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Home Office

Country Information and Guidance

Iran: Background Information, including actors of protection and internal relocation

Version 3.0

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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 email [the Country Policy and Information Team](#).

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:

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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/>

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Guidance

Updated 18 July 2016

1. Introduction

1.1 Summary of issues

- 1.1.1 In general, are those at risk of persecution or serious harm able to seek effective protection?
- 1.1.2 In general, are those at risk of persecution or serious harm able to internally relocate to escape that risk?

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2. Consideration of Issues

2.1 Protection

- 2.1.1 The security forces, including paramilitary forces, commit serious human rights abuses including, arbitrary arrest, unlawful detention, unlawful killings, disappearances, torture and other ill-treatment. Reports also indicate the increase in the application of the death penalty. The security and intelligence forces continue to be the main perpetrators of human rights abuses in Iran. Corruption and impunity also continue to be problems and the security forces are reportedly not fully effective in combating crime (see [Law enforcement agencies](#)).
- 2.1.2 There is a functioning criminal justice system. However, there are numerous reports that the court system is subject to political interference, bribery and corruption. Defendants are often denied access to representation and the right to appeal and reports indicate that Judges commonly accept coerced confessions, disregard torture or abuse during detention and ignore evidence offered by the defence. Trials, including those which award the death penalty, disregard international standards of fairness. Regime officials, security and intelligence forces continuing to enjoy a high level of impunity (see [Judiciary](#)).
- 2.1.3 If the person's fear is of ill-treatment/persecution by the state authorities, or by agents acting on behalf of the state, they would not be able to avail themselves of the protection of the authorities.
- 2.1.4 If the ill-treatment/persecution is at the hands of non-state agents, then the provision of effective state protection is likely to be undermined by the security forces' inefficiency and corruption as well as unfair trials and a lack of due process. Decision makers must however assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.
- 2.1.5 For further information and guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.2 Internal relocation

- 2.2.1 Iran's total land area is 1,648,195 sq km with an estimated population of 81,824,270 (see [Geography](#)). The constitution provides for freedom of internal movement although in practise the government did place some restrictions freed movement. Women, especially in rural areas, sometimes face official and societal harassment for travelling alone and conservative social norms often restrict the free movement of women in rural areas outside the home or village. Women in those areas often require the supervision of a male guardian or chaperone to travel (see [Freedom of movement](#)).
- 2.2.2 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.2.3 Where 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.
- 2.2.4 Where a person's fear is of ill treatment/persecution at the hands of non-state agents, internal relocation to escape that risk may be an option but will depend on the nature of the threat from non-state agents and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so.
- 2.2.5 For further information on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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3. Policy summary

- 3.1.1 The availability of effective protection against ill-treatment at the hands of non-state agents is likely to be undermined by the security forces' inefficiency and corruption as well as unfair trials and a lack of due process. However, each case needs to be carefully considered on its facts.
- 3.1.2 Internal relocation to another area of Iran is generally viable if the risk will not be present in the place of relocation but will depend not only on the nature of the threat but also the individual circumstances of the person.

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4. History

- 4.1.1 A full timeline of Iran's history can be found on the BBC's Iran Profile.¹

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5. Geography and Demography

5.1 Geography

- 5.1.1 According to the CIA World Factbook, updated in May 2016, Iran is located in the Middle East, 'bordering the Gulf of Oman, the Persian Gulf, and the Caspian Sea, between Iraq and Pakistan'. Iran also has land boundaries with Afghanistan, Armenia, Iraq, Pakistan, Azerbaijan, Turkey and Turkmenistan. It has an area of 1,648,195 sq km.²

5.2 Demography

- 5.2.1 The CIA World Factbook, noted that Iran has an estimated population of 81,824,270 as of July 2015 with 73.4% of the population living in urban areas.³
- 5.2.2 The capital of Iran is Tehran with a population of 8.432 million. Other major cities are Esfahan (1.88 million), Tabriz (1.572 million), Mashhad (3.014 million) and Karaj (1.807 million) and Shiraz (1.661 million as at 2015).⁴
- 5.2.3 Women in Iran have an average of 1.8 children. Life expectancy at birth increased from 52 years in the early 1970s to 74 years today, largely due to declines in infant and child mortality, which have pushed up average life expectancy. In the 2 early 1970s, 1 in 8 infants in Iran died before reaching their first birthday, but by early 1990s, this ratio decreased to 1 in 24. By the early 2010s, it fell to 1 in 62, resulting in a much larger percentage of infants reaching adulthood and, in turn, having their own children. Today, Iran's infant mortality rate is less than half of the world's average.⁵
- 5.2.4 With its declining fertility and rising life expectancy, Iran's population has grown older: its median age rose from 17 in 1986 to 27 in 2011. In the 1970s

¹ BBC News, Middle East- Iran Profile- timeline, updated- 29 February 2016

<http://www.bbc.co.uk/news/world-middle-east-14541327> [date accessed 17 May 2016]

² The Central Intelligence Agency (CIA) World Factbook, Iran- Geography, last updated 9 May 2016

<https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 17 May 2016]

³ The Central Intelligence Agency (CIA) World Factbook, Iran- People and Society, last updated 9 May 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 17 May 2016]

⁴ The Central Intelligence Agency (CIA) World Factbook, Iran- People and Society, last updated 9 May 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 17 May 2016]

⁵ The Iran Primer, Nuke Deal Could Benefit Iran's Youth, 8 June 2015

<http://iranprimer.usip.org/blog/2015/jun/08/nuke-deal-could-benefit-irans-youth> [date accessed 17 May 2016]

and 1980s, nearly half of the population was under age 15, but that declined to only about a quarter of the population in 2011. Iran's age structure has thus shifted: the working-age population (ages 15 to 64) grew from 52 percent of the total population in 1986 to 71 percent in 2011. [...] In Iran, the proportion of the elderly population ages 65 and over is expected to grow rapidly from 6 percent in 2011 to 20 percent by 2050, as the baby boomers of 1970s and 1980s reach age 65.⁶

5.2.5 According to the Central Intelligence Agency (CIA) World Factbook updated in May 2016⁷, the main ethnic groups in Iran are:

- Persian
- Azeri
- Kurd
- Lur
- Baloch
- Arab
- Turkmen and Turkic tribes

the languages spoken:

- Persian (official)
- Azeri Turkic and Turkic dialects
- Kurdish
- Gilaki and Mazandarani
- Luri
- Balochi
- Arabic
- other

and the religions practiced:

- Muslim (official) 99.4% (Shia 90-95%, Sunni 5-10%),
- other (includes Zoroastrian, Jewish, and Christian) 0.3%,
- unspecified 0.4% (2011 est.)

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6. Constitution

6.1.1 A full official translation of the Constitution of the Islamic Republic of Iran is available at: <http://www.refworld.org/docid/3ae6b56710.html>

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⁶ The Iran Primer, Nuke Deal Could Benefit Iran's Youth, 8 June 2015 <http://iranprimer.usip.org/blog/2015/jun/08/nuke-deal-could-benefit-irans-youth> [date accessed 17 May 2016]

⁷ The Central Intelligence Agency (CIA) World Factbook, Iran- People and Society, last updated 9 May 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 17 May 2016]

7. Iranian calendar

- 7.1.1 The Iran Chamber Society, stated that: 'The Iranian calendar (also known as the Persian calendar or the Jalaali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran.'⁸
- 7.1.2 The Iran Chamber website (which can be accessed [here](#)) includes an Iranian calendar converter to convert dates between the Iranian and the Gregorian calendar.

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8. Economy

8.1 Overview

- 8.1.1 The World Bank noted:

Iran is the second largest economy in the Middle East and North Africa (MENA) region after Saudi Arabia, with an estimated Gross Domestic Product (GDP) in 2015 of US\$393.7 billion.[...] Iran's economy is characterized by a large hydrocarbon sector, small scale agriculture and services sectors, and a noticeable state presence in manufacturing and financial services. Iran ranks second in the world in natural gas reserves and fourth in proven crude oil reserves. Economic activity and government revenues still depend to a large extent on oil revenues and therefore remain volatile.⁹
- 8.1.2 The CIA world factbook noted that: 'Iran's economy is marked by statist policies, inefficiencies, and reliance on oil and gas exports, but Iran also possesses significant agricultural, industrial, and service sectors. The Iranian government directly owns and operates hundreds of state-owned enterprises and indirectly controls many companies affiliated with the country's security forces. Distortions - including inflation, price controls, subsidies, and a banking system holding billions of dollars of non-performing loans - weigh down the economy, undermining the potential for private-sector-led growth.'
- 'Private sector activity includes small-scale workshops, farming, some manufacturing, and services, in addition to medium-scale construction, cement production, mining, and metalworking. Significant informal market activity flourishes and corruption is widespread.'
- 'Fiscal and monetary constraints, following the expansion of international sanctions in 2012 on Iran's Central Bank and oil exports, significantly reduced Iran's oil revenue, forced government spending cuts, and sparked a sharp currency depreciation. Iran's economy contracted for the first time in

⁸ Iran Chamber Society, Iranian Calendar Converter, undated
http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php [date accessed 17 May 2016]

⁹ World Bank. Iran Overview, last update 1 April 2016
<http://www.worldbank.org/en/country/iran/overview> [date accessed 17 May 2016]

two decades during both 2012 and 2013, but growth resumed in 2014. Iran continues to suffer from high unemployment and underemployment. Lack of job opportunities has prompted many educated Iranian youth to seek employment overseas, resulting in a significant "brain drain."

In June 2013, the election of President Hasan Ruhani generated widespread public expectations of economic improvement and greater international engagement. Almost two years into his term, RUHANI has achieved some success, including reining in inflation and, in July of 2015, securing the promise of sanctions relief for Iran by signing the Joint Comprehensive Plan of Action (JCPOA) with the P5+1. The JCPOA, which severely limits Iran's nuclear program in exchange for unfreezing Iranian assets and reopening Iran to international trade, should bolster foreign direct investment, increase trade, and stimulate growth. In spite of Ruhani's efforts, Iran's growth was tepid in 2015, and significant economic improvement resulting from sanctions relief will take months or years to materialize.¹⁰

8.2 Employment

8.2.1 The US Department of State also noted in its Country Report on Human Rights that during 2014:

'The constitution bars discrimination based on race, gender, disability, language, and social status "in conformity with Islamic criteria," but the government did not effectively enforce these prohibitions. It further states that "everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests, and does not infringe the rights of others."

'The government made systematic efforts to limit women's access to the workplace. In September the Interior Ministry issued an order requiring all officials to hire only secretaries of their own gender. Women remained banned from working in coffee houses and from performing music alongside men with very limited exceptions made for traditional music. Women in many fields were restricted from working after 9 p.m. Hiring practices often discriminated against women, and the Ministry of Labor, Cooperatives, and Social Welfare issued guidelines during the year stating that men should be given preferential hiring status.'

'According to the Iranian High Labor Council, the minimum wage is 7,124,240 rial (\$238) per month. This figure does not include supplemental allowances for housing, groceries, and child benefits. While the minimum wage represented a 17 percent increase over 2014, it did not keep pace with inflation, which was estimated at 35 percent for the same period. Domestic labor organizations published reports stating that workers' purchasing power eroded during the past few years, because yearly increases in the minimum wage have not kept pace with inflation since 2011.

