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Home Office

Country Information and Guidance

Iran: Background information, including actors of protection, internal relocation and illegal exit.

November 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of - as well as country of origin information (COI) about - Iran. 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.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

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

Feedback

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

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. 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/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Date Updated: 3 November 2014

1.1 Summary of Issues

- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Iran?
- ▶ Are those who have left Iran illegally at risk on return?

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1.2 Consideration of Issues

Are those at risk able to seek effective protection?

- 1.2.1 The security forces are reported not to be fully effective in combating crime, and corruption remains a serious problem. The security forces, including paramilitary forces, commit serious abuses including acts of violence against protesters, arbitrary arrest, unlawful killings, disappearances, incommunicado detention in poor conditions, torture and other ill-treatment with impunity. Amputations, floggings, increased application of the death penalty are also cause for concern.
- 1.2.2 Although there is a functioning criminal justice system, there are numerous reports that the court system is subject to political interference, bribery and ubiquitous corruption, and that trials including those which award the death penalty, disregarded international standards of fairness. Defendants are denied access to representation, the right to appeal, and judges commonly accept coerced confessions and disregard torture or abuse during detention. There continue to be reports of politically motivated charges, a lack of due process, and regime officials, security and intelligence forces continuing to enjoy a high level of impunity.
- 1.2.3 If the person's fear is of ill-treatment/persecution by the state authorities, or by agents acting on behalf of the state, then they cannot be expected to go to those authorities for protection.
- 1.2.4 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. 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.

See also:

- ▶ [Country Information](#)

and Asylum Instruction on:

- ▶ [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

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Are those at risk able to internally relocate within Iran?

- 1.2.5 Relocation to another area of Iran may be viable where the threat is from non state agents depending on the nature of that threat and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so.
- 1.2.6 Iran's total land area is 1,648,195 sq km with an estimated population of 80,840,713. The constitution provides for freedom of internal movement. 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.
- 1.2.7 Careful consideration must be given 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. Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.

See also:

- ▶ [Country Information](#)

and Asylum Instructions on:

- ▶ [Internal Relocation](#)
- ▶ [Gender Issues in the Asylum Claim](#)

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Are those who have left Iran illegally at risk on return?

- 1.2.6 The Iranian government requires all citizens to have exit permits for foreign travel. A woman must have the permission of her husband, father, or other male relative to obtain a passport. Some citizens, particularly those whose skills are in demand and who were educated at government expense, have additionally to post a bond to obtain an exit permit. Those who leave Iran illegally without an exit permit face being fined on return or sentenced to between one and three years' imprisonment.
- 1.2.7 Illegal departure from Iran in itself would not be sufficient to warrant protection. However it is possible that illegal exit may be an aggravating factor in other categories of claim and as such a risk factor to be taken into account.
- 1.2.8 The Tribunal concluded in [SB \(risk on return-illegal exit\) Iran CG \[2009\] UKAIT 00053](#) (16 December 2009) that Iranians facing enforced return do not in general face a real risk of persecution or ill-treatment. That remains the case even if they exited Iran illegally. Illegal exit may however add to the difficulties an applicant would face if they had attracted the adverse attention of the authorities for another reason.

See also:

- ▶ [Country Information](#)
- ▶ [Caselaw](#)

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1.3 Policy Summary

- The country information indicates that the criminal justice system is seriously flawed with reports of politically motivated charges, a lack of due process, defendants being denied access to representation in court, unfair trials, bribery and widespread corruption. Officials, security and intelligence forces commit human rights abuses with a high level of impunity. Effective protection against persecution by state or non-state actors is unlikely to be available depending on the particular circumstances and profile of the person.
- Where the threat is from non state agents, internal relocation to another area of Iran may be an option but will depend on the nature and origin of the threat as well as the personal circumstances of the person.
- The consequences of illegal departure from Iran are not of themselves sufficiently serious as to warrant international protection. They may however be aggravating factors in other categories of claim.

See also the Asylum Instructions on:

- ▶ [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)
- ▶ [Humanitarian Protection](#)
- ▶ [Discretionary Leave](#)

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Section 2: Information

Date Updated: 3 November 2014

2.1 History

- 2.1.1 An overview of Iran's recent history can be found in the BBC's [Iran Profile](#)¹, which also includes a timeline of events.

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2.2 Economy

- 2.2.1. The Central Intelligence Agency (CIA) World Factbook, Iran, states that Iran's economy is marked by statist policies, an inefficient state sector, and reliance on oil, a major source of government revenues. Price controls, subsidies, and other distortions weigh down the economy, undermining the potential for private-sector-led growth. Private sector activity is typically limited to small-scale workshops, farming, some manufacturing, and services. Significant informal market activity flourishes and corruption is widespread. New fiscal and monetary constraints on Tehran, following the expansion of international sanctions in 2012 against Iran's Central Bank and oil exports, significantly reduced Iran's oil revenue, forced government spending cuts, and fuelled a 60% currency depreciation. Economic growth turned negative in 2012 and 2013, for the first time in two decades. Iran continues to suffer from double-digit unemployment and underemployment. Lack of job opportunities has convinced many educated Iranian youth to seek jobs overseas, resulting in a significant "brain drain." However, the election of President Hasan Ruhani in June 2013 brought about widespread expectations of economic improvements and greater international engagement among the Iranian public, and early in Ruhani's term the country saw a strengthened national currency and a historic boost to market values at the Tehran Stock Exchange.²
- 2.2.2. The World Bank notes that 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) of USD 366 billion in 2013-14. It also has the second largest population of the region after Egypt, with an estimated 77.3 million individuals in 2013. Its 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. Aggregate GDP and government revenues still depend to a large extent on oil revenues and are therefore intrinsically volatile.³
- 2.2.3. The Iranian economy has continued to contract in 2013/14 [March 2013- March 2014], albeit at a slowing pace. The sanctions imposed on Iran's oil exports, the supply chain in key sectors of the economy – such as in the automobiles industry – and transactions of international and domestic banks resulted in a real GDP contraction of 5.8% in 2012/13. For 2013/14, the economy is estimated to have contracted at an annual rate of

¹BBC News Middle East. Iran Profile. 10 September 2014. <http://www.bbc.co.uk/news/world-middle-east-14541327> [Accessed 17 October 2014]

² Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 22 June 2014, Economy <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [Accessed 17 October 2014]

³ World Bank. Iran Overview. 1 October 2014. <http://www.worldbank.org/en/country/iran/overview> [Accessed 17 October 2014]

1.7%. Oil exports, which amounted to 2.2 million barrels per day (mbp), have been halved by US and EU sanctions initiated in mid-2012.⁴

