

# Invocation of Duress and Coercion Defense in Iranian and U.S. Criminal Law

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## Abstract

This article examines the defense of duress and coercion in criminal proceedings and compares its application within the legal systems of Iran and the United States through a descriptive, analytical, and comparative approach. Invocation of duress and coercion as a ground for excluding criminal responsibility faces specific challenges in both legal systems. In Iranian law, the burden of proof lies with the defendant, who must demonstrate that the criminal act was committed under pressure or threat. Conversely, in the U.S. legal system, the defendant is required to provide compelling evidence indicating the existence of duress or coercion. In terms of similarities, both systems emphasize the importance of the burden of proof, and the defendant must meet certain conditions for the defense to be accepted. However, there are significant differences. In Iran, the lack of a clear judicial precedent regarding the acceptance of duress and coercion as a defense, along with the influence of social factors on judicial decisions, may result in the rejection of the defense. In contrast, in the United States, the presence of a jury allows the defendant to be exempted from criminal liability if sufficient evidence is presented. The fundamental distinction between the duress defense in Iran and the United States lies in its legal conceptualization: in the U.S., duress is treated as an affirmative defense that is examined in court and, if proven, results in exemption from criminal liability. In Iran, however, duress is considered a ground for excluding criminal responsibility and may be directly assessed by the court. Additionally, the U.S. Supreme Court has played a significant role in shaping the doctrine of duress, whereas Iranian judicial precedent in this area remains underdeveloped, and further clarification is anticipated.

**Keywords:** Duress, Coercion, Defense, Proof, Burden of Proof

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## 1. Introduction

Defense in criminal law refers to the accused's right to refute allegations and protect themselves against the charges brought forward. This right is recognized as a fundamental principle in democratic societies, safeguarding individual rights and ensuring judicial security (Shams, 2022). The right to defense is implicitly supported by Articles 32 and 35 of the Constitution of Iran as well as the U.S. Constitution, where it is acknowledged as a civic entitlement. This right emphasizes the necessity of informing the accused of the charges and granting them the opportunity to present their defense (Hosseini, 2002).

Criminal responsibility denotes an individual's capacity to bear the consequences of criminal behavior and includes legal, material, and psychological elements (Nourbaha, 2018; Salimi, 2022). However, in certain instances, this responsibility encounters impediments, such as duress and coercion, which may be invoked as legal defenses (Validi, 2013). Any deficiency in the elements of criminal responsibility can give rise to a legal defense and thus reinforce the accused's right to defend themselves (Najafi Tavana, 2006); duress and coercion fall within this framework.

Duress is understood as a situation in which a person acts with intent but lacks consent due to threat, while coercion refers to a scenario in which the individual lacks intent altogether. Although the Islamic Penal Code of 2013 omitted the term "coercion," thereby blurring the distinction between the two, the doctrinal and legislative history in Iran affirms a differentiation between "duress" and "coercion." The rationale behind omitting coercion from the 2013 Penal Code lies in the legal principle that in cases of coercion, the act cannot be attributed to the perpetrator. Hence, due to the absence of legal attribution, the conduct of the coerced person does not fall within the scope of criminal law, as it is not imputable to the individual.

In contrast to the Iranian legal system, where a clear distinction is made between "duress" and "coercion," no such fundamental differentiation exists in U.S. criminal law, and the terms are often used interchangeably. This can be observed across various legislative texts in the U.S. Both terms share a fundamental similarity and refer to justifications or excuses arising from being compelled to act or refrain from acting due to unbearable pressure.

In U.S. law, coercion typically refers to pressure exerted by another person, while compulsion resulting from natural forces or non-human factors is generally referred to as "necessity." The distinction between "duress" and "coercion" in American criminal law is not substantial, except that "coercion" is occasionally addressed specifically within the context of marital relationships. Across different U.S. jurisdictions, these terms are used interchangeably, and there is no consistent legal practice regarding their use.

These concepts are closely related and are commonly substituted for one another. In the United States, terminological debates regarding their usage are rare. The critical concern is whether the accused committed the criminal act under "duress," "coercion," or "pressure." The burden of proof lies with the defendant, yet there is no requirement for the defendant to establish "duress," "coercion," or "pressure" beyond a reasonable doubt.

This defense is not universally applicable to all crimes. As illustrated in various cases, the defense of duress or coercion is generally not admissible in homicide charges. The invocation of this defense in criminal proceedings bears notable resemblance to the concept of "affirmative defense" in civil litigation. Upon raising this defense, the accused or their attorney is obligated to establish the occurrence of duress or coercion.

According to legal principles, the burden of proof lies directly with the defendant or their legal representative. When the elements of the crime are clearly and irrefutably established, the accused must demonstrate that the act was committed under unavoidable threat or pressure to be exempted from criminal liability. However, complexities arise when asserting the defense of coercion challenges the material element of the offense, shifting the burden of proof back to the prosecution. If the prosecution fails to establish the material element, the accused will be acquitted.

