

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	630
Land:	Iran
Kilde:	British Home Office
Titel:	Country Information and Guidance. Iran: Human Rights Defenders
Udgivet:	Marts 2016
Optaget på baggrundsmaterialet:	13. juni.2016



Home Office

Country Information and Guidance

Iran: Human Rights Defenders

Version 1.0

March 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

IAGCI may be contacted at:

Independent Chief Inspector of Borders and Immigration,
5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Contents

Guidance.....	4
1. Introduction.....	4
1.1 Basis of Claim	4
2. Consideration of Issues	4
2.1 Credibility.....	4
2.2 Assessment of risk	4
2.3 Protection	5
2.4 Internal relocation.....	5
2.5 Certification	5
3. Policy summary	5
Country Information.....	6
4. Overview.....	6
5. Legal rights	7
6. Treatment of Human Rights Defenders (HRD's)/ Non- Government Organisations (NGO's)	8
6.1 Overview	8
6.2 Demonstrations	11
6.3 Arrests and detentions	12
Version Control and Contacts.....	17

Guidance

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of persecution or serious harm at the hands of the Iranian authorities due to actual or perceived criticism of the government due to a person's role as a human rights defender.

[Back to Contents](#)

2. Consideration of Issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing if there is reason to doubt an individual's true place of origin. (see the [Asylum Instruction on Language Analysis](#)).

[Back to Contents](#)

2.2 Assessment of risk

- 2.2.1 Freedom of speech is limited in Iran and the law in Iran prevents individuals from publicly criticising the government. Public demonstrations are only permitted on the condition that they are not "detrimental to the fundamental principle of Islam", in practice this means that only state-sanctioned demonstrations are permitted (see [Legal Rights](#)).
- 2.2.2 Those working to protect and promote human rights in Iran are often seen by the government as being involved in a political act. This includes journalists, human rights lawyers, women's and minority rights defenders, LGBTI rights defenders, trade unionists, as well as students who express criticism of the government or call for reforms. They are subject to arrests, harassment, monitoring and detention. Human rights defenders in detention are subject to solitary confinement, denied access to adequate medical treatment, face harassment, interrogation and torture. Government officials sometimes harass and arrest family members of human rights activists (see [Treatment of Human Rights Defenders \(HRD's\)/ Non- Government Organisations \(NGO's\)](#)).
- 2.2.3 Those who have come to the adverse attention of the authorities for their work promoting and protecting human rights in Iran are likely to find themselves at risk of ill treatment and persecution although this may depend on the nature of their activities, the subject they want to advocate for and the size of the group they belong to. Only organisations which the government considers to be working on non political issues can operate freely.

- 2.2.4 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

2.3 Protection

- 2.3.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.3.2 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Gender Issues in the Asylum Claim](#)
- 2.3.3 See also country information and guidance on [Iran: Background information including actors of protection and internal relocation](#).

[Back to Contents](#)

2.4 Internal relocation

- 2.4.1 As the person's fear is of ill treatment/persecution at the hands of the state, they will not be able to relocate to escape that risk.
- 2.4.2 For further guidance on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

[Back to Contents](#)

2.5 Certification

- 2.5.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002. .
- 2.5.2 For further information on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

3. Policy summary

- 3.1.1 Freedom of speech is limited in Iran and those critical of the government may be subject to arrest, harassment, monitoring, detention, unfair trials, death threats and torture.
- 3.1.2 Human Rights Defenders who are likely to or have come to the adverse attention of the authorities are likely to face ill treatment and persecution, although factors such as the nature of their activities and the subject they want to advocate for may affect the likelihood of this occurring. Only organisations which the government considers to be working on non political issues can operate freely.
- 3.1.3 State protection and internal relocation to escape the risk will not be available.
- 3.1.4 If a claim is refused it is unlikely to be certifiable as clearly unfounded.