¹⁰ The Central Intelligence Agency (CIA) World Factbook, Iran- Economy, last updated 9 May 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 17 May 2016]

‘The law establishes a maximum six-day, 44-hour workweek with a weekly rest day (normally Friday), at least 12 days of paid annual leave, and several paid public holidays. Any hours worked above that amount entitles a worker to overtime. The law mandates a payment above the hourly wage to employees for any accrued overtime. The law provides that overtime work is not compulsory. The law does not cover workers in workplaces with fewer than 10 workers, nor does it apply to noncitizens.’

‘Many workers in the country continued to be employed on temporary contracts under which they lacked many protections available to full-time, non-contracted workers and could also be dismissed at any time without cause. Large numbers of workers employed in small workplaces or in the informal economy similarly lacked basic protections. Low wages, non-payment of wages, and lack of job security due to contracting practices continued to be major drivers for strikes and protests.’¹¹

8.2.2 The UN Human Rights Council (UNHRC) report on the situation of human rights in Iran noted that: ‘Iran was ranked 141 out of 145 countries in terms of women’s economic participation and opportunity, with unemployment for women reaching 19.8 per cent compared with 8.6 per cent for men’.¹²

8.2.3 The UNHRC Supplementary information on the situation of human rights in the Islamic Republic of Iran published on 10 March 2016 noted that:

‘On 1 February 2016, Iran’s parliament voted for the general text of a bill that would reduce the working hours of women with “special circumstances” from 44 to 36 hours a week without reducing their total salaries. The bill would primarily affect women who head households, those with children under the age of seven, and those with children or spouses with disabilities or incurable and chronic diseases. If the bill is adopted by parliament and becomes law it gives an option to women who fall in these categories to either request the law be applied or seek two days of additional vacation. During parliamentary discussions there was a proposal to make this option available to all the women. Some feared this would contribute to the already high unemployment rate among women in the country and there are criticisms that in the absence of anti-discrimination laws affecting the hiring process the plan will backfire and lead to higher unemployment among women.’¹³

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¹¹ US Department of State, Country Report on Human Rights Practices 2015, Iran, 13 April 2016, section 7 e. Acceptable Conditions of Work, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 17 May 2016]

¹² UN Human Rights Council, Report of the Secretary-General on the situation of human rights in Iran, 3 March 2016 <http://shaheedoniran.org/wp-content/uploads/2016/03/SG-Report-HRC31-March2016.pdf> [date accessed 17 May 2016]

¹³ UN Human Rights Council, Supplementary information on the situation of human rights in the Islamic Republic of Iran, 10 March 2016 <http://shaheedoniran.org/wp-content/uploads/2016/03/SR-HRC2016-Annex-.pdf> [date accessed 17 May 2016]

9. Education

- 9.1.1 The US Department of State also noted in its Country Report on Human Rights that during 2014:

‘Although primary schooling until age 11 is free and compulsory for all, the media and other sources reported lower enrollment in rural areas, especially for girls. According to UN statistics, the ratio of girls to boys in primary and secondary education increased from 79.2 percent in 1990 to 98 percent in 2012.’¹⁴

- 9.1.2 The Iran Chamber Society noted that: ‘General education is free and parents are obliged to enrol their six years old children at schools. It comprises 5 years of primary, 3 years of lower secondary, 3 years of upper secondary and one year of pre-university education. The language of instruction is Farsi. The first day of school year is 22 September (1st Mehr), which is annually celebrated joyfully.’¹⁵

- 9.1.3 British Council, Voices- What does school education look like in Iran?, dated 21 April 2015 stated that:

‘The education system in Iran is divided into two main levels: primary education and high-school education. All children spend six years of their lives at primary level from ages six to 12 and attend high school from ages 12 to 18. Primary education is compulsory in Iran. There are many free public schools as well as private schools with high tuition fees. There are also schools called ‘Nemuneh Mardomi’, which are believed to be better than public schools and more affordable than private schools.’¹⁶

- 9.1.4 United Nations Educational, Scientific and Cultural Organization (UNESCO) indicate that enrolment at Iranian universities has more than doubled in the last 9 years. Figures state that in 2005 23% of Iranians aged 18 to 22 were studying at universities compared to 66 per cent in 2014.¹⁷

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10. Political system

10.1 The Supreme Leader

- 10.1.1 Freedom House noted in their report ‘freedom in the world 2016’ that:

¹⁴ US Department of State, Country Report on Human Rights Practices 2015, Iran, 13 April 2016, section 6 Children

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 17 May 2016]

¹⁵ Iran Chamber Society, The Iranian Educational System A brief review of Iranian educational system, September 2001, http://www.iranchamber.com/education/articles/educational_system.php [date accessed 17 May 2016]

¹⁶ British Council, Voices- What does school education look like in Iran? 21 April 2015 <https://www.britishcouncil.org/voices-magazine/what-does-school-education-look-iran> [date accessed 17 May 2016]

¹⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), country profiles- Iran, undated <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=IRN> [date accessed 17 May 2016]

'The supreme leader, who has no fixed term, is the highest authority in the country. He is the commander in chief of the armed forces and appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council—a body tasked with mediating disputes between the Guardian Council and the parliament. He also appoints six of the members of the Guardian Council; the other six are jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The supreme leader is appointed by the Assembly of Experts, which also monitors his work. However, in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential.'

¹⁸

Ayatollah Ali Khamenei has been the Supreme Leader since 1989 after the death of the father of Iran's Islamic Revolution, the Grand Ayatollah Rohullah Khomeini. Khamenei's office has constitutional control over the judicial branch of the government, as well as command of the country's powerful military.¹⁹

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10.2 The President

10.2.1 Aljazeera reports that: Unlike most systems in the world, the president of Iran, despite being considered the second highest ranking official in the country, has limited powers according to the constitution. Presidential candidates need to be approved by a commission virtually following the Supreme Leader's orders. Even after election, the president needs to be appointed by the Supreme Leader. The Supreme Leader directly holds control over much of foreign and domestic policy as well as the armed forces and the judiciary. One of the president's main tasks is setting the country's economic agenda.²⁰

10.2.2 The president's cabinet is accountable to and is approved by the parliament. But, as recent public confrontations have shown, the Supreme Leader's office holds sway in appointment and sacking of cabinet members.²¹

10.2.3 Freedom House also noted:

'The president, the second-highest-ranking official in the Islamic Republic, is elected by popular vote for four years and can serve two consecutive terms. Ahead of the 2013 election, the Guardian Council disqualified more than 600 candidates, including former president Akbar Hashemi Rafsanjani and Rahim Mashaei, an aide to incumbent president Mahmoud Ahmadinejad,

¹⁸ Freedom House, Freedom in the world 2016- Iran, 7 March 2016

<https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 24 May 2016]

¹⁹ Aljazeera, Explainer: Iran's complex political system, 29 February 2012,

<http://www.aljazeera.com/indepth/features/2012/02/201222715367216980.html> [date accessed 12 July 2016]

²⁰ Aljazeera, Explainer: Iran's complex political system, 29 February 2012,

<http://www.aljazeera.com/indepth/features/2012/02/201222715367216980.html> [date accessed 12 July 2016]

²¹ Aljazeera, Explainer: Iran's complex political system, 29 February 2012,

<http://www.aljazeera.com/indepth/features/2012/02/201222715367216980.html> [date accessed 12 July 2016]

apparently due to political infighting. Nearly all of the eight approved candidates, including Rouhani, were deemed close to Khamenei. Only one reformist candidate, who was widely seen as lacking both charisma and significant popular support, was allowed to run. In the run-up to the election, censorship increased, the government intensified its press crackdown, and authorities restricted the already slow speed of the internet. However, Rouhani's victory—with nearly 51 percent of the vote amid 72 percent turnout—appeared to reflect the choice of the voters.²²

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10.3 Political parties

10.3.1 Jane's Sentinel Security Assessment, Iran- Internal Affairs, dated 11 May 2016 noted.

'Article 26 of the Iranian constitution permits "[the] formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities... provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic". A 1981 law on political parties specified that the formation of a party depends on receiving a permit from the Ministry of the Interior. Despite the formal existence of many political parties, Iran's political landscape is best defined by four broader political factions, each of which encompasses various political parties.'²³

10.3.2 The same source continued:

'These four factions can be organised along two general social and economic policy spectrums. Regarding social policies, factions vary in terms of degree to which Islamic Law should be imposed (e.g. reformists versus hard-line and traditionalist conservatives). Regarding economic policies, factions vary on the degree of support for state planning and intervention in the economy (e.g. moderates versus traditionalists). Former president Mahmoud Ahmadinejad was both socially conservative, advocating strict adherence to Islamic laws and norms, and a statist, advocating strong government interference in the economy. President Hassan Rowhani is a centrist on social issues, advocating modest reforms with regards to political and social freedoms, with pro-market tendencies on the economic spectrum, advocating a stronger private sector, as well as opening the economy to foreign investors.'²⁴

10.3.3 The US State Department's, Country Report on Human Rights Practices 2015, released on 13 April 2016 stated that:

²² Freedom House, Freedom in the world 2016- Iran, 7 March 2016

<https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 24 May 2016]

²³ Jane's Sentinel Security Assessment, Iran- Internal Affairs, 11 May 2016, subscription source [date accessed 12 July 2016]

²⁴ Jane's Sentinel Security Assessment, Iran- Internal Affairs, 11 May 2016, subscription source [date accessed 12 July 2016]

‘The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties with ideological and practical adherence to the “velayat-e faqih” system of government embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment.’

‘The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists. On September 1 [2015], authorities briefly detained Ali Shakourirad, leader of the newly formed Islamic Iranian National Union Party, for appearing to support opposition figures no longer in government.’

‘Women faced significant legal, religious, and cultural barriers to political participation. According to the Guardian Council’s interpretation, the constitution bars women and persons of foreign origin from serving as supreme leader or president, as members of the Assembly of Experts, the Guardian Council, or the Expediency Council, as well as certain types of judges. In 2013 the Guardian Council disqualified all 30 women who registered as presidential candidates. Of the 290-member parliament, nine women held seats during the year. Women served in senior government positions during the year, including the vice president for legal affairs, the minister of environmental protection, the minister of women and family affairs, and the foreign ministry’s spokesperson.’

‘Practitioners of religions other than Shia Islam are barred from serving as supreme leader or president and from membership in the Assembly of Experts, the Guardian Council, or the Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although they can also be elected to non-reserved seats. In the assembly elected in 2012, members of religious minorities (two Zoroastrians, one Jew, and nine Christians) held 12 of the 290 seats. There were no non-Muslims in the cabinet or on the Supreme Court.’²⁵

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11. Law enforcement agencies

11.1 Overview

11.1.1 The US State Department’s, Country Report on Human Rights Practices 2015, released on 13 April 2016 stated that:

‘Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security and law enforcement forces under the Interior Ministry, which report to the president,

²⁵ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 3, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 24 May 2016]

and the IRGC branch of the military, which reports directly to the supreme leader. The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country's strict moral code without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies.