In the U.S. legal system, the precise and accurate establishment of criminal elements is of paramount importance. This principle is strongly emphasized within procedural doctrines. The Fifth and Fourteenth Amendments to the U.S. Constitution explicitly underline the necessity of fair and predictable legal procedures (Alsan & Ahmadi, 2016).

Therefore, the roles and obligations of defendants and judicial authorities in substantiating duress and coercion defenses demand thorough and detailed scrutiny. In other words, analyzing the interplay between legal statutes and courtroom practices is crucial, as there exists a significant disparity in the United States between statutory provisions and their practical application in courts (Finkelstein, 1995).

When asserting a duress defense, the accused faces multiple challenges that can affect the efficacy and acceptance of the defense during the trial process. The first challenge lies in the necessity of presenting credible and convincing evidence proving

the influence of duress or coercion. This requirement may prove difficult due to various reasons, such as the absence of eyewitnesses or lack of documentary evidence.

Moreover, some courts may demonstrate reluctance to accept a duress defense due to societal preconceptions about the defendant's behavior. For instance, when the accused faces allegations influenced by personal or social circumstances, judicial authorities may express skepticism toward claims of coercion or duress.

Another significant challenge involves aligning the severity of the alleged crime with the claimed level of duress or coercion. If the type of crime renders the pressure described by the accused seemingly minor, the court may dismiss the defense. Additionally, the defendant must show that no viable alternative existed to escape the coercive situation and that no legal or practical means were available to avoid committing the crime.

In Iran, there is also a noticeable absence of clear and consistent legal precedents on the duress defense in judicial practice. Consequently, the Iranian legal system requires a more profound understanding and interpretation of the defense's nature and the conditions surrounding its applicability, particularly when compared with practices in other legal systems.

Although further research has been conducted into the theoretical nature of duress and coercion defenses, their practical aspects and implementation strategies have received less attention. When duress is raised as a defense, two primary outcomes exist: either the court accepts the defense and acquits the accused, or it is rejected. In the latter case, it becomes essential to examine whether an incomplete or unsuccessful defense can still influence the outcome of the trial.

This article focuses on analyzing the invocation and consequences of the duress and coercion defense across two distinct legal systems.

## **2. The Timing of Invoking Duress and Coercion**

The significance of the timing in invoking the defense of duress and coercion depends largely on the defendant's awareness of available procedural opportunities. For instance, a critical question arises as to whether a defendant who did not raise the defense of duress during the trial court proceedings may do so at the appellate level. Likewise, in the U.S. legal system, the question persists whether a defendant who failed to assert this defense during state proceedings retains the right to raise it at the federal level. Awareness of the appropriate timing for invoking such a defense can have a profound impact on trial outcomes and on its admissibility.

### *2.1. Iran*

In Iranian law, invoking the defense of duress is conceivable at multiple procedural stages. Based on the rules of criminal procedure in Iran, the timing of raising a duress or coercion defense varies, and each scenario is elaborated below.

#### *2.1.1. Raising the Duress and Coercion Defense in the Prosecutor's Office*

The prosecutor's office, as the primary authority responsible for criminal prosecution, is obliged to initiate the collection of evidence and, upon confirming the offense, issue an indictment ([Khaleghi, 2023](#)). A key issue is whether duress and coercion constitute procedural bars to public prosecution. Unlike insanity, which serves as a procedural barrier to prosecution, duress and coercion do not prevent the initiation of criminal proceedings; hence, the public prosecution proceeds regardless ([Rahmdel, 2018](#)).

The preliminary investigation stage is crucial in criminal procedure, during which the examining magistrate or prosecutor investigates the offense and interrogates the accused. At this stage, the defendant is entitled to present a defense—particularly important when it concerns duress or coercion ([Akbari, 2022](#)). The Criminal Procedure Code explicitly affirms the accused's right to a final defense and allows them to invoke such a defense at any point during the proceedings ([Akhondi, 2015](#)).

If the examining magistrate accepts the duress defense, two legal views emerge. The first posits that upon accepting the defense, the magistrate may still issue a referral for prosecution (indictment), leaving the final ruling to the court. The second view holds that if coercion is established, as the act cannot be attributed to the defendant, a decision not to prosecute should be issued ([Rahmdel, 2018](#)). However, the first view is more accurate, since coercion negates volition, and therefore, the final evaluation of both defenses belongs to the court.

Additionally, in cases where preliminary investigations are bypassed, the defendant must directly raise the duress or coercion defense in court (Koushki, 2022). Moreover, the Criminal Procedure Code grants prosecutors discretionary powers to dismiss certain cases before trial. In such instances, if the defendant presents evidence of duress or coercion, the prosecutor must consider mitigating mechanisms and alternative measures (Goldoust Joibari, 2022).

Another significant procedural element is the preparation of a character profile, which assists in better understanding the personality of the accused and may influence the court's determination regarding the existence or absence of duress (Naji Zavareh, 2022).