[Back to Contents](#)

Country Information

Updated 14 March 2016

4. Overview

- 4.1.1 According to the Article 19 report 'Iran: Defending from the Outside A Needs Assessment of Iranian Human Rights Defenders in the Diaspora' published in November 2015:

'Working for the promotion and protection of human rights in Iran today is regularly construed as a political act. It has led to the arrests of Human Rights Defenders (HRDs) and the closure of many non-governmental organisations (NGOs). During the presidency of Mohammad Khatami, between 1997 and 2005, NGOs working on a multitude of issues flourished. However, under the presidency of Mahmoud Ahmadinejad between 2005 and 2013 they suffered enormously. The term "NGO" took on political connotations; they were often accused of being "tools of foreign agendas".'

'As a result, the Government became highly sensitive to civic engagement in Iran, much of which was no longer tolerated.'¹

- 4.1.2 Front line defenders in an undated overview on Iran stated that:

'Human Rights Defenders (HRD) in Iran face serious risks because of their legitimate work documenting and denouncing abuses or pushing for reforms. Those facing sustained repression include journalists, human rights lawyers, women's and minority rights defenders, LGBTI rights defenders, trade unionists, as well as students, critical Islamic scholars, artists and writers who express criticism of the government or call for reforms.'²

- 4.1.3 Freedom House's annual report on freedom in the world, published on 27 January 2016 noted that:

'Nongovernmental organizations that work on nonpolitical issues such as poverty and the environment are allowed to operate relatively freely. Reports suggest that their number has increased in the past two years. Other groups, especially those that have highlighted human rights violations, have been suppressed. They include the Center for Human Rights Defenders, which remains closed with several of its members in jail, and the Mourning Mothers of Iran (Mothers of Laleh Park), which had been gathering in a Tehran park to bring attention to human rights abuses.'³

¹ Article 19, Iran: Defending from the Outside A Needs Assessment of Iranian Human Rights Defenders in the Diaspora, November 2015, <http://www.refworld.org/docid/5642f7624.html> [accessed 2 December 2015]

² Front Line Defenders, Iran overview, undated, <https://www.frontlinedefenders.org/iran> [date accessed 7 December 2015]

³ Freedom House, Freedom in the World 2016, 27 January 2016 <https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 March 2016]

5. Legal rights

- 5.1.1 The US State Department's annual report on human right practices published in June 2015 noted that:

'The law limits freedom of speech, including by members of the press. Individuals were not permitted to criticize publicly the country's system of government, supreme leader, or official religion. Security forces and the country's judiciary punished those who violated these restrictions and often punished as well persons who publicly criticized the president, the cabinet, and the Islamic Consultative Assembly. The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. It often charged persons with crimes against national security and insulting the regime based on letters, e-mails, and other public and private communications. According to the August 1 Amnesty International report, during the year anyone deemed critical of authorities, particularly journalists, were at increased risk of arrest and prosecution, creating an intense climate of fear.'

'The constitution provides for the establishment of political parties, professional or political associations, and Islamic and recognized religious minority organizations, as long as such groups do not violate the principles of freedom, sovereignty, national unity, or Islamic criteria or question Islam as the basis of the country's system of government. The government limited freedom of association through threats, intimidation, the imposition of arbitrary requirements on organizations, and the arrests of group leaders and members.'⁴

- 5.1.2 The UN General Assembly, Situation of human rights in the Islamic Republic of Iran report published in October 2015 noted that: 'The law also prohibits individuals that are either affiliated with, or support parties, organizations and groups deemed illegal, from seeking office, including individuals affiliated with illegal human rights organizations.'⁵

- 5.1.3 On 5 June 2015, the United Nations Special Rapporteur Ahmed Shaheed, stated that:

“The recurrent use of vague references to threats to national security, propaganda against the system and insult to authorities to prosecute and detain journalists or activists is in contradiction to both international norms relating to freedoms of expression and association and the principle of legality.”⁶

⁴ United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, Section 2b [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598%20\[#wrapper\]](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598%20[#wrapper]) [accessed 19 February 2016]

⁵ UN General Assembly, Situation of human rights in the Islamic Republic of Iran : note by the Secretary-General, 6 October 2015, A/70/411, <http://www.refworld.org/docid/5631da2c4.html> [accessed 2 December 2015]

