctness of the accusations

c) if the accused or all his/her heirs pardon the accuser.

d) if a man falsely accuses his wife and then divorces her by method of malediction [a very rare case of divorce in Islamic Law.

Article 162 -If two persons falsely accuse each other, whether their respective accusation is of the same kind or different, the penance [which is eighty lashes] for false accusation will be void but each will receive up to seventy four lashes.

Article 163 -If the penance for false accusation is not executed or pardoned it will be transferred to the heirs. [i.e. if the punishment is not pardoned or executed and the person who has been accused dies, his/her heirs can request for the punishment to be executed].

Article 164 -The right or request for execution of penance will be transferred to all heirs but wife or husband. Everyone of the heirs can request for the execution of penance, although the rest of the heirs have pardoned [the accused].

Chapter 6 -Penance for [consuming] intoxicating liquors

Section 1.

Article 165 -Consuming intoxicating liquors results in penance to be executed, whether it is a little or a lot, pure or mixed. If mixed, the mixture should not exceed a certain limit so that it is not intoxicating any longer.

Note 1 -[Consuming] beer has the same penance as that of an intoxicant even if it [beer] is not intoxicating [!] and consuming it will result in penance to be executed. [according to this note even if beer is not intoxicating, its consumption will be punishable, which contradicts the title of the chapter.

Note 2 -Consumption of a grape Juice which is fermented spontaneously or by fire or by sunlight or the like, is prohibited but will not result in penance.

Section 2 -Conditions of penance for [consuming intoxicants]

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 166 -Penance Will be proven [i.e. executed] to a person who is mature, sane, free and aware that it [liquor] is intoxicant and prohibited.

Note 1 -If the person who has consumed the intoxicant claims he/she was not aware of the sentence or the subject matter, he/she will not be sentenced to penance, provided the truth of his /her claim can be established.

Note 2 -If a person is aware that consumption of intoxicants is prohibited and consumes it, he/she will be sentenced to penance even though he/she was not aware that its consumption would result in penance.

Article 167 -In emergency cases, if a person consumes intoxicants to save his/her life or to cure acute illness, he/she will not be penanced.

Article 168 -If a person confesses twice to consumption of intoxicants, he/she will be penanced.

Article 169 -A confession is valid provided the confessor is mature, sane, at liberty and intentive.

Article 170 -If the method of proving consumption of intoxicants is by testimony, it will only be proven by the testimony of two just men.

Article 171 -If one of the two just men testifies that a person has consumed an intoxicant and the other testifies that the person has vomited an intoxicant, the penance [the consumption] is proven.

Article 172 -There should be no discrepancy between the testimonies such as a discrepancy in time or place and the like [of consumption of intoxicant], but if there are discrepancies in the nature of the intoxicant, the penance [the consumption] will be proven.

Article 173 -Confession or testimony will result in penance provided no reasonable possibility exists that the consumer was excused. [i.e. he/she had no other option than to consume the intoxicant].

Article 174 -Penance for consumption of an intoxicant for a man or a woman is one hundred lashes.

Article 175 -Any person brewing, making, preparing, buying, selling, giving and transporting intoxicants will be sentenced to between six months and two years imprisonment. If any person is encouraged, allured or tricked into obtaining means of consumption [of intoxicant for someone else], he/she will be an accessory to consumption of an intoxicant and will be sentenced to up to seventy four lashes.

Section 3 -Manner of execution of penance

Article 176 -The man [convict] receives the lashes whilst standing and only his privy parts are covered. The woman [convict] receives the lashes whilst sitting and her clothes are tied to her body.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Note -the lashes should not strike the face, head or privy parts.

Article 177 -Penance Will be executed when the convict is sober.

Article 178 -If a person consumes and intoxicant several times but is not penanced, only one penance is sufficient for all of them [for previous consumptions].

Article 179 -If a person consumes an intoxicant several times and has received the penance after each consumption, on the third occasion he/she will be executed.

Article 180 -If the condemned becomes insane or apostate, the penance will not be void [i.e. it will not be executed].

Section 4 -Conditions of nullification or pardon of penance for [consumption] of an intoxicant.

Article 181 -If a person who has consumed an intoxicant repents prior to testimony [of witnesses] the penance will be void, but repenting after testimony does not cause the penance to be void.

Article 182 -If a person who has confessed to consumption of an intoxicant repents, the judge can either execute the penance or request for his/her pardon from the Spiritual Leader.

Chapter 7 -Propagation of moharebeh and corruption on earth

Section 1 -Definition

Article 183 -Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a *mohareb* and to be *corrupt on earth*.

Note 1 -A person who draws arms on people but due to inability does not cause fear is not a mohareb.

Note 2 -If a person draws arms on one or several specific persons because of personal enmities, [he/she] will not be regarded as a *mohareb*.

Note 3 -There is no difference between fire arms and cold weapons.

Article 184 -If a person or a group resorts to arms in order to fight with moharebs or to eliminate corruption on earth [he/she] will not be considered as a *mohareb*.

Article 185 -An armed robber or a highway robber causing disturbance or public security or the security of roads, and fear and terror, will be considered as a *mohareb*.

Article 186 -All the members and supporters of a group or an organized association which have waged armed struggle against the Islamic State are regarded to be *moharebs* provided they know the position [i.e. attitude] of [that group or organization], are active in pursuit of their aims while the central [committee, council etc] of that organization or group exists. This article applies to all members and supporters of such groups even though they are not in the armed wing of the group or organization.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Note -A united front of groups and individuals are regarded as one [organization].

Article 187 -Every person or group plotting to overthrow the Islamic State and in this respect gathers weapons and bombs will be regarded as *mohareb*. Also those individuals who knowingly and willingly provide financial facilities or instruments and weapons to the above mentioned *moharebs* will be considered as *mohareb* and *corrupt on earth* themselves.

Article 188 -If there is a plot to overthrow the Islamic State and an individual nominates him/herself for one of the senior posts of the coup d'etat government and his/her nomination is effective in the success of the plot, the individual is a *mohareb* and *corrupt on earth*.

Section 2 -Means of proving propagation of moharebeh and corruption on earth

Article 189 -Propagation of *moharebeh* and *corruption on earth* will be proven by one of the following methods:

a) by confessing once provided the confessor is mature, sane and his confession is made intentionally and at free will.

b) testimony of two just men.

Note 1 -Testimony of people who have been attacked by the *moharebs* and such testimonies which are in support of each other are not acceptable.

Note 2 -If out of some people who have been attacked by the *moharebs*, some testify that no harm was done to them, their testimonies will be accepted [as opposed to testimonies] of others.

Section 3 -Penance [punishment] for moharebeh and corruption on earth

Article 190 -Penance for *moharebeh* and *corruption on earth* is one of the following four things:

a) Execution.

b) he/she should not remain crucified for more than three days, but if he/she dies within three days, he/she can be taken down [from the cross].

c) if he/she remains alive after three days [he/she] should not be killed.

d) Banishment.

Article 191 -Judge has the discretion of choosing one of the above four penances whether the has killed or injured someone or has taken someone's property or has committed none of these.

Article 192 -Pardon of the rightful owner [i.e. person who has received harm or his/her guardian] does not make the penance null.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 193 -The banished *moharebs* should remain under observation and have no contact or association with others.

Article 194 -In any case the length of banishment is not less than one year even though [the rebel] has repented after arrest. And if he/she] does not repent [he/she] will remain banished as before.

Article 195 -Crucifixion of a *mohareb* will be executed as follows: [i.e. if crucifixion is the sentence, executing it will be as follows].

a) method of tying does not kill him/her

b) he/she should not remain crucified for more than three days, but if he/she dies within three days, he/she can be taken down [from the cross].

c) if he/she remains alive after three days [he/she] should not be killed.

d) amputation of right hand and left leg will be by the same method as it is for "penance of theft".

Chapter 8 -Penance of theft [or Punishment of theft]

Section 1 -Definition and conditions:

Article 196 -Not in the translation.

Article 197 -Theft is [defined as] stealing someone else's property secretly.

Article 198 -Theft will be punished provided all the following conditions are met:

a) the thief is mature in accordance with Islamic Jurisprudence.

b) whilst committing the theft the thief is sane.

c) the theft is not committed by forcing or threatening the thief.

d) the thief is intentive.

e) the thief is aware that the property belongs to someone else.

f) the thief is aware that stealing it .[the property] is prohibited.

g) the owner has placed the property in enclosure [secure place]

h) the thief either individually or in association with some-one else has broken the enclosure [i.e. the secure place].

i) the minimum value of the stolen property is equal to or more than 0.195 g of gold on each occasion.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

- j) the thief is not destitute.
- k) the thief is not the father of the owner.
- l) the theft is not committed in a famine year.
- m) the enclosure and place of keeping the property has not been usurped from the thief.
- n) the thief has taken the property in order to steal it.
- o) the property is kept in a suitable enclosure.
- p) the property is not government property, endowment property and the like which does not have a private owner.

Note 1 -Enclosure is a place where the property is placed in order to be secure from theft.

Note 2 -If the property is taken out from the enclosure by a non-discerning child, an insane person or animals and the like, they will be regarded as an accessory [i.e. the insane person ,child etc are an accessory to theft].

Note 3 -If the thief is arrested prior to taking the property from the enclosure [he/she] Will not be penanced.

Note 4-If the thief after committing the theft returns the property to the owner, the penance will not be executed.

Section 2 -Means of proving theft.

Article 199 -The theft which will result in penance will be proven by one of the following ways:

- a) testimony of two Just men.
- b) two confessions of theft to the judge, provided the confessor is mature, sane, free and purposeful.
- c) knowledge of judge [i.e. the judge is aware of the theft]

Note -If the confession to the judge is made once by the thief, [the thief] should return the property to its owner but he will not be penanced.

Section 3 -Conditions and execution of penance.

Article 200 -The penance [or punishment] will be executed, provided the following conditions are met.

- a) the owner of the property complains to a judge.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

- b) prior to making the complaint, the owner of the property has not pardoned the thief.
- c) prior to making the complaint, the owner has not bestowed the property to the thief.
- d) prior to the proof of offence to the judge, the stolen item does not become the thief's property by purchase or some other similar action [i.e. if the thief steals something and later on buys it from for instance the handler of the item.
- e) prior to proof of the offence, the thief has not repented.

Note -Penance for theft will not be null by repenting the theft after the offence is proven and the thief should not be pardoned.

Section 4 -Penance [punishment] for theft]

Article 201 -The punishment for theft is as follows:

- a) on the first occasion amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain.
- b) on the second occasion amputation of the left foot in such a manner that half of the sole and part of the place of anointing [during ablution] remain.
- c) on the third occasion [the punishment] is life imprisonment.
- d) on the fourth occasion [the punishment] is execution even though [the fourth] theft was committed in prison.