- 2.2.4. The World Bank also noted in October 2014 that inflationary pressures on the economy have eased from a year-on-year peak of 45% in July 2013 to 15% in June-July 2014. This was facilitated by a number of factors including the appreciation of the Iranian Rial, the decline in global prices for key staples, and the easing of international sanctions.⁵
- 2.2.5. Unemployment remains elevated and is expected to be a central challenge for the government. According to the Statistical Center of Iran, the unemployment rate was estimated at 10.4% during the calendar year ending on 20 March 2014. Unofficial sources, however, estimate the overall unemployment rate to be as high as 20%. The unemployment rate is particularly high among the female (24%) and youth populations (20%). The incidence of underemployment has also become highly prevalent. The weakness seen in the labor market comes within a context in which only 36.7% of the population is economically active.⁶
- 2.2.6. The US Department of State reported in its Country Report on Human Rights 2013 that during 2013 “the government set the minimum wage at 487,125 tomans (\$195) [£120] per month, not including benefits and bonuses. This represented a nominal increase in the minimum wage from 389,700 tomans (\$156) in 2012; however, due to inflation and a change in the official exchange rate during the year, the domestic news agency Mehr stated in August that the real minimum wage had decreased by 6.6 percent, compared with 2012. According to the Ministry of Labor, the average cost of living for a family of four was 1.8 million tomans (\$720) per month. In a January interview with the Iranian Labor News Agency, one domestic labor expert stated that more than 80 percent of workers throughout the country lived under the poverty line and that the poverty income level in urban areas was 1.2 million tomans (\$480) per month for a family of four”.⁷
- 2.2.7. The March 2014 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran notes that “Much of the income and non-income poverty is in areas such as informal urban settlements, the informal sector of the economy, remote rural areas, among refugees, and encompassing groups such as people with disabilities, and female-headed households. [...] During its review of the Islamic Republic of Iran, the Committee on Economic, Social and Cultural Rights expressed serious concerns about restrictions on access to university education, including bans on female and male enrolment, limited quotas for women in certain fields, as well as gender segregation in classrooms and facilities. The Committee also noted with concern the low participation of women in the labour force, which has been further declining, and the possibility for a husband to prevent his wife from entering employment upon receipt of a court order under the Family Protection Law”.⁸
- 2.2.8. In February 2014, the Women’s News Network reported that Iran’s Comprehensive Population and Family Excellence Plan aims to “increase the pregnancy rate to 2.5% of

⁴ World Bank. Iran Overview. 1 October 2014. <http://www.worldbank.org/en/country/iran/overview> [Accessed 17 October 2014]

⁵ World Bank. Iran Overview. 1 October 2014. <http://www.worldbank.org/en/country/iran/overview> [Accessed 17 October 2014]

⁶ World Bank. Iran Overview. 1 October 2014. <http://www.worldbank.org/en/country/iran/overview> [Accessed 17 October 2014]

⁷ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, section 7 d. Acceptable Conditions of Work, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 14 October 2014]

⁸ UN Human Rights Council, Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, 7 April 2014, paragraphs 29 and 31 http://www.ecoi.net/file_upload/1930_1399473322_a-hrc-25-26-en.doc [Accessed 27 October 2014]

the quantitative population growth until the year 2025, simultaneous with qualitative improvement of the population and its stabilization by the year 2051.” The Plan also lays out intentions to deny some women access to the jobs market in the hope that this will make them more likely to stay at home and bear children. (...) It will also place new and additional restrictions on women’s employment, particularly on unmarried women”.⁹

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2.3 Geography and demography

- 2.3.1. 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, Azerbaijan-proper, Azerbaijan, Turkey and Turkmenistan. It has an area of 1,648,195 sq km.¹⁰
- 2.3.2. Iran has an estimated population of 80,840,713 as of July 2014 with 69% of the population living in urban areas.¹¹
- 2.3.3. The capital of Iran is Tehran with a population of 7.304 million. Other major cities are Esfahan (1.781 million), Tabriz (1.509 million), Mashhad (2.713 million) and Karaj (1.635 million) and Shiraz (1.321 million as at 2011).¹²
- 2.3.4. The World Bank also noted in October 2014 that “the demographic profile of the country is characterized by a disproportionately high youth population (with over 60% of Iran’s population estimated to be under the age of 30). As a result, some 750,000 youth are estimated to enter the labor market every year, with a large portion becoming unemployed, abandoning their job search and joining the ranks of the economically inactive population. Some 150,000 youth are estimated to migrate to other countries every year in search of better economic prospects.”¹³
- 2.3.5. According to the Central Intelligence Agency (CIA) World Factbook updated in June 2014¹⁴, the main ethnic groups in Iran are:
- Persian 61%,
 - Azeri 16%,
 - Kurd 10%,
 - Lur 6%,
 - Baloch 2%,
 - Arab 2%,
 - Turkmen and Turkic tribes 2%,
 - other 1%

the languages spoken:

⁹ Women’s News Network, IRAN: Old challenges continue for women under new president, 3 February 2014 <http://womennewsnetwork.net/2014/02/03/iran-womens-jobs-shrink/> [Accessed 28 October 2014]

¹⁰ The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 22 June 2014 Geography <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [Accessed 17 October 2014]

¹¹ The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 22 June 2014 People and society <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [Accessed 17 October 2014]

¹² The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 22 June 2014 People and society <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [Accessed 17 October 2014]

¹³ World Bank. Iran Overview. 1 October 2014. <http://www.worldbank.org/en/country/iran/overview> [Accessed 17 October 2014]

¹⁴ The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 22 June 2014 People and society <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> [Accessed 17 October 2014]

- Persian (official) 53%
- Azeri Turkic and Turkic dialects 18%
- Kurdish 10%
- Gilaki and Mazandarani 7%,
- Luri 6%,
- Balochi 2%,
- Arabic 2%,
- other 2%

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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2.4 Iranian calendar

- 2.4.1 The Iran Chamber Society, state 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.’¹⁵
- 2.4.2 The Iran Chamber website includes an [Iranian calendar converter](#) to convert dates between the Iranian and the Gregorian calendar.¹⁶

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2.5 Constitution

- 2.5.1. 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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2.6 Political system

- 2.6.1. The US State Department’s, ‘Country Reports on Human Rights Practices 2013 – Iran’, released on 27 February 2014 stated that:

‘The Islamic Republic of Iran is a theocratic republic established after the 1979 adoption of a constitution by popular referendum. The constitution, amended in 1989, created a political system based on the concept in Shia Islam of velayat-e faqih (“guardianship of the jurist” or “rule by the jurisprudent”). Shia clergy, most notably the “supreme jurisprudent” (or supreme leader), and political leaders vetted by the clergy-dominated key power structures. While mechanisms for popular election exist within the structure of the state, the supreme leader directly controlled the legislative, executive, and judicial branches of government as well as the armed forces. The supreme leader also

¹⁵Iran Chamber Society. Iranian Calendar Converter ,undated
http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php [Accessed 14 October 2014]

¹⁶Iran Chamber Society. Iranian Calendar Converter undated
http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php [Accessed 14 October 2014]

indirectly controlled internal security forces and other key institutions. Since 1989 the supreme leader has been Ayatollah Ali Khamenei.¹⁷

2.6.2. The same report continued:

'The constitution provides citizens the right to change the president and Islamic Consultative Assembly members peacefully through free and fair elections, but candidate vetting conducted by unelected bodies and often based on arbitrary criteria severely abridged this right. The Assembly of Experts, which is composed of 86 popularly elected clerics who serve eight-year terms, elects the supreme leader, who acts as the recognized head of state and may be removed only by a vote of the assembly. The Guardian Council vets and qualifies candidates for all legislative and presidential elections based on criteria that include candidates' allegiance to the state and to Islam. The council consists of six clerics, who are appointed by the supreme leader and serve six-year terms, and six jurists, who are nominated by the head of the judiciary and approved by the Islamic Consultative Assembly. There is no separation of state and religion, and certain clerics had significant influence in the government. Voters elect the president by direct popular vote with universal suffrage.¹⁸