⁶ OHCHR, Silencing journalist and activists weakens protection of human rights in Iran, UN expert warns, 5 June 2015

5.1.4 Freedom House noted in their 2016 annual report that:

‘The constitution states that public demonstrations may be held if they are not “detrimental to the fundamental principle of Islam.” In practice, only state-sanctioned demonstrations are typically permitted, while other gatherings have in recent years been forcibly dispersed by security personnel, who detain participants. In what appeared to be a softening of the government’s stance, police did not disrupt protests by animal rights activists in Shiraz in April 2015, or a months-long protest by prominent lawyer Nasrin Sotoudeh against a decision to ban her from practicing law. Sotoudeh said she and her supporters received threats but were allowed to continue their picketing outside the Iranian Bar Association in Tehran..’

‘Iran does not permit the creation of labor unions; only state-sponsored labor councils are allowed. Labor rights groups have come under pressure in recent years, and more than a dozen activists have been sentenced to prison. In April 2015, the secretary general of the Teachers Organization of Iran and five prominent members of Iran’s Teachers Association were detained for their union activities. Thousands of workers marched on May Day in Tehran and other cities for the first time in eight years, though a number of activists were reportedly detained in the days ahead of the event. Jailed trade unionist Shahrokh Zamani died in September, apparently of a stroke, while serving an 11-year prison sentence he received in 2011. His death renewed concern over the denial of proper medical care to prisoners.’⁷

[Back to Contents](#)

6. Treatment of Human Rights Defenders (HRD’s)/ Non-Government Organisations (NGO’s)

6.1 Overview

6.1.1 According to the Article 19 report ‘Iran: Defending from the Outside A Needs Assessment of Iranian Human Rights Defenders in the Diaspora’ published in November 2015:

‘There has been little improvement under the Hassan Rouhani administration, demonstrated by the increasing number of HRDs in prison since Rouhani took office in August 2013. Many activists have no choice but to leave Iran if they want to continue with human rights activism and support their activist networks in Iran.’

‘After the 2009 post-election protests, most NGOs were closed down. HRDs [...] reported receiving intimidating calls, threats (to themselves and their families), and blackmail from individuals connected to the Government and law enforcement agencies in Iran, both before and after being arrested.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16042&LangID=E#sthash.Yxfwu3tP.dpuf> [accessed 20 February 2016]

⁷ Freedom House, Freedom in the World 2016, 27 January 2016

<https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 March 2016]

There are also accounts of courts routinely suspending sentences of HRDs, leaving open the possibility of arbitrary arrest. Daily harassment and the likelihood of reimprisonment, coupled with reports of torture and degrading treatment in prisons, led to many HRDs fleeing Iran at the first opportunity following release.⁸

6.1.2 The UN Secretary General's February 2015 report on the situation on human rights in Iran stated:

'Human rights defenders, lawyers, students and women rights activists, journalists and trade unionists, however, continue to face restrictions, arrest, conviction and imprisonment for exercising their rights to freedom of association and freedom of expression and opinion.... Union activists are often subjected to politically motivated prosecution and unfair trials.'⁹

6.1.3 The US State Departments annual report on human right practices published in June 2015 noted that:

'The government continued to exert significant pressure on members of human rights organizations, including the Defenders of Human Rights Center. The government also restricted groups advocating for women's or minority groups' rights, recognized and unrecognized minority religious groups, trade unions, and other labor-related groups.'

'The government restricted the work of human rights groups and activists and often responded to their inquiries and reports with harassment, arrests, and monitoring of individual activists and organization workplaces.'

'The government restricted the operations of and did not cooperate with local or international human rights NGOs investigating alleged violations of human rights. By law NGOs must register with the Interior Ministry and apply for permission to receive foreign grants. Independent human rights groups and other NGOs faced continued harassment because of their activism as well as the threat of closure by government officials following prolonged and often arbitrary delays in obtaining official registration.'

