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# The Ministers and the President's Interpellation in the Iranian Legal System

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**Abstract:** *The impeachment of the Ministers and the President is one of the important supervisory mechanisms of the Parliament regarding the Executive Branch which enables the Parliament to ask the Ministers to provide explanations regarding their actions and to dismiss the Ministers and even the President if they do not provide convincing explanations. The fundamental principles of this mechanism have been provided in Article 89 of the constitution and the internal Rules of the Parliament. Considering the impeachment of the Ministers and the questions that have been raised in the impeachment sessions, we realize that the current legal system of impeachment in the constitution of Iran faces important challenges which in practice can cause disorder in the performance of the Executive Branch and can damage the relationship between the Legislative and Executive Branches. The instances of this damage may include the interference of the Parliament in the executive affairs of the Executive Branch, the lack of the utilization of the obtained results of the impeachment, the existence of a low quorum for the request of the impeachment, and the extremely easy process of the request of the impeachment for the Representatives of the Parliament. It seems that, the actual position of this important supervisory tool has not been appropriately considered and there is the possibility that the current impeachment plans in the Parliament may weaken the Executive Branch and increase the tension between the Legislative and Executive Branches instead of producing positive outcomes.*

**Keywords:** *Interpellation, Parliament, Constitution, Iran, Ministers, President*

## INTRODUCTION

In the lexicon of Dehkhoda (Dehkhoda, p.2215), interpellation means seeking clarity and visibility, making clear, and wanting. In legal terms, it means an explanation which is demanded from the responsible Minister by the legal Parliaments' members (Langroodi, 2011).

In fact, interpellation is the supervisory power of the Parliament on the State which enables the candidates to call the President or the Ministers' board to the open courtyard of the Parliament and demand the explanations on the performance of the organizations or the State's board.

Interpellation is implemented when the discussion and notification procedures or questions from the Ministers or the President fail and the candidates of the Parliament seek a strict action because of their distrust (Faryadi, 2008).

Due to the importance of the political liability, the legislator has provided the possibility of interpellation and the dismissal of the administrative authorities in order to guarantee their response procedure. The constitution has not limited the issue of interpellation and has put it under the authority of Representatives to enable them to deal with every case as a subject of interpellation.

The issue of interpellation may be in the internal or external policies, in the misuse of the handling of the State affairs in whole or in part, in the violation of law, or in the negligence on the enforcement of law. The unanswered question of a candidate may take the form of interpellation. Multiple threads or just one case may result in impeachment. There is no obligation to the Representatives to consider impeachment immediately for the observed violations in every case. In order to protect the country's interests, it may be necessary to solve the problems with questions and to put an end to the violations of the law.

It is possible for a small issue to be the basis of impeachment for political, social, and even psychological reasons. The Representatives are in full freedom in asking for impeachment and cannot be reprimanded for their request of interpellation at any time (Sayyid Jalaluddin, 1987).

The present article answers the following questions by the analysis of the tools of impeachment in Parliament:

1. How are the conditions and the process of the impeachment of the Ministers and the President in the constitution and the internal regulations of the Parliament?
2. How far can the impeachment of the Ministers and the President be extended?
3. What is the sanction of the impeachment?
4. What are the perceived solutions to eliminate the shortcomings?

#### **The Impeachment of the Minister or the Council of Ministers:**

According to Article 89 of the constitution, the Islamic Consultative Assembly can impeach the Council of the Ministers or any one of the Ministers in the cases where it is necessary. The impeachment may be raised in the Parliament when the signatures of at least ten Representatives are submitted to Parliament. The Council of Ministers or the Minister must be present in the Parliament within 10 days after the tabling of the interpellation and must answer it and seek a vote of confidence from the Parliament. In the absence of the Council of Ministers or the Minister, the Representatives provide the necessary explanations regarding the impeachment.

- **The Process of Impeachment:**

According to Article 223 Rules of the Islamic Consultative Assembly reformed in 2012 "in the impeachment, the subject should be explicitly determined with reference to the case or cases, and should be set in writing and submitted to the Board of Directors".