Note 1 -Prior to the execution of the punishment, [previous] multiple thefts will be considered as one theft [i. e. if the previous thefts have not been punished they will be disregarded and only the current theft will be punished.

Note 2 -Accessory to the theft aforementioned in [note 2] of article 198 of this law will be sentenced to between one to three years imprisonment.

Article 202 -If the fingers of the thief's hand are amputated and after the execution of the punishment, it is proven that he had previously committed a theft, his/her left foot will be amputated. [this article does not contradict Note 1 of article 201. Note the terms "prior to the execution" in Note 1 and "after the execution" in article 202.]

Article 203 -If the theft does not have conditions of execution of punishment but it disturbs the [public] order or causes fear or provokes the thief or others [he/she] will be punished to between one to five years imprisonment even if there is no private plaintiff or if [the plaintiff] has dropped the charges.

Note -Accessory to theft will result in between six months and three years imprisonment.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Chapter 1 -Retaliation of life

Section 1 -Premeditated murder

Article 204 -Homicide [or murder] is divided into three categories: premeditated, unpremeditated, accidental.

Article 205 -In accordance with the articles of this section, premeditated murder will result in retaliation and the heirs of the slain person, by permission of the Spiritual Leader, can retaliate the murderer. In doing so they should observe the conditions stated in the following sections. The Spiritual Leader can delegate retaliation to the Head of the Judiciary power or another person.

Article 206 -Murder in the following cases is a premeditated one:

a) in the cases where the murderer intends to kill a specific person or a non-specific person from a group whether his action is inherently lethal or not but the action results in murder.

b) in the cases where the murderer intentionally makes an action which is inherently lethal, even if [the murderer] does not intend to kill the person.

c) in the cases where the murderer does not intend to kill and his/her action is not inherently lethal to the person [who is murdered] because of [the murdered person's] condition such as illness, disability, old age, childhood and the like, and the murderer is aware of these conditions.

Article 207 -If a Muslim is murdered, the murderer will be retaliated and the accessory to the murder will be sentenced to between three to fifteen years imprisonment.

Article 208 -If a person commits premeditated murder and there is no [private] plaintiff and if there is one, and the [private] plaintiff renits the murderer, but the murderer causes a breach of the public order or spreads fear or provokes the murderer or others [to commit murder], the murderer will be sentenced to between three to ten years imprisonment.

Note -In this case, an accessory to murder will be punished to between one to five years imprisonment.

Article 209 -If a Muslim man premeditatedly murders a Muslim woman, he will be sentenced to retaliation, but prior to retaliation the heir of the slain woman should pay half the mulct (blood money) of the man to him.

Article 210 -If an infidel premeditatedly murders another infidel [person who is not Muslim but believes in either Christianity, Judaism or Zoroastrianism] the murderer will be retaliated, even if they are followers of two different religions. If the murdered is a woman infidel, her heir should pay half the mulct [blood money] of an infidel man to him.

Section 2 -Reluctance in [committing] murder

Article 211 -Reluctance to commit murder or committing murder on the order of another person is not a licence to commit murder. Hence if someone is forced to commit murder or the

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

order for committing murder is given, the murderer will be retaliated and the person who has ordered the murder or who has forced the murder to be committed will be sentenced to life imprisonment.

Note 1 -If the reluctant person is an undiscerning child or insane, only the person who has forced the murder to be committed will be retaliated.

Note 2 -If the reluctant person is a discerning child, he/she should not be retaliated but his/her paternal relative with the exception of a woman should pay the mulct [blood money] and the person who has forced the murder will be sentenced to life imprisonment.

Section 3 -Accessory to murder

Article 212 -If several Muslim men collectively murder a Muslim man. the heir of the slain person with permission of the Spiritual Leader can retaliate all of them. If the murderers are two people, he/she [the heir] should pay half mulct [blood money], if they are three people, he/she should pay them two thirds of mulct [blood money), if they are four people, he/she should pay three fifths of mulct etc.

Note 1 -An heir of an slain person can retaliate some of the accessories by paying them mulct as specified in this article and receives blood money from the rest of the accessories according to their share [of involvement in the murder].

Note 2 -If the murderers and murdered are infidels, the same law applies to them.

Article 213 -In any case where prior to retaliation blood money should be paid to the murderer, the payment is made prior to retaliation.

Article 214 -If two or more people cause injury to one person which results in his/her murder, whether the injuries were made at the same time or at different times, if the murder is due to the criminal activity [i.e. causing injuries] of all of them, they will all be regarded as murderers and their punishment will be made in accordance to other articles of this law and by consideration of the conditions.

Article 215 -Accessory to murder is proven when a person is killed due to assault and battery by some people and his/her death is as a result of the actions of all of them, whether the action of each one alone was sufficient to cause the death or not and whether the result of their actions was equal or different.

Article 216 -If a person injures another person and later a second person kills the injured, the murderer is the second person even if the slain person would have been killed as a result of the previous injury he had received. The first person [who has injured] will be sentenced to retaliation of injury or mulct for injury, unless in the case that retaliation of injury would cause death then he/she will be sentenced to mulct only.

Article 217 -If due to injury caused by the first person the injured is on the verge of dying and the action of the second person ends the injured person's life, the first person will be retaliated [i.e. killed] and the second person will only pay the mulct of crime against a dead person.. [not clear what it is].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 218 -If causing an injury will result both in the defect of a limb and death, if it was done by one strike, retaliation of life is sufficient and there will be no retaliation for limb or loss of limb.

Section 4 -Conditions of retaliation

Article 219 -If a person is sentenced to retaliation, with the permission of the heir of the slain person, he/she should be killed.

Article 220 -A father or paternal grandfather who kills his child will not be retaliated and will be sentenced to mulct of murder which should be paid to the inheritors of the murdered.

Article 221 -If an insane person or a minor intentionally kills a person, it will be regarded as accidental death and does not result in retaliation but their paternal relative apart from women should pay the mulct of accidental death to the inheritors of the murdered.

Note -In the crimes of murder or defect of limbs, if the crime is committed intentionally and the criminal is insane or a minor and [later on] when the criminal becomes sane or adult, the injured dies as a result of injury, retaliation does not apply.

Article 222 -If a sane person murders an insane person, he/she will not be retaliated but should pay the mulct of murder to the inheritors of the murdered. If his/her action causes a breach of public order or causes fear or might provoke him/her or the others [to commit the same crime] (he/she) will be sentenced to between three to ten years imprisonment.

Article 223 -If a mature person murders a minor, [he/she] will be retaliated.

Article 224 ., Murder whilst intoxicated will result in retaliation, unless it is proven that due to intoxication [the murderer] was completely deprived of [his/her] will, provided [he/she] had not intoxicated [him/herself] to commit this action. If his/her action causes a breach of public order or causes fear or might provoke him/her or others [to commit the same crime] [he/she] will be sentenced to between three to ten years imprisonment.

Article 225 -If someone else kills another person whilst being unconscious or asleep, [he/she] will not be retaliated, [and] will only be sentenced to paying mulct of murder to the inheritors of the murdered person.

Article 226 -Committing murder will result in retaliation provided the murdered person did not deserve to die in accordance with Islamic Jurisprudence and if the murdered deserved to die, the murderer should prove the deservedness of the murdered person [to die] in the court in accordance with [Islamic] criteria.

Section 5 -Conditions of litigation for murder

Article 227 -During litigation the plaintiff should be adult and sane and if financial affairs are also involved the plaintiff should be mature as well, None of these conditions apply to the defendant.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 228 -The plaintiff should be certain of the case of litigation and litigation cannot be commenced by guess or conjecture. But if indications and signs of offence are present, litigation without certainty [of crime] can be heard.

Article 229 -The defendant should be known and identified or be known to be amongst some identified people [the meaning of the last sentence is not clear].

Article 230 -The case of litigation should be known and the plaintiff should state the category of murder whether it was premeditated or unpremeditated. If the murder is proven to have taken place whilst its degree (or category) is not, the litigation between the murder and heirs of the murdered should be settled.

Section 6 -Means of proving murder

Article 231 -Methods of proving murder in the court are:

- a) confession
- b) testifying
- c) compurgation
- d) judge's own knowledge [or knowledge of judge]

Part 1 Confession:

Article 232 -By confessing to premeditated murder, the premeditated murder is proven, even the confession is made once.

Article 233 -Confession is valid provided the confessor has the following conditions:

- a) saruty
- b) adulthood
- c) free will
- d) intention

Therefore confessions of insane people, intoxicated, minors, forced people and people who do not mean the confessions such as amnesic, unconscious, jokers and the weak minded are not valid.

Article 234 -Confession of premeditated murder of a person who is disqualified due to destitution or foolishness is valid.

Article 235 -If a person confesses to a premeditated murder of a person whilst another person confesses to the premeditated or accidental death of the same person, the heir of the murdered person can punish whichever he/she wants, according to the confession, but the heir cannot ask for the punishment of both persons.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 236 -If a person confesses to premeditated murder of a person whilst another person later confesses to the premeditated murder of the same murdered, if the first person retracts from his/her confession, retaliation or mulct of both will be void and the mulct will be paid from the treasury, provided there is no reasonable doubt for the judge that the case is not conspiracy.

Note -If a premeditated murder IS proven by testifying of witnesses or compurgation or knowledge of judge, at the request of the heir of the murdered, the murderer will be retaliated

Part 2 -Compurgation [proof of murder by oath]

Articles 237 and 8 ?

Article 239 -If due to some indications or by another means such as testimony of one witness, presence of a person with traces of offence at the scene of crime, presence of murdered at the residence or place of frequent of a person, testimony of a trustworthy discerning child, or the like, the judge suspects that the accuses has committed the crime, this [suspicion] will be of the cases of doubt.

Article 240 - if -the heir or a murdered person alleges that a premeditated murder has been committed and one of the just witnesses testifies to premeditated murder whilst the other witness testifies to the actual murder [without stating the degree of murder] and the accused denies premeditated murder was committed) if the judge has suspicions) [this cases will be] regarded as a case of doubt and the plaintiff should prove the premeditated murder was committed by the way of compurgation.

Article 241 -If one of the two Just men testifies to the murder by the accused and the other testifies to the confession of the accuses (which the witness had probably heard), the murder will not be proven, but if the judge is suspicious, this case will be a case of doubt.

Article 242 -if the indications causing the suspension are contradictory, the case will not be a case of doubt.

