**Non-Participation in Criminal Conduct and Imposing Criminal Liability: Joint Criminal Enterprise in Iranian and International Criminal Law**

**Mohammad YEKRANGI** )Assistant Professor of Law, University of Tehran(

**Yasaman KHADEMI SHOORMASTI** )Ph.D. Candidate of Criminal Law and Criminology, University of Tehran(

**Faezeh ShA`BANI HAMIDABADI )**Ph.D. Student in Criminal law and Criminology, University of Tehran**(**

**Abstract**

The "Joint Criminal Enterprise"(JCE) doctrine is a special form of liability that innovates in the International Criminal Court for the Former Yugoslavia (ICTY). According to this form of liability, all the members of a criminal group that try to reach a criminal enterprise, have the same liability as to the accomplice. However, the JCE has faced different legal dilemmas since its introduction in the ICTY Judgments both in respect of actus reus and mens rea of the persons who are found liable based on JCE. How a court can convict a person who doesn’t commit the actus reus of a crime like a perpetrator and more important how it can convict a person who has no actus reus and mens rea related to committed crime, at all. This paper will scrutinize these issues and if this kind of liability recognizes in Iranian criminal law. Finally, this paper concludes that this form of liability has no conflict with criminal law principles and Iranian criminal law recognizes JCE in some crimes such as Baghy.

**Keywords**: Accomplice, Ad-hoc Tribunals, Baghy, Criminal Liability, Joint Criminal Enterprise.