'During the year the government prevented some human rights defenders, civil society activists, journalists, and scholars from traveling abroad. Human rights activists reported receiving intimidating telephone calls and threats of blackmail from unidentified law enforcement and government officials. Government officials sometimes harassed and arrested family members of human rights activists. Courts routinely suspended sentences of human rights activists. This form of sentencing acted as de facto probation, leaving

⁸ Article 19, Iran: Defending from the Outside A Needs Assessment of Iranian Human Rights Defenders in the Diaspora , November 2015, <http://www.refworld.org/docid/5642f7624.html> [accessed 2 December 2015]

⁹ UN Secretary General's February 2015 Report on the Situation of Human Rights in the Islamic Republic of Iran, February 2015, <http://www.iranhrdc.org/english/human-rights-documents/united-nations-reports/un-reports/1000000570-un-secretary-general%E2%80%99s-february-2015-report-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran.html> [accessed 20 February 2016]

open the option for authorities to arbitrarily arrest or imprison individuals later.’¹⁰

6.1.4 The Iran Human Rights Documentation XCentre noted in a report dated 18 March 2015 that:

‘Today, political dissidents, activists, journalists, human rights lawyers, artists and others are often imprisoned on vague charges such as “distributing propaganda against the regime,” “acting against national security,” or “insulting the Supreme Leader.” These ambiguously-defined criminal charges are elements of the legal framework utilized by the Iranian government to stifle dissent and subject prisoners of conscience to arbitrary detention. (...) Those imprisoned often lack access to legal counsel and are held for days or weeks on end without being charged of any crime. Some prisoners are tortured and pressured to admit their guilt, even if they did not commit any crimes.’¹¹

6.1.5 Front line defenders in an undated overview on Iran stated that:

‘HRDs are subjected to a wide range of violations of their rights to freedom of movement, expression, association and peaceful assembly and are often victims of death threats, harassment, arbitrary arrest and detention, refusal of bail or exorbitant bail conditions, fabricated charges and unfair trials. They are subjected to systematic surveillance and their family members are also often targeted.’

‘Iran’s ethnic and religious minorities have long suffered extensive discrimination in the enjoyment of their civil and human rights. Human rights defenders from these communities, including civic activists and journalists, are particularly vulnerable.’

‘Freedom of association remains limited and independent human rights groups are unable to obtain registration. Public funding for critical rights groups is non-existent and funding from abroad is restricted. Vocal HRDs are routinely accused of working for foreign interests.’

‘Civil society space has been further eroded since the crackdown following the disputed presidential election of 2009. Security forces arrested and imprisoned several thousand protesters including many HRDs. Official sources at the time acknowledged the deaths of 36 people, while unconfirmed reports put the figure at over 70 deaths. Since the post-election crackdown, hundreds of HRDs and other civil society activists have left the country and sought temporary refuge abroad.’¹²

¹⁰ United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, Section 5
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236598> [accessed 2 December 2015]

¹¹ Iran Human Rights Documentation Centre, Rights Disregarded: Prisons in the Islamic Republic of Iran, 18 March 2015, <http://www.iranhrc.org/english/publications/reports/1000000574-rights-disregarded-prisons-in-the-islamic-republic-of-iran.html#2>, [Date accessed 20 February 2016]

¹² Front Line Defenders, Iran overview, undated, <https://www.frontlinedefenders.org/iran> [date accessed 7 December 2015]

6.1.6 The UN General Assembly, Situation of human rights in the Islamic Republic of Iran report of October 2015 noted that:

‘Several laws and practices continue to undermine the rights to freedom of expression, association, and peaceful assembly in the Islamic Republic of Iran. Individuals continue to relay reports detailing arbitrary detention for the legitimate exercise for these rights. At least 46 journalists and social media activists were reportedly either in detention or sentenced for their peaceful activities as at April 2015. A small number of these journalists have since been released.’

‘Journalists, writers, social media activists and human rights defenders continued to be interrogated and arrested by government agencies — including by the Iranian Revolutionary Guards Corps (IRGC) and cyber-policing units — during the first half of 2015. The judiciary also reportedly continues to impose heavy prison sentences on individuals that peacefully exercise their right to freedom of expression for crimes such as “propaganda against the State”, “insulting” political or religious figures, and harming “national security”.’