Article 243 -the plaintiff can be a man or a woman, but in any case he/she should be one of the current inheritors of the murdered

Article 244 -In the cases of doubt, if the defendant denies he was present at the time of murder at the scene of the murder and there are no indications to cause any suspicion that [he/she] committed the murder, the judge will ask the plaintiff to state [his/her] reasons and if the plaintiff does not state [his/her] reasons, the defendant after taking an oath will be acquitted. If the presence of the defendant at the scene of the crime while the murder was committed is certain, the defendant can state the reasons for [his/her] innocence and if [the defendant] does not state [such] reasons, a case of doubt is proven. [In this situation] the plaintiff should compurgate and if [he/she] does not compurgate, the plaintiff can ask the defendant to compurgate in which case and in order to [prove] his/her innocence, the defendant should act according to article 247. When the plaintiff does not compurgate [he/she] will be sentenced to paying mulct.

Article 245 - in cases of doubt, if there are no indications to prove the murder [was committed by the defendant], the plaintiff should prove the presence of the defendant at the time of the murder [i.e. the defendant was present at the scene], in order for compurgation to take place. If

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

the presence of the defendant is not proven and he/she denies that he/she was present, his/her denial after taking oath will be accepted.

Article 246 -in cases where the presence of the defendant at the scene of the crime is established, if the defendant provides credible reasons for his/her innocence, the doubt will be immaterial.

Article 247 -If the plaintiff does not compurgate, [he/she] can ask the defendant to compurgate. In this case, the defendant, in order to prove his innocence, should compurgate according to article 248 and if he/she does not [compurgate], [he/she] will be sentenced to pay mulct.

Article 248 -In cases of doubt, premeditated murder will be proven by fifty oaths and the oath takers should be blood relatives of the plaintiff and in their cases seniority is a condition [not clear what seniority means here, but it seems to be the degree of their relation to the plaintiff].

Note 1 -The plaintiff and defendant can be one of the oath takers accordingly.

Note 2 -If the number of oath takers is less than fifty, every male oath taker can take oath more than once so the fifty oaths will be made [collectively].

Note 3 -If there are no male oath takers [amongst the oath takers] amongst the relatives of the plaintiff for compurgation [to take place] the plaintiff can take fifty oaths even if she is a woman.

Article 249 -For accepting the retaking of an oath [by one person] the judge should establish that the defendant or plaintiff do not have fifty relatives or if [the defendant's or the plaintiff's] relatives are fifty or more, they are not prepared to take the oath. Also the judge should establish the blood relation of the oath takers with the defendant or plaintiff.

Article 250 -Every oath-taker should clearly identify the murdered person and the murderer. The oath-taker should also state the category of the murder and should also state whether the murder was committed single handedly or in association, as well as stating whether the murderer or murderess was/were accessory or a single murderer.

Note -If the judge believes that the oath-taker or takers are erroneous in discerning the category of murder, whether it was premeditated, unpremeditated or accidental, he [the judge] should cross examine the oath-taker or takers on the category of murder.

Article 251 -???

Article 252 -If there are several defendants, the plaintiff should take fifty oaths regarding each defendant, if the defendant does not compurgate [i.e. does not take oath], each defendant should take fifty oaths [to prove his/her innocence].

Article 253 -The number of oaths in unpremeditated murder and accidental death is twenty five oaths and the manner of taking them is in accordance to the aforesaid articles.

Article 254 -The number of oaths in injuries is as follows [i.e. the number of oaths to prove an injury was caused].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

- a) SIX oaths in injuries which will result in full mulct (or compensation) to be paid.
- b) three oaths in injuries which will result in half mulct (or compensation) to be paid.
- c) two oaths in injuries which will result in one third or a quarter or one fifth of mulct (or compensation) to be paid.
- d) one oath in injuries which will result in one sixth or less of mulct (or compensation) to be paid.

Article 255 -If a person is killed in a stampede or a body is found in a public place and there are no indications for the judge to attribute his/her murder to a person or a group of people, his/her mulct should be paid from the treasury by the judge. If there are indications for the judge to attribute his/her murder to a person or a group of people, the case will be a case of doubt.

Article 256 -If a body is found in a place and the heir of the murdered person alleges that a specific person from the residents of that place has committed the murder, this case will be a case of doubt. In this case, if the presence of the accused at the scene of the crime and at the time of the crime is proven, the hearing will be accepted by compurgation [taking oaths].

Note -Of the accused denies [he/she] was present at the scene and time of the crime, this denial will be accepted provided he takes oaths.

Section 7 -Manner of enforcement of retaliation

Article 257 -Premeditated murder will result in retaliation [i.e. killing of murderer] but can be converted [i.e. reduced] to full mulct (blood money or compensation), less than or more than full mulct by the agreement of the heir of the murdered person and the murderer.

Article 258 -If a man murders a woman, the heir of the murdered person can enforce retaliation by paying half mulct [of a man to the murderer], and if the murderer agrees [heir of murdered] by receiving the mulct of more or less than it [mulct] and settle the case. [it seems as though in the latter case the murderer will not be subject to retaliation but the article is vague.]

Article 259 -If a person who has committed a murder which is subject to retaliation, dies, the retaliation and mulct will be null.

Article 260 -If a person who has committed a premeditated murder escapes and is not found until [he/she] is dead, in *this* case, retaliation will be reduced to mulct which should be paid from [his/her] property. If [he/she] has no property, the mulct should be paid from his nearest relatives properties starting from the nearest kin. If [he/she] has no relatives or they have no property, the mulct will be paid from the treasury.

Article 261 -Heirs of a murdered person who have the right to retaliate or remit are the same as [his/her] inheritors apart from a husband or wife who have no right regarding retaliation and remission or their enforcements.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 262 -A pregnant woman who has been sentenced to retaliation, cannot be retaliated prior to delivery and after delivery if there is a danger to the child's life, [the mother] cannot be retaliated until the danger is removed.

Article 263 -Retaliation by a blunt or uncutting object which causes harm to the offender is prohibited also mutilation of the offender [i.e. murderer] is an offence.

Article 264 -If there are several heirs of the murdered person, retaliation is enforced by the agreement oral of them [i.e. unanimous agreement is necessary]. If some of the heirs wish to retaliate and some others wish to receive compensation, those who wish to retaliate can do so provided they may the mulct of those who want to receive it. If some of the heirs remit the murderer without receiving mulct [free of compensation] those who wish to retaliate can do so by first paying the share of the remitees to the murderer. [according to the latter part of this article, if some of the heirs do not want any compensation for their remission, their share must be paid by those who want to retaliate to the murderer].

Article 265 -The heir of the murdered after permission of the Spiritual Leader, can personally retaliate [i.e. kill] the murderer or delegate the retaliation to another person.

Article 266 -If the murdered person has no heir or the heir is not known or cannot be found, the Spiritual Leader will be the heir of the murdered person and the Head of the Judiciary power by permission of the Spiritual Leader and delegating the authority to relevant courts will prosecute the offender [murderer] and ask for retaliation or mulct to be executed.

Article 267 -A person or persons releasing the convicted murderer condemned to retaliation, should return the [convict]. If [he/she] does not do so and [his/her] arrest facilitates the return of the convict, [he/she] will be imprisoned until the convict is returned.

Note -If the convict dies prior to being returned or due to some other reason [his/her] return is not possible, the person who has released [the convict] should pay the mulct.

Article 268 -If prior to dying, the murdered person remits the murderer from retaliation, retaliation will be null and the heirs of the murdered person cannot ask for retaliation.

Chapter 2 -Retaliation of limb

Section 1 -Definition and reasons for retaliation for limb:

Article 269 .Premeditated mayhem or injury of limb will result in retaliation. The victim can retaliate the criminal by permission of the Spiritual Leader and by observing the stated conditions.

Note 1 -Punishment of the accessory to the crime of this article is three to twelve months imprisonment.

Note 2 -Regarding this crime, if there is no plaintiff or the plaintiff has remitted or the crime was not subject to retaliation, but. [the crime] has breached public order or caused fear or would provoke the offender or others, the offender will be sentenced to between three months to two years and the accessory will be sentenced to between two to twelve months imprisonment.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 270 -Mayhem or injury of limb is [divided] into three categories: premeditated, unpremeditated and accidental. The sentence for the two latter categories will be stated in the section of mulct.

Article 271 -Mayhem or injury of limb, in the following cases, is regarded to be premeditated:

- a) when by committing the crime, the criminal intended to cause mayhem or injury of limb, whether the action would inherently cause mayhem or injury of limb or not.
- b) when the criminal commits an action which inherently would cause mayhem or injury of limb, even though [the criminal] does not intend to cause mayhem or injury of limb.
- c) when the criminal does not intend to cause mayhem or injury of limb and the action does not inherently cause them but due to the conditions of the victim such as illness, old age, childhood or disability, [the action] would inherently cause mayhem or injury of limb and the criminal is aware of it.

Section 2 -Conditions and manner of retaliation for limb

Article 272 -In retaliation for limb other than the conditions aforesaid for retaliation of life, the following conditions should also be observed:

- a) limbs are equally healthy
- b) limbs are equally genuine [i.e. they are not artificial]
- c) equality in location of injured or cut-of limb
- d) retaliation does not result in death or defect of another limb
- e) retaliation does not exceed the crime

Article 273 - In retaliation for limb, men and women are equal and a male offender will be sentenced to retaliation for the same limb as he has defected from a woman unless the mulct for the defected limb is one third or more than one third of full mulct in which case in order to retaliate, the woman should pay the mulct of that limb to the man. [the latter part of the article is incomprehensible].

Article 274 -A healthy limb will not be defected for an unhealthy limb and only the mulct for that limb [i.e. the healthy one which is subject to injury or mayhem] will be paid, but an unhealthy limb will be retaliated for a healthy limb.

Article 275 -In retaliation for limbs, equality of the location of limb is valid only. Therefore if a limb from the right hand side of the body is cut off the same limb from the right hand side of the body of the criminal should be retaliated for [i.e. cut off]. The same rule applies to the left hand side part of the body.

Note -if the criminal has no right hand, [his/her] left hand will be retaliated for. If [he/she] does not have a left hand either, [his/her] leg will be cut off

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 276 -The injury sustained for retaliation should be equal in length and width to criminal action and if possible equality in depth should also be maintained.

Note -If the injury has caused the bone to be exposed or the world has just reached the bone, equality in depth is not necessary, but the retaliation can be approximate.

Article 277 -If in retaliation for injury, the exactness of injury is not possible such as deep(?) wounds, breaking of ribs or their dislocation, where retaliation may result in death or is excessive, the mulct [only] should be paid whether its amount has been determined by Islamic Jurisprudence or the judge determines the amount.

Article 278 -Retaliation of a limb can be executed immediately and there is no need to wait for the outcome of the wound, hence if after retaliation is done [the victim] dies as a result of the injury [he/she] sustained, the criminal will be retaliated for life [i.e. killed], provided the crime was intentional, but prior to killing, the criminal the mulct for the injuries sustained to [his/her] body as a result of initial retaliation, should be paid to the criminal.