As seen in this article, the interpellation request must be in writing and should be explicitly determined by mentioning a specific case or cases and although it is not explicitly mentioned in this Article, the Board of Directors is the reference of the inspection of the mentioned conditions; however, the only authority which is considered responsible for assessing the mentioned conditions is the Board of Directors. That is, if the Board of Directors cannot observe each of the mentioned conditions—being written or the explicitness of the issue of impeachment—it will not accept the mentioned request.

The most important point is this question: what should be done if the Board of Directors, despite the facts and based on personal tastes or despite the lawfulness of the demand for the impeachment, refuses the mentioned demand or delays its receipt in the Parliament?

In addition, considering that the Board of Directors is composed of the Speaker of the Parliament, two vice Chairmen, six secretaries, and three observers, will the Speaker's decision be determinative if there is a disagreement within the committee on the legality of the demand?

Is there an authority to address these issues? In response to these questions, it can be said that, in these cases the law has been silent and there is legal disarmament.

There is another point about the impeachment which is related to the field of activity of the revolutionary organizations. According to Article 221 Rules of Parliament, if the impeachment is related to the activity of the revolutionary organizations that use the budget of the State and are legally dependent on the Executive Branch, the interpellation is addressed to the President or the Minister whose area of responsibility involves the institution in question.

- **The Scope of the Issues of Impeachment:**

There is not a defined limitation on the scope of the issue of impeachment in the Iranian legal system. In this regard, according to Article 89 of the constitution, the Representatives can impeach the Council of Ministers or any one of the Ministers where it is necessary. This is a general term that can even involve a range of functions and powers which is out of the defined duties and powers of the Council of Ministers or the Ministers.

In fact, it can be said that, “the Representatives are completely free on the issue of impeachment and their issues are not limited” (Asfad et al., 2000).

The lack of the definition of the issue of impeachment and the lack of limitations on the issue of impeachment are among the negative points which have not been considered in the Iranian legal system. This problem occurs mainly when there is not a productive interaction between the Legislative and the Executive Branches; similar to what happened in the third and the fourth Republics of France. During those periods, due to the lack of the productive interaction between the Legislative and the Executive Branches, the Legislative Branch shook the government with multiple impeachments, and thus in the fifth Republic of France the impeachment was abandoned.

Finally, it should be noted that, as it is common in Parliamentary regime, the impeachment should be limited and should be subject to the public and general issues of the government in order to prevent the implementation of this tool in every case and in every possible way (Shariat Gazi Panahi, 2004).

- **A Quorum for the Impeachment Plan:**

According to Article 89 of constitution, impeachment can be raised in the Parliament when it is submitted to the Parliament with the signatures of at least 10 Representatives. If the number of signatories is less than 10, the issue is not basically raised in the Parliament and is not subject to the vote of confidence or the lack of the confidence in the Minister or the Council of Ministers.

There is a point in this regard which is related to withdrawing the signature. Imagine a case where 10 members of the Parliament demand the impeachment of the Minister or the Council of the ministers, but then one of the Representatives withdraws his/her signature from the impeachment. What should be done? Will the impeachment process continue to be raised in the Parliament or will it be withdrawn from the agenda of the Parliament due to the lack of quorum?

In response to this question, Section 3 of Article 223 of the Rules of Parliament amended in 2012 states that “after raising the impeachment plan in the open session, the impeachment process will be withdrawn from the agenda of the Parliament only if the number of the applicants is reduced to less than 10. In this case, they can state their reasons by their elected representatives in the open session within five minutes. Then, if the Minister demands to talk about the impeachment, with a written request and the Speaker’s consent, he/she can talk up to 10 minutes in the open session of the Parliament”.

Moreover, is the opposite case also possible? That is, if the Parliament acknowledges the receipt of the request of impeachment, is it possible for the Representatives to join the request?

Based on Clause 1 of Article 223 of the Rules of Parliament amended in 2012, this case is also possible. According to this Clause, “in addition to the signatures of the impeachment, other delegates can plan to sign the impeachment proceedings in the open session before the impeachment plan”.

The confusing point of this Clause is related to the phrase “before the impeachment plan” in which the exact time is not clear. Does it mean one day before the impeachment plan or a couple of hours before it?