2.6.3. The most powerful figure in the government is the supreme leader, currently Ayatollah Ali Khamenei. The supreme leader, who has no fixed term, is the commander in chief of the armed forces and appoints the leaders of the judiciary, the heads of state broadcast media, and the Expediency Council. The president is elected by popular vote for up to two four-year terms. All candidates for the presidency and the 290-seat, unicameral parliament are vetted by the Guardian Council.¹⁹

2.6.4. In the first presidential election since the disputed 2009 vote in which hard-liner Mahmoud Ahmedinejad won a second term, centrist cleric Hassan Rouhani secured a first-round victory on 14 June 2013. The result underscored the Iranian electorate's support for Rouhani's program of moderation in domestic and foreign policy. However, his ability to deliver on his campaign promises was complicated by the need to negotiate with rival conservative factions that continued to control key institutions, such as the parliament, judiciary, and security forces.²⁰

2.6.5. Freedom House reported that in the months after Rouhani's inauguration in August 2013, some early signs of social and political opening were observed. The new administration adopted a more conciliatory approach and tone with the outside world. At home, Rouhani called for lifting curbs on social-media access and eased restrictions on the press. Nearly a dozen well-known political prisoners were released, including Iran's most prominent human rights activist, Nasrin Sotoudeh, though key opposition leaders remained under house arrest. The new administration also took practical steps to guarantee academic freedom.²¹

¹⁷ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Executive Summary, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 14 October 2014]

¹⁸ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 14 October 2014]

¹⁹ Freedom House. Freedom in the World 2014. Iran. 23 January 2014. <http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

²⁰ Freedom House. Freedom in the World 2014. Iran. 23 January 2014. <http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

²¹ Freedom House. Freedom in the World 2014. Iran. 23 January 2014. <http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

2.6.6. The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided that they do not violate the principles of “freedom, sovereignty, and national unity” or question the Islamic basis of the republic. All political parties, associations, and nongovernmental organizations (NGOs) must register with the Ministry of Interior and are subject to arbitrary restrictions. Opposition politicians and party groupings have suffered especially harsh repression since the disputed 2009 presidential election, with many leaders—including former lawmakers and cabinet ministers—facing arrest, prison sentences, and lengthy bans on political activity.²²

2.6.7. Jane’s ‘Sentinel Security Assessment’, updated 25 September 2014, reported that “Iran has dozens of political parties, numerous factions, and different political camps, but no classic party system. Political groups are divided into two broad coalitions: the reformists and the conservatives. The outcome of the 2004 parliamentary election primarily favoured the conservatives, but a variety of factions emerged within both the conservative and reformist camps. The victory of reformist-backed candidate Hassan Ruhani as president in June 2013 is very unlikely to reverse the political and economic dominance of conservative factions, particularly the Iranian Revolutionary Guard Corps (IRGC).”²³

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2.7 Law enforcement agencies

Overview

2.7.1. According to the 2014 Bertelsmann Foundation report, “The government has full control over the entire domestic security forces and almost all of the country’s territory, with the important exception of some border areas. Traditionally, Iran’s national police forces have been responsible for internal security, but have been supported by the Revolutionary Guards and the militia in the case of protests and social riots. In reaction to the massive protests against the regime in summer 2009, the Supreme National Security Council decided in October 2010 that the Revolutionary Guard and the Basij militia should be given primary responsibility for internal security. Their tasks also include control of political parties and civil society associations, the suppression of riots in universities and syndicates, primary control over the prisons (where political prisoners are held), interrogation of prisoners, and operations taken against protests and demonstrations.”²⁴

2.7.2. The US State Department’s, ‘Country Reports on Human Rights Practices 2013 – Iran’, released on 27 February 2014 stated that:

‘Several agencies shared responsibility for law enforcement and maintaining order, including the MOIS (Ministry of Intelligence and Security), law enforcement forces under the Interior Ministry, and the IRGC (Iranian Revolutionary Guard Corps), which reported to the supreme leader. The Basij, a volunteer paramilitary group with local organizations in cities and towns across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in crackdowns on political opposition elements without formal guidance or supervision

²²Freedom House. Freedom in the World 2014. Iran. 23 January 2014.

<http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

²³Jane’s ‘Sentinel Security Assessment’ Iran. 25 September 2014. Subscription source. [Accessed 15 October 2014]

²⁴Bertelsmann Foundation, BTI 2014; Iran Country Report, 2014, I. Political Transformation <http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Iran.pdf> [Accessed 28 October 2014]

from superiors. The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems.’²⁵

- 2.7.3. According to the 2014 Bertelsmann Foundation report, “The Iranian police forces are highly inefficient. Citizens’ security suffers as a result of the religious worldview and the high level of corruption. The police, joined by the Basij militia and the Revolutionary Guards, take immediate action against socially and politically motivated protests, but are less quick to protect citizen against criminal actions. The crime rate (murder, robbery, armed robbery, rape) is rising relentlessly, especially in the capital, despite the judicial imposition of severe penalties as a deterrent”.²⁶
- 2.7.4. The U.S. Department of State report covering 2013 reported that the “The government and its agents reportedly committed acts of arbitrary or unlawful killings, including, most commonly, by execution after arrests and trials lacking in due process. The government made 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 reports of politically motivated abductions during the year. [...] The constitution prohibits all forms of torture “for the purpose of extracting confession or acquiring information,” but there were several credible reports that security forces and prison personnel tortured and abused detainees and prisoners. [...] 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 were sometimes prevented 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 they were released pending trial.”²⁷
- 2.7.5. Freedom House reports that during 2013, ‘Although the constitution prohibits arbitrary arrest and detention, such abuses are frequently employed, and family members of detainees are often not notified for days or weeks. Suspected dissidents have been held in unofficial, illegal detention centers. Prison conditions in general are notoriously poor, and there are regular allegations of abuse, rape, torture, and death in custody.’²⁸ Amnesty International similarly reports that during 2012 “Government critics and opponents were arbitrarily arrested and detained by security forces. They were held incommunicado for long periods and denied medical care. Many were tortured or otherwise ill-treated. Tens were sentenced to prison terms after unfair trials.”²⁹

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²⁵ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.d. Role of the Police and Security Apparatus, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 20 October 2014]

²⁶ Bertelsmann Foundation, BTI 2014; Iran Country Report, 2014 I. Political Transformation <http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Iran.pdf> [Accessed 28 October 2014]

²⁷ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.d. Arrest Procedures and Treatment of Detainees. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 20 October 2014]

²⁸ Freedom House. Freedom in the World 2014. Iran. 23 January 2014. <http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

²⁹ Amnesty International, Amnesty International Annual Report 2013 - Iran, 23 May 2013. <http://www.amnesty.org/en/region/iran/report-2013> [Accessed 20 October 2014]