#### *2.1.2. Raising the Duress and Coercion Defense Before the Court*

Following the issuance of the indictment by the investigating magistrate and its approval by the prosecutor, the case is forwarded to the trial court for adjudication and sentencing. At this point, the prosecutor formally requests the court to try the defendant and issue a conviction based on the collected evidence. This prosecutorial petition for a conviction is known as an indictment (Mosadegh, 2023).

Two scenarios are possible at this stage. In the first, the defendant has raised the defense of duress or coercion during the investigation stage, but it was not accepted. Typically, the prosecutor—acting as the authority responsible for prosecution—seeks to prove guilt and reject the defense evidence, prompting the defendant to challenge this in court, where the court then addresses the claim.

In the second scenario, the defendant did not raise the defense during the investigation stage. This raises the critical question: can the defendant raise the defense of duress or coercion for the first time in court? Importantly, if the indictment includes no mention of such a defense—because it was not previously raised—the related investigations are likely incomplete. Nonetheless, there is no legal barrier preventing the defense from being raised initially in court; therefore, a defendant who failed to do so during the investigation stage may still invoke it before the court.

#### *2.1.3. Raising the Duress and Coercion Defense Before the Appellate Court and the Supreme Court*

Given that duress constitutes a bar to criminal liability and that determining such bars, like other elements of criminal responsibility, falls within the court's jurisdiction, it appears that even if the defendant did not raise the duress defense earlier, appellate or supreme courts are obligated to assess its validity.

However, a contrary opinion argues that this defense cannot be raised for the first time at the appellate or supreme court levels, as the grounds for appeal are specifically enumerated in the law. If the defense was not raised earlier, it was not adjudicated and thus is not subject to appeal. Still, if the defense was presented during the initial trial and was rejected, the ruling may be appealed on that basis.

#### *2.1.4. Raising the Duress and Coercion Defense at the Retrial Stage*

Raising the duress or coercion defense for the first time at the retrial stage before the Supreme Court is only permissible if the supporting evidence qualifies as "new evidence." New evidence is defined as that which either did not exist during earlier proceedings or only became available afterward.

According to Advisory Opinion No. 5849/7 dated October 7, 2003, by the Legal Department of the Judiciary:

"The legislator's intent in allowing the submission of new evidence that proves the innocence of the convicted person is to permit the introduction of any document or evidence indicating the defendant's innocence and negating the alleged offense—provided such evidence was unavailable or non-existent during the initial investigation or trial, rather than evidence that existed but was simply not submitted."

Thus, if the evidence related to the duress defense qualifies as new evidence, the defense may be raised at the general retrial stage under Article 474 of the Criminal Procedure Code. Otherwise, it may not be invoked at this stage.

Moreover, it appears that the duress or coercion defense may also be initially raised during a special retrial requested by the Chief Justice of the Judiciary under Article 477 of the Criminal Procedure Code. If the defense of duress was raised during

previous proceedings but rejected, and a retrial is granted under Article 477, the Supreme Court panel reviewing the case is authorized to reevaluate the defense and issue a ruling if the conditions for duress are met.

## 2.2. *United States*

Suppose an individual is charged with a federal offense and committed the act because they were threatened, intimidated, or forced by someone to do something they otherwise would not have done. In such a case, the individual may raise “duress” or “coercion” as a valid legal defense. If the defendant or their defense attorney can demonstrate that the circumstances legally qualify as duress or coercion, it may lead to dismissal of the charges or at least a reduction in the sentence.

### 2.2.1. *Raising the Defense of Duress or Coercion Before the Prosecutor*

In the United States, federal criminal prosecution is primarily conducted by the Department of Justice through a structured system involving U.S. Attorney's Offices dispersed throughout the country. In some instances, attorneys from federal agencies assist in prosecution by evaluating cases, collecting evidence, conducting forensic analyses, and offering legal guidance to the Department of Justice. For example, the Environmental Protection Agency (EPA) employs approximately 45 attorneys who assist federal, state, and local prosecutors in initiating environmental crime cases.

At the state and local levels, District Attorney's Offices (often referred to as County or State Attorneys) commonly operate in major cities across states, typically under the oversight of the State Attorney General. Prosecutors and their representatives in all these roles often seek to challenge the evidence offered by the defendant or their attorney in support of a duress or coercion claim. As we will observe, however, such adversarial encounters may be resolved in various procedural ways.

### 2.2.2. *Raising the Defense of Duress or Coercion in Court*

It is rare for the defense of duress or coercion to be raised in court—federal or state—without prior presentation to prosecutors. However, in such cases, courts provide the necessary opportunity for both the defense and the prosecution to evaluate and contest the relevant evidence. Before instructing the jury on duress, the court must first be presented with sufficient evidence indicating the occurrence of duress or coercion. If the defendant offers a sufficient *prima facie* case of duress, the burden shifts to the prosecution to prove that no duress occurred.