'The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers.'²⁶

11.1.2 Jane's Sentinel Security Assessment, Iran- Army, dated 16 May 2016 noted:

'The ground forces of Iran consist of three main components: the regular army; the IRGC; and the police/gendarmerie forces of the Law Enforcement Force (LEF). The regular military and IRGC come under the control of the Ministry of Defence and Armed Forces Logistics (MODAFL). These forces are responsible for defending Iran's borders and providing for internal security. The LEF is formally subordinate to the Ministry of Interior, and plays a key role as regards internal security and frontier defence.'²⁷

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11.2 Police- Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami: LEF)

11.2.1 In his 2004 paper on Iran's security sector, Wilfried Buchta noted that: 'The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy, e.g. the city police, the gendarmerie (country-side police) and the revolutionary committees.'²⁸

11.2.2 According to an undated overview given on the Interpol website, the responsibilities of Iranian national police force (LEF) include:

'border control, crime fighting; identity checks, cooperation with Interpol in regards to the arrest and extradition of criminals, preventing and fighting terrorism, preventing the production, distribution and trafficking of illicit drugs,

²⁶ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1d, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 23 May 2016]

²⁷ Jane's Sentinel Security Assessment, Iran- Army, 16 May 2016, subscription source [date accessed 8 June 2016]

²⁸ Iran's security sector: An overview by Wilfried Buchta July 2004 http://dcaf.ch/content/download/33691/522599/version/1/file/ev_geneva_04071113_Buchta.pdf [date accessed 25 May 2016]

preventing trafficking in human beings and arms, public security and peace and traffic control.’

‘The police force comprises the following operational units: the Air Police, the Anti-Narcotic Police, the Border Guard Police, the Cyber Police, the Criminal Intelligence Detective Police, the Emergency Police Centre, the Intelligence and Public Security Police, the International Relations and INTERPOL department, a prevention unit and the Traffic Police’²⁹

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11.3 Iran Revolutionary Guard Corps (IRGC also known as Pasdaran)

11.3.1 Jane’s Sentinel Security Assessment, Iran- Army, dated 16 May 2016 noted:

‘The IRGC (also known as Pasdaran or Sepah) plays a major role in internal security, irregular warfare, and also has responsibility for Iran’s ballistic missile forces. The Revolutionary Guards’ primary duty is to protect the religious regime as well as the whole country against external threats.’

‘The IRGC is primarily ground-based force, which parallels the regular army. Although it also possesses air and naval elements separate from the established services as well. The IRGC is structured and equipped to act in conjunction with the regular forces or independently from them if the situation dictates. Manpower of the IRGC is believed to be in excess of 125,000 personnel, of which probably more than 100,000 are members of the Islamic Revolution Guards Corps Ground Forces (IRGCGF).

The IRGC has been placed under an integrated command with Iran’s regular armed forces at the general staff level. However, it retains an independent command chain below this level, and generally continues to exercise as an independent force. The IRGCGF participates in major, set-piece exercises with the regular army although it is believed that lower-level exercises with the army are less common.’³⁰

11.3.2 The Iran Primer website’s section on the IRGC noted that:

‘The Islamic Revolutionary Guard Corps (IRGC) was created after the 1979 revolution to enforce Ayatollah Ruhollah Khomeini’s concept of an Islamic state ruled by a velayat-e faqih (guardianship of the jurist). The Guards played a crucial role not only in crushing early opposition to Khomeini’s vision, but also in repelling Saddam Hussein’s invasion of Iran in 1980. Since then, the Guards have functioned as both the primary internal and external security force. The IRGC has now eclipsed the Artesh, or conventional forces. It operates substantial and independent land, sea and air forces. It commands burgeoning missile forces. It runs asymmetric warfare through the elite Qods Force and proxy groups, such as Hezbollah. And it would most likely command a nuclear arsenal, if the regime chooses to develop a nuclear weapons capability.’

²⁹ Interpol, Member countries- Iran, undated <http://www.interpol.int/Member-countries/Asia-South-Pacific/Iran> [date accessed 8 June 2016]

³⁰ Jane’s Sentinel Security Assessment, Iran- Army, 16 May 2016, subscription source [date accessed 25 May 2016]

'Over time, the Guards have also been transformed into a leading economic and political actor. The IRGC and its associated companies are involved in many sectors of Iran's economy, allowing it to amass unprecedented power. [...] The Guards forces now number up to 150,000 men divided into land, sea and air forces. The IRGC land forces are estimated to number between 100,000 and 125,000. The IRGC's navy may total as many as 20,000, though some estimates are significantly lower. Another 20,000 are in the IRGC naval forces.'³¹

11.3.3 Jane's Sentinel Security Assessment, Iran- Army, dated 16 May 2016 continued:

'Although the overall manpower of the IRGC has receded, the military training standards have been raised over the years. Few details are available but training is believed to be identical to that undertaken in the regular army, with an increased emphasis on irregular warfare. In addition to a military mission in supporting the regular forces when required, and law enforcement responsibilities, the IRGC also has a cultural role in safeguarding the achievements of the Islamic revolution.'³²

11.3.4 A Newsweek article titled 'Why Iran's Revolutionary Guards benefit from the end of sanctions' dated 19 January 2016 noted that:

'Away from the battlefield, Tehran credits the Guards with helping the domestic economy to survive under the sanctions that Washington first imposed after the 1979 Islamic Revolution and which expanded and tightened over the years. One Western diplomat who follows Iran closely estimated last year that business activities controlled by the Guards had an annual turnover of \$10-12 billion. Iran refuses to reveal their market share. But an Economy Ministry official said the Guards have been involved in a wide range of industries, including energy, tourism, auto production, telecommunications and construction.'³³

11.3.5 With Regards to the IRGC's Qods forces Jane's Sentinel Security Assessment noted that:

'The IRGC's Qods Force is a paramilitary organisation under the control of the IRGC's Intelligence Directorate and is responsible for extra-territorial covert operations. It is responsible for external intelligence and strengthening Iran's influence and position abroad. Those goals are facilitated by financing, supporting, arming, and training foreign groups. Al Qods was formed during the Iran-Iraq War by Ali Akbar Hashemi Rafsanjani, and it was later transformed into a more professional service.

³¹ The Iran Primer, The Revolutionary Guards, updated August 2015, <http://iranprimer.usip.org/resource/revolutionary-guards> [date accessed 25 May 2016]

³² Jane's Sentinel Security Assessment, Iran- Army, 16 May 2016, subscription source [date accessed 25 May 2016]

³³ Newsweek, Why Iran's Revolutionary Guards benefit from the end of sanctions, 19 January 2016, <http://europe.newsweek.com/iran-sanctions-iran-nuclear-deal-revolutionary-guards-417563> [date accessed 25 May 2016]

'The most significant allies are the Hizbullah in Lebanon, the Mahdi Army in Iraq and part of the Taliban movement in Afghanistan; it also supports Hamas in the Gaza Strip. The IRGC provide them with training in Iran. Other forms of support include financial assistance, providing missiles, explosive materials, unmanned aerial vehicles and personal weapons including sniper weapons. Qods agents operate also at many Iranian diplomatic institutions all over the world.'

'The al Qods force is believed to be heavily actively engaged in operations in both in Syria and Iraq. Total personnel is difficult to substantiate, but most estimates indicate a strength of approximately 15,000.'³⁴

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11.4 Basij

11.4.1 Jane's Sentinel Security Assessment, Iran- Army, dated 16 May 2016 noted:

'A contingent of the IRGC, the Basij (Mobilisation of the Oppressed) is a militia-based reserve force of about 90,000 personnel with an active and reserve strength of up to 300,000 and a mobilisation capacity of nearly 1,000,000 personnel. This volunteer force would provide the bulk of the land forces personnel in the event of a mass mobilisation. It maintains up to 740 regional battalions with about 300-350 personnel each, which are ideally composed of three companies or four platoons plus support elements. These include the former tribal levies and are largely based upon localities.'

'Approximately 600,000 members regularly take part in military and paramilitary training camps. The aim of the training is to increase total trained manpower in case of invasion or mass mobilisation; enable more effective participation in operations during natural disasters; improve counter-revolutionary activities; and promote the ideals of the Islamic revolution. Basij members are lightly equipped and the majority of them do not undergo extensive military training in tactics, techniques and procedures. Areas of responsibility and operation for units are demarcated within each province, illustrating the home-guard orientation of the force.'

'The Basijis are historically linked to their "human wave" frontal assaults during the war against Iraq, particularly during the battles of Basra. Following the Iraqi conflict, the Basijis were established in order to maintain numerous and loyal security formations and to mobilise large social masses under the banner of the Islamic revolution. Basijis also act as a supporting force to the police and other security forces if required. They take part in protecting mass events, riot suppression and disaster response activities. Although originally constituted to provide a manpower reserve for the ground forces, the Basji has more recently trained far more extensively for riot control and more internal security actions.'³⁵

³⁴ Jane's Sentinel Security Assessment, Iran- Army, 16 May 2016, subscription source [date accessed 25 May 2016]

³⁵ Jane's Sentinel Security Assessment, Iran- Army, 16 May 2016, subscription source [date accessed 25 May 2016]

- 11.4.2 The Iran Primer noted that Basij members ‘include women as well as men, old as well as young’ and that most members ‘are believed to be between high school age and the mid-30s’.³⁶
- 11.4.3 According to the CIA World Factbook, the minimum age for joining the Basij is 15.³⁷
- 11.4.4 The RAND Corporation stated in January 2009 that ‘the Basij are present in virtually all sectors of Iranian society; there are specially organized Basij units for university students, local tribes, factory workers, and so forth’. The same report noted that ‘[t]here is a strong ideological component to this omnipresence’, but also stated that there were ‘some indications that the Basij many of whom are drawn from the ranks of Iran’s disaffected youth and elderly pensioners – hold cynical or ambivalent views of this ideological training’.³⁸
- 11.4.5 The Iran Primer, in an updated article titled ‘The Basij Resistance Force’ stated that:
- ‘Since the 2005 election of President Mahmoud Ahmadinejad, Basij interventions in politics have become more frequent.’
- ‘...The Basij statute stipulates that the militia’s mission is to “create the necessary capabilities in all individuals believing in the Constitution and the goals of the Islamic Republic to defend the country, the regime of the Islamic Republic, and aid people in cases of disasters and unexpected events.”’
- ‘...Presidential contender Mehdi Karroubi, a former speaker of parliament, accused the Basij and the Revolutionary Guards of helping manipulate the outcome of the 2005 election, when Ahmadinejad defeated former President Rafsanjani. Karroubi and Mir-Hossein Mousavi raised similar allegations against the Basij after the disputed June 12, 2009 presidential election.’
- ‘The Basij’s performance since the June 2009 election has been mixed. It managed to suppress street protests in the provinces with the help of the local police forces, but maintaining order in major urban centers, especially Tehran, was more difficult. And their actions have faced backlash. On June 15 [2009], Basij members reportedly shot and killed protesters at Azadi Square who were forcing their way into the local militia station. From June 22 onward, the Basij constituted only a minority of the forces cracking down on protesters. Basij commander Hossein Taeb, a Shiite cleric with the rank of hojatoleslam, claimed that eight Basij had been killed and 300 wounded during the anti-government protests.’
- ‘The Student Day protests in December 2009 proved equally challenging for the Student Basij, who had mobilized several thousand members but were

³⁶ The Iran Primer, Resources- The Basij Resistance Force by Ali Alfoneh, undated, <http://iranprimer.usip.org/resource/basij-resistance-force> [date accessed 12 July 2016]

³⁷ Central Intelligence Agency, The World Factbook: Iran <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [date accessed 12 July 2016]

³⁸ Wehrey, F, Green, J D, Nichiporuk, B, Nader, A, Hansell, L, Nafisi, R and Bohandy, S R 2009, The Rise of the Pasdaran – Assessing the Domestic Roles of Iran’s Islamic Revolutionary Guards Corps, RAND Corporation, 8 January, p.28 http://www.rand.org/pubs/monographs/2008/RAND_MG821.pdf

still unable to suppress dissidents at campuses in Tehran, Shiraz and Tabriz. The Basij were also unable to contain the massive demonstrations three weeks later during Ashoura, the holiest time of the year for Shiite Muslims. Senior military officials admitted that the IRGC had to mobilize militia members from the capital's outskirts and even from other provinces in order to suppress the unrest.'