In order to find a clear answer, we should refer to Note 2 of this Article which states that “on the day of impeachment, the Board of Directors shall print and distribute the impeachment text and the names of the final Representatives who have demanded the impeachment”. This means that, as long as the text of interpellation and the final names of the Representatives who have demanded the impeachment have not been published and distributed, the other Representatives can join the impeachment request.

- **The Deadline for Responding and Obliging the Ministers to Attend the Parliament:**

According to Article 89 of the constitution “... the Council of Ministers or the Minister must be present in the Parliament within 10 days after the tabling of the interpellation to answer it and seek a vote of confidence from the Parliament...”.

In addition, Article 222 of the Civil Code states that “the Minister or the Council of Ministers shall be present in the Parliament within 10 days after the tabling of the impeachment and give the necessary explanations ...”.

In this part of Article 89, three obligations have been specified for the Minister or the Council of Ministers:

- A. The Minister or the Council of Ministers must be present in the Parliament within 10 days after the tabling of the impeachment.
- B. The Minister or the Council of Ministers should respond to the questions of the Representatives who have demanded the impeachment.
- C. The Minister or the Council of Ministers must be approved by the Parliament.

Although according to this part of Article 89 of the constitution, the presence and accountability of the Minister or the Council of Ministers in the House is necessary and a legal responsibility, the Minister of Roads and Transportation -Mr. Behbhany- in the 10<sup>th</sup> government, refused to attend his impeachment in the open session on Tuesday 12, Bahman 2010.

Two points can be deduced regarding a Minister's refusal to attend the impeachment session: The Minister or the Council of Ministers will not attend the session since the accusations of the impeachment are just or the Minister or the Council of Ministers discredits the Parliament or rejects it.

Regarding the absence of the Minister of Roads and Transportation, Ali Larijani, who headed the public hearing, said<sup>1</sup>: according to the parliamentary rules, the presence of the Minister at the impeachment session is obligatory and his absence is regarded to be a violation of the rules. But, is there a sanction for this violation?

Moreover, in the constitution (in the mentioned Article) the absence of the Council of Ministers or the Minister, despite their obligation to attend the Parliament, has been anticipated and its sanction has explicitly been considered to be the Representatives' vote of no confidence. Although, the vote of no confidence in this case is not obligatory for the Parliament and the Parliament determines its appropriateness and casts the vote of confidences for the Council of Ministers or the Minister if it deems it appropriate; however, the direct vote of no confidence for the Minister or the Council of Ministers shall be voted on, that is, if the absolute majority of the present Representatives voted for it, the Minister would be dismissed.

Another vague point in this part of the Article is related to the phrase “ten days after the impeachment”. In this regard, the question is: Does this period of time begin from the receipt of the request for the impeachment by the Board of Directors or from the date of its notification to the Minister?

The internal regulations in Article 223 stipulates that “the Board of Directors is obliged to declare the receipt of the impeachment at the first public meeting, mail the text of the impeachment for the involved Minister or the Ministers, and print and distribute the text of the impeachment among the Representatives on the same day”.

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<sup>1</sup> <http://hamshahronline.ir/details/127207>.

In other words, the days of the receipt of the request for impeachment and the notification of this request to the Minister are the same, however, these days are not the same in practice and there are various cases in which there has been severe delays between the declaration of the request for the impeachment and its notification to the involved Minister, and the Representatives have objected to these delays, for example, we can mention the objection of the Representative of the people of Dashtestan in the Parliament.

Seyyed Mehdi Mousavi Nezhad (the Representative of Dashtestan in Parliament) on May 7, Bahman 1393 stated that “while more than six months passes from the time that, more than 60 Representatives signed the impeachment of the Minister of Education, and declared its receipt on several occasions, today’s topic is questioning the Minister, this is not a proper procedure”.<sup>2</sup>

Due to the incorrect procedure in the Parliament in this regard, the beginning of the period of ten days should be from the date of its notification to the Minister.

There is another obscure point about the Minister’s request for “vote of confidence” after attending the Parliament which will become clear in the next section.