In *United States v. Hayes* (2011), the court ruled that a guilty plea does not bar a defendant from subsequently raising a duress defense. In that case, “financial pressure on the defendant's mother and her threat of suicide” were cited as the coercive forces behind a series of thefts committed over five months. The court analyzed the duress defense and concluded that the essential elements were lacking. It emphasized that the extended time frame (five months) diminished the immediacy necessary for duress, and the defendant had viable alternatives to committing the crime. Additionally, the court expressed skepticism over whether the mother's threat of suicide constituted a legally recognized threat.

## 3. **The Role of the Defendant and Judicial Authorities in Asserting Duress and Coercion**

One of the fundamental differences between Iranian and U.S. legal systems in handling duress and coercion lies in the roles that various actors play in asserting this defense.

### 3.1. *Iran*

In the Iranian legal context, the roles of the defendant, prosecutor, and court in invoking the defense of duress and coercion must be examined individually.

#### 3.1.1. *The Role of the Defendant*

In Iran, the defense of duress or coercion is generally raised by the defendant or their attorney. Based on the evidence available to them, they must decide whether or not to invoke this defense. The strength of the evidence is crucial in this decision;

if the defendant possesses sufficient evidence to satisfy the legal elements of duress or coercion, it is to their advantage to raise the defense.

### *3.1.2. The Role of the Complainant (Victim)*

The complainant is the individual directly affected by the offense (e.g., the property owner in a theft case) or their legal representative (such as the heirs in a murder case or a legal guardian in crimes against minors). According to Article 10 of the Criminal Procedure Code, a victim who initiates prosecution is referred to as a complainant. The victim is someone who suffers material or moral harm as a result of the crime, provided the harm is direct.

Even in offenses against public decency—where the crime may impact the dignity of family members—the law in Article 102 states that prosecution is barred unless a private complainant exists. Article 102(3) restricts the right to lodge a complaint in such cases to the victim's guardian or legal representative if the victim is underage or legally incompetent.

While a complaint is generally sufficient to initiate proceedings, in crimes with a predominant private dimension (e.g., defamation), a formal complaint is required before prosecution can begin. Without such a complaint, the prosecutor is legally barred from pursuing charges (e.g., Article 608 of the Islamic Penal Code).

The complainant plays a significant role in the overall determination of the duress defense. Although the public prosecution is formally conducted by the prosecutor, the reality is that the complainant's cooperation in gathering evidence and challenging the duress defense can be pivotal. The complainant can submit evidence refuting the duress defense at every stage of the proceedings.

### *3.1.3. The Role of the Prosecutor*

In Iran, the responsibility for public prosecution lies with the prosecutor. Thus, when an allegation is brought against an individual, the prosecutor is tasked with challenging the accused's evidence and pursuing conviction. Simultaneously, the prosecutor holds judicial authority and supervises preliminary investigations.

Under Articles 22, 23, 27, and 28 of the Criminal Procedure Code, the prosecutor represents society and public order and is responsible for initiating proceedings based on crimes committed. Articles 43, 44, and 54 refer to the prosecutor as a judicial officer, while Article 92 grants the prosecutor or deputy prosecutor the authority to conduct preliminary investigations in certain cases when the examining magistrate is unavailable.

A critical question arises here: if the prosecutor recognizes that the conditions for a valid duress defense are present, must they continue to oppose the defense, or can they support it? In Iranian criminal law, the prosecutor plays a crucial role in safeguarding the rights of the accused. They are obliged to investigate claims of duress thoroughly, including evaluating the circumstances and how they may have influenced the defendant's intent.

If the prosecutor concludes that the legal elements of duress are met, they should petition the court for acquittal or exemption from punishment. Overall, the prosecutor's role is to maintain impartiality and contribute to a fair trial. Upon being convinced of the validity of the duress defense, the prosecutor should act accordingly and support a just outcome.

### *3.1.4. The Role of the Court*

In Iran, the court plays a dual role when the defense of duress or coercion is raised. First, when the defendant and their counsel present the defense and the prosecutor disputes it, the court must evaluate both parties' evidence and ultimately decide whether the defense is valid.

However, an important question emerges: if the full legal criteria for duress are met based on the case record, but the defendant or their attorney fails to invoke the defense, does the court have a duty to address it? Under Iranian law, duress is classified as an impediment to criminal responsibility—not merely a defense. Therefore, it need not be explicitly raised by the defendant.

If duress were merely a standard defense, the court would lack the authority to raise it independently and would have to wait for the defendant to invoke it. But because duress is a recognized bar to criminal liability, the court may examine the matter



independently. Even if the defense is not raised due to ignorance, strategy, or any other reason, the court is permitted to investigate the presence of duress and, if all elements are satisfied, treat it as a valid barrier to liability.

This distinction reflects the differing status of duress in Iranian law compared to legal systems like that of the United States, where duress is treated solely as an affirmative defense.

### 3.2. *United States*

The criminal procedure in the United States differs from that of Iran in two significant ways. First, in the U.S., the court acts as an impartial arbiter between the prosecution's evidence on one hand and the defense's arguments on the other. Second, juries play a fundamental role in adjudicating criminal cases. Given these distinctions, the roles of the defendant, defense counsel, the court, and other officials in handling the defense of duress and coercion warrant detailed consideration.