‘In May 2015, a revolutionary court sentenced Atena Faraghdani [an activist] to more than 12 years in prison for “assembly and collusion against national security”, “propaganda against the State”, and “insulting the Supreme Leader, the President, Members of the Parliament, and IRGC agents”....

‘In May 2015, the children’s rights activist, Atena Daemi, was sentenced to 14 years in prison.’¹³

6.2 Demonstrations

6.2.1 The US State Department’s annual report on human right practices published in June 2015 noted that:

The constitution permits assemblies and marches of unarmed persons “provided they do not violate the principles of Islam.” The government restricted this right and closely monitored gatherings to prevent antiregime protests. Such gatherings included public entertainment and lectures, student and women’s meetings and protests, meetings and worship services of minority religious groups, labor protests, online gatherings and networking, funeral processions, and Friday prayer gatherings. According to activists, the government arbitrarily applied rules governing permits to assemble, with proregime groups rarely experiencing difficulty and groups viewed as critical of the regime experiencing harassment regardless of whether a permit was issued. The government sometimes slowed internet speeds or blocked e-mail or text messaging services to disrupt potential public gatherings or demonstrations. There were reports that security forces

¹³ UN General Assembly, Situation of human rights in the Islamic Republic of Iran : note by the Secretary-General, 6 October 2015, A/70/411, <http://www.refworld.org/docid/5631da2c4.html> [accessed 2 December 2015]

disrupted demonstrations and meetings and arrested individuals who participated in such gatherings.¹⁴

[Back to Contents](#)

6.3 Arrests and detentions

6.3.1 According to the UN special rapporteur's February 2013 report:

'Interviews continue to impart that human rights defenders are subjected to harassment, arrest, interrogation, and torture, and that they are frequently charged with vaguely-defined national security crimes. A preponderance of human rights defenders interviewed for this report maintained that they were arrested in the absence of a warrant, and subjected to physical and psychological duress during interrogations for the purpose of soliciting signed and televised confessions. A majority of interviewees reported that they were kept in solitary confinement for periods ranging from one day to almost one year, were denied access to legal counsel of their choice, subjected to unfair trials, and in some cases, subjected to severe physical torture, rape (both of males and females, by both male and female officials), electro-shock, hanging by hands or arms, and/or forced body contortion.'¹⁵

6.3.2 Freedom House's Freedom in the world report for 2016 noted that:

'Activists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes. Activists say they have been beaten during interrogation, forced into false confessions, and subjected to psychological pressure, including threats that their relatives will be arrested. In the past two years, the IRGC's intelligence unit appears to have increased its involvement in political repression. The unit reportedly controls a section of Tehran's Evin prison.

Security forces are seldom held responsible for human rights violations.'¹⁶

6.3.3 The US State Department's annual report on human right practices published in June 2015 noted that:

'The High Council for Human Rights, headed by Mohammad Javad Larijani, is part of the judicial branch of the government and lacks independence. The council continued to defend the imprisonment of high-profile human rights defenders and political opposition leaders, despite domestic and international pressure. In a March 11 session of the governmental High Council for Human Rights, Larijani accused several imprisoned activists of

¹⁴ United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, Section 2b <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598> [accessed 4 January 2016]

¹⁵ Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 February 2013 http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf [date accessed 4 January 2016]

¹⁶ Freedom House, Freedom in the World 2016, 27 January 2016 <https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 March 2016]

collaboration with terrorist groups. There was no information available as to whether the council challenged any laws or court rulings during the year.'

'The government continued to imprison lawyers and others affiliated with the Defenders of Human Rights Center advocacy group, such as Abdolfattah Soltani, who was serving a 13-year prison sentence for alleged "propaganda against the system" and "colluding and conspiring against national security." Center founding member and attorney for several political activists, Mohammad Ali Dadkhah, also remained in prison after receiving a nine-year sentence in 2011 for "plotting a soft revolution," "propaganda against the system," and illegally owning a satellite dish.'