'The regime signalled its displeasure with the Basij's performance. In October 2009, Taeb was removed as Basij chief. A few days later, the militia was formally integrated into the Revolutionary Guards ground forces, with Brig. Gen. Mohammad Naghdi as the new chief. In 2010, the Basij focused significant attention on combating perceived threats to the regime from the Internet. Thousands of members were educated in blogging and filtering of dissident websites, Basij officials acknowledged.'³⁹

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11.5 Basij as 'morality police'

11.5.1 A February 2009 Danish Refugee Council and Danish Immigration Service report took note of the functions of the Basij:

'At the present time, one of its main functions is to act as "moral police" enforcing Islamic cultural codes of behaviour, such as requiring women to veil in public and prohibiting male-female relations. The Basij not only harasses women and students, they have also instituted a systematic practice of taking over territory that belongs to peasants and farmers. This practise of land-confiscation by the government can be seen as targeting ethnic and religious minority groups...'⁴⁰

The same report also referred to information provided by a 'western embassy' that 'the authorities had previously conducted raids within private homes to check on people's dress code'. The report also noted that from time to time, violence and force are used against girls to make them cover up and that in some cases the girl may be sentenced to lashes.⁴¹

11.5.2 Parallels' article 'Springtime In Iran Means The 'Morality Police' Are Out In Force' dated 3 May 2016 noted that:

³⁹ The Iran Primer, Resources- The Basij Resistance Force by Ali Alfoneh, undated, <http://iranprimer.usip.org/resource/basij-resistance-force> [date accessed 14 June 2016]

⁴⁰ Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.7 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [date accessed 13 June 2016]

⁴¹ Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.23 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [date accessed 13 June 2016]

‘Despite objections from Iran's president, Hassan Rouhani, Tehran's police have announced up to 7,000 undercover officers will be on the lookout for those who don't follow conservative Islamic modes of dress and behaviour. They're called the Gashte Ershad, the "guidance patrol," and they have broad powers to chastise and even arrest people for failing to meet what might be called the modesty test.’

‘Men are occasionally stopped — perhaps if their beards are too long, making them resemble jihadists — but usually, it's women who attract the attention of the Gashte Ershad. Too much hair peeking out from under a headscarf, removing the scarf altogether in the car, taking a walk with a boyfriend — all kinds of actions can risk a run-in with the morality police.’⁴²

11.5.3 BBC news noted that ‘The Gasht-e Ershad is thought to draw a lot of its personnel from the Basij, a hard-line paramilitary unit; it also includes many women.’⁴³

11.5.4 In February 2016 BBC Trending reported on a phone app designed to allow Iranian youth to dodge the morality police. The article noted: ‘The new phone app which is called "Gershad" (probably meaning get around Ershad instead of facing them) however, will alert users to checkpoints and help them to avoid them by choosing a different route. The data for the app is crowd-sourced. It relies on users to point out the location of the Ershad vans on maps and when a sufficient number of users point out the same point, an alert will show up on the map for other users. When the number decreases, the alert will fade gradually from the map’.⁴⁴

‘According to the designers of Gershad, in 2014 alone, around three million people were issued with official warnings, 18,000 were prosecuted and more than 200,000 were made to write formal pledges of repentance.’⁴⁵

11.5.5 The Indian Express reported that ‘The app was blocked by the authorities soon after it was released for Android devices on Monday [8th February] but many Iranians bypass Internet restrictions by using a Virtual Private Network.’⁴⁶

11.5.6 New York Post reported on a crackdown on models for their instagram selfies. The reported noted that:

‘Eight Iranian Instagram models have been arrested and interrogated by Islamic police because their glamorous pictures were too “Western.” Iran’s

⁴² Parallels, Springtime In Iran Means The 'Morality Police' Are Out In Force, 3 May 2016 <http://www.npr.org/sections/parallels/2016/05/03/476511439/springtime-in-iran-means-the-morality-police-are-out-in-force> [date accessed 13 June 2016]

⁴³ BBC News, Who are Islamic 'morality police'? 22 April 2016, <http://www.bbc.co.uk/news/world-middle-east-36101150> [date accessed 8 June 2016]

⁴⁴ BBC Trending, Iranian youth get app to dodge morality police, 9 February 2016 <http://www.bbc.co.uk/news/blogs-trending-35533287> [date accessed 13 June 2016]

⁴⁵ BBC Trending, Iranian youth get app to dodge morality police, 9 February 2016 <http://www.bbc.co.uk/news/blogs-trending-35533287> [date accessed 13 June 2016]

⁴⁶ The Indian Express, Gershad app developed to avoid 'morality police' in Iran blocked by authorities, 14 February 2016, <http://indianexpress.com/article/technology/tech-news-technology/gershad-app-developed-to-avoid-morality-police-in-iran-blocked-by-authorities/> [date accessed 13 June 2016]

feared morality police — the Basij — have targeted nearly 200 women whose snaps they deemed to be too revealing. And eight of those have been hauled before interrogators to answer questions after they posted snaps without the hijab headscarf. The operation named Spider-2 has pinpointed 58 models, 59 photographers and 51 salon owners. [...] Each of the models, who include men, post numerous selfies and boast thousands of followers.’⁴⁷

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11.6 Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela’at va Amniat-e Keshvar (VEVAK) aka Ettela’at

11.6.1 The Library on Congress’ profile on ‘Iran’s Ministry of Intelligence and Security’ dated December 2012 noted:

‘The Iranian intelligence service is called the Ministry of Intelligence and Security (MOIS), or Vezarat-e Ettela’at va Amniat-e Keshvar (VEVAK) in Farsi. MOIS agents are known as “Unknown Soldiers of Imam Zaman,”¹ the name that Ayatollah Khomeini gave them.’

‘MOIS is the most powerful and well-supported ministry among all Iranian ministries in terms of logistics, finances, and political support. It is a non-military governmental organization that operates both inside and outside of Iran. Intelligence experts rank MOIS as one of the largest and most dynamic intelligence agencies in the Middle East.’

11.6.2 The same source also noted that: Iran’s constitution defines MOIS’s functions as:

- collecting, analyzing, producing, and categorizing internal and external intelligence;
- uncovering conspiracy, subversion, espionage, sabotage, and sedition against the independence, security, and territorial integrity of the Islamic Republic of Iran;
- protecting intelligence, news, documents, records, facilities, and personnel of the ministry; and
- training and assisting organizations and institutions to protect their significant records, documents, and objects.⁴⁸

11.6.3 The Danish Refugee Council report of 2009 noted that:

“According to Amnesty International, levels of harassment of many Kurds, notably those active in civil society, has, in recent years, increased. Reports appear to suggest that officials from the Ministry of Intelligence (sometimes called Ministry of Information, in Farsi, Vezarat-e Ettela’at) may harass and

⁴⁷ New York Post, Iran’s morality police are shaming models for their Instagram selfies, 17 May 2016 <http://nypost.com/2016/05/17/islamic-police-arrests-iranian-models-for-instagram-selfies/> [date accessed 13 June 2016]

⁴⁸ The Library on Congress, Iran’s Ministry of Intelligence and Security: A Profile, December 2012 <https://fas.org/irp/world/iran/mois-loc.pdf> [date accessed 13 June 2016]

intimidate activists in order simply to gain information which could be used against the individual at a later date, whether in respect to the individual targeted, or others that s/he may know, depending on the nature of their activities”.⁴⁹

11.6.4 A March 2014 report by the UN Special Rapporteur on the situation of human rights in Iran also reported that “At least 58 Kurdish human rights activists were summoned to offices of the Ministry of Intelligence and Security between August 2013 and May 2014.”⁵⁰

11.6.5 The MOIS is actively involved in monitoring Kurdish Iranians outside Iran’s borders. According to the 2013 report by the Danish Refugee Council:

‘An NGO working with asylum seekers and refugees in Iraq stated that the Iranian intelligence agents are present in KRI, and they have good relations with some of the Iraqi Kurdish political parties in KRI. Formerly, the Iranian intelligence service assassinated Iranians living in KRI but since 2009 this has no longer taken place. Sardar Mohammad and Asos Hardi (Awene Newspaper) pointed to the strong presence of the Iranian intelligence in KRI and their ability to monitor Iranian nationals and their activities in the area. The source added that many Iranians residing in KRI have received threats from the Iranian intelligence service or have had their telephones tapped.’⁵¹

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11.7 Human rights violations and impunity

11.7.1 Amnesty International in their annual human rights report for 2015/2016 noted that: ‘Torture and other ill-treatment of detainees remained common and was committed with impunity; prison conditions were harsh. Unfair trials continued, in some cases resulting in death sentences. Women and members of ethnic and religious minorities faced pervasive discrimination in law and in practice. The authorities carried out cruel punishments, including blinding, amputation and floggings.’⁵²

11.7.2 Freedom House noted in March 2016 that:

⁴⁹ Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.7

http://www.nyidanmark.dk/NR/ronlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [date accessed 13 June 2016]

⁵⁰ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014, paragraph 36, <http://www.refworld.org/docid/534e4d0d4.html> [date accessed 13 June 2016]

⁵¹ Danish Refugee Council Iranian & Danish Immigration Service, Iranian Kurds: On Conditions for Iranian Kurdish Parties in Iran and KRI, Activities in the Kurdish Area of Iran, Conditions in Border Area and Situation of Returnees from KRI to Iran 30 May to 9 June 2013, 30 September 2013, (5.2. Presence of Iranian intelligence in KRI, p.56) http://www.nyidanmark.dk/NR/ronlyres/D82120CB-3D78-4992-AB57-4916C4722869/0/fact_finding_iranian_kurds_2013.pdf.

⁵² Amnesty International, Annual Report- Iran 2015/2016, 24 February 2016 <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> [date accessed 14 June 2016]

‘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.’⁵³

11.7.3 The US State Department’s, Country Report on Human Rights Practices 2015, released on 13 April 2016 stated that:

‘The most significant human rights problems were severe restrictions on civil liberties, including the freedoms of assembly, association, speech (including via the internet), religion, and press; limitations on citizens’ ability to choose the government peacefully through free and fair elections; and abuse of due process combined with escalating use of capital punishment for crimes that do not meet the threshold of most serious crime or are committed by juvenile offenders.’

‘Other reported human rights problems included disregard for the physical integrity of persons, whom authorities arbitrarily and unlawfully detained, tortured, or killed; disappearances; cruel, inhuman, or degrading treatment or punishment, including judicially sanctioned amputation and flogging; politically motivated violence and repression; harsh and life-threatening conditions in detention and prison facilities, with instances of deaths in custody; arbitrary arrest and lengthy pretrial detention, sometimes incommunicado; continued impunity of the security forces; denial of fair public trial, sometimes resulting in executions without due process; the lack of an independent judiciary; political prisoners and detainees; ineffective implementation of civil judicial procedures and remedies; [...] official corruption and lack of government transparency; constraints on investigations by international and nongovernmental organizations (NGOs) into alleged violations of human rights.’

‘[...]The government took few steps to investigate, prosecute, punish, or otherwise hold accountable officials, whether in the security services or elsewhere in the government, who committed abuses. Impunity remained pervasive throughout all levels of the government and security forces.’⁵⁴

11.7.4 The same report further noted that:

⁵³ Freedom House, Freedom in the world 2016- Iran, 7 March 2016
<https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 June 2016]

⁵⁴ US Department of State, Country Report on Human Rights Practices 2014, Iran, Executive summary, 13 April 2016,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 14 June 2016]

'The government and its agents reportedly committed arbitrary or unlawful killings, including, most commonly, by execution after arrest and trial without due process, or for crimes that do not meet the threshold of most serious crimes. The government made few and limited attempts to investigate allegations of deaths that occurred after or during reported torture or other physical abuse or after denying detainees medical treatment. Members of ethnic minority communities were disproportionately victims of such abuses.'