#### 3.2.1. *Role of the Defendant and Defense Counsel*

In U.S. criminal law, the role of the defendant in asserting and substantiating the defense of duress or coercion is pivotal. The defense of duress typically involves a claim by the defendant that they were compelled to engage in unlawful conduct due to threats, intimidation, or some form of pressure exerted by another individual.

The defendant must raise the duress defense either personally or through their attorney. It is essential for the defendant to clearly inform the court that their actions were the result of coercion or threat by another party. The defendant must provide their attorney with all relevant information, including details about the coercive circumstances, identification of the coercing party or agency, and any documentary evidence or witnesses to support the claim.

To mount a successful defense, the defendant must collaborate closely with their attorney to develop a comprehensive strategy. This includes reviewing evidence, preparing witnesses, and constructing legal arguments in support of the duress claim. In some cases, the defendant may need to testify in court, detailing the coercive conditions and their mental state at the time of the alleged offense. Additional evidence may include third-party testimonies or documentation to corroborate the defense (McClure & Eimermann, 2023).

The defendant is also subject to cross-examination by the prosecution, during which they may be questioned about the specifics of their duress claim and the sequence of events leading to the offense. The defendant must be prepared to answer these questions truthfully and effectively to support the defense. Active cooperation with legal counsel and adherence to procedural requirements is essential throughout the trial. Ultimately, a defendant's proactive involvement in asserting and defending against coercion is crucial to the success of their defense strategy. Through cooperation, information sharing, and effective courtroom participation, the defendant strengthens their position and enhances the prospect of a fair outcome.

The defense attorney's role in the American legal system is vital; legal counsel is present in all criminal cases and is primarily responsible for protecting the rights of the accused. In cases involving a duress defense, the attorney bears numerous responsibilities to represent the client effectively.

Key responsibilities include thoroughly analyzing the facts of the case to determine whether duress is a viable defense. This involves assessing the legal elements of the defense and evaluating the strength of supporting evidence. Open and transparent communication between attorney and client is essential for collecting all relevant details regarding the alleged coercion. The attorney must listen carefully, identify inconsistencies or gaps in the client's narrative, and work collaboratively to construct a strong defense strategy.

Defense counsel may need to conduct comprehensive investigations, including interviewing witnesses, collecting documents, securing expert opinions, and reviewing physical evidence. Based on this analysis, the attorney must craft a strategic plan to effectively present the duress defense in court—developing legal arguments, identifying key witnesses, and anticipating prosecutorial rebuttals (McClure & Eimermann, 2023).

Attorneys are responsible for representing their clients at every stage of the process—from pretrial motions and hearings to the trial itself and any post-trial appeals. They must present evidence, cross-examine witnesses, and offer legal reasoning to support either an acquittal or reduced liability based on duress.

In some cases, defense attorneys may negotiate with prosecutors for a favorable resolution, which could involve seeking reduced charges or lesser penalties in light of coercive circumstances. Overall, the defense attorney plays a critical role in advocating for the client's rights and exploring all legal avenues available in duress-based defenses.

When the burden of proof lies with the defendant, they—or their attorney—must establish all elements of duress using compelling evidence. Proving duress is particularly challenging under objective standards. These difficulties have surfaced in numerous cases. One example is the *Dingwall* case, where the defendant was charged with three counts of robbery and three counts of brandishing a firearm during violent crimes.

Dingwall admitted to the robberies but claimed she was forced to commit them due to fear of violence from her abusive boyfriend, Stanley. She sought to present expert testimony on the effects of abuse to support her defense. Duress requires two key elements: a reasonable fear of imminent death or serious bodily harm, and no reasonable or legal alternative to committing the offense.

The district court denied Dingwall's motion. She then entered a guilty plea while preserving her right to appeal the court's ruling on the duress defense.

The evidence Dingwall presented was not deemed sufficiently persuasive. "Dingwall certainly faces challenges in establishing duress." Stanley was not physically present during the robberies; Dingwall herself carried a firearm; and there was disagreement over whether Stanley would have inflicted harm had the crimes not been committed. These facts raised questions for the jury. While immediate physical presence of a threat is not always required to establish duress, expert testimony on abuse and its psychological impact may help jurors understand how a reasonable person might behave under comparable circumstances.

### 3.2.2. *Role of the Complainant (Victim)*

In analyzing the duress defense and its conditions, excessive focus is often placed on the defendant and their actions, while the perspective of the harmed party—the victim—is neglected. Ironically, it may be the victim who holds the key to understanding whether duress should be considered a justification or merely an excuse (Bedi, 2013). When a court evaluates culpability and punishment, the defendant is rightly at the center of attention. However, it is reasonable for judicial attention to extend beyond the defendant's intent and actions and encompass broader contextual factors. By focusing on the victim, the court may gain clearer insight into the nature of the duress defense (Bedi, 2013).