- **Appointing the Time of Impeachment, Duration of Impeachment, and the Process of Impeachment Defense:**

The internal rules of the Parliament have provided certain options for the Minister or the Council of the Ministers to act freely to some extent in order to appoint the time of impeachment. According to Article 222 of the internal rules of the Parliament “...appointing the time of impeachment in the deadline is considered in the weekly agenda of the Parliament based on the suggestion of Minister or the Council of Ministers and the approval of the Board of Directors. The presence of the Minister or the Council of Ministers in the Parliament on the appointed time is obligatory”. It should be noted that, the term “the deadline” is the mentioned period of ten days.

According to Article 223 of the internal rules of the Parliament, the maximum period of the interpellation time for a Minister, is three hours and will be increased to 5 hours for the impeachment of a Minister or a number of Ministers. The important point is related to the time when the Council of Ministers is impeached. The internal rules of the Parliament only mention the time period for the impeachment of a Minister or a number of Ministers and do not state the duration of this period for the Council of Ministers. However, due to the fact that only the 3-hour and 5-hour periods have been mentioned, it can be concluded that, the duration of the period for the impeachment of the Council of Ministers will be up to 5 hours.

Regarding the duration of the interpellation speech of the impeachers, we can mention Article 108 of the rules of the Parliament which states that the impeachers will have two hours for the impeachment of one Minister and four hours for the impeachment of the government or more than one Minister. Moreover, these Representatives can select one or more people from among themselves to discuss the topic of interpellation, but in any case, the total time of the speech of these Representatives should not exceed the mentioned time.

**Some Points Regarding the Defense of the Minister or Ministers:**

- In the interpellation session, after the speech of the impeachers, the President can defend the impeached Minister or Ministers. (Article 223 Rules of Parliament);
- The impeached Minister or Ministers can give up an hour of their defense time to one or two of the Representatives who support them. (Clause 1 of Article 223 Rules of Parliament);
- The statements of the impeachers and their responses should be provided in one or more consecutive sessions; moreover, during the time in which these reasons and explanations are given, the impeachers cannot discuss other issues which are not related to the topic of the impeachment (Clause 3 of Article 223 Rules of Parliament);
- After the response of the impeached Minister or Ministers or the response of the President on behalf of the impeached Council of the Ministers, a maximum number of two Representatives can give

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<sup>2</sup> <http://tnews.ir/news/7DBF36551290.html>.

additional details provided that the explanations of each of these Representatives do not exceed a quarter of an hour. The President can defend the Council of the Ministers for one hour, and the impeached Minister can defend himself/herself for half an hour (Article 224 Rules of Parliament).

- **The Sanction of Impeachment:**

The most common sanction of impeachment in the Iranian legal system, or in other words, in the constitution of the Islamic Republic of Iran is the vote of no confidence.

When the Minister or the Council of Ministers attends the Parliament and responds to the questions of the impeachers, the “vote of no confidence” to the Minister or the Council of the Ministers is considered in the agenda of the session. If the majority of the Representatives who are present vote for no confidence (Paragraph h of Article 120 of the Rules of the House), in this case, the Minister or the Council of Ministers will be dismissed and the voting on this issue will be a secret ballot (Article 125 of the Rules of the House).

The ambiguity of this section is related to the part of Article 89 of the constitution which states that, after the presence of the Minister or the Council of Ministers in the Parliament and giving the necessary explanations, they should ask the Parliament to cast a “vote of confidence” for them. According to this part of the constitution, the issue of “confidence” in the Minister or the Council of Ministers is put to a vote. In this case, if according to the rules, the majority of the present Representatives casted positive votes, the impeached Minister or Ministers would win a confidence vote and with this confidence they could continue their work. Conversely, if the majority of the present Representatives did not cast positive votes, the Minister or Ministers would not achieve enough votes of confidence and as a result would be in a precarious situation and to resolve this doubt, the impeached Minister or Ministers had to demand a vote of confidence as soon as they attended the Parliament, and if the confidence was not established, it was assumed that the Parliament did not cast a vote of confidence for them and the impeached Minister or Ministers were dismissed.