Human rights violations and impunity

- 2.7.6. The U.S. Department of State report covering 2013 highlights that ‘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 public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were no reports of government actions to discipline abusers.’³⁰
- 2.7.7. In February 2014, Amnesty International submitted to the UN Human Rights Council that “Seven months after the formation of the new administration, freedom of expression, association and assembly remain severely restricted, and incommunicado detention, torture and other ill-treatment continue to be used routinely. The authorities continue to convict individuals in trials marred with irregularities. They resort extensively to the death penalty, imposed largely for crimes that do not meet the criterion of “most serious” crimes. No concrete measures have been taken to eliminate discrimination against women and members of ethnic and religious minorities who face widespread discrimination in law and practice”.³¹
- 2.7.8. The March 2014 Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran notes that “The United Nations human rights mechanisms continue to raise concerns about amputations, floggings, increased application of the death penalty, arbitrary detention and unfair trials. Freedom of expression remains curtailed, with a large number of journalists still in prison and social media being blocked. Human rights defenders and women’s rights activists continue to face arrest and persecution. Women are subject to discrimination, entrenched both in law and in practice. Discrimination against minority groups persists, in some cases amounting to persecution. Lack of access to timely and appropriate health care in prisons remains an issue”.³²
- 2.7.9. The U.S. Department of State report covering 2013 notes that “The government took few steps to prosecute, punish, or otherwise hold accountable officials who committed abuses. Members of the security forces detained in connection with abuses were frequently released soon after their arrest, and judicial officials did not prosecute offenders. Impunity remained pervasive throughout all levels of the government and security forces”.³³ Amnesty International similarly notes in a May 2014 report on ill-treatment of political prisoners in Evin Prison that “In the past, the Iranian authorities have frequently failed to conduct independent investigations into allegations of torture and other ill-treatment and other serious abuses by officials, and to bring those responsible to justice, in breach of Iran’s obligations under international law. This has

³⁰ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.d. Role of the Police and Security Apparatus, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 20 October 2014]

³¹ UN Human Rights Council, Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status, 27 February 2014 http://www.ecoi.net/file_upload/1930_1396002758_q1411433.pdf [Accessed 28 October 2014]

³² UN Human Rights Council, Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, 7 April 2014, paragraph 5 http://www.ecoi.net/file_upload/1930_1399473322_a-hrc-25-26-en.doc [Accessed 27 October 2014]

³³ U.S. Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Executive Summary <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352> [Accessed 28 October 2014]

contributed to a pervasive culture of impunity which fuels continuing serious human rights violations”.³⁴

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Police

2.7.10. Jane’s Sentinel Security Assessment, updated 23 April 2014 stated:

‘The LEF [Law Enforcement Forces (Niruha-ye Entezami-ye Jomhuri-ye Islami)] was created in 1991 through a merger of the police, gendarmerie, and the revolutionary committees and is charged with combined duties: law enforcement, border control, and maintaining public order. Although nominally under the leadership of the Ministry of the Interior, the Supreme Leader has to approve a nominee that the president proposes as LEF chief. In November 2007, the LEF announced a programme to upgrade the equipment of the border regiments. The move would help strengthen border security and counteract the activities of terrorist groups. The LEF also has a major role in anti-smuggling operations and in countering drugs trafficking.’

‘Units within the LEF have overlapping responsibilities. The Social Corruption Unit of the LEF deals with social behaviour considered “immoral”. However, there is a similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office), which concerns itself with the type of music people listen to, the interaction between the sexes in public places, and various forms of perceived lewd behaviour. The latter group came to prominence after arresting and questioning journalists.’

‘The LEF has a counterintelligence unit, which has also been involved in the investigation of corruption. The unit was formerly headed by Mohammed Reza Naqdi, who was accused, along with junior officers, of using force to extract confessions from Tehran mayors held on corruption charges. Naqdi was subsequently cleared in court of torture but convicted of slander. He was removed from the LEF and transferred to other duties, being replaced in September 2000 as LEF counterintelligence chief by Abdolhosein Ramexani. Naqdi was subsequently appointed by former president Ahmadinejad to the powerful post of head of the Basij militia in 2009. The current head of the LEF is Brigadier General Esmail Moghadam (see below). It is part of the LEF’s role to coordinate on internal security matters with the Ministry of Intelligence and Security (MOIS).’

‘In June 2011, the US Treasury department blacklisted Moghadam and his deputy, Ahmad-Reza Radan, accusing the LEF of providing material support to the Syrian General Intelligence Directorate and sending personnel to Damascus to assist the Syrian government in suppressing the Syrian people. The department accused Radan of travelling to Damascus in April 2011 and providing expertise to the Syrian security services to aid the regime’s crackdown on the people.’

In 2012, the US Treasury Department further targeted the LEF as part of a move against individuals and entities in Iran and Syria judged to have perpetrated human rights abuses by means of Information Technology. The department said that in January of that year the LEF “issued new regulations requiring owners of internet cafes to install closed circuit television cameras and to register the identity and contact details of users before allowing them to use their computers”. The department went on: “Given the LEF’s history of serious human rights abuses, its efforts to monitor the Iranian public

³⁴ Amnesty International, “Justice is an alien word”: Ill-treatment of political prisoners in Evin Prison, 15 May 2014 <http://www.amnesty.org/en/library/asset/MDE13/023/2014/en/6fe53276-1c66-4711-9740-6fc9b9983912/mde130232014en.pdf> [Accessed 28 October 2014]

can reasonably be assumed to assist in or enable human rights abuses by or on behalf of the Government of Iran." ³⁵

- 2.7.11. The [Interpol website](#), accessed 20 October 2014, provides information on the various operational police force units in Iran³⁶.

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Iranian Revolutionary Guards Corps (IRGC also known as 'Pasdaran')

- 2.7.12. A BBC News profile of Iran's Revolutionary Guards Corps (IRGC) dated 18 October 2009 stated that:

'Iran's Islamic Revolution Guards Corps (IRGC) was set up shortly after the 1979 Iranian revolution to defend the country's Islamic system, and to provide a counterweight to the regular armed forces. It has since become a major military, political and economic force in Iran, with close ties to the Supreme Leader, Ayatollah Ali Khamenei, and President Mahmoud Ahmadinejad, a former member.'

'The force is estimated to have 125,000 active troops, boasts its own ground forces, navy and air force, and oversees Iran's strategic weapons.'

'It also controls the paramilitary Basij Resistance Force and the powerful bonyads, or charitable foundations, which run a considerable part of the Iranian economy.'³⁷

- 2.7.13. Jane's Sentinel Security Assessment, updated 23 April 2014 notes:

'The Islamic Revolutionary Guards Corps (IRGC), commonly known as the Pasdaran (Guardians), is composed of a number of main branches: Ground Forces; Air Force (referred to as Aerospace Force); Navy (including a Marine force); Basij militia and the Qods Force special operations branch. There is a ground-based IRGC Air Defence force, which operates in co-ordination with the regular army's air defence force. The IRGC is an active component of the Iranian intelligence community, and operates an Intelligence Directorate. The IRGC has a cultural and military mission. Its cultural role is in safeguarding the achievements of the Islamic Revolution, while its military role includes supporting the regular forces when required; carrying out asymmetric operations and taking charge of Iran's missile forces and Weapons of Mass Destruction (WMD). In addition, the IRGC is involved in the commercial and business life of Iran. The US Treasury Department has said that the IRGC owns and/or controls "multiple commercial entities across a wide range of sectors within the Iranian economy".