In the United States, victims play a comparatively limited role in this context. Their involvement is generally restricted to filing complaints and cooperating with the prosecution in gathering evidence to refute the duress or coercion defense.

### 3.2.3. *Role of the Police*

In American criminal law, the police's role in relation to the duress defense varies depending on the circumstances of the case and their level of involvement in investigation and enforcement. The duress defense typically involves the defendant's claim that they committed the offense under threats or coercion by another party.

When a defendant raises a duress defense, police officers may assume several roles during the investigation and legal process. If a defendant reports being coerced or threatened into committing a crime, law enforcement may respond to the situation, examine the allegations, and collect relevant evidence. Officers are tasked with assessing the credibility of the claim and determining the appropriate course of action. They gather statements from the defendant, witnesses, and any available physical or electronic evidence.

Police investigations may include interviewing witnesses, collecting documents or digital records, and conducting forensic analyses. If the police determine there is sufficient evidence to support criminal charges, they may proceed with arrest and refer the case to the prosecutor's office for formal charges. In cases involving duress, police may provide the prosecutor with documentation and testimony related to the coercion claim. They may also conduct interviews with all relevant parties, including the defendant, and follow proper procedures to ensure the defendant's rights are respected throughout the process.

In criminal trials where duress is raised, law enforcement officers may be called to testify as witnesses regarding their investigative findings, interactions with the defendant, and the context surrounding the coercion claim (Hess et al., 2020).



Overall, the role of police in the duress defense encompasses fact-finding, evidence collection, and ensuring that the defendant's legal rights are upheld. Cooperation between the defendant and their attorney in presenting evidence can influence how law enforcement handles the case and potentially impact its outcome.

#### 3.2.4. *Role of the Prosecutor*

It is essential to recognize that in a criminal case, the prosecutor represents the government and is responsible for presenting the case against the accused. When a duress defense is raised, the prosecutor's responsibilities fall into two primary categories: (1) pursuing the prosecution and proving guilt, and (2) negotiating plea deals when appropriate.

Under the first responsibility, the prosecutor must carefully analyze the facts of the case, including the defendant's claims of duress. This involves evaluating the legal merits and strength of the defense's evidence and formulating a strategy to challenge it. Prosecutors may conduct independent investigations to uncover evidence that undermines or disproves the duress claim. This can include interviewing witnesses, gathering documents, and consulting with experts.

The prosecutor is responsible for presenting legal arguments in court that challenge the validity of the duress defense. This might involve questioning the defendant's account, highlighting inconsistencies, and arguing that the alleged coercion does not justify the unlawful conduct. The prosecution must produce evidence to support its case and refute the defense—such as witness testimony, physical evidence, expert opinions, and legal reasoning aimed at proving the defendant's guilt and undermining the coercion claim.

The prosecutor also has the opportunity to cross-examine defense witnesses, including the defendant, to expose contradictions or weaknesses in the duress defense. Ultimately, the prosecutor's principal duty is to represent the interests of the state and ensure the defendant is held accountable. They must build a compelling case that not only disproves duress but also persuades the judge or jury of the defendant's guilt (McClure & Eimermann, 2023).

Overall, the prosecutor's role in duress-based defenses in the U.S. includes vigorously presenting the government's case, challenging the defense, and seeking conviction through proper legal procedure. It is crucial that prosecutors maintain principles of fairness while conducting impartial and just prosecutions. U.S. criminal law places the burden of rebutting duress claims on the prosecution. When duress is asserted, the prosecutor must test its validity and seek to discredit it.

During trial, the prosecutor's representative may question defense witnesses and the defendant, if they testify, to undermine the duress claim. Legal arguments, cross-examination techniques, and evidentiary challenges are used to cast doubt on whether the defense meets the legal standard. The prosecutor may also present contradictory evidence or challenge the required elements of duress.

Ultimately, the prosecutor is expected to vigorously dispute the duress defense raised by the accused or their attorney. Their goal is to secure a conviction, which necessitates defending the state's evidence with strength. This dynamic ensures that both the defense and prosecution's claims are fully evaluated, allowing the judge or jury to reach an informed decision based on all evidence and legal reasoning presented.

Regarding the second responsibility—plea bargaining—a critical question arises: Can duress be negotiated as part of a plea deal in U.S. criminal law? Plea bargaining is a standard practice whereby prosecutors and defense attorneys negotiate a mutually acceptable resolution to a criminal case. In this context, defendants may present duress-related arguments during negotiations, and prosecutors may consider such defenses when formulating the terms of a plea agreement.

When duress is raised during plea discussions, prosecutors evaluate the strength of the defense, the severity of the offense, the circumstances of the coercion, and the defendant's criminal history. These factors influence whether to offer a plea deal and what concessions might be included. Prosecutors may agree to reduced charges or lighter sentencing in exchange for a guilty plea, particularly if the duress defense casts reasonable doubt on the defendant's culpability or raises mitigating factors.