Article 279 -In order to observe equality of retaliation to the crime, the extent of injury should be carefully measured and anything which provides this equality or may cause to excessive retaliation should be removed.

Article 280 -If due to movement of criminal, retaliation becomes excessive, the retaliator is not responsible, but if without movement of the criminal the retaliation becomes excessive and it was made intentionally, the retaliator will be retaliated to the extent of excessiveness. But if the excess was done intentionally, the retaliator should pay mulct for excessiveness.

Article 281 -If due to cold or warm weather, the wound might spread, retaliation should be done in moderate weather.

Article 282 -The object used in retaliation should be sharp, non-poisoned and suitable for retaliation and excessive bodily harm is forbidden.

Article 283 -If a person blinds one eye or pulls out any eye, [he/she] will be retaliated although the criminal [might only] have one eye and will not receive any mulct.

Article 284 -If a two eyed person pulls out the eye of a one eyed person the victim can retaliate for one of the criminal and receives half full mulct, or remits the criminal and receives full mulct, unless the victim had lost his eye due to retaliation before, in which case can either retaliate the criminal or by agreement of the criminal receive half mulct.

Article 285 -If a person, without injuring the pupil of the eye, causes the victim to lose his sight, only the sight of the criminal will be retaliated. If retaliation causes injury to the pupil of the eye of the criminal, the criminal should [only] pay the mulct.

Article 286 -The healthy eye will be retaliated not the unhealthy one.

Article 287 -If part of the ear of a person is cut off and [he/she] transplants the cut off part, the retaliation will [still] be valid. If the criminal after part of [his/her] eye is cut off for retaliation transplants it, no-one can retaliate [him/her], so the sign of retaliation remains. [i.e. retaliation is done only once even though the criminal transplants the ear.]

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 288 -Cutting off of an auricle resulting in loss of hearing will be considered as two criminal actions.

Article 289 -If a person cuts off someone else's nose, [the victim] can retaliate even though [the victim's] nose did not have a sense of smell.

Article 290 -If a person cuts off someone else's tongue or lips, by observing equality and locality, the criminal will be retaliated.

Note -If a vocal person cuts off the tongue of a dumb person, retaliation is not permissible and mulct should be paid.

Article 291 -If a person breaks or pulls out someone else's tooth, by observing the conditions of retaliation, retaliation will be done.

Note -if prior to retaliation the victim teethes, if the new teeth is defective the criminal should pay the mulct, and if it is healthy [the criminal] will be sentenced to up to seventy four lashes.

Article 292 -If the victim is a child, the retaliation should be postponed for the usual period [of teething]. If the child teethes, the criminal should pay the mulct, otherwise [the criminal] is sentenced to retaliation.

Article 293 -If an unnecessary limb is injured or cut off [like a sixth finger] and the criminal has no such limb, [he/she] should pay mulct.

Book IV -Mulcts

[compensation can equally be used throughout the entire translation]

Chapter 1 -Definition of mulct and its cases

Article 294 -Mulct is a property which should be paid to a victim of murder or his/her heirs and to a victim of injury.

Article 295 -In the following cases mulct will be paid:

- a) murder or injury or defect of limb caused by accident, that is to say, the criminal neither intended to commit the crime nor did [he/she] intend to make the action which caused the crime, like when a person intends to shoot a prey, but [he/she] hits the victim.
- b) murder or injury or defect of limb which accidentally looks like intentional, that is to say, the criminal intends to make an action which is not inherently lethal but does not intend to commit the crime, like when someone beats someone else to correct [him/her] in a manner which is not inherently lethal but (he/she) dies accidentally. or when a medical doctor in trying to cure someone by usual methods and accidentally causes death.
- c) in cases of premeditated murder when retaliation is not permissible.

Note 1 -Premeditated and unpremeditated murders caused by insane people and minors are regarded as accidental deaths.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Note 2 -If a person kills another person, believing [he/she] is enforcing retaliation or if the murdered person is a person whose blood should be shed with impunity and this belief is proven to the court and later on it is proven to the court that the murdered was not subject to any of these cases, the murder will be considered to be accidental [there was no such thing in categories of murder stated in article 204]. If the murderer proves [his/her] allegation that the murdered was a person whose blood should be shed with impunity, the murderer will neither be retaliated nor need to pay mulct. [the latter part of this note contradicts the former part].

Note 3 -If as a result of complacency, callousness or unskilfulness or non-payment of due consideration to regulations of a matter, murder or injury occurs in such a way as if the regulations were abided by, the accident would not have occurred, the murder or injury will be considered to be premeditated.

Article 296 -In cases where a person intends to shoot an object or an animal or another person but the bullet hits another person, [his/her] action will be considered to be a simple mistake.

Chapter 2 -Amount of mulct for murder

Article 297 -Mulct (or compensation) for a Muslim man is one of the following six mulcts and the murderer can choose whichever [he/she] wishes, (but] combining them is not permissible:

- a) one hundred camels which are healthy and without deficiency and which are not too slim.
- b) two hundred cows which are healthy and without deficiency and which are not too slim.
- c) one thousand sheep which are healthy and without deficiency and which are not too slim.
- d) two hundred flawless cloths from Yarnan.
- e) one thousand defectless Dinars [a currency used many years ago]. Every Dinar is equal to 3.51 grams of gold. [measurements are old fashioned, it is impossible to find exact equivalent.]
- f) ten thousand defectless Derachem [another currency used centuries ago]. Every Derachem is equal to 2.45 grams of silver. [same thing as clause e applies.]

Note -The [equivalent] value of each of the above mentioned [mulcts] will be paid by mutual agreement of the parties, or if none of the above mentioned mulcts are available, the equivalent value of each will be paid.

Article 298 -The mulct for premeditated murder, when retaliation is not possible, or when the heir of the murdered is persuaded, is one of the above mentioned mulcts. But when camels are designated for mulct, it is necessary that its [the camel's] age is between five and six years.

Article 299 -If the murder and injury which has caused the death [i.e. when a person receives an injury but later on dies as a result of sustained injury] is committed in one of these [lunar] months, Hajab, Kighad, Zihay, Moharrem or in the holy shrine in Mecca [in Saudi Arabia], as an aggravated penalty one third of the mulcts aforesaid in article 297 will be added to it [the mulct]. The other months [of lunar calender] or places, even though they are not subject to this aggravated penalty.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Note -If the murdered person is a relative of the murderer, this article does not apply.

Article 300 -The mulct for a murdered Muslim woman is half of the mulct for a Muslim man no matter if the murder is premeditated or unpremeditated.

Article 301 -Up to the point where the amount of mulct is one third of full mulct, the mulct for men and women is equal [this refers to mulcts other than that for murder]. When the amount of the mulct is more than one third of full mulct, the mulct for a woman is half of that for a man.

Article 302 -the period of respite for different cases from the moment the murder is committed is as follows:

- a) mulct for premeditated crime should be paid within one year
- b) mulct for unpremeditated Crime should be paid within two years.
- c) mulct for accidental murder should be paid within three years

Note 1 -[here should be no delay from the aforesaid periods, unless by the mutual agreement of the parties]

Note 2 - This article applies to the mulct for embryo and injuries and mayhem

Article 303 -If in an unpremeditated murder, the murderer cannot pay the mulct within the specified period, [he/she] will be given appropriate moratorium.

Chapter 4 -Responsibility of paying the mulct

Article 304 -In premeditated and unpremeditated murders, the murderer is responsible for paying the mulct.

Article 305 -In accidental murders, if the murder was proven either by evidence [no such case existed before], compurgation [oath taking] or knowledge of the judge, the paternal relative with the exception of women [of the murderer] is responsible for paying the mulct, but if the murder is proven by the confession of the murderer or if the murderer does not compurgate or does not take oath [he/she] is responsible to pay the mulct. [the latter part of the article -two last lines- are not clear].

Article 306 -In cases of simple mistakes [cf. article 296] the mulct for murder and mulct for causing injuries where the wound has caused the bone to be exposed or more severe injuries, the paternal relative with the exception of women is responsible for paying the mulct. If the injury is mild the criminal [him/herself] is responsible for paying the mulct.

Note -The premeditated or unpremeditated murder of a minor or an insane person are regarded as simple mistakes and payment of mulct is the responsibility of the paternal relatives [of the criminal] with the exception of women. [this note regards the mulct for the murder and not the retaliation].

Article 307 -' _GHELEH [this term has no English equivalent but refers to the person who is responsible for payment of mulct, other than the criminal. It has been defined as "paternal

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

relative with the exception of women" throughout this translation] is defined as paternal relatives with the exception of women who are regarded as inheritors of a person. These people are equally responsible for the payment of mulct.

Note -A person who has signed a contract to pay the mulct on behalf of someone else, is also responsible to pay the mulct.

Article 308 -Minors, insane people and destitutes are not regarded amongst the paternal relatives and are not responsible for paying the mulct in accidental murder cases.

Article 309 -If an accidental murder was proven by the testimony of just witnesses, paternal relatives with the exception of minors? are responsible for paying the mulct, but if the murder was proven [by the confession of the murderer] the murderer is responsible for paying the mulct].

Article 310 -If the actual murder was proven by the testimony of witnesses and the murderer claims it was an accidental murder but [the murderer's] paternal relatives with the exception of women deny that the murder was accidental, and he [paternal relative] takes an oath on his claim, the paternal relative's claim will be valid [according to this article if a person claims that the murder was accidental but his/her paternal relatives claim for example: my son committed a premeditated murder, the claim of the father of the murderer will be accepted against the claim of the murderer.

Article 311 -Parental relatives with the exception of women are only responsible for paying the mulct in cases of murders where there was no injury to the murderer person [e.g. suffocating someone with no apparent injury to the body]. They are [also] not responsible for paying mulct in the following cases:

a) accidentally causing an injury or death to oneself

b) accidental loss of property. L not clear why thIS clause has come m this article]

Article 312 -If the criminal has no parental relative with the exception of women and if [he/she] has one and they cannot pay the mulct within three years, the mulct will be paid from the treasury.

Article 313 -Mulct for premeditated and unpremeditated murders should be paid by the murderer but if [he/she] escapes it will be paid from [his/her] property. If the murderer has no property, the mulct should be paid by [his/her] relatives [note: no mention of 'parental relative with exception of women' is made, only "relative" is used in the text] starting from [the murderer's] closest relative onwards. If [the murderer] has no relative the mulct will be paid from the treasury.

Article 314 -In cases of accidental murder the court should summon the parental relative with the exception of women to defend himself [it is not stated defend against what, probably regarding.