"Because of its dual political and military role, the IRGC also has an internal security role, which includes local intelligence gathering; this role has grown in importance since the end of the war with Iraq. While co-operation between the IRGC and the national police is institutionalised, it is best to treat the IRGC predominantly as a military land force that parallels the regular army, a role institutionalised by the war-fighting demands of the Iran-Iraq war." ³⁸

³⁵ Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 23 April 2014. Subscription source. [Accessed 20 October 2014]

³⁶ Interpol. Member countries. Iran. <http://www.interpol.int/Member-countries/Asia-South-Pacific/Iran> [Accessed 20 October 2014]

³⁷ British Broadcasting Corporation (BBC) News Profile: Iran's Revolutionary Guards, 18 October 2009 http://news.bbc.co.uk/1/hi/world/middle_east/7064353.stm [Accessed 20 October 2014]

³⁸ Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 23 April 2014. Subscription source. [Accessed 20 October 2014]

- 2.7.14. The Jamestown Foundation report that “since the end of Iran-Iraq War in 1988, the IRGC has become not only a powerful military organization, but also a political force in Iran and the region. As the custodian of the Islamic revolution that established the Islamic Republic in 1979, the IRGC has built a vast network of economic, political and security operatives, the most important of which control Iran’s controversial nuclear program.”³⁹
- 2.7.15. The same source continued “since its inception, a number of internal and regional changes have bolstered the role of the paramilitary IRGC as a military-political actor. While the Iran-Iraq War provided the IRGC with military experience, the training of a new Shi’a militia force, Hezbollah, in reaction to the Israeli invasion of Lebanon in 1982 enabled the IRGC to operate beyond Iranian borders. A special unit, the Quds (Jerusalem) Force, emerged to play an important role in the IRGC’s regional operations in Afghanistan, Lebanon and Bosnia, with a recent active presence in Syria in support of the Assad regime.”⁴⁰

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Basij

- 2.7.16. Jane’s Sentinel Security Assessment, updated 23 April 2014 notes that:

‘Known as the "Mobilisation of the Oppressed", the Basij volunteer force is a paramilitary militia organised throughout Iran under the tutelage of the Islamic Revolutionary Guards Corps (IRGC). Basij personnel are the eyes and ears of the Islamic regime and are considered extremely loyal. Iran claims that the Basij number about 12.6 million. In reality, the number of Basij volunteers of military age that can be mobilised is much smaller, probably up to 1.5 million.’

‘The Basij has taken a very active role in Iran’s domestic security affairs. It maintains a formal presence in all government offices, universities, schools, trade associations, hospitals and factories. Formed on the orders of the Ayatollah Khomeini in November 1979 after the US Embassy siege, the Basij militia is designed to defend the Islamic republic against internal enemies and foreign intervention.’

‘It is claimed that the Basij have bases in 70,000 locations nationwide. Members of the Basij are organised into five main elements: the Pupil Basij, the Student Basij, the University Basij, the Public Service Basij and the Tribal Basij. The diverse range of these units demonstrates the various roles of the militia, and the fact that the aim of the Basij is not just to forge a paramilitary force, but to reinforce support for the regime through ideological dissemination. As a result, the figure of 12.6 million includes 4.6 million schoolchildren of both genders. Making up the Pupil Basij, these members are between the ages of 12 and 18, with the younger recruits (between the ages of 12 and 15) forming the poyandegan (seekers) and the elder recruits being the peeshmargan. These elder Pupil Basij members are akin to the "young pioneers" and "komsomol" of the Soviet Union; essentially a mass youth movement that included most children and helped encourage regime support at a young age. Although members may progress

³⁹ Jamestown Foundation: Iran’s Revolutionary Guards and Iraq’s Security Breakdown; Terrorism Monitor Volume: 12 Issue: 14, 10 July 2014
http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=42602&cHash=271576c3546e900a849c6a227cd2f35e#.VEDo14G3fIU [Accessed 20 October 2014]

⁴⁰ Jamestown Foundation: Iran’s Revolutionary Guards and Iraq’s Security Breakdown; Terrorism Monitor Volume: 12 Issue: 14, 10 July 2014
http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=42602&cHash=271576c3546e900a849c6a227cd2f35e#.VEDo14G3fIU [Accessed 20 October 2014]

into the University, Tribal, Student or Public Service Basij, the Pupil Basij acts more as a means of spreading Islamic values than as a paramilitary force.'

'The backbone of the paramilitary organisation is made up of the Ashura and Al-Zahra regionally commanded battalions (Al-Zahra battalions are for women), which consist of 300-350 personnel each. In November 2007, Major General Yahya Rahim-Safavi, the former commander of the IRGC, stated that the number of Ashura and Al-Zahra battalions stood at 2,500, with between 750,000 and 875,000 members within these battalions. It has been estimated that the Basij might have an active strength of about 90,000, with the ability, as indicated above, to mobilise up to 1.5 million members of military age, including a sizeable number of women.'

'The preservation of internal security is the primary role of the Basij. Although it also nominally exists to contribute to external defence, as in the case of the Iran/Iraq war when large numbers were deployed, given its size and paramilitary nature the main utility of the Basij members to the government is to act as the eyes and ears of the Islamic republic. In carrying out their ideologically-based duties, Basij members act as "moral police" in towns and cities by enforcing the hijab, arresting women for violating the dress code, prohibiting male-female fraternisation, monitoring the activities of citizens, seizing "indecent" material and satellite dish antennae, intelligence gathering and even harassing government critics and intellectuals. Basij volunteers also act as bailiffs for local courts.'

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- 2.7.17. The same source also noted that "...the Basij, plays an increasingly prominent role in the suppression of domestic unrest. Throughout the 1990s, the regular army and IRGC alike protested at being ordered to suppress citizens demonstrating against Iran's worsening economic conditions. For instance, in August 1994, they refused orders to open fire on protesters in Qazvin. The Basij, however, had no such qualms. They were similarly deployed by conservative clerics to quell the student riots of 1999 and 2003. The Basij were among the forces deployed to suppress the protests following the 2009 presidential election."
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Ministry of Intelligence and Security (MOIS) and Vezarat-e Ettela'at va Amniat-e Keshvar (VEVAK) aka Ettela'at

- 2.7.18. Jane's Sentinel Security Assessment, updated 23 April 2014 notes that

'Ministry of Intelligence and Security (MOIS), or Vezarat-e Ettela'at va Amniat-e Keshvar (VEVAK) is Iran's intelligence and state security service. The agency is responsible for fighting opposition to the regime not only at home but also abroad. Some Iranian intelligence agents have operated in foreign locations under diplomatic cover, as part of a drive to collect intelligence on Iranian opposition elements operating outside Iran. The MOIS has had a particular focus on the Mujahideen e-Khalq (MEK) opposition militia group and its allied political group, the National Council of Resistance of Iran (NCRI). Monarchists, Iranian Kurdish dissidents and left-wing groups have also come under the scrutiny of the MOIS. It is believed that the MOIS has a particular focus on Iran's turbulent neighbour, Iraq, where there is a large Shia population. Prior to the 2003 US-led invasion, there were indications that the MOIS liaised with the Iraqi opposition group, the Iraqi National Congress, which was seeking the overthrow of the Saddam Hussein regime. Counter-intelligence is part of the MOIS mission, and in February 2007

⁴¹ Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 23 April 2014. Subscription source. [Accessed 20 October 2014]

⁴² Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 23 April 2014. Subscription source. [Accessed 20 October 2014]

the MOIS claimed to have identified 100 spies working for the US and Israel in border areas of Iran. During 2011, Iran claimed to have arrested more than 40 CIA "spies". As part of its remit, the MOIS monitors the clerical community and government officials. MOIS officers themselves are vetted for ideological conformity.'