For defendants and their attorneys, effective communication with the prosecution during plea bargaining is essential. Presenting compelling evidence and a credible narrative of duress can influence the outcome. Open, honest negotiations and a persuasive defense case can lead to a resolution that accounts for the coercion claim and results in a more favorable legal outcome for the defendant (Pollock, 2019). However, the final terms depend on the facts of the case, the discretion of the prosecutor and judge, and the legal context surrounding the plea agreement.

### 3.2.5. *Role of the Courts and Jury*

In analyzing the role of the court in duress-related defenses in the United States, it is essential to consider not only the trial court but also the jury and appellate courts.

#### 3.2.5.1 *Role of the Criminal Trial Court*

In a criminal trial involving the duress defense in the United States, the court plays a vital role in ensuring that the legal process is fair and just. The court is responsible for interpreting and enforcing the law, including the legal principles governing duress. It must assess the evidence presented by both the prosecution and defense to determine whether the legal conditions for establishing duress or coercion have been met.

If the case involves a jury, the judge is required to provide clear and accurate instructions regarding the duress defense. These instructions explain the elements of the defense, the burden of proof, and the legal criteria that must be satisfied for the defense to succeed.

The court holds the authority to decide on the admissibility of evidence related to the duress defense. This includes determining whether particular testimony, documents, or other forms of evidence are relevant and reliable in supporting or challenging the defense. The court also rules on pretrial motions related to the duress defense—such as motions to suppress evidence, dismiss charges, or resolve other legal matters that may influence the defense strategy.

It is also the court's duty to safeguard the defendant's constitutional rights throughout the proceedings, including the right to a fair trial, the right to legal counsel, and the right to present a defense. The court must ensure that the defendant is treated impartially and that the trial complies with due process and procedural norms. Maintaining judicial neutrality is critical. The court serves as an independent arbiter of the law and ensures that the proceedings are conducted fairly and impartially (McClure & Eimermann, 2023).

Ultimately, the court is responsible for rendering a decision based on the evidence presented and applying the law to the facts of the case. It must determine whether the duress defense is valid and what legal consequences it carries for the defendant. Overall, the court's role in duress-based defenses in the U.S. includes upholding the rule of law, ensuring a fair trial for all parties involved, and issuing a legally sound judgment based on the evidence and arguments presented in court.

#### 3.2.5.2 *Role of the Jury*

In a U.S. criminal trial where the defense of duress is raised, the jury plays a critical role in determining the defendant's guilt or innocence and in evaluating the credibility of the duress claim. Some of the key responsibilities of the jury in such cases include:

The jury's primary duty is to thoroughly examine all evidence presented during the trial, including witness testimony, documents, and any material relevant to the duress defense. They must assess the reliability and credibility of the evidence to determine the facts of the case. Jurors must pay close attention to the judge's instructions on the applicable law and the duress defense. The judge outlines the legal standards that must be met for the defense to succeed and explains the burden of proof on the defendant (McClure & Eimermann, 2023).

The jury also plays a key role in evaluating the credibility of witnesses, including the defendant and any individuals providing information related to the alleged coercion. Jurors must assess the consistency and plausibility of testimony and other submitted evidence. They are tasked with applying the law—based on the judge's instructions—to the factual findings of the case. Specifically, they must decide whether the evidence demonstrates that the legal criteria for a valid duress defense have been met and whether the defendant acted under reasonable and immediate threat.

After all evidence and closing arguments are presented, the jury deliberates privately to reach a verdict. Jurors discuss and analyze the evidence, weighing the strengths and weaknesses of the duress claim, in order to decide whether the defendant is guilty or not guilty. In most criminal cases, the verdict must be unanimous. The jury must reach consensus on whether the defendant has met the burden of proving duress and whether the prosecution has proved its case beyond a reasonable doubt.

Once deliberations are complete, the jury returns a verdict based on the evidence and the legal instructions provided by the judge. Their decision determines the outcome of the case—whether the defendant is acquitted or convicted based on the duress

defense. In summary, the jury's role in a duress defense involves thorough evidence review, assessment of witness credibility, legal application, and delivering an impartial and fair verdict based on the facts presented.

#### 3.2.5.3 *Role of the Appellate Court*

In U.S. criminal law, appellate courts—both state and federal—play a critical role in reviewing and evaluating legal issues, including defenses like duress and coercion that may have been raised during a criminal trial. An appellate court functions as an intermediary court of review that examines decisions made by trial courts to determine whether legal errors occurred that could have impacted the outcome of the case.

When the duress defense is raised and the defendant is convicted, the defense counsel may appeal the conviction. The appellate court's role includes:

**Review of Legal Errors:** The appellate court examines whether the trial court correctly applied the law related to the duress defense and whether any legal errors occurred that could have prejudiced the defendant's rights or affected the fairness of the proceedings.

**Evaluation of Evidence:** The appellate court reviews the trial record, including evidence related to the duress claim, to determine whether it was properly admitted, assessed, and weighed by the trial court. It evaluates whether the evidence supported or undermined the defense.