Article 315 - if two people are accused of having committed a crime and each one accuses the other one of having committed the crime, and it can not be proven which one was the murderer, one of them should pay the mulct by drawing lots.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Chapter 5 -Causes of responsibility

Article 316 -Criminal action, whether it is done by conduction [see below] or by a cause [see below] or a combination of both, will result in responsibility.

Article 317 -Conduction is committing a crime directly by the criminal

Article 318 -Cause is [defined] as an action leading to the killing or injuring or another person, but the criminal [causer] does not directly make that action, like when a person digs a well and a second person falls into it and is harmed.

Article 319 -when a medical doctor, even if it is a skilled one, treats [a patient] directly or orders the treatment to be made, even if the treatment is done with the permission of the patient or [his/her] guardian, and the treatment results in loss of life or causes a defect, that medical doctor is responsible [and hence should pay for the damage

Article 320 -when a person aomg circumcision causes excessive injury or death, he will ´be responsible, even ifhe was a skilled person [at his job].

Article 321 - If a vet causes damage during treatment or an animal, even if [he/she] was skilled and the treatment was done with the permission of the owner of the animal, [he/she] is responsible.

Article 322 -If a medical doctor or a vet, prior to treatment of a person or an animal, obtains certification of non-responsibility from the patient or patient's guardian or owner of animal, and during the course of treatment harm is done, [he/she] will not be responsible.

Article 323 -If during sleep, a person, due to movement causes loss of life or defect of limb, [his/her] crime will be regarded as accidental and [his/her] relatives with the exception of women will be responsible.

Article 324 -When a person carries personally or transports something or someone and due to an accident during transportation with someone else causes a crime, if [the accident] was premeditated or unpremeditated, [the carrier] is responsible, but if it was a mistake [hisher] parental relatives with the exception of women, are responsible [the article is not explicit regarding who has received damage or crime].

Article 325 -If a person draws a weapon on someone else or sets off a dog on someone else or makes any action scarring someone else like shouting or setting off a sound-making device [bomb], as a result of which the recipient party dies, if the action was inherently lethal or was intended to kill, even though the action was not lethal, the action will be considered as a premeditated crime resulting in retaliation. But if the action was neither intentional nor was it inherently lethal, it will not be regarded as unpremeditated crime and the criminal should pay the mulct [or compensation].

Article 326 -Ifa person scares someone else causing [hirm/her] to run and [he/she] falls down a well or from a height and dies, if the scaring action had resulted in loss of will or control [of the dead], the person who has committed the scaring is responsible.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 327 -If a person ilirow [him/herself] down from a height and lands on someone else causing a crime, if the person intended to cause the crime, it is a premeditated crime and is subject to retaliation. If [he/she] did not intend to cause the crime but intended to throw [himi/herself] down which would not usually result in death [of the second person], the crime will be an unpremeditated one and is subject to payment of mulct. Also, if a person intends to throw [him/herself] but the actual throwing is done by other agents [such as a storm] the crime will be unpremeditated and mulct should be paid. But if the fall resulting in the death of someone else is caused as a result of an accident such as slipping, the person causing the death should pay the mulct and not [his/her] parental relatives with the exception of women. [cr. articles 305 and 306].

Article 328 -If a person causes harm to someone else, or throws someone else resulting in [his/11er] death or injury, and the person does not intend to cause the crime or the action was not inherently lethal, the crime is considered to be an unpremeditated one and the person is responsible for paying the mulct.

Article 329 -If a person throws another person on a third person and as a result the third person dies or is injured, and the first person neither intended to cause death or injury and neither the throwing is [so severe] to cause the death or injury, the crime is an unpremeditated one and the first person should pay the mulct.

Article 330 -If a person stays at a road or a place where stopping is permissible or stands at his own property or stops [his/her] vehicle at such places and another person *hits* [his/her] vehicle resulting in death of the second person, the first person is not responsible in any shape or manner.

Article 331 -If a person stops [hirm/herself] or stops [his/her] vehicle at places where stopping is not pennissible and a second person hits [hirm/her] or [his/her] vehicle resulting in the second person's death or his/her injw, the first person should pay the mulct for death or injw unless it is proven that despite the wideness of the road the second person hits the first person or [his/her] vehicle intentionally in which case not only the first person is not responsible for paying damages but is also entitled to receive such damages [he/she] may have incurred.

Article 332 -If it is proven that a security officer while implementing a lawful superior's order has opened fire and has not breached the regulations [either], the officer is not responsible for paying compensation and compensation will be paid from the treasury. If the killed or injured person was in the category of those who deserve to die, no compensation is made at all. [the category is not defined].

Article 333 -If in areas banned for pedestrians, a driver whilst driving with due care and not exceeding the speed limit, kills a pedestrian, the driver does not have the responsibility of paying mulct.

Chapter 6 -Accessory in crime

Article 334 -If as a result of a collision between two vehicles, two pedestrians or one pedestrian and a vehicle, both parties die, if the collision was unpremeditated, half the mulct of each will be paid from the party's property. If the collision was accidental, parental relatives with the exception of women of each should pay half the mulct to the parental relatives with the exception of women of the other.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 335 -If two people collide and one of them dies as a result of collision, if the collision was unpremeditated, half the mulct of the dead person should be paid by the other party, and if the collision was a simple mistake, half the mulct of the dead person should be paid by the paternal relative with the exception of women of the other part.

Note -If a person accidentally and without intention collides with a second person resulting in injury to or death of the second person, it is a simple mistake case.

Article 336 -If two cars collide and the collision is attributed to both drivers, and neither of them or both of them were at fault, each driver should pay half the damage of the other vehicle, no matter if the degree of faults is equal or not or the vehicles are of the same or different kinds. But if only one of the drivers is at fault, [he/she] alone is responsible.

Note -Being at fault means either carelessness or non experience or non-payment of due attention to driving regulations.

Article 337 -If as a result of collision of two vehicles [all or some of] the passengers die, if the collision was unpremeditated, each driver is responsible for payment of half the mulct of all passengers [of both vehicles], and if the collision is a simple mistake, the parental relatives with the exception of women of each driver is responsible for such a payment. If the fault of one of the drivers is unpremeditated whilst that of the other is a simple mistake, the mulct will be paid in accordance with their relative faults.

Note -If the collision is due to circumstances beyond the drivers control such as a storm. no responsibility is attributed to the drivers.

Article 338 -If a person who is called at night and taken away from [his/her] place, and disappears, the caller is responsible for paying the mulct unless the caller can prove someone else has killed the disappeared person. Also if it is proven that [he/she] has died of natural causes or as a result of some natural disaster, the caller is not responsible.

Article 339 -If at a public pass or another place which can not be possessed, a person digs a well or places a rock or some slippery material or makes an action resulting in harm or damage to pedestrians, [he/she] is responsible for paying the mulct or damages. But if such actions are done at [his/her] private property or at places which can be possessed, [he/she] is not responsible for paying mulct or damages.

Chapter 7 -Cause [of. article 318] in Crime

Article 340 -If one of the actions aforesaid in article 339 is made in a property and with the permission of the owner, by someone else and the action causes damage or injury to a third party, the second party is not responsible for payment of mulct or damages.

Article 341 -If an action is made at a public path which is of interest to the public and as a result, a crime or damage is done, the performer is not responsible for paying mulct or damages. [i.e. the contractor is not responsible.]

Article 342 -If someone makes one of the aforesaid actions in article 339 in [his/her] property and invites a person who is unaware of that action due to blindness or dark, the owner is responsible for paying mulct and damages. But if the unaware person enters the property without the permission of the owner or with the permission acquired prior to the making of

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

these actions [by the owner] and the owner is unaware of his /her entry, the owner is not responsible for paying mulct or damages.

Article 343 -If due to natural disasters like flood, one of the aforesaid [in article 339] occurs resulting in harm or damage, no one is responsible even if [the owner] is wealthy enough to pay for damages. If [a rock, stone etc] which is displaced by flood is returned to its original place or some other place, as a result of which harm is done, the person who has returned [the rock, stone etc] is responsible for paying mulct or other damages. And if a person places [the displaced rock] by the roadside to protect pedestrians, this person is not responsible [if harm is done].

Article 344 -If a person forcibly enters someone else's property and makes the aforesaid actions in article 339, and a second person forcibly enters the property and is harmed, the first person is responsible for paying mulct and damages.

Article 345 -If a person leaves a means of transport or some trading goods in a public path resulting in harm [to another person], [he/she] is responsible for paying mulct and other damages, unless it was to the interest of the public to leave it [goods etc.] there temporarily.

Article 346 -If a person leaves a slippery object [material] on a [public path] causing a pedestrian to slip, the first person is responsible unless the pedestrian who is sane and mature or a discerning [minor], deliberately sets foot on the slippery object while [he/she] can avoid it.

Article 347 -If a person leaves an object on [his/her] wall and due to an unexpected cause, the object falls on a public path resulting in damages, [he/she] is not responsible unless the object was deliberately placed in a manner to fall.

Article 348 -If a gutter or balcony which is unlawfully structural falls causing damage, the owner of that home is responsible, but if it was structured .lawfully and falls by accident, the owner is not responsible.

Article 349 -If a finny structured wall collapses as a result of an unforeseen accident such as an earthquake and causes damage, the owner of the house is not responsible. Also if such a wall which is facing the owner's property falls in another person's property causing damages, the owner of the first property is not responsible.

Article 350 -If a correctly structured wall, after a period of time tilts towards another person's house and collapses before it is possible to mend it, the owner is not responsible. But if after it was possible to mend the wall [and the mending was not done], the wall collapses on someone else's property, the owner of the first home is responsible.

Article 351 -If someone [deliberately] tilts a wall or diverts it to collapse resulting if! damages, that person is responsible.

Article 352 -If a person sets something on fire in [his/her] own property which would not normally spread, but due to an accident the fire spreads, that person is not responsible for damages.

Article 353 -If a person sets something on fire in [his/her] own property which normally spreads, [he/she] is responsible even if the fire was not excessively set.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 354 - if a person sets something on fire in [his/her] own property, and even though the fire is not excessive it spreads causing damages, that person is responsible [cf. the term "accident" in article 352].

Article 355 -If a person sets something on fire on a public path or in someone else's property causing damages, [he/she] is responsible even if he did not intend to cause the damages.

Note -In all the cases where the person who sets the fire is [described to be] responsible for damages caused, provided there is no accessibility to way of escape for those who have suffered the damage. [i.e. if the people can escape from the fire via a fire *exit*, the arsonist is not responsible].

Article 356 -If a person sets something on fire and a second person throws the property of a third person on fire, the second person is solely responsible for paying damages.

Article 357 -The owner of an animal which might attack other people should secure the animal. If due to any complacency on behalf of the owner the animal causes death or damage, the owner is responsible. If the owner is not aware that the animal is capable of attack, or if the owner is aware and [he/she] secures the animal, the owner is not responsible for any damages caused by the animal.