'There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The government executed 964 persons during the year, according to the NGO Iran Human Rights Documentation Center (IHRDC), which reported that many trials did not adhere to basic principles of due process.'⁵⁵

- 11.7.5 In March 2016 the Special Rapporteur reported that whilst amendments to the new Criminal Procedure Code (CPC), (which came into effect on 22 June 2015) had resulted in some improvements, they continued to receive reports 'including after the CPC came into effect, that individuals arrested by the Intelligence Ministry or intelligence unit of the Revolutionary Guards are routinely subjected to blindfolding, harassment, ill-treatment, torture and coerced confessions during pretrial detention and interrogations.'⁵⁶

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12. Judiciary

12.1 Organisation

- 12.1.1 In his undated article in the Iran Primer, Hadi Ghaemi, the executive director of the International Campaign for Human Rights in Iran, stated: 'Iran's legal system has many layers of courts. The constitution calls for civil and criminal courts, as well as military courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offenses and rules on death sentences. It is also tasked with ensuring proper implementation of the laws and uniformity of judicial proceedings.'

'But the Islamic Republic also has Revolutionary Courts and the Special Court for the Clergy. Both sets of tribunals were based on decrees by revolutionary leader Ayatollah Ruhollah Khomeini. They have never been incorporated into the constitutional clauses defining the role and structure of the Judiciary. Legal experts critical of these tribunals have repeatedly challenged their legal standing. The Special Court for the Clergy has also been used as a political tool against clerics who urge reforms, criticize the regime or challenge the role of the supreme leader.'⁵⁷

⁵⁵ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1a, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 14 June 2016]

⁵⁶ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 10 March 2016, <http://www.refworld.org/docid/56f1802b4.html> [date accessed 14 June 2016]

⁵⁷ Iran Primer. The Islamic Judiciary, by Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran, undated <http://iranprimer.usip.org/resource/islamic-judiciary> [date

12.1.2 A report on Globalex (an electronic legal publication dedicated to international and foreign law research published by the Hauser Global Law School Program at New York University School of Law), titled 'A Guide to the Legal System of the Islamic Republic of Iran', updated in February 2011, provided the following information on the Iranian court system:

'The Courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation, e.g., value of property under dispute or the level of punitive action involved.

'The judiciary in Iran follows the Islamic Law. There are basically three types of courts in Iran- (a) Public Courts, (b) Clerical Courts and (c) Revolutionary Courts.

'The regular courts in Iran, known as public courts, are classified into:

- '1. Civil Courts,
- '2. Special Civil Courts,
- '3. First Class Criminal Courts; and
- '4. Second Class Criminal Courts.

'These courts mainly deal with the civil and criminal matters of the common public in Iran. In the first instance, family matters, including marriage, divorce and custody, come under the jurisdiction of the Special Civil Court allocated to family affairs. Whereas personal status matters such as citizenship and probate come under the jurisdiction of the Public Civil Courts. All non-financial matters and financial affairs evaluated at above 2,000,000 RI [Rial] from these courts can be appealed to the appellate courts. Criminal courts fall into two categories: first and second level criminal courts. The first level courts have jurisdiction over prosecution for felony charges, while the second level courts try cases that involve lighter punitive action. There are nearly 600 Public Courts in Iran.'

'The Clerical Courts are entrusted with the task of trying and punishing misdeeds by the clergy although it has also taken on cases involving lay people. There is a Special Clerical Court that holds operations independent of the regular judicial system and is accountable to the Supreme Leader of Iran. Judgments handed down by the Clerical Courts are final and cannot be appealed.'

'The Revolutionary Courts rule on serious offences related to the country's security, drug trafficking, etc. There are two Revolutionary Courts in Iran. The judgments given by these courts cannot be challenged in any Court in Iran. The Revolutionary Courts do not allow for the involvement of defense attorneys in Court proceedings related to various legal matters addressed by these Courts.'

'The judges of these courts fulfil additional roles as prosecutors and mediators. All judges in the courts have received a higher education in

Islamic Law and most of them are also members of the group of ruling clergies.’

‘Besides, there is Administrative Court of Justice, which under the supervision of the head of the judicial branch is authorized to investigate any complaints or objections by people with respect to government officials, organs, and statutes and a Disciplinary Court for Judges was established in 1987.

‘The Constitution requires all trials to be open to the public unless the court determines that an open trial would be detrimental to public morality or public order, or in case of private disputes, if both parties request that open hearings not be held.’⁵⁸

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12.2 Fair Trial

12.2.1 The US State Department’s Human Rights report for Iran 2015 published on 13 April 2016 states:

‘The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subject to political influence, and judges were appointed “in accordance with religious criteria.” The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges, and maintained that trials disregarded international standards of fairness.’

‘According to the constitution and criminal procedure code, a defendant has the right to a fair trial, to be presumed innocent until convicted, to have access to a lawyer of his or her choice, and to appeal convictions in most cases that involve major penalties. These rights were not respected. Panels of judges adjudicate trials; there is no jury system in either civil or criminal courts. Human rights activists reported trials in which authorities appeared to have determined the verdicts in advance, and defendants did not have the opportunity to confront their accusers, meet with lawyers, or have access to government-held evidence. The new code of criminal procedure adopted in June restricted the choice of attorneys to those on a government-approved list for defendants charged with certain crimes, including crimes against national security, and for defendants who were journalists.’

‘The government often charged political dissidents with vague crimes, such as “antirevolutionary behaviour,” “corruption on earth,” “siding with global arrogance,” “moharebeh,” and “crimes against Islam.” Prosecutors imposed strict penalties on government critics for minor violations. When post revolutionary statutes did not address a situation, the government advised judges to give precedence to their knowledge and interpretation of Islamic

⁵⁸ Globalex .Update: A Guide to the Legal System of the Islamic Republic of Iran, February 2011, published by the Hauser Global Law School Program at New York University http://www.nyulawglobal.org/globalex/iran1.htm#_The_Court_System [date accessed 1 June 2016]

law. Under sharia judges may find a person guilty based on their own “divine knowledge,” or they may issue more lenient sentences for persons who kill others considered “deserving of death.” Authorities designed other trials, especially those of political prisoners, to publicize coerced confessions.’

‘During the year [2015] human rights groups noted the absence of procedural safeguards in criminal trials. Courts admitted as evidence confessions made under duress or torture. In his October 6 report, the UN special rapporteur cited continuing “torture and violations of fair trial standards.” Courts reportedly admitted forced confessions in the convictions of poets Fatemeh Ekhtesari and Mehdi Moosavi. A court sentenced Ekhtesari to 11 1/2 years in prison for “insulting the sacred,” “publishing unauthorized content in cyberspace,” and “propaganda against the state.” A court sentenced Moosavi to nine years in prison for “insulting the sacred” and “possession of tear gas,” reportedly made, at his residence.’

‘Numerous human rights groups continued to question the legitimacy and secrecy of the special clerical court, which is headed by a Shia Islamic legal scholar and overseen by the supreme leader. The constitution does not provide for the court, which operated outside the judiciary’s purview. The court is charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. Critics alleged that clerical courts were used to control non-Shia clerics, as well as to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.’⁵⁹

12.2.2 Amnesty International noted in their annual report for 2015/2016 that:

‘Many trials, including some that resulted in death sentences, were grossly unfair. Prior to trial, the accused were frequently detained for weeks or months during which they had little or no access to lawyers or their families, and were coerced into writing or signing “confessions” that were then used as the main evidence against them in unfair proceedings. Judges routinely dismissed defendants’ allegations of torture and other ill-treatment in pre-trial detention without ordering investigations.’

12.2.3 The same report further noted that

‘After years of deliberation, the new Code of Criminal Procedures took effect in June. It brought about some improvements, including stricter regulation of interrogations and the requirement that detainees be informed of their rights, but it was seriously weakened by amendments approved only days before its entry into force. These included an amendment that restricted the right of detainees in national security cases to be represented by lawyers of their own choosing during the often lengthy investigation phase; instead, they can only choose a lawyer approved by the Head of the Judiciary. The Code applied the same restriction to suspects in cases of organized crime, which

⁵⁹ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1e, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 1 June 2016]

can result in sentences of death, life imprisonment or amputation. Responding to criticism of the amendments, a senior judiciary official said, “the issue is that there are individuals among lawyers who could be trouble makers”. In some cases, it appeared that courts had extended the restriction on defendants’ right to a lawyer of their own choosing to the trial phase.’

‘Special courts, including the Special Court for the Clergy which was effectively established outside the law, and the Revolutionary Courts, continued to function without observing international fair trial standards. The judiciary was not independent and courts remained susceptible to pressure from security authorities, such as the Ministry of Intelligence and Revolutionary Guards, to convict defendants and impose harsh penalties.’⁶⁰

- 12.2.4 Freedom House’s annual ‘Freedom in the World’ report for 2016 noted that: ‘Lawyers taking up sensitive political cases have been jailed and banned from practicing, including prominent human rights lawyer Abdolfatah Soltani. A number of lawyers have been forced to leave the country to escape prosecution.’⁶¹

- 12.2.5 According to a statement published by Human Rights Watch on 24 March 2016:

“Nine months after Iran’s new criminal procedure expanded detainees’ access to a lawyer during the investigative phase, authorities are denying people charged with national security and political crimes access to an independent legal defense... Iran’s new criminal procedure law was approved in 2014, and entered into force in June 2015... However, three days before the law went into effect, parliament passed new amendments that further restricted the rights of people charged with national security crimes. The amended article 48 now requires people accused of certain offenses to select their counsel from a pool of lawyers approved by the head of the judiciary... Iran has consistently failed to prevent torture in detention and to investigate allegations of such abuse. Revolutionary courts use confessions obtained under torture as evidence in court. As a result, the right to access a lawyer from the time of an arrest is an important safeguard against abuses in detention.”⁶²

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12.3 Summonses

- 12.3.1 A response by the Immigration and Refugee Board of Canada (IRBC) dated 6 May 2009 quoted information provided by Amnesty International’s International Secretariat in London, which stated that: ‘Courts summons may

⁶⁰ Amnesty International, Annual report- Iran 2015/2016, 24 February 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> [date accessed 1 June 2016]

⁶¹ Freedom House, Freedom in the world 2016- Iran, 7 March 2016 <https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 June 2016]

⁶² Human Rights Watch, Iran: Detainees Denied Fair Legal Representation, 24 March 2016, <https://www.hrw.org/news/2016/03/24/iran-detainees-denied-fair-legal-representation> [date accessed 1 June 2016]

be issued by prosecutors' offices or judges from a variety of courts including those in the Revolutionary and General Criminal Courts (Dadgah-ha-ye Enghlab va 'Omomi dar Omour-e Keyfari); Civil (Dadgah-ha-ye 'Omomi); specialised courts, including those for government employees, family courts; military tribunals and so forth and special courts, notably the Special Court for the Clergy.'

'Prosecutors and judges may, in Amnesty International's experience, issue court summons for a variety of reasons, including questioning, to take part in an investigation (whether as suspect or witness); to take part in a trial (whether as suspect or witness), to deal with bail or for attendance in court for the delivery or enforcement of a verdict.'

'Judges responsible for implementing a verdict (Qazi-ye Ejra) may issue summons in order that those convicted report for the allocated punishment, notably to start prison terms.'