'The MOIS, initially better known by the acronym SAVAMA (Ministry of Intelligence and National Security; Sazman-e Ettela'at va Amniyat-e Melli-e Iran), is the successor to SAVAK (National Intelligence and Security Organisation; Sazeman-e Ettela'at va Amniyat-e Keshvar), the intelligence agency that operated under the Shah and which was dissolved in 1979 at the time of the Islamic revolution. Senior officials of SAVAK were executed after the Khomeini regime took power. However, some analysts believe it is likely that former SAVAK personnel were employed in the new agency, because of their intimate knowledge of left-wing groups and Iraq's Baath Party.'

'In February 2012 the US Treasury Department had blacklisted MOIS "for its support to terrorist groups as well as its central role in perpetrating human rights abuses against the citizens of Iran and its role in supporting the Syrian regime as it continues to commit human rights abuses against the people of Syria". The department accused MOIS of providing support to Hizbullah and Hamas, as well as facilitating the movement of Al Qaeda operatives in Iran and providing them with documents, identification cards and passports. The department also stated that MOIS agents were responsible for the "beatings, sexual abuse, prolonged interrogations, and coerced confessions of prisoners, particularly political prisoners" following the June 2009 elections in Iran. In a further development in 2012, the Treasury Department accused MOIS of providing technological and analytical support to Syria's General Intelligence Directorate to monitor internet and social media as part of a programme directed against opposition groups.'

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2.8 Judiciary

Organisation

2.8.1. 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.'

⁴³ Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 23 April 2014. Subscription source. [Accessed 20 October 2014]

⁴⁴ 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> [Accessed 20 October 2014]

2.8.2. 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 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 fulfill 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.'⁴⁵

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Fair Trial

2.8.3. Freedom House noted that "Suspects are frequently tried in closed sessions without access to legal counsel. Judges commonly accept coerced confessions and disregard torture or abuse during detention. Political and other sensitive cases are tried before revolutionary courts, where due process protections are routinely disregarded and trials are often summary. [...] The government practice of pressuring lawyers to abandon the cases of political and social detainees is widespread in Iran. Lawyers who resist such pressure can face harassment, interrogation, and incarceration".⁴⁶

2.8.4. Human Rights Watch noted in an August 2014 report on political prisoners in Karaj that it "has documented cases where prosecutors have charged critics of the government for allegedly committing crimes of violence such as terrorism, without providing sufficient, or in some cases any, evidence to establish the guilt of the accused. Revolutionary courts have subsequently convicted many of these individuals, often handing down harsh sentences. There have been numerous due process violations in many of these trials, including secret hearings, lack of access to a lawyer, long periods of incommunicado and solitary confinement, and serious allegations of torture and coerced confessions".⁴⁷ The International Federation for Human Rights reports in June 2014 that "The right to a fair trial continues to be systematically violated, and the courts increasingly hand down the death penalty, most often for cases of drug trafficking. Thousands of people – including many members of ethnic communities such as the Balochs, Kurds, and Arabs – are on death row in Iran." Over 700 executions, including at least 8 minors, were carried out in 2013.⁴⁸

2.8.5. The March 2014 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran notes that "Lawyers reported that they believed that judges, particularly those in revolutionary courts, made their decisions almost exclusively on the basis of reports submitted by arresting and investigating intelligence officials (and confessions, if available). This approach was indeed reflected in the revolutionary court verdicts reviewed by the Special Rapporteur, which made extensive reference to the reports of the Ministry of Intelligence. [...] Lawyers also reported that this culture of intimidation deters them from raising reports of torture in their clients' defence for fear that judiciary and security forces might retaliate, including through prosecution or the revocation of their professional license, and often deters individuals from hiring legal counsel in order to avoid the accusation that hiring a lawyer is an admission of guilt." ⁴⁹

⁴⁵ 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 [Accessed 20 October 2014]

⁴⁶ Freedom House. Freedom in the World 2014. Iran. 23 January 2014.

<http://www.freedomhouse.org/report/freedom-world/2014/iran-0> date accessed 17 October 2014

⁴⁷ Human Rights Watch, Locked Up in Karaj: Spotlight on Political Prisoners in One Iranian City, 18 August 2014 Summary p.2 <http://www.hrw.org/reports/2014/08/18/locked-karaj> [Accessed 27 October 2014]

⁴⁸ International Federation for Human Rights (FIDH), Iran: Human rights caught between diplomatic progress and political deadlock, 17 June 2014

<http://www.fidh.org/en/asia/iran/15568-iran-human-rights-caught-between-diplomatic-progress-and-political> [Accessed 27 October 2014]

⁴⁹ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014, paragraphs 65, 69. 71

http://www.ecoi.net/file_upload/1930_1396875258_a-hrc-25-61-eng.doc [Accessed 27 October 2014]

2.8.6. The same source further notes that “All persons interviewed for the present report stated that they had had no access to a lawyer during the initial investigation stage of their case, which is precisely the period when most violations of fair trial standards occur. Some 56 per cent of interviewees who were prosecuted reported that they did not have a lawyer during their trial. In three cases, judges reportedly refused to allow the defendants to retain a lawyer of their choice. [...] For 45 per cent of interviewees who faced trial, the court allegedly did not permit the defendant to present a defence, or only allowed partial defence. In 43 per cent of cases, trials lasted only minutes. In 70 per cent of the trials, interviewees reported that coerced information or confessions had been reportedly used by the judge or made up at least part of the intelligence report presented by the prosecution. Some 65 per cent of interviewees reported that the judge had displayed signs of bias, such as by reproaching or interrogating defendants, and limiting their ability to speak and present a defence”.⁵⁰

2.8.7. The US State Department’s, ‘Country Reports on Human Rights Practices 2013 – Iran’, released on 27 February 2014 stated that:

‘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, and the heads of the judiciary, 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.’⁵¹

‘According to the constitution and criminal procedure code, a defendant has the right to a fair trial, a presumption of innocence, a lawyer of his or her choice, and the right of appeal in most cases that involve major penalties. These rights were not respected. Panels of judges adjudicate trials; there is no jury system in the civil and criminal courts. Human rights activists reported trials in which authorities appeared to have determined the rulings in advance and defendants did not have the opportunity to confront their accusers or have access to government-held evidence.’⁵²

‘The government often charged political dissidents with vague crimes, such as “antirevolutionary behavior,” “moral corruption,” “siding with global arrogance,” “enmity towards God” (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 law (sharia). 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,” meaning that the

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, paragraphs 73, 75
http://www.ecoi.net/file_upload/1930_1396875258_a-hrc-25-61-eng.doc [Accessed 27 October 2014]

⁵¹ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.e. Denial of Fair Public Trial,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 20 October 2014]

⁵² US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.e. Trial Procedures, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 20 October 2014]

victim was believed to have done something serious and contrary to sharia. Other trials were designed to publicize coerced confessions.’⁵³

- 2.8.8. The Foreign and Commonwealth Office in their Human Rights and Democracy Report covering 2013 recorded that access to justice and the rights of defendants continued to be a concern. There were numerous reports in 2013 of appeals processes being neglected and defendants being denied access to representation in court. President Rouhani promised to remove the dominance of police and intelligence forces in everyday life but there has been no indication of institutional changes to the security forces or judiciary to bring this about. There continued to be reports of politically motivated charges, a lack of due process, and regime officials, security and intelligence forces continued to enjoy a high level of impunity.⁵⁴
- 2.8.9. Similarly Amnesty International have reported that political and other suspects continued to face grossly unfair trials before Revolutionary and Criminal Courts. They often faced vaguely worded charges that did not amount to recognizably criminal offences and were convicted, sometimes in the absence of defence lawyers, on the basis of "confessions" or other information allegedly obtained under torture. Courts accepted such "confessions" as evidence without investigating how they were obtained.⁵⁵