'The government denied all requests from international human rights NGOs to establish offices in or conduct regular investigative visits to the country. The most recent visit by an international human rights NGO was by Amnesty International in 2004 as part of the EU's human rights dialogue with the country.'¹⁷

6.3.4 Human Rights Watch's world report for 2016, published in January 2016 noted that:

'The authorities continued to imprison dozens of activists and human rights defenders, such as lawyers Mohammad Seifzadeh and Abdolfattah Soltani, on account of their peaceful or professional activities. Judiciary officials continued their efforts to further erode the independence of the Iranian Bar Association and restricted the right of criminal defendants to access a lawyer of their own choosing during the investigation phase of national security cases. '

'On May 5, authorities arrested Narges Mohammadi, a member of the banned Center for Human Rights Defenders, reportedly because of her continued peaceful activism against the state. In 2010, a revolutionary court sentenced Mohammadi to six years in prison for her rights-related activities, but authorities released her due to a serious medical condition that she still suffers.'

'On May 10, a revolutionary court informed Atena Daemi, a child and civil rights activist, that it had sentenced her to 14 years in prison on charges that included "assembly, collusion and propaganda against the state" and "insulting the Supreme Leader and religious sanctities" for her peaceful activism.'

'Prominent opposition figures Mir Hossein Mousavi, Zahra Rahnava, and Mehdi Karubi—held without charge or trial since February 2011—remained under house arrest.'¹⁸

¹⁷ United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, Section 5 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236598> [accessed 2 December 2015]

¹⁸ Human Rights Watch, World Report 2016, 27 January 2016 <https://www.hrw.org/world-report/2016/country-chapters/iran> [date accessed 1 March 2016]

6.3.5 Front line defenders in an undated overview on Iran stated that:

‘Judicial harassment is one of the most common tactic used to silence HRDs and independent voices. Vaguely-worded charges of “acting against national security”, “propaganda against the regime” or “enmity against God” are often used. Many are convicted in the absence of their lawyers, on the basis of “confessions” extracted under torture. Detained HRDs have been ill-treated, subjected to solitary confinement, denied adequate medical treatment and visits by family members, and forced to confess their alleged crimes under duress. In November 2012, blogger Sattar Beheshti died several days after being arrested by the Iranian Cyber Police unit, after denouncing that he had been tortured while in custody.’

‘A number of human rights lawyers providing legal assistance to detained HRDs have in turn been intimidated and imprisoned. Among those arrested are prominent lawyers Abdolfattah Soltani, Mohammad Ali Dadkhah and Nasrin Sotoudeh, who have represented many high-profile political activists and human rights defenders.’

‘In March 2012, Abdolfattah Soltani, co-founder of the Defenders of Human Rights Centre, was sentenced to 18 years in prison and banned from practising law for 20 years.’¹⁹

6.3.6 Freedom House noted in their 2016 annual report that:

‘The judicial system is used as a tool to silence critics and opposition members. The head of the judiciary is appointed by the supreme leader for a five-year term. Under the current head, Ayatollah Sadegh Larijani, human rights advocates and political activists have been subjected to unfair trials, and the security apparatus’s influence over judges has reportedly grown.’²⁰

6.3.7 The UN General Assembly, Situation of human rights in the Islamic Republic of Iran report of October 2015 noted that:

‘On 5 May 2015, the former Vice-President of the Defenders of Human Rights Centre, and one of the founders of the death penalty abolitionist group “Step by Step to Stop the Death Penalty”, Narges Mohammadi, was arrested by security forces and transferred to Evin prison to serve the remainder of a six -year prison sentence handed down in 2012. Ms. Mohammadi was prosecuted in 2012 for “assembly and collusion to disrupt national security”, “membership in the Defenders of Human Rights Centre” and “propaganda against the State”.’