'A summons may be sent by post, but it is more usually delivered by court bailiffs, sometimes also called "sheriffs" in Persian zabeteyn. Individuals may also be brought to court in the absence of a summons, under duress, including by plain-clothed officials (called in Persian lebas shakhsi), though Amnesty International is not aware of the agency affiliation of such officials, nor whether they have any such formal affiliation. It is impossible to judge the frequency of the latter.'

'If summons here is also meant to mean a "notice of conviction," this could be in reference to a summons from the implementation, or Ejra section of the Prosecutors Office.'

The same IRBC response also noted that; 'Amnesty International points out that despite the existence of laws requiring that court or other judicial officials write up and issue judicial documents to those affected by such documents (those putting up forms of bail; witnesses, suspects, lawyers, other judicial officials), such documentation may not, be produced and those affected may ultimately be ignorant of decisions taken, by virtue of not having been informed.'⁶³

- 12.3.2 A joint Danish Immigration Service, Norwegian LANDINFO and Danish Refugee Council Fact Finding Report 2013 noted, 'Concerning the procedures for issuing of summonses, two Iranian lawyers with criminal law experience stated that this is done by the competent court. A summons is issued by the court and forwarded by the police to the person in question. The summons will request that the person in question appear in court in the

⁶³ Immigration and Refugee Board of Canada. Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, 6 May 2009, <https://www.justice.gov/sites/default/files/eoir/legacy/2013/11/07/IRN102981.E.pdf> [date accessed 1 June 2015]

near future and it was mentioned that in some cases this could be within three days.’⁶⁴

12.3.3 The same source further stated:

‘Regarding the procedures for delivering a summons, the sources stated that the police delivers the summons to the person in question at his or her address or working place. If the person is present, it is handed over to the person in question. He or she is given the original summons and must sign the copy which goes back to the court. (NB. Footnote 34 in the Danish report pointed out that, ‘Previous information has indicated that the person who has been summoned to the court would receive a carbon copy of the summons. However, due to new “technologies” summons are today mainly computerized and issued in duplicate. The person, who is summoned, receives one copy, and the other copy, with his signature, is returned to the court. This information has been provided (1 February 2013) by lawyers used by the Danish Embassy in Tehran.’)

‘If the person in question is not present, a family member can receive the summons in his or her place. The same procedures for receiving the summons apply in that the family member signs the copy which must go back to the court and keeps the original. There are no consequences for the family member if the accused does not show up in court.’

‘If no person or family member is present on the address, the summons can be put in the mailbox and this will be registered on the copy that goes back to the court. The sources confirmed that the stated procedures were uniform throughout Iran, but commented that sometimes inexperienced police officers bring back the original document to the court and let the person in question keep the copy. It was added that in the case of a murder suspect, the police would arrest the person on the spot.’

‘The lawyers confirmed that a neighbour might accept to receive the summons on behalf of the suspect. In that case, the neighbour must sign the copy of the summons that goes back to the court and show his ID-card. The neighbour will not be punished if the suspect later does not show up in court, according to the lawyers.’

‘The sources added that if there is no address, the summons might be posted in the newspapers. If the summons is published in the papers, at least a month will pass before a trial in absentia would commence. If the accused has an address, the summons will normally not be printed in the newspapers. After being summoned several times, the trial may commence in absentia.’

⁶⁴ Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council .Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures. Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013. Page 60 - 61. <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [accessed 1 June 2016]

‘About the possibility of leaving the country if a person has been summoned to the court, the sources stated that in major fraud cases, a suspect would be banned from leaving the country.’

‘A private plaintiff may also request that the suspect be banned from leaving the country while the case is ongoing. However, if the case involves theft for example, and the accused has been released on bail, the person will be able to leave the country.’⁶⁵

- 12.3.4 A review for the Independent Advisory Group on Country Information (IAGCI) Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, in 2013 noted that, ‘Any “court summons” will be served internally by the judiciary’s bailiffs office and would not be sent by post, text message or email as the court needs to be assured that the relevant document was served to the subject before proceeding with the next stage of criminal litigation.’⁶⁶ The same source also noted, however, that, ‘...the security forces may choose alternative means if they wish to summon an individual to their own offices.’⁶⁷ The report also warned that: ‘The format and layout of a summons varies depending on the series and year of publication. Therefore the information relating to the emblem and logo as well as dates and position of case number may vary.... As in any legal system, different editions and different types of documents introduce some non-uniform features. It thus makes it a dangerous preposition to suggest that any summons or legal notice which does not have the date, for example, in the correct corner must be invalid. Ultimately the entire document, its contents, texture and jurisdictional issues must be assessed to come to such a conclusion, rather than just relying on isolated features of the format, as set out in a blanket statement.’⁶⁸

⁶⁵ Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council .Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures. Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013. Page 60 - 61. <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [date accessed 1 June 2016]

⁶⁶ Independent Advisory Group on Country Information. Commentary on the January 2013 Country of Origin Information (COI) Report on Iran. Prepared for the Independent Advisory Group on Country Information (IAGCI), Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, 11th March 2013. Page 17. <http://icinspector.independent.gov.uk/wp-content/uploads/2013/06/IAGCI-Iranreview-13-3-21-with-COIS-response.pdf> [date accessed 1 June 2016]

⁶⁷ Independent Advisory Group on Country Information. Commentary on the January 2013 Country of Origin Information (COI) Report on Iran. Prepared for the Independent Advisory Group on Country Information (IAGCI), Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, 11th March 2013. Page 17. <http://icinspector.independent.gov.uk/wp-content/uploads/2013/06/IAGCI-Iranreview-13-3-21-with-COIS-response.pdf> [date accessed 1 June 2016]

⁶⁸ Independent Advisory Group on Country Information. Commentary on the January 2013 Country of Origin Information (COI) Report on Iran. Prepared for the Independent Advisory Group on Country Information (IAGCI), Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, 11th March 2013. Pages 16 & 35. <http://icinspector.independent.gov.uk/wp-content/uploads/2013/06/IAGCI-Iranreview-13-3-21-with-COIS-response.pdf> [accessed 10 October 2015]

- 12.3.5 See also [‘English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts’, Part Four, Articles 112 to 131 for further information on summonses.](#)⁶⁹

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12.4 Arrest warrants

- 12.4.1 The US State Department’s Human Rights report for Iran 2015 published on 13 April 2016 states:

‘The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person should be informed of the charges against them within 24 hours. Authorities often violated these procedures by holding some detainees, at times incommunicado, for weeks or months without charge or trial and frequently denying them contact with family or timely access to legal representation.[...] The government placed persons under house arrest without due process to restrict their movement and communication.’

‘Authorities commonly used arbitrary arrests to impede alleged anti-regime activities. Plainclothes officers often arrived unannounced at homes or offices; arrested persons; conducted raids; and confiscated private documents, passports, computers, electronic media, and other personal items without warrants or other assurances of due process. Individuals often remained in detention facilities for long periods without charges or trials, and authorities sometimes prevented them from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period and imposed travel bans on individuals if released pending trial.’⁷⁰

- 12.4.2 The Immigration and refugee Board of Canada noted in a response on Court summonses and arrest warrants dated 29 September 2014:

“In correspondence with the Research Directorate, a UK-based Iranian lawyer, who advises on Iranian law and human rights issues, said that the Criminal Procedures Code of 1999 was repealed in 2012 and that a new Criminal Procedures Code was approved by Parliament in March 2014 (Lawyer 19 Sept. 2014). He said that, while similar to the former Code "in substance," there "are major changes in the process of investigation as well as arraignment and trial" in the new Code (ibid.). He quoted the following articles of the new Code that relate to the issuance of arrest warrants: Article 182: The arresting officer after serving the arrest warrant on the accused shall invite the accused to accompany him to appear before the magistrate.

⁶⁹ Iran Human Rights Documentation Center. English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts, Approved on September 19, 1999 with amendments <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html> [date accessed 1 June 2016]

⁷⁰ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1d, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 1 June 2016]

Should the accused refuse to do so, the arresting officer should arrest the accused and bring him before the magistrate and if so required obtain assistance from other officers. (Ibid.) Article 183: The accused shall be arrested, except in emergency circumstances, in the daylight and shall be brought before the magistrate or a duty judge for determination. (Ibid.) Article 184: In case the accused is a fugitive of justice and the same is proven to the magistrate who will issue the arrest warrant for a limited period and request the law enforcement officers of the Ministry of Justice to arrest the accused wherever he is found to be brought before the magistrate. (Ibid.)⁷¹

12.4.3 A report from the Immigration and Refugee Board of Canada (IRBC), dated 20 June 2006, stated that:

‘Correspondence with Sabi and Associates, a law firm specializing in Iranian law, located in London, England, yielded the following information: In most circumstances the office of the court issues court documents, such as summons[es] and other relevant notices. Arrest warrants have to be signed by the judge. Also, any judgment of the court resulting in the conviction of the accused should also be signed by the judge himself. Otherwise (unless there is a specific provision), the court officer (normally an unqualified clerk) will sign the notices. The notices are served through the service department of the Ministry of Justice and through a bailiff. The bailiff is employed by the government and there are no private process servers, whether in commercial or criminal proceedings. Even in commercial cases, all the documentation and notices have to be served through the service department of the Ministry of Justice.’

‘A warrant for arrest should be served on the accused at his last known address. If the address is unknown or the accused cannot be found at his last known address, then the proper service would take place through publication of the warrant in a widely circulated newspaper or a local newspaper where the accused resides. The members of the family cannot be served instead of the accused unless they acknowledge that they are aware of the whereabouts of the accused and they will undertake to deliver the notice/summons to the accused. In principal, [sic] in criminal cases, the substituted service through members of the family is not acceptable. If the accused cannot be found, the arrest warrant would be passed on to law enforcement officers to arrest the accused whenever and wherever he is found.’⁷²

⁷¹ Immigration and Refugee Board of Canada, IRN104955.E Iran: Court summonses and arrest warrants, including issuance procedures, methods of delivery, description of the documents and the information they contain; prevalence of fraudulent court documents, 29 September 2014 <https://www.justice.gov/sites/default/files/pages/attachments/2015/12/07/irn104955.e.pdf> [date accessed 6 June 2016]

⁷² Canadian Immigration and Refugee Board, ‘Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents’, 6 May 2009, IRN102981.E, <http://www.refworld.org/docid/4b7cee7e1e.html> [date accessed 6 June 2016]]

12.4.4 In a further response by the Immigration and Refugee Board of Canada (IRBC), it was stated that in December 2008 correspondence with an attorney with a legal firm in London:

‘In accordance with Article 34 of the Criminal Procedure Code (CPC), the examining magistrate (acting effectively as prosecutor or district attorney) when handling a criminal case, may at any time during the investigation issue a warrant of arrest of the accused. The warrant of arrest shall be submitted to a judge within 24 hours and subject to the approval of the judge, a temporary order for arrest of the accused will be issued.’

‘The order of temporary arrest is subject to approval of the head of the judicial division of the relevant district (Article 33) and is appealable to the Court of Appeal within 10 days from its issuance. The Court of Appeal is required to immediately consider the objections of the accused and shall rule thereon within one month from the date of arrest of the accused.’

‘Further, the law enforcement officers (includes the police, Government militia, the army and gendarmerie) are entitled to arrest anyone [who commits] a crime (Article 21).’