Article 358 -If during defending oneself or someone else or someone else's property, a person damages or kills the animal who has caused the danger, that person is not responsible.

Article 359 ..If as a result of complacency of the owner and animal attacks another animal, the owner of the first animal is responsible for paying damages. No one is responsible in this case for any damages the attack dog may sustain.

Article 360 -If a person enters a house with the permission of the owner and is attacked by the owner's dog, the owner is responsible, whether the owner was aware of the danger of his dog or not or whether the dog was present at the time of entry of the first person or the dog went to the house after entry of the first person.

Article 361 -If a person who is mounted on an animal stops the animal, [he/she] is responsible for any damages caused by the animal.

Article 362 -If a person assaults an animal as a result of which the animal receives injuries, that person is responsible for damages sustained by the animal.

Chapter 8 -Combination of Cause and Conduction or Combination of Several Causes

Article 363 -If as a result of combination of a conductor and a cause, a crime is committed, the conductor is responsible unless the cause is more influential [in committing the crime].

Article 364 -If two people unlawfully cause a crime to be committed, the person who has made the initial cause is not responsible. For example, if a person [unlawfully] digs a well and a second person places a rock by the well and a third person [i.e. the victim] as a result of colliding with the rock falls into the well, the well digger is not responsible and the person who has placed the rock is responsible. If the action of one of them is lawful, only the person who has made an unlawful action is responsible.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 365 -If several people jointly cause harm or damage, they are equally responsible.

Article 366 -If as a result. of a cause, two people collide and die or are injured, the person who has made the cause is responsible.

Chapter 9 -Mulct (compensation) for Limbs

Article 367 -If the mulct for the crime against limbs is not specified by Islamic Jurisprudence, the mulct will be set by the judge. [there are tWo terms used for compensation or mulct, one is applicable where its amount is specified by Islamic Jurisprudence and the other is not. This second term is "ARSH", amount of which will be set by the judge].

Section 1 -Mulct for Hair

Article 368 -If a person plucks someone else)s hair or beard in a manner that it won)t grow) full mulct should be paid. If it [is thought to] grow later) the mulct for hair will be set by the judge and the mulct for a beard will be one third of full mulct.

Article 369 -If a person damages a woman's hair causing it not to grow any longer, [he/she] should pay full mulct, but if the hair grows [later], [he/she] should pay what that woman may lose as her marriage settlement and in this sentence there is no difference between young and old.

Note -If the marriage settlement is more than full mulct, the payment cannot exceed the full mulct.

Article 370 -ffpart of the lost hair grows later and part of it does not, the mulct will be paid by calculating the proportion of the lost hair to the total hair.

Article 371 -Discernment of whether the hair grows or not is with an expert and if on the basis of an expert's opinion the mulct was paid but later on more hair was grown than anticipated by the expert, the extra mulct should be returned to the payee.

Article 372 -The mulct for both eye brows, provided they won't grow any longer is five hundred dinars and the mulct for an individual eye brow is two hundred and fifty dinars and the mulct for [loss] of any part of the eyebrows is in this proportion and if part of it grows later the mulct will be decided by a judge, and if part of it [unexpectedly] grows later, the mulct for this proportion should be returned.

Article 373 -Actions resulting in loss of all or part of the eyelashes, results in mulct set by a judge whether part or all of them grows later or not.

Article 374 -Damaging or loss of hair results in payment of mulct provided the hair alone is lost and its loss is not accompanied by loss of other limbs or skin, in which case only the mulct for the lost limb should be paid.

Section 2 -Mulct for Eye

Article 375 -Causing loss of both healthy eyes results in payment of full mulct. The mulct for an individual eye is half the full mulct.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Note -All sighted eyes whether they are weak or short-sighted or the like are subject of this article.

Article 376 -If there is a white spot on the eye ball which does not impair the sight, full mulct applies to that eye, but if the white spot impairs the sight, the mulct will be reduced in proportion to the defect and if the white spot causes complete loss of sight the mulct will be decided by the judge.

Article 377 -If a person was born with one sighted and one blind eye, or the blind eye became blind later due to an illness or reasons other than retaliation, the full mulct applies, but if the blind eye was lost due to retaliation or some crimes, half mulct applies.

Article 378 -The mulct for the blind eye of a person whose other eye is sighted, is one third of full mulct, disregarding the cause of blindness [i.e. whether it was due to natural illnesses, or at birth or retaliation].

Article 379 -The mulct for all four eyelids is a full one. The mulct for the upper eyelids is one third and for lower eyelids is half of full mulct.

Section 3 -Mulct for Nose

Article 380 -Cutting off a whole nose or its tip will result in full mulct. Defecting part of the tip results in payment of mulct in proportion to the degree of defection.

Article 381 -Defecting part of the nose bone, after defecting the nose tip results in payment of full mulct and extra mulct specified by the judge.

Article 382 -If by breaking or burning, the nose is impaired completely in a manner that it can't be treated, full mulct applies, but if the mulct can be treated completely, the mulct is one hundred dinar.

Article 383 -Impairing a nose results in payment of two thirds of full mulct and cutting off an impaired nose results in payment of one third of full mulct.

Article 384 -Completely damaging each nostril will result in payment of one third of full mulct. Rupturing both the nostrils and the tissue between them in a non-treatable manner results in payment of one-third of full mulct but in a treatable manner results in payment of one fifth of full mulct.

Article 384 -Completely damaging each nostril will result in payment of one third of full mulct. Rupturing both the nostrils and the tissue between them in a non-treatable manner results in payment of one-third of full mulct but in a treatable manner results in payment of one fifth of full mulct].

Article 385 -If the tip of the nose is slightly damaged resulting in damage to the place where blood is bled, half mulct applies like many of the previous articles, this is a completely non-sensical

Chapter 9: Section 4 -mulct for ear.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 386 -Cutting off or completely damaging both ears results in full mulct and the mulct for each ear is half the full mulct and that of part of an ear is in proportion to the damage sustain.

Article 387 -Completely damaging an earlobe results in the payment of one third of full mulct and that of part of the earlobe is in proportion to the damage.

Article 388 -[partial] Sipping of ear has one third of full mulct penalty.

Article 389 -The mulct for impairing an ear is two thirds offutt mulct and cutting off an impaired ear has one third of full mulct.

Note -If damaging an ear results in impairment of the sense of hearing or in the breaking of an ear bone, separate mulcts apply in each case.

Article 390 -In the aforesaid articles there is no difference between a healthy and a deaf ear.

Section 5 -Mulct for lips

Article 391 -Full mulct applies to complete damage of both [upper and lower] lips and half mulct and half mulct applies to complete damage of individual lip. Damage of part of the lip results in payment of mulct in proportion to the degree of damage.

Article 392 -The compensation for damaging lips in a manner that the teeth will not be covered [any longer] will be divided by the judge.

Article 393 -The mulct for damaging lips so they become weak to a degree that during laughing the teeth are not covered is two thirds of full mulct. (meaningless statement).

Article 394 -The mulct for damaging impaired or numb lips is one third of [full] mulct.

Article 395 -Splitting one or both lips resulting in the displaying of teeth results in payment of two thirds of full mulct. If the split is treatable, one fifth of full mulct applies.

Section 6 -Mulct for tongue

Article 396 -Cutting off or damaging the whole of a healthy tongue or making a healthy human dumb by a blow to the head or by such similar actions results in payment of full mulct and cutting off the tongue of a dumb person has one third of full mulct.

Article 397 -The mulct for cutting off part of a dumb person's tongue is in proportion to the cut off part, and that of a healthy person [i.e. vocal] is in proportion to the loss of vocalirary.

Article 398 -The judge decides the amount of the mulct which results in impainment of speech whose vocality [itself] is not damaged.

Article 399 -If a person that has already lost the ability of pronouncing certain letters by the action of another person loses the ability of pronouncing some other letters by the action of a third person, the mulct payable by each [criminal] is in proportion to the damage they have caused.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 400 -The mulct. for cutting off a child' s tongue who has not reached the age of speaking is full mulct. [does not state the age of speaking].

Article 401 -The mulct for cutting off a child's tongue who has reached the age of speaking but does not speak is one third of full mulct. If it later becomes known that the child had a healthy tongue capable of. making speech, full mulct applies and the rest of the mulct [i.e two thirds] should be paid].

Article 402 -If the dumbness was temporary whilst full mulct was paid, when the ability to speak returns, the mulct should be repaid [to the criminal].

Section 7 -Mulct for Teeth

Article 403 -Damaging anyone of twenty eight teeth results in mulct as follows:

a) Each front tooth has a mulct of fifty dinars and since there are twelve teeth comprising incisors and canines, there is a five hundred dinar mulct altogether for the front teeth.

b) Each back tooth comprising molars and premolars has a mulct of twenty five dinars, totalling four hundred dinars.

Article 404 -There is no mulct for extra teeth no matter how they have grown [i.e. apart from the 28 teeth mentioned above, if a person has a 29th tooth, no mulct applies], but if [forcibly] pulling them out results in damage [presumably to mouth], mulct should be paid., the amount of which will be decided by the judge. But if no damage is done, the penalty by the decision of the judge, will be up to seventy four lashes.

Article 405 -If the number of teeth is less than twenty eight, the amount of full mulct will be reduced by the same proportion [total nonsense], no matter whether the shortage in the number of teeth was at birth or due to some accident.

Article 406 -There is no difference [in the mulct of] in the colour of the teeth, if a tooth due to some criminal action becomes dark but does not fall, the mulct Will be two thirds of mulct for that tooth. If the tooth was already dark, the mulct Will be one third.

Article 407 -If a tooth is split but not pulled out, nor is it completely damaged, the mulct will be by the decision of the judge.

Article 408 -Breaking of a visible part of a tooth without loss of the root, results in the full mulct of that tooth. If after breaking the visible part of the tooth, the rest of it is pulled out from the root, the judge decides on the amount of mulct, no matter whether the tooth is pulled out by the same person who had broken it or someone else.

Article 409 -Pulling out of a milk tooth which won't grow again results in payment of full mulct, but if it grows later the mulct will be one camel.

Article 410 -Full mulct applies to a pulled out tooth, even though it is placed back in its original place and [appears] to be normal. [totally meaningless].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 411 -If another tooth is transplanted for a fallen tooth, and is pulled out [by a criminal], the full mulct applies.

Chapter 9: Section 8 -Mulct for Neck

Article 412 -Full mulct applies if the neck is broken in a manner that it stays broken.

Article 413 -If the neck is bent or it is damaged in a way that impairs swallowing, the judge decides on the amount of the penalty.