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Summonses

- 2.8.10. 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 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

⁵³ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.e. Trial Procedures, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220352>, [Accessed 20 October 2014]

⁵⁴ UK Foreign and Commonwealth Office: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Iran, 10 April 2014 (Updated 16 October 2014). <https://www.gov.uk/government/publications/iran-country-of-concern/iran-country-of-concern> [Accessed 20 October 2014]

⁵⁵ Amnesty International, Amnesty International Annual Report 2013 - Iran, 23 May 2013. <http://www.amnesty.org/en/region/iran/report-2013> [Accessed 20 October 2014]

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.’⁵⁶

2.8.11. 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.’⁵⁷

2.8.12. The Danish 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 near future and it was mentioned that in some cases this could be within three days.’⁵⁸

2.8.13. The Danish Fact Finding Report 2013 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.’)⁵⁹

2.8.14. The Danish Fact Finding Report 2013 continued:

⁵⁶ 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, accessed via <http://www.unhcr.org/refworld/country,,IRBC,,IRN,,4b7cee7e1e,0.html> [Accessed 20 October 2014]

⁵⁷ 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, accessed via <http://www.unhcr.org/refworld/country,,IRBC,,IRN,,4b7cee7e1e,0.html> [Accessed 20 October 2014]

⁵⁸ 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. 5.1.1 Procedure for issuing summons Page 60. <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [Accessed 20 October 2014]

⁵⁹ 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. 5.1.2 Procedure for delivering and receiving summons Page 60. <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf> [Accessed 20 October 2014]

‘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.’

‘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.’⁶⁰

- 2.8.15. The IAGCI Review 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.’⁶¹ 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.’⁶²

⁶⁰ 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 20 October 2014]

⁶¹ 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>[Accessed 20 October 2014]

⁶² 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>[Accessed 20 October 2014]

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.⁶³

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Arrest warrants

2.8.16. The U.S. Department of State report for 2013 notes that "the constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of charges within 24 hours. Authorities often violated these procedures by holding some detainees, at times incommunicado, for weeks or months without charge or trial, frequently denying contact with family or timely access to legal representation".⁶⁴

2.8.17. 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.'⁶⁵

⁶³ 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> [Accessed 20 October 2014]

⁶⁴ U.S. Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 1.d. Arrest Procedures and Treatment of Detainees <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352> [Accessed 27 October 2014]

⁶⁵ Canadian Immigration and Refugee Board, IRN101299.E. 20 June 2006. Arrest warrants and other court documents; trial in absentia in criminal cases; punishment for persons charged with helping anti-revolutionaries; procedure when someone acts as surety; which competent authority or court has legal jurisdiction to issue a death sentence to a convicted criminal; circumstances under which a 'warning to seal' document is issued and the consequences for the person named in the document; circumstances under which a private home is 'sealed'; whether it is pursuant to a court order and, if so, legal documents issued to the person concerned or availability of these documents through legal representatives; impact of a sealing on the resident (2004–2006). <http://www.unhcr.org/refworld/country,,IRBC,,IRN,,485ba8651f,0.html> [Accessed 20 October 2014]

2.8.18. In a further response by the IRB, 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.’⁶⁶

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2.9 Corruption

2.9.1. In its 2013 Corruption Perceptions Index (CPI), released on 3 December 2013, Transparency International ranked Iran 144th [down from 133rd the previous year] in the world corruption rankings out of 176 countries surveyed, giving it a score of 25 [down from 28]. [‘A country or territory’s score indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean.’]⁶⁷

2.9.2. The Freedom House report, ‘Freedom in the World 2014 – Iran’ noted that:

‘Corruption is pervasive at all levels of the bureaucracy, and oversight mechanisms to ensure transparency are weak. The hard-line clerical establishment and the IRGC, to which it has many ties, have grown immensely wealthy through their control of tax-exempt foundations that dominate many sectors of the economy. The Ahmadinejad administration gravely damaged fiscal transparency and accountability through the abolition of independent financial watchdogs and the murky transfer of profitable state companies to the IRGC and other semi governmental conglomerates.’⁶⁸

⁶⁶ 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, accessed via http://www.unhcr.org/refworld/country_IRBC_IRN_4b7cee7e1e.0.html [Accessed 20 October 2014]

⁶⁷ Transparency International. Corruption Perceptions Index 2013. Published 3 December 2013 http://issuu.com/transparencyinternational/docs/cpi2013_brochure_single_pages?e=2496456/5813913 [Accessed 17 October 2014]

⁶⁸ Freedom House. Freedom in the World 2014. Iran. 23 January 2014. <http://www.freedomhouse.org/report/freedom-world/2014/iran-0> [Accessed 17 October 2014]

2.9.3. The US Department of State's 'Country Report on Human Rights Practices 2013' reported that:

'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 large portion of the country's economy that some experts estimated at 30 percent. Government insiders, including members of the military and clergy, run 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 were not required to have their budgets publicly approved.'

'International news agencies reported that numerous IRGC [Islamic Revolutionary Guard Corps] -operated front companies and subsidiaries engaged in illicit trade and business activities in the telecommunications, mining, and construction sectors. Other IRGC entities reportedly engaged in smuggling pharmaceutical products and raw materials. Similarly, the domestic and international press reported that individuals with strong government connections had access to foreign currency at preferential exchange rates, allowing them to take advantage of a gap between the country's black market and official exchange rates'.

'Some senior judicial officials acknowledged corruption, pointing to a failure to enforce laws. On May 4 [2013], then general inspection organization head Mostafa Pourmohammadi stated, "There is effective legislation to combat economic corruption, but there is a shortcoming in the enforcement of the law." On October 2 [2013], Sadeq Larijani, head of the judiciary, stated that there was a "small group of corrupt judges" in the court system and that officials had begun a campaign to fight corruption within the judiciary.'

'Numerous government agencies existed to fight corruption, including the Anticorruption Headquarters, Anticorruption Task Force, Committee to Fight Economic Corruption, and the General Inspection Organization. Parliament's Article 90 Commission was also authorized to look into complaints of corruption within the government. Information regarding these organizations' specific mandates, their collaboration with civil society, and whether they were sufficiently resourced was unavailable at year's end [2013].'

'On November 11 [2013], Reuters published the results of its six-month investigation into the operations of Setad-e Ejraie-ye Farman-e Hezrat-e Emam (Headquarters for Executing the Order of the Imam), a financial organization worth an estimated \$95 billion under the control of Supreme Leader Khamenei. According to Reuters, Setad had engaged in the systematic seizure of thousands of properties belonging to citizens, sometimes by falsely claiming in courts that the properties had been abandoned. The report also alleged that Supreme Leader Khamenei oversaw the creation of a body of legal rulings and executive orders that enabled and protected Setad's acquisitions. The report noted that Reuters found no evidence Khamenei used the organization for personal enrichment but stated that Setad "empowered" Khamenei, giving him unchecked control over vast financial resources. The Islamic Republic News Agency

responded to the report, calling its claims “false” and claiming that its goal was to “destroy people’s trust in the popular institutions that serve the Islamic Republic.”⁶⁹

2.9.4. 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.”⁷⁰

2.9.5. The joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council on Iran notes that, according to consular officers of the US Embassy in Ankara, “...bail would normally not be possible for political activists, however bribes could get a person out of jail and in general, corruption is widespread.”⁷¹

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2.10 Freedom of movement

2.10.1. The US State Department’s, ‘Country Reports on Human Rights Practices 2013 – Iran’, released on 27 February 2014 stated that:

‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government placed some restrictions on these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) with regard to refugees from Afghanistan and Iraq. In-country Movement: Women, especially in rural areas, sometimes faced official and unofficial harassment for traveling alone.’