‘... it is well known that the agents of the Ministry of Information (the secret service) have detained many individuals without going through the process that is set out in the CPC. In a particular case that [the attorney] was personally involved, [he] noticed that many months after their arrest, a number of the accused were forced to sign statements that they [had] received temporary arrest warrants on a monthly basis and acknowledged receipt thereof. Some of the detainees ... [were] released without being charged and without any record of their arrest.’⁷³

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12.5 Double jeopardy

12.5.1 The Iran Human Rights Documentation Centre noted in an article titled ‘English Translation of Books I & II of the New Islamic Penal Code’ dated 8 April 2014;

‘Article 7- In addition to the cases mentioned in the articles above, any Iranian national who commits a crime outside Iran and is found in, or extradited to, Iran shall be prosecuted and punished in accordance with the laws of the Islamic Republic of Iran, provided that:

- a) The committed conduct is deemed an offense under the law of the Islamic Republic of Iran.
- b) If the committed crime is punishable by ta’zir, the accused person is not tried and acquitted in the place of the commission of the crime, or in the

⁷³ Immigration and Refugee Board of Canada. Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, 6 May 2009, <http://www.refworld.org/docid/4b7cee7e1e.html> [date accessed 6 June 2016]

case of conviction the punishment is not, wholly or partly, carried out against him.

- c) According to Iranian laws there is no basis for removal or discontinuation of prosecution or discontinuation or cancellation of execution of the punishment.⁷⁴

12.5.2 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), noted in a document titled 'Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law: COI Compilation' dated July 2015 that:

'As regards the issue of "double jeopardy", Tellenbach [Silvia Tellenbach, a specialist on Iranian criminal law at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg (Germany), noted in a 2014 commentary on the new Islamic Penal Code (IPC) of 2013] states that in some cases, criminal judgments passed in other countries may become effective in Iran. This effect had been provided for in the 1926 Penal Code (amended as of 1973) but was abandoned during amendment processes after the Islamic Revolution. The IPC of 2013 has reinstated detailed provisions with regard to counting sentences served abroad and the prohibition of double jeopardy. These provisions, however, only apply to ta'zir crimes. With the exception of crimes committed abroad by Iranian or foreign civil servants in connection with their professional activity, ta'zir crimes will not be punished for a second time if the perpetrator has been acquitted or has entirely or partially served his/her sentence in the country where the crime had occurred (Article 7). In practice, no cases of double jeopardy have been reported in recent times. But since Iranian law previously did not prohibit double jeopardy and the judiciary did not arrive at a clear position on this matter, there was always a degree of uncertainty with regard to this issue. This matter has now been clarified in the IPC of 2013'.⁷⁵

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13. Corruption

13.1.1 In its 2015 Corruption Perceptions Index (CPI), released on 3 December 2014, Transparency International ranked Iran 130th [up from 136th the previous year] in the world corruption rankings out of 167 countries surveyed, giving it a score of 27 [the same as last year]. [A country or territory's score indicates the perceived level of public sector corruption on a

⁷⁴ Iran Human Rights Documentation Center. English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts, Approved on September 19, 1999 with amendments <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/100000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html> [accessed 5 October 2015]

⁷⁵ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law: COI Compilation, July 2015, <http://www.refworld.org/docid/559baae44.html> [accessed 6 June 2016]

scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean.']⁷⁶

- 13.1.2 According to Trading Economics "Corruption Rank in Iran averaged 123.62 from 2003 until 2015, reaching an all time high of 168 in 2009 and a record low of 78 in 2003."⁷⁷
- 13.1.3 According to Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran, "Allegations of corruption and bribery within the judiciary are rife. Judicial officials have regularly acknowledged problems and promised major overhauls to address them, but there are few indications of improvement. [...] The accountability of courts and judges, especially in political cases, is hotly debated among the ruling elite. Iran has a court in charge of prosecuting offending judges, but it has not been used as a way to impose accountability. Parliament has undertaken several investigations into judicial practices, but the judiciary has rebuffed their intervention and stonewalled any meaningful investigations. The supreme leader appoints the judiciary chief, and judicial officials contend they are only accountable to the supreme leader."⁷⁸
- 13.1.4 Iran Human Rights Documentation Centre, Infographic - Government Corruption in Iran, dated 13 July 2015 stated:
- 13.1.5 'It is hoped by many in Iran that the removal of broad sanctions will lead to a gradual improvement in the country's economic situation. But several recent court cases trying former government officials for embezzlement and financial corruption demonstrate an undeniable truth about life in the Islamic Republic of Iran: that public funds often find their way into private hands, and that the arbitrariness and weak rule of law that characterize the Islamic Republic's judicial system also cripple the country's economy.' Such cases include the loan non-payment case, the National Copper Company case, the Qeshm case and the Mahafarid Khosravi case, totaling between 2011 and 2015 to the sum of US\$ 17,738,759,689.⁷⁹
- 13.1.6 Freedom House noted in their Freedom in the World 2016 report that: 'Corruption remains endemic at all levels of the bureaucracy, despite regular calls by authorities to tackle the problem. Powerful actors involved in the economy, including the IRGC and bonyads (endowed foundations), are above scrutiny.'⁸⁰

⁷⁶ Transparency International, Corruption Perceptions Index 2015, January 2016
<http://www.transparency.org/cpi2015/> [accessed 6 June 2016]

⁷⁷ Trading Economics, Iran Corruption Rank - 2003-2016, undated,
<http://www.tradingeconomics.com/iran/corruption-rank> [date accessed 7 June 2016]

⁷⁸ Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran (Iran Primer), The Islamic Judiciary, undated <http://iranprimer.usip.org/resource/islamic-judiciary> [date accessed 7 June 2016]

⁷⁹ Iran Human Rights Documentation Centre, Infographic - Government Corruption in Iran, 13 July 2015, <http://www.iranhrdc.org/english/news/features/1000000600-infographic-government-corruption-in-iran.html> [date accessed 7 June 2016]

⁸⁰ Freedom House, Freedom in the World 2016, 7 March 2016
<https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 6 June 2016]

13.1.7 The US State Department's Human Rights report for Iran 2015 published on 13 April 2016 states:

'The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and corruption was a serious and ubiquitous problem. Officials in all three branches of government frequently engaged in corrupt practices with impunity. Many officials expected bribes for providing routine service. Individuals routinely bribed officials to obtain permits for illegal construction.'

'Endowed religious charitable foundations, or "bonyads," accounted for a quarter to a third of the country's economy according to some experts. Government insiders, including members of the military and clergy, ran these tax-exempt organizations, which are defined under law as charities. Members of the political opposition and international corruption watchdog organizations frequently accused bonyads of corruption. Bonyads received benefits from the government, but no government agency must publicly approve their budgets.'

'Numerous companies and subsidiaries affiliated with the IRGC engaged in trade and business activities, sometimes illicitly, in the telecommunications, mining, and construction sectors. Other IRGC entities reportedly engaged in smuggling pharmaceutical products, narcotics, and raw materials. The domestic and international press similarly reported that individuals with strong government connections had access to foreign currency at preferential exchange rates, allowing them to exploit a gap between the country's black market and official exchange rates.'

'According to multiple news sources, authorities arrested former vice presidents Mohammad Reza Rahimi and Hamid Baqai on corruption charges in February and June, respectively. A court sentenced Rahimi to five years in prison for financial corruption and embezzlement, and Baqai awaited sentencing at year's end.'

'According to media reports, businessman Babak Zanjani, originally arrested in 2013, had his first hearing on corruption charges related to missing funds from the Oil Ministry in October. Authorities charged him with money laundering, fraud, and "corruption on earth."

'Numerous government agencies existed to fight corruption, including the Anticorruption Headquarters, the Anticorruption Task Force, the Committee to Fight Economic Corruption, and the General Inspection Organization. Authorities also authorized parliament's Article 90 Commission to investigate complaints of corruption within the government. Information was unavailable regarding these organizations' specific mandates, their collaboration with civil society, and whether they operated effectively, independently, and with sufficient resources.'⁸¹

⁸¹ US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 4, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 6 June 2016]

14. Freedom of movement

14.1.1 The US State Department's Human Rights report for Iran 2015 published on 13 April 2016 stated:

'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government placed some restrictions on these rights.

'Judicial sentences sometimes included internal exile after release from prison. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.'

'The government required exit permits for foreign travel for all citizens. Some citizens, particularly those whose skills were in demand and who were educated at government expense, had to post bond to obtain an exit permit. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women's rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year. Married women were not allowed to travel outside the country without prior permission from their husbands. For example, authorities initially prohibited Niloufar Ardalan, captain of the country's national indoor women's futsal team, from traveling to a tournament in Malaysia in September because her husband refused to grant her permission. After filing an appeal, a court granted her a one-time-use exit visa.'

'The law does not provide for forced exile abroad. Many dissidents, activists, journalists, academics, artists, members of recognized and unrecognized religious or ethnic minority communities, and LGBTI persons practiced self-imposed exile to express their beliefs freely or escape government harassment. The government did internally exile civil, religious, and ethnic activists from certain cities or provinces.'⁸²

14.1.2 Freedom House noted in their annual freedom in the world report that: 'Freedom of movement is restricted, particularly for women and perceived opponents of the regime. Women are banned from certain public places, such as sports stadiums, and can obtain a passport to travel abroad only with the permission of their fathers or husbands. Many journalists and activists have been prevented from leaving the country.'⁸³

⁸² US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 2d, 13 April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252923> [date accessed 1 June 2016]

⁸³ Freedom House, Freedom in the world 2016- Iran, 7 March 2016 <https://freedomhouse.org/report/freedom-world/2016/iran> [date accessed 1 June 2016]

- 14.1.3 International Campaign for Human Rights in Iran (ICHRI), article 'Iranian Officials to Answer Questions About Foreign Travel Bans' published on 14 January 2014 states that;

'Foreign travel bans are routinely imposed on Iranian citizens. According to Iranian law, the Iranian Judiciary must inform the Passport Office about an individual's travel ban. Reasons for a travel ban include security concerns, financial debts, outstanding taxes, crime records of individuals abroad during prior trips, and outstanding sentences awaiting enforcement, as well as cases in which individuals who must give others permission to leave the country, such as husbands of married women and fathers of unmarried women and under-age children, request the Judiciary for a travel ban.'

'Iranians with travel bans are often unaware of their status until they reach the airport. Thousands of Iranians are informed each year about their travel bans only at Passport Control and as they prepare to board their flights.'

'Civil and political activists are often banned from travel even without any judicial orders. The presence of security organizations in all Iranian airports, particularly those with border checkpoints, has enabled security organizations to determine whether or not any Iranian citizen can leave the country, regardless of the existence of a judicial case against him or her.'