Article 414 -If a bent neck or a neck which has been damaged in a manner that swallowing is impaired, and is treated later, no mulct applies but the judge specifies the amount of the penalty. If the neck is straightened or swallowing is made with difficulty, the same penalty applies. [i.e. will be decided by the judge].

Section 9 -Mulct for Jaws

Article 415 -Complete damage of both jaws results in full mulct and that of an individual jaw is half mulct. Complete damage of part of the jaws results in mulct in proportion to the damaged area of the whole jaw.

Article 416 -The mulct for jaws and teeth are independent of each other and separate mulcts apply.

Article 417 -If a crime causes partial damage to the jaw or impairs chewing, the compensation will be decided by the judge.

Section 10 -Mulct for Hand and Foot

Article 418 -Full mulct applies for cutting off both hands up to the wrists, half mulct applies to cutting off each hand up to the wrist no matter if the victim has two hands or one hand and has lost the other in an accident or was born without a limb.

Article 419 -The mulct for cutting off each finger up to the wrist is five hundred dinars. [*this case is impossible as are many before*].

Article 420 -The judge decides the amount of punishment [i.e. financial punishment] when the palm of a fingerless hand, whether the fingers were lost by accident or were not present at birth, is cut [does not state cut off only cut, another impossible case].

Article 421 -The mulct for cutting off a hand, whether it has a palm or not, up to the elbow is five hundred dinars. The mulct for cutting off a hand, whether it has a palm or not, up to the shoulder is five hundred dinars.

Article 422 -If a hand which has fingers is cut off from above the wrist or above the elbow, the mulct in each case is five hundred dinars plus an amount decided by the judge which will be in proportion to the excess cut off [from the wrist or the elbow].

Article 423 -If a person has two full hands, the mulct for the main hand [presumably a reference to right handedness or left handedness] is five hundred dinars and for redundant [the

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

other] hand will be decided by the judge. A specialist decides which hand is the main one and which hand is the redundant. [other or minor hand] one.

Article 424 -The mulct for ten fingers of hands or ten toes of feet is full mulct, the mulct for each finger is one fourth of full mulct.

Article 425 -The mulct for each finger is according to the number of joints of each finger. Cutting off of each joint other than the joints of the thumb results in one third of full mulct for each finger and cutting off of each joint of thumb has half tile mulct for a full thumb.

Article 426 -The mulct for a redundant finger [presumably other than thumb and index finger] is one third of mulct for a major finger and the mulct for joints of a redundant fu1ger is one third of the mulct for joints of a major finger.

Article 427 -The mulct for disabling each finger is two thirds of the mulct for each healthy finger. The mulct for cutting off a disabled finger is one third of mulct for a healthy finger.

Article 428 -All the aforesaid sentences in this section equally apply to feet.

Section 11 -Mulct for Fingernail

Article 429 -Pulling out a fingernail in a manner that it won't grow any longer or becomes dark or infected is ten dinars and if it grows healthy again, the mulct is five dinars.

Section 12 -Mulct for Backbone

Article 430 -If the backbone is broken, whether it cannot be treated or after treatment becomes arched or requires a stick to walk or results in impotency or in polyuria, full mulct applies. If due to a crime the back becomes arched or the victim loses [his/her] ability to walk or to sit, full mulct applies.

Article 431 -If after treatment of breakage or as a result of the crime the backbone becomes completely healthy without any scars, the full mulct is one hundred dinars.

Article 432 -If breaking of backbone results in disability of both legs, the mulct will consist or combination of full mulct for breaking of backbone plus two thirds of full mulct for disablement of the legs.

Section 13 -Mulct for Spinal Cord

Article 433 -Breaking [snapping] of the entire spinal cord results in full mulct. Snapping of part of the spinal cord results in mulct which will be in proportion to entire spinal cord [I]

Article 434 -If snapping of spinal cord results in defect of another limb, the specified mulct for that limb will also be added to the mulct for the spinal cord. If that limb has no specified mulct, the mulct will be decided by the judge.

Section 14 -Mulct for Testicles

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 435 -If both testicles are cut off, full mulct applies, if the left testicle is cut off, the mulct will be two thirds of full mulct and the mulct for the right testicle is one third of full mulct.

Note -This article applies equally to the young, old, child, mature and impotent.

Article 436 -If a blow results in swelling of the testicles, the mulct will be four hundred dinars and if the swelling prevents proper walking, the mulct will be eight hundred dinars.

Section 15 -Mulct for Ribs

Article 437 -The mulct for each rib of the left hand side of the body covering the heart is twenty five dinars and that of other ribs is ten dinars for each rib.

Section 16 -Mulct for Collar Bone

Article 438 -The mulct for breaking of both collarbones is a full one. The mulct for each collar bone which cannot be treated or if it can be treated a defect results, is half mulct, but if it can be fully treated the mulct is forty dinars.

Chapter 9: Section 17 -Mulct for Bottom

Article 439 -If the coccyx [bone at the end of the vertebrate column] is broken in a manner that the victim cannot hold [his/her] faeces, it results in full mulct, but if the victim can hold (his/her) faeces but cannot hold the wind, the mulct will be decided by the judge.

Article 440 -If a blow to the area between the testicles and anus results in the victim not being able to hold his faeces or his urine, full mulct applies. The same full mulct applies to any other blow to any other part [of body] resulting in similar illness.

Article 441 -Rupturing of hymen with a finger in a manner that she cannot hold her urine will result not only in payment of mulct for a woman [does not state what it is] but also in payment of an amount equal to marriage settlement [i.e. the amount payable to the girl when she marries and subsequently divorces is the amount which should be paid to the girl for the loss of her virginity. How this amount can be worked out is not stated].

Section 18 -Mulct for Bones

Article 442 -The mulct for fracturing a limb for which [i.e. the limb] mulct has been allocated is one fifth of the mulct for that limb. If the fractured bone can be treated completely the mulct in this case will be four fifths of untreatable bone [mentioned at earlier part of this article]. The mulct for grinding a bone of a limb is one third of the mulct for that limb, if the bone is completely treatable the mulct for this case is four fifths of the mulct for untreatable bone.

Article 443 -The mulct for dislocating a bone of a limb in a manner that the limb will be disabled, is one third of the mulct for that limb, but if the limb is completely treated, the mulct for the dislocation of the bone of the limb is four fifths of the mulct for dislocation [in non-treatable cases mentioned in the first part of this article].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

[in these articles the mulct for fracturing or dislocating a bone depends upon the mulct of the limb to which the bone belongs. For example if the bone of the hand is fractured, the mulct will be one fifth of the mulct of the hand in treatable cases and in non-treatable case it is four-fifths of a treatable bone].

Section 19 -Mulct for Loss of Mind

Article 444 -Full mulct applies to any crime causing complete loss of mind. In cases of partial loss of mind the mulct will be decided by the judge [i.e. the amount is not specified].

Article 445 -[any crime] causing complete or partial loss of mind does not result in retaliation.

Article 446 -If as a result of a crime like a head blow or fracture of head or cutting off of hand, loss of mind occurs, the mulcts will be separately worked out [e.g. for the example of fracture of head, one mulct for the fracture and one for loss of mind applies].

Article 447 -If the mind is regained, the full mulct will be returned [to the criminal] and the mulct will be decided by the judge.

Article 448 -Two just specialists are the authority for discerning that complete or partial loss of mind has occurred. If the complete or partial loss of mind cannot be proven, due to disagreement of the two specialists, the statement of the criminal after taking oath will be accepted.

Section 20 -Mulct for Sense of Hearing

[note: according to the articles of this law regarding mulcts, the mulct for causing damage to a sense is separate from the mulct for the organ of that sense.

Article 449 -Causing loss of hearing of both ears results in full mulct and causing loss of hearing of one ear results in half mulct, disregarding the sensitivity of the ears.

Article 450 -For a person who is deaf in one ear, deafening the healthy ear results in half mulct.

Article 451 -Mulct applies if it is known that the sense of hearing will not be regained or two just specialists testify to this effect. The mulct also applies if the specialists had discerned that the hearing will be regained but their diagnosis, after a period of time was proved to be wrong. If the hearing is regained prior to payment of mulct, the judge decides on the amount of mulct but if the hearing is regained after the mulct was paid, it [the paid mulct] will not be paid back. If the victim dies prior to receiving the mulct, the mulct will be paid to his/her heirs.

Article 452 -If by cutting of both ears hearing is lost, two full mulcts should be paid [one for the ears and one for loss of hearing]. If by cutting off one ear, the hearing is completely lost, one and a half mulcts apply. If due to some other crimes the hearing is lost, both the mulct for the crime and for loss of hearing apply.

Note -If two just specialists diagnose that the hearing is not lost but some defects on its canal has prevented the hearing, the same mulct for loss of hearing applies.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 453 -If an infant who cannot speak as yet becomes dumb as a result of deafness, the criminal not only should pay the mulct but also should pay another amount by the decision of the judge.

Article 454 -If due to some criminal action, both senses of hearing and speaking are lost, two full mulcts apply.

Article 455 -The mulct for tearing the ear drum will be decided by the judge.

Article 456 -If [regarding the extent of deafness and hence the amount of compensation] there is a dispute between the victim and the criminal and a specialist cannot decide on the case, the case will be one of doubt and after compurgation the victim receives the mulct.

Section 21 -Mulct for Sight

Article 457 -The loss of sightedness of both eyes results in full mulct and that of one eye results in half a full mulct.

Note -In the aforesaid sentence there is no difference between sharp eyes, cross eyes, night blind eyes and the like.

Article 458 -If by pulling out the eye ball, sightedness is lost, the mulct will not be more than the mulct for the eyeball [alone] [meaningless]. If sightedness is lost due to some other criminal actions like fracture of head, both the mulcts for that criminal action and for loss of sight applies.

Article 459 -If there is a dispute between the victim and the criminal [regarding whether the sightedness will be regained or not], if two just specialist men or one specialist man alongside two just specialist women testify that the sightedness will not be regained, or if they say it will be regained but do not state after what period, the mulct applies" Also if they state a reasonable period for regaining the sight after which it does not materialize, the mulct applies. If the victim dies during the period specified by the specialists, the mulct [still] applies. Also if in this period someone else pulls out the eyeball [of the victim] still the mulct for sightedness applies to the initial criminal. If [during this period] sight is regained but someone else pulls out the eye, the mulct payable by [original criminal] still applies. [like many other articles, extremely confusing].

Article 460 -If the victim claims that [he/she] has partially lost the sightedness of one or both eyes, [his/her claim] will be verified by comparison between the degree of sightedness with the other eye [in case of partial loss of one eye] or by testing [his/her] eyes against someone of the same age. The mulct for partial loss of sightedness will be in accordance with the degree of loss. If [such a claim] cannot be proven by testing, the decision will be taken by compurgation.