‘Ms. Mohammadi was released from prison for medical reasons in April 2013. She was reportedly charged with several new offences on 3 May 2015, including “propaganda against the State”, “assembly and collusion against national security”, and “establishing the anti-security and illegal ‘Step by Step to Stop Death Penalty’ group”. In its comments on the present

¹⁹ Front Line Defenders, Iran overview, undated, <https://www.frontlinedefenders.org/iran> [date accessed 7 December 2015]

²⁰ Freedom House, Freedom in the World 2016, 27 January 2016 <https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 March 2016]

report, the Government rejected allegations that the judiciary has brought new charges against Ms. Mohammadi, and maintains that she is serving prison time based on her previous six -year sentence.²¹

6.3.8 The Foreign and Commonwealth Office Human Rights and Democracy report for 2014 noted that:

‘Hundreds of human rights defenders and political prisoners continued to be detained in Iran, and there were reports of further arrests in 2014. Many individuals were detained on charges such as “membership in organisations that aim to disrupt national security”, or “propaganda against the system”. In March, student human rights activist Maryam Shafipour was sentenced to seven years in prison on charges of “spreading propaganda” and “gathering and colluding” against the ruling system. She was kept in solitary confinement for two months without access to a lawyer before being charged. After an appeal in May, she was sentenced to four years in prison. While in prison, Ms Shafipour reportedly developed a range of medical problems, but was denied treatment outside the prison compound, despite repeated requests.’

‘There was little or no improvement in access to justice or the rule of law in Iran during 2014. While the Iranian government noted that the constitution safeguards the independence and impartiality of the judiciary, there were allegations and reports of influence over judges ... The UN reported that many lawyers believed that judges made their decisions almost exclusively on the basis of reports submitted by the arresting and investigating officials, and rarely considered evidence offered by the defence.’²²

6.3.9 In March 2015 the Special Rapporteur expressed concern about the ‘arrest, arbitrary detention and sentencing of human rights defenders, student activists, journalists and lawyers’ for ‘exercising their rights to freedom of opinion and expression, peaceful assembly and association’.The report stated:

‘The Special Rapporteur expresses his serious concern at the arrest, arbitrary detention and sentencing of human rights defenders, student activists, journalists and lawyers on the serious charge of “acting against national security”, often without the fundamental guarantees of due process and fair trial for exercising their rights to freedom of opinion and expression, peaceful assembly and association.’

‘The Special Rapporteur expresses serious concern regarding reports of acts of intimidation and reprisals in detention, including the torture and ill treatment of detainees, prolonged solitary confinement, prolonged and harsh investigation and psychological mistreatment. He also wishes to draw

²¹ UN General Assembly, Situation of human rights in the Islamic Republic of Iran : note by the Secretary-General, 6 October 2015, A/70/411, <http://www.refworld.org/docid/5631da2c4.html> [accessed 2 December 2015]

²² Foreign and Commonwealth Office, Human Rights and Democracy: The 2014 Foreign & Commonwealth Office Report, 12 March 2015, <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2014> [date accessed 5 January 2016]

attention to the worrying denial and inadequate provision of medical care to individuals charged and sentenced based on their involvement in human rights activities. During this reporting period, the majority of communications sent by the Special Rapporteur to the Government have been in relation to the poor state of health and lack of access to health care for human rights defenders who are in detention. A number of these human rights defenders suffer from serious health conditions and are in urgent need of adequate treatment.'

'The Special Rapporteur is also particularly concerned about numerous reports of reprisals against human rights defenders due to their engagement with the UN Special Rapporteur on the Situation of Human Rights in Iran and cooperation with other UN mechanisms and representatives. This includes reprisals against a prisoner and his family due to a letter addressed to the Special Rapporteur on the situation of human rights in Iran on the conditions in detention.'

Details of the report can be found [here](#) at paragraphs 261-264.²³

[Back to Contents](#)

²³ UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, Michel Forst, Addendum, Observations on communications transmitted to Governments and replies received, 4 March 2015 <http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-28-63-Add-1.pdf> [date accessed 5 January 2016]

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- valid from **14 March 2016**
- this version approved by **Sally Weston, Deputy Director, Legal Strategy Team**
- approved on: **14 March 2016**

Changes from last version of this guidance

First version of country information and guidance in new template

[Back to Contents](#)