Until 1989 and 1990 this procedure caused some problems (Hashemi, 2000). Based on these issues, the expository statement of the Guardian Council No. 1036 dated 11.4.1991 was issued in this regard. According to this statement, “considering the explicitness of Article 135 of the constitution approved by the Review Council of the constitution in 1989 which states that the criterion for dismissing the Ministers is the vote of no confidence by the Parliament and also considering the vote of the confidence which is casted for the Ministers in the beginning of their work, the Council of the Ministers or the Minister is dismissed when the majority of the Representatives cast a vote of no confidence and the failure to obtain a vote of confidence from the majority of the Representatives cannot be the only reason for dismissing the Minister or the Council of the Ministers”. “In a sense, the previous confidence of the members of the Parliament in the Minister or the Council of Ministers is shaken and with the assumption of the existence of the confidence, its opposite point which is “vote of no confidence” is put to a vote” (Khosravi, 2013).

Moreover, this statement of the Guardian Council has been mentioned in Article 225 of the rules of Parliament. This article states that “after the impeachment, the Speaker of the Parliament puts the Minister or the Ministers’ vote of no confidence in a vote”.

Another sanction of impeachment is that the Minister or the Council of the Ministers must not be a member or members of the Council which is formed immediately after the present Council of Ministers. Therefore, if the Parliament gives a vote of no confidence to a Minister, his/her membership in the next meeting of the Council of Ministers is illegal and the President has no authority to restore his/her membership in the Council of Ministers (Article 89 of the constitution).

**Impeachment of the President:**

The impeachment of the President was not anticipated in the 1979 constitution due to the existence of the position of Prime Minister. This position was removed in the revision of the constitution in 1989 and its authority was granted to the President. As a result, the impeachment of the President was predicted in Article 89 of the revised constitution.

- **The Impeachment Process:**

According to Article 232 of the reformed rules of Parliament in 2012, “the request for the impeachment of the President which should be plausible by the specification of clear and explicit reasons is given to the President. This request must be read in the first session, and must be printed and distributed among the Representatives while it is sent to the President....”.

As it was stated, the reasons of the impeachment must be clear, explicit, and reasonable, and this request must be delivered to the Speaker of the Parliament. In other words, the Speaker of the Parliament is the only authority who examines the legality of the mentioned request and the statement of this authority is definitive and cannot be demanded from other authorities, that is, if this authority deems that the reasons for the impeachment are not clear, explicit, and reasonable, he will not accept the mentioned request.

There is another point which is related to the written or oral nature of the request of impeachment. Regarding the impeachment of the Ministers, Article 223 of the reformed rules of Parliament explicitly states that this request must be written, but regarding the President, the nature of the request is not mentioned and it is not clear whether this lack of mention is inadvertent or intentional?

The question that is raised in this regard is: if the request of the impeachment is given to the President orally, what should he/she do? Should he/she accept or reject it?

In my opinion, the lack of the mention regarding the written nature of the request for impeachment is the negligence of the legislator. However, the President can accept the mentioned request, but in practice, due to its importance, this request should be delivered to the Speaker of the Parliament in a written form.

- **The Range of the Issues of Impeachment:**

Although a certain range has not been determined regarding the issues of the impeachment for the impeachment of the Minister or the Council of Ministers, the range of the issues of the impeachment of the President has been determined both in the constitution and in the internal rules of the Parliament. Based on this issue, the second part of Article 89 of the constitution states that “if...the Representatives of the Parliament impeach the President regarding his/her performance of the managerial duties of the Executive Branch and the management of the administrative affairs of the country...”.

Article 228 of the rules of the Parliament also notes that “based on Article 89 of the constitution, the Representatives of the Parliament can impeach the President regarding his/her performance of the managerial duties of the Executive Branch and the management of the administrative affairs of the country. This impeachment can be requested when....”

The meaning of the opposite of the mentioned Article is: if the demand for the impeachment of the President is outside the managerial duties of the Executive Branch and the executive affairs of the country, the impeachment is not possible. In this case, considering the fact that the request is delivered to the President, the Speaker of the Parliament is responsible for the examination of the issues of the impeachment to determine whether they are inside the duties of the President.