Article 461 - If the Victim claims [he/she] has lost [his/her] sense of sightedness and there is no testimony by the specialists. After compurgation the judge will pass the sentence in [his/her] favour.

Note -compurgation for one eye is done by three oaths, for two eyes by SIX oaths and for partial loss of sightedness it will be in proportion to the loss, no matter whether the oaths are taken by the victim alone or alongside others.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Section 22 -Mulct for sense of smell

Article 462 -Full mulct applies if the sense of smell of both nostril canals are lost. Half mulct applies if the sense of smell of one nostril canal is lost, in which case, prior to making the judgement, the judge should ask both parties to settle the dispute [regarding amount of mulct].

Article 463 -If the dispute between the criminal and the victim regarding the degree of loss, or [truth of] the complete loss of sense of smell is not solved by arbitration of two just specialists, the judgement after compurgation according to article 461 will be passed in favour of the victim.

Article 464 -If prior to payment of mulct, the sense of smell is regained, the judge decides on the amount of mulct, but if it is regained after the payment is made, [the parties] should settle the dispute. If prior to the expected period of regaining the sense of smell, the victim dies, the mulct will be paid to [his/her] heirs.

Article 465 -If sense of smell is lost by cutting off the nose, two mulcts apply [one for cutting off the nose and another for loss of sense of smell]. If it is lost due to some other crime, the mulct for that crime also applies, if that crime has no specified mulct, the judge decides on its amount.

Chapter 9: Section 23 -Mulct for Sense of Taste

Article 466 -The amount of mulct for loss of sense of taste is decided by the judge.

Article 467 -If sense of taste is lost due to cutting off of tongue, the mulct (for this loss) will not be more than the mulct for the tongue. If it is lost by some other crime, the mulct for that crime also applies.

Article 468 -If the loss is healed the mulct will be returned.

Article 469 -If the extent of the loss is known by the diagnosis of two just specialists, it will be acted accordingly [i.e. according to the degree of loss, mulct will be paid]. If not and the case becomes one of doubt, after compurgation of the victims, the judgement will be passed in [his/her] favour.

Section 24 -Mulct for Voice and Speaking

Article 470 -If the voice is completely lost, although the person may be able to murmur, full mulct applies.

Article 471 -Full mulct also applies if the ability to speak is completely lost. [the two recent articles have the same implications].

Article 472 -If due to a criminal action, ability to speak is partially lost, the mulct will be decided by the judge.

Article 473 -If due to a criminal action, pronunciation of certain letters is lost, the mulct will be decided by mutual agreement of the parties [the criminal and the victim].

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Section 25 -Mulct for Urinogenital Organs, Lack of Sleep, Sense of Touch

Article 474 -In a crime causing incontinence, it will be acted according to the following arrangements:

- a) if the incontinence is permanent, full mulct applies.
- b) if the incontinence occurs between mornings and afternoons every day, two thirds of mulct applies.
- c) if the incontinence occurs between afternoons and the next morning every day, one third of mulct applies [in this case if incontinence occurs between the afternoon and the next and from after the morning till the same day's afternoon the victim does not suffer from incontinence, one third of mulct applies. The same argument applies to clause b]

Note -if the incontinence occurs some days [i.e. 24 hours] and is healed later, the mulct will be decided by the judge.

Article 475 -The mulct for the following [criminal] actions will be decided by the judge:

- a) loss of ejaculation
- b) loss of [sexual] reproduction and loss of ability to cary a foetus.
- c) loss of pleasure of sexual intercourse.

Article 476 -If. as a result of a crime, complete impotency occurs, full mulct applies.

Article 477 -If due to a crime some of the natural functions as well as sleep and touch do not function or some illnesses occur for which mulct have not been determined [by Islamic Jurisprudence], the mulct will be decided by the judge.

Article 478 -Full mulct applies if the penis is cut off from the point of circumcision, or is cut off more than from the point of circumcision. If it is cut off less than from the point of circumcision, the mulct will be in proportion to the excess cut off from the point of circumcision.

Article 479 -If the female genital organ is completely cutoff full mulct applies, if one side of it is cut off, half mulct applies.

Chapter 10 -Mulct for Injuries

Section 1 -Mulct for injuries to face and hand

Article 480 -The mulct for injuries to head and face are as follows. [none of the following terms has any English equivalent but they are all defined in the text.]

- a) H_RESEH: scratching of skin without bleeding -one camel
- b) D_M_YEH: a scratch which passes skin and slightly enters the tissue and causes bleeding -two camels.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

c) MOTEI_HEMEH: an injury which causes a deep wound to the tissue but does not reach the bone -three camels.

d) SAMH_GH: an injury which passes the tissue and just touches the bone -four camels.

e) MOUZEHE: an injury which causes the bone to become exposed -five camels.

f) H_SHEME: an action as a result of which a bone is fractured but no injury has occurred -ten camels [another impossible case].

g) MANGHALEH: an injury which can only be treated by dislocating a bone -fifteen camels.

h) MAMOOMEH: an injury which reaches cerebral cortex has one third of full mulct or thirty three camels.

i) D_MEGHEH: for an injury which ruptures cerebral cortex, in addition to one third of full mulct, judge decides on payment of compensation.

Note -The same mulct as aforesaid applies to injuries to the ears, nose and lips.

Section 2 -Mulct for causing internal wounds [which do not penetrate the organs].

Article 481 -The mulcts for the injuries to the body are as follows:

a) JA 'FER [again no English equivalent exists] injuring abdomen, chest, back or side of body, regardless of the weapon used or point of entry of the weapon, will result in one third of full mulct.

b) If a weapon enters one side of the body and exits from the other side, two thirds of full mulct applies.

Note -There is no difference between a firearm and a cold weapon.

Section 3 -Mulct for injuries which penetrate the limbs or the organs

Article 482 -If a spear or a bullet or similar objects enter the hand or foot, the mulct will be one hundred dinars if the victim is a man and if the victim is a woman, the mulct will be decided by the judge.

Chapter 11- Mulct for crimes causing change of colour of skin or swelling

Article 484 -The mulct for a blow causing change of colour of the skin of the face are as follows:

a) blackening of face without causing injury or fracture, six dinars.

b) Slight blackening of face, three dinars

c) reddening of face, one and a half dinars.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

d) in other limbs of the body, causing change of colour, half the amounts specified above applies

Note 1 -the article equally applies to men, women, children and adults. Also the article equally applies to total or partial change of colour of face or whether any mark of the crime remains or not.

Note 2 -the mulct for a crime causing change of colour of head, will be decided by a judge.

Article 485 -if a crime results in swelling [of part of face or body], the mulct will be decided by the judge, and if the crime results in both swelling and change of colour, separate mulcts apply for each.

Article 486 -the mulct for disabling a limb which has specified mulct is two thirds of that mulct and the mulct for cutting off a disabled limb is one third of the mulct for [cutting off the healthy] limb.

Chapter 12 -Mulct for abortion

Article 487 -Mulct for abortion is as follows:

a) mulct for zygote is twenty dinars

D) blood forming embryo, forty dinars

C) flesh forming embryo, sixty dinars

d) bone forming embryo for which blood has not been generated as yet, eighty dinars

e) complete embryo which has no soul as yet, one hundred dinars.

Note -the above clauses apply equally to male and female embryos.

f) If the embryo has a soul and the embryo is a boy, full mulct applies. If the embryo has a soul and the embryo is a girl, half mulct applies and if the sex of the souled embryo is not clear, three quarters of mulct applies.

Article 488 -If due to the murder of the mother, the embryo is aborted or still born, the mulct for the embryo will be added to the mulct for the mother.

Article 489 -If an [expecting] mother aborts her pregnancy, she should pay the mulct, no matter at what stage of pregnancy the abortion occurs and she will not receive anything from this mulct.

Article 490 -In the case of multiplicity of embryos, a separate mulct applies to each embryo.

Article 491 -Mulct for limbs of embryo or injuries to the limbs are in proportion to the mulct for the [complete] embryo.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Article 492 -The mulct for an embryo in premeditated or unpremeditated abortions should be paid by the criminal [i.e. whoever has done or caused the abortion], but in the case of a simple mistake [accidental] it should be paid by the criminal's parental relatives with the exception of women.

The above sentences apply equally to souled or soulless embryos.

Article 493 -If as a result of a criminal act, a woman miscarries something whose human origin cannot be established by a specialist physician, the mulct applies. But if as a result of this criminal action the mother is harmed, the criminal should pay the mulct for that harm. [in this article the "something" is not specified. It also implies that if the "something" has no human origin it may have some non-human origin, god knows what that may be! Also note the term "woman" used in the second line and not "mother", which makes it even more ambiguous].

Chapter 13 -Mulct for crimes against deceased

Article 494 -The mulct for crimes against a deceased Muslim are as follows:

a) decapitation, one hundred dinars.

b) cutting off both hands or both legs, one hundred dinars. Cutting off one hand or one foot, fifty dinars. Cutting off one finger or one toe, ten dinars. Cutting off or mutilating other limbs or organs will result in payment of mulct to this proportion [not clear what proportion]. [Also note the term "Muslim", it implies that mutilation of a non-Muslim deceased person has no mulct.

Note -the mulct aforesaid in this article is the property of the deceased only and the heirs will not receive any mulct. The mulct will go towards repayment of the deceased debts and charitable activities.

Article 495 -In all the cases in this law, where [the amount] of mulct has been left to the discretion of the judge, after considering full mulct [for a crime], the nature and degree of the crime and consulting experts, the amount of the mulct will be determined.

Article 496 -Wherever in the articles of this law, the mulct has been based on Camels or Dinars, the mulct has not been meant to be paid in Camels or Dinars but its equivalent [probably in Rials which is the official currency of the country] and the criminal has the option of meeting the mulct in whatever manner [he/she] wishes. [the irony of this article is that it rules out payment in Dinars of Camels, but does not rule out payment in cows or sheep].

Article 497 -All the [previous] laws which are in contradiction with this law are abrogated.

In accordance with article 185 of the constitution, the subject of Islamic Criminal [law] comprising 497 articles and 103 notes *which* was approved by the Law Affairs Committee of the Islamic Consultative Assembly on Tuesday 30/07/1991 was ratified at the open session [of the Islamic Consultative Assembly] on Tuesday 08/01/1990 to be put into practice for an experimental period of five years.

Article 5 of this law which was the subject of dispute between the Assembly and Council of Guardians, in accordance with article 112 of the constitution was referred to the Assembly for Discerning the Interests of the State which considered the article and approved it in its original form at its session on Thursday 28/11/1991.

Støttekredsen for flygtninge I Fare

<http://www.stoettekredsen.dk>

© Du er velkommen til at lægge et link til vores hjemmeside.

Chairman of the Assembly for Discerning the Interests of the State.