**Interpretation of Legal Standards:** The court interprets statutory and case law regarding the duress defense and applies these standards to the facts of the case. It may clarify the legal principles governing duress, providing guidance on how such claims should be evaluated in future criminal cases.

**Ruling on Appellate Claims:** Based on the trial record and legal briefs submitted by the parties, the appellate court issues a decision. This may include affirming the conviction, overturning the conviction, ordering a new trial, or issuing other appropriate legal remedies.

**Setting Legal Precedent:** Decisions issued by appellate courts contribute to the body of legal precedent in the United States. These rulings establish standards and doctrines that govern how duress defenses are treated in subsequent cases ([Zalman, 2019](#)).

In conclusion, appellate courts play a vital role in reviewing and addressing issues related to duress defenses in U.S. criminal law. Through comprehensive analysis of trial records, legal arguments, and applicable standards, they ensure the protection of defendants' rights and uphold justice when duress or coercion has been asserted as a defense.

#### 3.2.5.4 *Role of the Supreme Court*

The Supreme Court of the United States plays a crucial role in shaping and interpreting American criminal law, including adjudicating matters related to the duress and coercion defense. As the highest court in the nation, it possesses the authority to rule on legal questions arising from criminal cases and to provide interpretive guidance on the application of laws governing defenses such as duress.

The Supreme Court may review cases involving duress to determine whether a defendant's constitutional rights have been violated. This includes assessing whether the application of duress-related laws is consistent with constitutional principles such as due process, the prohibition against cruel and unusual punishment, and protection against self-incrimination.

The Court holds the authority to articulate legal standards related to duress and coercion, including the definition of the defense's elements, the burden of proof, and its applicability across various criminal contexts. It interprets and applies federal statutes that may affect both the availability and the scope of the duress defense. Its decisions help define how duress claims should be evaluated under federal law and offer guidance to lower courts in interpreting and applying duress statutes.

The Supreme Court's rulings on duress cases create legal precedents that influence how trial courts address similar claims. These judgments contribute to the development of coherent legal standards and principles for evaluating duress in criminal proceedings across the country. The Court plays a pivotal role in protecting the rights of individuals accused of crimes, ensuring that they are afforded a fair opportunity to present valid duress defenses and that such defenses are adjudicated justly by the courts.

Additionally, the Supreme Court may address complex legal questions related to duress, such as the credibility of the defense, its effect on criminal liability, and appropriate remedies for defendants who acted under coercion (Pizzi, 2021). Overall, the Court's involvement in duress-related criminal cases shapes the broader legal landscape surrounding this defense and ensures that defendants are granted equitable opportunities to present such claims. Its decisions offer essential guidance on how duress should be evaluated and applied, helping to ensure consistency and fairness in outcomes where coercion may have influenced criminal conduct.

#### **4. Conclusion**

The defense of duress and coercion in criminal cases serves as a significant ground for exemption from criminal responsibility and is addressed with both similarities and differences in the legal systems of Iran and the United States. In both jurisdictions, the burden of proof rests with the defendant, who must demonstrate that the criminal act was committed under threat or pressure. However, the manner in which this defense is accepted and assessed varies significantly.

In Iran, the absence of a consistent judicial precedent and limited awareness of the legal requirements for duress may hinder its acceptance in court. Additionally, social and cultural factors can influence judicial decisions, and judges may be less inclined to accept such defenses due to societal presumptions about the defendant's behavior. In Iran, the defendant is expected to raise the defense early in the proceedings—particularly during preliminary investigations—or risk forfeiting the opportunity.

Conversely, in the U.S. legal system, the presence of a jury enables defendants to be exonerated from criminal liability if sufficient evidence is presented. The defense may be invoked at various procedural stages, including appellate and supreme court levels. Moreover, in the U.S., the prosecutor, as a representative of the state, is required to thoroughly evaluate the defense's evidence, and upon confirmation of its validity, may assist in reducing charges or supporting acquittal.

The primary difference lies in how the defense is categorized and adjudicated. In the U.S., duress is treated as an *affirmative defense*, examined through an adversarial process between the prosecution and the defense in court, typically before a jury. If proven, it leads to exemption from liability. In Iran, by contrast, duress is considered a *bar to criminal responsibility*, which may be raised by the defense or even assessed directly by the court, regardless of whether the defense invokes it.

In the U.S. system, the Supreme Court has played a decisive role in shaping the legal contours of duress and coercion. In contrast, Iran lacks strong judicial precedents on the matter. There remains an expectation that Iranian courts will issue well-reasoned, authoritative judgments in coercion-related cases, addressing doctrinal controversies and thereby providing the legal community with clear, instructive rulings.

#### **Authors' Contributions**

Authors contributed equally to this article.

#### **Declaration**

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

#### **Ethical Considerations**

All procedures performed in this study were under the ethical standards.

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#### **Conflict of Interest**

The authors report no conflict of interest.

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