- **A Quorum for the Impeachment Plan:**

According to Article 89 of the constitution and Article 228 of the rules of the Parliament, the request of at least one-third of the Representatives of the Parliament is necessary for the impeachment of the President; while the request of only 10 Representatives is necessary for the impeachment of the Minister or the Council of the Ministers. “The difference stems from the popular place of the President among the people who, similar to the Representatives, is directly selected by the people and is approved by the Supreme Leader, and the separation of Branches [also] requires stricter conditions to be applied regarding the impact of parallel forces.” (AMID Zanjani, 2008).

The ambiguous point in this section of the constitution is related to the phrase “the request of at least one-third of the Parliament” in which it is not clear whether this number involves all of the Representatives of the Parliament or the present Representatives in the Parliament?

Although, this issue has not been explicitly mentioned in the law, but considering the evidence in the remaining part of this section of the constitution, it can be concluded that, the intention of the Article is the majority of the present Representatives since the remaining part of Article 89 states that “ if after the statements of the concordant and discordant Representatives and the response of the President the two-third majority of the present Representatives voted for the inadequacy of the President, the Supreme Leader will be informed of the issue for the implementation of Paragraph 10 of Article 110”. That is, in order to declare the inadequacy of the President the votes of two-third of the Representatives are required while for the request of the impeachment of the President the phrase “ all of the Representatives” is not seen and only the term “Representatives” has been mentioned which is equal to the present Representatives in the Parliament.

In my opinion, this procedure is open to criticism since in some cases a large number of the Representatives refuse to attend the Parliament. For example, on the Persian date Khordad 1401, various cases regarding the absence of one-third of the Representatives in the open sessions of the Parliament were reported, and in these cases the Representatives of the opposition can create a major challenge for the government with the help of a deliberate plan.

- **The Deadline for Accountability and the Commitment to Attend the Parliament:**

According to the second part of Article 89 of the constitution “... the President must attend the Parliament within one month after the request of the impeachment and should provide the complete explanations regarding the raised issues”.

“The anticipation of a one-month time period for the President is based on the reason that the President should have enough time to study the content of the impeachment request and should be able to analyze it legally and politically in order to answer it since the impeachment of the President is different from the impeachment of a Minister or the Council of Ministers, and in fact the Parliament questions the competence of a person who has earned his/her legitimacy and reliability from the votes of the people and naturally in such a case the impeachment would have acute social and political results. Therefore, the impeachment session should be held with utmost care and precision from the beginning until the end. The one-month time period enables the President to defend himself/herself. Moreover, this period enables the Representatives of the Parliament to cast a pragmatic vote after the necessary consideration”.

There are three points in this part of the constitution. The first point is related to President’s obligation to attend the Parliament. According to this part of the constitution, the President is obliged to attend the Parliament. However, despite this legal obligation, there is not a specific sanction for the President’s refusal to attend the Parliament and this refusal only motivates the Representatives to cast a vote of no confidence in the President.

The second point is related to the phrase “after the request of impeachment in the Parliament”. According to this part of the constitution, the one-month period in the constitution starts from the request of the impeachment in the Parliament; that is, according to the mentioned Article, the one-month period starts after the declaration of the receipt of the impeachment plan in the Parliament. However, the appointed one-month period must start from the communication of the impeachment to the President since as it was mentioned in the previous sections, there is the possibility that the Parliament declares the receipt of the request of the impeachment but delays its communication to the President.

The third point is related to this question: is the one-month period for the President’s attendance at the Parliament only related to the President, or is the Parliament also responsible to consider the impeachment in its agenda within this period?

In order to answer this question, we should refer to Article 88 of the constitution. According to this Article, the response time for the impeached Ministers is 10 days. If there is an excuse, this time can be extended provided that it is deemed reasonable by the Parliament. The ambiguous point of this part is related to this question: is the Minister’s obligation to respond within 10 days only related to the Minister or is the Parliament also responsible to consider this issue in its agenda within this period? In the Guardian Council’s



advisory statement 10240 dated 23.12.1983 it was stated that “although the constitution is silent in this regard, but considering that the intention is to enable the Representatives to always question the current affairs of the country and get responses for their questions within a short time, and also considering that the Minister’s delay in responding is possible with plausible excuses, the delay of the Parliament in determining the time of response is also possible with plausible excuses.