'...Iran's Intelligence Ministry and the IRGC's Intelligence Unit are two of the organizations that can arbitrarily bar people from traveling abroad without judicial orders. "No organization, including the Judiciary, is accountable for illegal travel bans," one civil activist told the Campaign.'⁸⁴

- 14.1.4 Iran Human Rights Documentation Centre, state in an article called 'Fundamentals of Freedom of Movement in Iran', undated that;

'While both international and Iranian law protect the right to the freedom of movement, the Islamic Republic of Iran has placed severe restrictions on the freedom to move and live throughout the State, and on the freedom to leave the State. Examples of such restrictions include placing innocent individuals under house arrest, expelling individuals from cities who have done nothing wrong, discriminating against individuals with refugee status, and prohibiting individuals from leaving the state by means of detention or simple refusal to issue valid passports or accept valid visas. These restrictions violate the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory, and violate Iran's Constitution.'⁸⁵

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15. Citizenship and nationality

- 15.1.1 The Iran Primer noted in an article dated 4 February 2015 that:

⁸⁴ International Campaign for Human Rights in Iran (ICHRI), Iranian Officials to Answer Questions About Foreign Travel Bans, 14 January 2014, <http://www.iranhumanrights.org/2014/01/travel-bans/> [date accessed 6 June 2016]

⁸⁵ Iran Human Rights Documentation Centre, Fundamentals of Freedom of Movement in Iran, undated, <http://www.iranhrdc.org/english/english/news/features/3428-freedom-of-movement.html?p=2> [date accessed 6 June 2016]

'The last change to Iran's nationality law occurred in 2006. The Iranian Parliament (Majles) held extensive debates about amending aspects of the law, including which categories of people could become naturalized citizens. The law currently recognizes seven categories of people as Iranian citizens:

1. Anyone residing in Iran, except those whose foreign nationality is established;
2. Those whose fathers are Iranian;
3. Children with unknown parentage;
4. Children born in Iran to foreign parents, one of whom was born in Iran;
5. Children born in Iran whose fathers are foreigners and who reside in Iran at least one year immediately after they turn eighteen years old;
6. Women of foreign nationality who marry Iranian men; and
7. Foreign nationals who obtain Iranian citizenship.

'Legislators proposed various amendments, including that the fourth category of citizenship be eliminated. But they made only one change, passing a single-clause bill known as the 2006 Law. It clarified that children born in Iran, with Iranian mothers married to foreign national fathers, have a right to naturalization once they turn 18 years old.'

'The right does not extend to children born to Iranian mothers outside Iran. Ironically, this also means that Iranian women still cannot pass on their citizenship automatically, since the fourth category of citizenship was never eliminated. But a foreign woman born in Iran, and married to a foreigner, does pass on that right.'

'Individuals who fall outside the seven citizenship categories and the 2006 Law may still become naturalized citizens through a stringent process subject to the government's discretion.'⁸⁶

15.1.2 The same source also noted that: 'Parents must have an official marriage certificate for the 2006 Law to benefit their children. It can only be attained through the Ministry of Foreign affairs, but not all couples, particularly the poor, register their marriage. Some refrain from registering due to a lack of understanding of the law, or fear of deportation if the men are illegal immigrants. A government census estimated that there were 32,000 unofficial marriages between Iranian women and Afghans in 2010.'⁸⁷

15.1.3 The US Office of Personnel Management (USOPM)'s, 'Citizenship Laws of the World' report states that dual citizenship is:

⁸⁶ The Iran Primer, Iran's Discriminatory Nationality Law, 4 February 2015, <http://iranprimer.usip.org/blog/2015/feb/04/iran%E2%80%99s-discriminatory-nationality-law> [date accessed 7 June 2016]

⁸⁷ The Iran Primer, Iran's Discriminatory Nationality Law, 4 February 2015, <http://iranprimer.usip.org/blog/2015/feb/04/iran%E2%80%99s-discriminatory-nationality-law> [date accessed 7 June 2016]

'Not Recognised. Exceptions: Child of an Iranian father, who acquires citizenship due to birth in a foreign country. A foreign woman who marries an Iranian is automatically granted Iranian citizenship, whether it is requested or not.'

15.1.4 The same source also notes in relation to loss of Citizenship that:

'Voluntary: Person seeking to voluntarily renounce Iranian citizenship must have reached the age of 25, have performed military service, have settled all affairs in the country, and acquired the permission of the Council of Ministers. Though the rules for renunciation of citizenship are stated in Iranian Law, practical experiences have shown that Council permission is difficult to obtain, thus hindering legal renunciation of Iranian citizenship.'

'Involuntary: Voluntary acquisition of a foreign citizenship does not lead to automatic loss of Iranian citizenship. According to Iranian law, any Iranian national who acquires foreign citizenship without due observance of legal procedures will not have a renunciation of citizenship recognized by the government of Iran. In the eyes of the government, a male (and, in some cases, his wife and children) is still considered a citizen of Iran, regardless of the individual's status in the new country of citizenship.'⁸⁸

15.1.5 A legal translation of the Civil Code is also on the website of an Iranian Law Firm, Alavi and Associates:

<http://www.alaviandassociates.com/documents/civilcode.pdf>

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16. Identity cards

16.1.1 Information dated September 2012 on the Middle East Consultancy Services website states:

'Iranian authorities started to issue national IDs almost 10 years ago. Today every Iranian nation [sic] needs to have one national ID card as well as having a birth certificate. Each national ID card contains a ten digit ID number which is exclusive to each card holder. Iranian national ID cards are issued by Sazman Sabte Ahval i.e. individuals registry office. This ID number is requested by authorities on various occasions such as issuing passport, marriage certificates and land registry. Each individual is traceable and identifiable by this ID number.'⁸⁹

16.1.2 The Canadian Immigration and refugee board in a response titled 'The National Smart Card, including the issuing agency, the requirements to obtain the card, areas where the card is being issued, card format, information and uses; requirements to renew the National Identity Card before expiration and problems associated with having an expired identity card; whether the National Smart Card is being issued in conjunction with a

⁸⁸ US Office of Personnel Management, Citizenship Laws of the World, March 2001.
<http://www.multiplecitizenship.com/worldsummary.html> [date accessed 7 June 2016]

⁸⁹ Middle East Consultancy Services, Iranian National ID card, 9 September 2012
<http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=26> [date accessed 7 June 2016]

new format of the Shenاسnameh [birth certificate]' dated 16 January 2015 noted the following:

'According to sources, the Iranian shenasnameh is translated as a "birth certificate" or "identity certificate". [...] In a booklet of information published by the Personal Status Registration Organization (PSRO), a department within the Ministry of the Interior of Iran, it states that a birth certificate is a document kept by the PSRO which registers the birth of an infant and includes the following information: name and surname of the infant, place and date of birth, gender, information relating to the parents including their names and residences, and the "registration documentation (witness or physician's certificate)". The same source states that following the registration of the birth of an infant, the PSRO issues an identity document to the Iranian national. The identity document is a booklet containing information such as "personal particulars, particulars of parents, place and date of birth, a place for registration of marriage, divorce and death information". According to the PSRO publication, identity documents issued to Iranians under the age of 15 do not contain the pages for marriage and divorce registration, nor do they have a picture.'⁹⁰

For further information on the appearance of the new style shenasnameh documents please see the Canadian Immigration and Refugee Board response [here](#)

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17. Forged and fraudulently obtained documents

17.1.1 The joint Danish Immigration Service, Norwegian LANDINFO and Danish Refugee Service 2013 fact finding report noted, on the possibility of bribing officials, that:

'A Western embassy (1) mentioned that it is possible to buy legal documents in Iran and obtain genuine documents in a fraudulent manner. The source distinguished between genuine documents with false information and forged documents. It was noted that more often than not, it is the documents without any spelling mistakes that are found to be forgeries...

'Regarding the issue on exiting Iran, a well-educated Iranian woman with links to international communities noted that it is possible to purchase forged documents, but that this is less common than in other countries such as for example Pakistan. She had heard of companies that sold Schengen visa and thereby offered services to get a person into a country. This was companies arranging events or exhibitions abroad that would allow a larger group of people, for example 15-20 persons, to get visas "by the bulk". Some

⁹⁰ Canada: Immigration and Refugee Board of Canada, Iran: The National Smart Card, including the issuing agency, the requirements to obtain the card, areas where the card is being issued, card format, information and uses; requirements to renew the National Identity Card before expiration and problems associated with having an expired identity card; whether the National Smart Card is being issued in conjunction with a new format of the Shenاسnameh [birth certificate]., 16 January 2015, <http://www.refworld.org/docid/550fd68e4.html> [accessed 7 June 2016]

of the visas were then sold for 7-8.000 USD to persons whom they knew would not return to Iran.

‘According to consular officers of the US Embassy in Ankara, documents are easy to get in Iran through bribery and connections. It is also possible to change documents through bribery. For instance, the source has seen cases where applicants for immigration benefits via a marriage to a U.S. citizen have been able to erase mention of a current spouse in Iran from their documents through a bribe to a civil official.

‘Consular officers of the US Embassy in Ankara commented that this is also the case with civil documents. The source has often requested a given civil document from an applicant, only to have them procure that document in an unrealistically short amount of time. The source speculates that while some documents are simply forged, others are genuine documents fraudulently obtained through bribery to state whatever the applicant needs to evidence.’⁹¹

- 17.1.2 A report by the Danish Refugee Council and Danish Immigration Service published in 2009 noted that:

‘According to the airline liaison officer and document advisor at the embassy, some Iranians manage to leave through the airport on forged documents. The embassy has recently come across three false Schengen visas. In such cases bribery might also be involved.’⁹²

- 17.1.3 Dr Kakhki, a special adviser to the Centre for Criminal Law and Justice and Associate of the Centre for Iranian Studies at Durham University, gave the following evidence to the tribunal in the 2009 case of SB:

‘According to Article 34 [of the Penal Code], any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials [c£2.50- £12]. The assigned punishment in this article is called a “Taaziri” punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the “Taaziri” punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime. In order to deal with

⁹¹ Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures. Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council’s fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013. 6.1.1 Documents Page 68.

<http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [date accessed 7 June 2016]

⁹² Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.37
http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [date accessed 7 June 2016]

the cases relating to illegal departure, a special court is located in Mehrabad Airport in Tehran. Its branch number is given as 1610. If an Iranian arrives in the country, without a passport or any valid travel documents, the official will arrest them and take them to this court. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups and any other circumstances. Dependent on the outcome of the court's investigation, The judge will decide the severity of the punishment within the parameters of Article 34. This procedure also applies to people who are deported back to Iran, not in the possession of a passport containing an exit visa; in this case the Iranian Embassy will issue them with a document confirming their nationality. Illegal departure is often prosecuted in conjunction with other, unrelated offences. In light of the above Dr Kakhki believed that if the appellant had exited illegally this would lead to his prosecution upon return.⁹³

17.1.4 A response by the Canadian Immigration and Refugee Board dated 6 May 2009 included the following information on forged court documents in Iran: 'AI [Amnesty International] has no information on the relative difficulty in obtaining forged or false court documents in Iran. Anecdotal evidence suggests that within Iran forgeries are rarely used since the provenance of a document can be easily checked by reference to court or office registers. It is impossible to determine whether forged court documents found outside Iran are produced within or outside the country.'⁹⁴

17.1.5 In February 2016 the International Business Times reported:

'An Iranian passport forger known as 'The Doctor' was arrested... and admitted links to human trafficking rings as well as selling passports to people from Iran, Syria and Iraq attempting to escape conflict, Bangkok Post reported... The majority of forged passports sold by 'The Doctor' were used by people wanting to travel into Europe, although it is not known if any were sold to people attempting to enter Europe in the current refugee crisis.'⁹⁵

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⁹³ SB (risk on return-illegal exit) Iran CG [2009] UKAIT 00053, paragraph 21
<https://tribunalsdecisions.service.gov.uk/utiac/37683> [date accessed 7 June 2016]

⁹⁴ Immigration and Refugee Board of Canada Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, IRN 102981.E, 6 May 2009, <http://www.refworld.org/docid/4b7cee7e1e.html> [date accessed 7 June 2016]

⁹⁵ International Business Time, Iranian professional passport forger known as 'The Doctor' is caught in Thailand, 10 February 2016 <http://www.ibtimes.co.uk/iranian-professional-passport-forger-known-doctor-caught-thailand-1543099> [date accessed 7 June 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:

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- valid from **20 July 2016**

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Updated country information.

Incorporating the accepted recommendations of the IAGCI-commissioned review of previous version of the CIG.

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