As it became clear, the main argument of this part is that, since the Minister can delay the response with plausible excuses, therefore the Parliament can also delay the determination of the response time. If we extrapolate this argument of the Guardian Council, we can say that, since the President cannot delay the impeachment process, therefore the delay of the Parliament is not possible either. Moreover, since the impeachment of the President logically creates a fundamental challenge for the government, therefore, it is necessary to deal with this issue as soon as possible to prevent the possible confusion.<sup>3</sup>

- **Appointing the Time of Impeachment, Duration of Impeachment, and the Process of the Defense of Impeachment:**

The rules of the Parliament have not mentioned anything regarding the appointing of the time for the President’s impeachment. However, it seems that, the process of appointing the time of the President’s impeachment is similar to the process which is followed for the Ministers’ impeachment which has been mentioned in Article 222 of the rules of the Parliament. According to this Article “appointing the time of impeachment within the deadline is considered in the weekly agenda of the Parliament based on the suggestion of the Minister or the Council of the Ministers and the approval of the Board of the Directors of the Parliament”.

Based on this Article, it can be said that, appointing the time of impeachment within the deadline is considered in the weekly agenda of the Parliament based on the suggestion of the President and the approval of the Board of the Directors of the Parliament.

According to Article 230 of the rules of the Parliament, the duration of the time for the negotiation of the pros and cons of the impeachment is five hours which is divided equally and periodically. The duration of the time for the speech of each of the pros and cons of the impeachment is half an hour which can be extended to one hour by the vote of the Parliament members.

Based on Article 231 of the rules of Parliament, the appointed time for the explanation and response of the President is five hours. The President can give a part of his time to the Representatives who support him/her. This extra time is not a part of the time that is given to them based on the mentioned Article.

- **The Sanction of the Impeachment:**

After the President’s presence in the Parliament, the explanations of the pro and con Representatives, and the President’s defense, the Parliament puts the President’s inadequacy into a vote by secret ballots. (Following Article 232 of the Rules of the House) if “the two-third majority of the present Representatives voted for the inadequacy of the President, the Supreme Leader will be informed of the issue for the implementation of Paragraph 10 of Article 110” (Following the second part of Article 89 of the constitution and Article 235 of the reformed Rules of the House).

In Paragraph 10 of Article 110, the Supreme Leader has the authority to dismiss the President considering the interests of the country. As can be seen the votes of the two-third majority of the total members of the Parliament do not result in the dismissal of the President, however, the Supreme Leader is the authority in this regard.

There is a very important point regarding the dismissal of the President and the government which is “related to the fact that the dismissals of the President and the government do not influence each other. According to Article 89 of the constitution these issues are independent from each other, that is, the dismissal of the

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<sup>3</sup> [HTTP://Soheilsonghor.ir/shownews.php?idnews=212236](http://Soheilsonghor.ir/shownews.php?idnews=212236)

President does not result in the dismissal of the government, and the dismissal of the government does not result in the dismissal of the President” (Hashemi, 2000).

If the government is discharged, within two weeks, the President delivers the names of the Council of Ministers along with the biography of each of the Ministers and the plan of the government for getting the vote of confidence from the Parliament (Article 188 of the Rules of the House).

If the President is discharged, “during the time that the President’s powers and responsibilities are given to his first deputy or another person, which is selected based on Article 131, the Parliament cannot impeach the Ministers or cast a vote of no confidence for them. Moreover, the revision of the constitution or the referendum is not possible” (Article 132 of the constitution).

## **Conclusion**

The most important results derived from the study of impeachment in the Iranian legal system are as follows:

### **1) The Lack of Limitations Regarding the Issue of Impeachment:**

At first glance, the lack of limitations regarding the issue of impeachment and in other words, the ability of the Representatives to act as they consider appropriate seems to be more democratic since the Representatives are directly selected by the people and as a result their will is in a way the will of people; however, this issue can result in a major crisis for the country in cases where there is not a constructive communication between the Legislative and the Executive Branches. Therefore, the issue of impeachment should be limited and should be subject to the general and specific issues of the government to prevent the implementation of this tool in every case.

### **2) A Low Quorum of Representatives for the Request of Impeachment of the Ministers:**

Although this can be considered as a positive thing, but as it was mentioned in the previous point, it can cause irreparable damage when there is not a constructive communication between the Legislative and the Executive Branches. Therefore, it is recommended that, the quorum of the Representatives for the impeachment of a Minister be increased to 20, and for the impeachment of the Council of Ministers be increased to 60.

### **3) A Low Quorum of Representatives for the Request of Impeachment of the President:**

In order to impeach the President, the requests of one-third of the present Representatives are required. Although this quorum seems to be fair, but considering that in some cases a significant number of the Representatives do not attend the Parliament- in some cases one-third of the Representatives- this issue enables the Representatives of the opposition to request the impeachment of the President with a deliberate plan and as a result the government will face major challenges. Therefore, in order to prevent this issue, it is recommended that the quorum be increased to the one-third of the total number of the Representatives.

### **4) The Lack of the Determination of the Sanction for the Board of Directors and the Speaker of the House for Failing or Delaying the Notification of the Impeachment Plan of the Ministers and the President:**

Although Article 223 of the rules of the Parliament provides that “the Board of Directors is obliged to announce the receipt of the impeachment plan on the first open session of the Parliament and must send the text of the impeachment for the impeached Minister or Ministers and also must print and distribute this text among the Representatives”, there are various cases in which there is a large delay between the time of the receipt of the impeachment request and the time of its communication to the Representative and the Representatives have objected to this delay.

Therefore, it is better to have a sanction for the Board of Directors and the President for failing to communicate the request of the impeachment to the Ministers or the President or delaying this communication. For example, if the delay of the communication of the impeachment plan to the Ministers and

the President is reported to the Representatives for three times, the Board of Directors or the Speaker of the House will be discharged.

**5) Voting on the Impeachment Day:**

After the Ministers and the President's presence in the Parliament, the speech of the pro and con Representatives, and the defense of the Ministers and the President, the Representatives' lack of confidence in the Ministers and the President is put to a vote. Although this procedure is normal in most of the Parliaments across the world, but it seems that it is better not to have the voting on the same day since the Representatives may be influenced by the discussion in the Parliament and decide emotionally. Therefore, it is recommended that, the voting should be on a different session of the Parliament, for example, within a one-week interval.

**6) The Lack of the Direct Broadcast of the Interpellation Sessions in the Video Media:**

Although the negotiations of the Parliament are broadcast on the radio, the people do not pay much attention to this medium. Therefore, it is better to broadcast the impeachment sessions in the video media with prior notification. The broadcast of these sessions in the video media prevents the Representatives from requesting false and political impeachments. Moreover, it enables the impeached people to provide more deliberate responses. Furthermore, the broadcast of these sessions in the video media increases the people's knowledge regarding the government, the actions of the government, and the Representatives of the Parliament.

**References**

1. AMID Zanjani A. A., (2008), Fundamental General Rights, 3<sup>th</sup> edition, Tehran, Majd Pub.
2. Asfad M. Najafi and Mohseni F., (2000). rights, 1<sup>th</sup> edition, Tehran Islamic Republic of Iran, Mahdi international publications.
3. Dehkhoda Ali Akbar dictionaries, Volume 6, publishing of Dehkhoda.
4. Faryadi M., (spring 2008). examine the impeachment of Ministers on the fundamental rights of the Iranian, publication Legal, Issue 13.
5. Hashemi S. M., (2000). law of the Islamic Republic of Iran, Tehran, Volume 2, Print 21.
6. Khosravi H., (2013). fundamental rights seventh edition, Tehran, publications of PNU.
7. Parsley Langroodi M. J., (2011). terminology of Rights, Tehran, published 23, Publishing of Ketabkhaneh Danesh Ganj.
8. Sayyid Jalaluddin, (1987). basic civil rights in the Islamic Republic of Iran, volume 3, printing- Tehran, Soroush Publications.
9. Shariat Gazi Panahi A., (2004). basic rights and political institutions, printing twelfth, Tehran.