‘Conservative social norms often restricted the free movement of women in rural areas outside the home or village. Women in those areas often required the supervision of a male guardian or chaperone to travel. Refugees faced restrictions on in-country movement. According to the UN special rapporteur’s October 4 [2013] report, Afghan nationals were banned from residing in 16 of the country’s 31 provinces and in parts of 13 other provinces.’

‘Foreign Travel: 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 foreign travel of some religious leaders, members of religious minorities, and

⁶⁹ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014 Section 4. Corruption and Lack of Transparency in Government. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 14 October 2014]

⁷⁰ 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> [Accessed 20 October 2014]

⁷¹ 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. 5.2 Use of bail Page 62 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeliquidgave.pdf> [Accessed 28 October 2014]

scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women's rights activists, and artists remained subject to travel bans and passport confiscation during the year [2013].'

'Exile: Although the law does not explicitly permit external exile, judges sentenced several individuals to internal exile or imprisonment in areas far from their homes in order to prevent family visits. Many dissidents, activists, journalists, academics, artists, members of recognized and unrecognized religious or ethnic minority communities, and LGBT persons practiced self-imposed exile to express their beliefs freely or escape government harassment.'⁷²

2.10.2. Amnesty International reported that in February 2006 that "the head of the parliament's Education and Research Committee said that both the parliament and the SCCR were considering the introduction of gender quotas on access to higher education, and the following year the parliament began considering a draft law. One of its main supporters of introduction of a gender quota within the parliament, Zadalil Khalil Tahmasbi, observed: 'As women cannot work and travel to remote cities without the permission of their fathers and husbands, their expertise is of no benefit to the country'."⁷³

2.10.3. Information on the Iran Human Rights Documentation Center's (IHRDC) website, 'Fundamentals of freedom of movement in Iran', dated 2011, stated, 'Iran limits the freedom of movement within its borders of political activists and others it deems threats to the State party... Iran also interferes with individuals' freedom of movement by subjecting former detainees to frequent and arbitrary arrests, and requiring them to check in at a court or office... Iran interferes with individuals' freedom of movement by arbitrarily preventing them from leaving the State.'⁷⁴

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2.11 Citizenship and Nationality

2.11.1. The US Office of Personnel Management (USOPM)'s, 'Citizenship Laws of the World' report states that citizenship is based upon the Iranian Civil Code [Article 976] as follows:

BY BIRTH: In general, birth within the territory of Iran does not automatically confer citizenship. The following are instances where birth within the territory of Iran does confer citizenship: Child born to unknown parents. Child born to non-citizens, one of whom was born within Iran. Child born to non-citizens, who, after reaching the age of 18, continues to reside within Iran for at least one year.

BY DESCENT: Child born to an Iranian father regardless of the child's country of birth.

MARRIAGE: Foreign woman who marries an Iranian man is entitled to citizenship.

⁷² US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 2d. Freedom of Movement. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 17 October 2014]

⁷³ Amnesty International, Silenced, expelled, imprisoned: Repression of students and academics in Iran, 2 June 2014, Limiting women's access to higher education p.23 <http://www.amnesty.org/en/library/asset/MDE13/015/2014/en/a44b334a-cbcb-468d-a2f8-e3e66ce9e939/mde130152014en.pdf> [Accessed 28 October 2014]

⁷⁴ Iran Human Rights Documentation Center. Fundamentals of Freedom of Movement in Iran, 2011 <http://www.iranhrc.org/english/news/features/3428-freedom-of-movement.html?p=3> [Accessed 16 October 2014]

BY NATURALIZATION: Iranian citizenship may be acquired upon fulfillment of the following conditions: Person must be at least 18 years of age, have resided in Iran for five years, not be a military service escapee, and not have been convicted of a major crime in any country.

The wives and minor children (under 18) of naturalized Iranian citizens are also considered Iranian citizens.

DUAL CITIZENSHIP: NOT RECOGNIZED. 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.

LOSS OF CITIZENSHIP:

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.⁷⁵

See also: UNHCR refworld provides an unofficial translation of the Iranian Civil Code, 23 May 1928. The Code was last amended on 31 July 2006 (Farsi), but the last amendment included here is dated 29 December 1985. This document includes only selected provisions from Book 2 on nationality. <http://www.refworld.org/docid/3ae6b5a68.html>

2.11.2. The US State Department's, 'Country Reports on Human Rights Practices 2013 – Iran', released on 27 February 2014 stated that:

'Birth Registration: Citizenship is derived from a child's father, regardless of the child's country of birth. Birth within the country's borders does not confer citizenship, except when a child is born to unknown parents; when both parents are noncitizens, but at least one parent was born in the country; or when a child born in the country to noncitizens continues to reside in the country for at least one year after age 18. The law requires that all births be registered within 15 days.'⁷⁶

2.11.3. The same report also noted that, 'Women may not transmit citizenship to their children or to a noncitizen spouse. According to media reports, there were officially 30,000 citizens married to Afghan men, although the number was likely much higher. There

⁷⁵ US Office of Personnel Management. Citizenship Laws of the World, March 2001. <http://www.multiplecitizenship.com/worldsummary.html> [Accessed 16 October 2014]

⁷⁶ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 6. Children. Birth Registration. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 17 October 2014]

were more than 32,000 children without refugee identification cards, making them effectively stateless and subject to inconsistent government policies. They may attend formal government schools but may not receive certification for their attendance. Medical care is provided by charities, principally Iranian. They are barred from receiving formal government support or travel documents.’⁷⁷

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Identity cards

- 2.11.4. An article by an Iranian election analyst, posted on the Tehran Bureau website on 4 May 2012 noted:

‘For years, Iranians have voted by presenting their shenasnameh, a document similar to a passport. Typically, voters could cast their ballot anywhere in the country by presenting the shenasnameh, which was then stamped. Iran has not maintained separate voter registration lists, nor has it required that voters cast their ballots at a specific precinct. Iranians often refer to the shenasnameh as a “birth certificate” as it is typically issued at the time and location of a person’s birth. It is the responsibility of the local issuing agencies to report to the national authorities the documents they have issued, which they appear to have done less than systematically, especially in the countryside. If a shenasnameh is reported lost, a new document can usually be issued, again locally. For that and many other reasons, the Interior Ministry has since 2008 issued each Iranian aged 15 and over, in addition to the shenasnameh, a national identity card (cart-e melli), which is recorded in a national database with a unique number and a photo.’⁷⁸

- 2.11.5. 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.’⁷⁹

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2.12 Illegal exit

- 2.12.1. 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 [SB \(risk on return-illegal exit\) Iran CG \[2009\] UKAIT 00053](#) (16 December 2009):

“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

⁷⁷ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 2. Stateless Persons. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 17 October 2014]

⁷⁸ Tehran Bureau. Virtual Votes: Questions over New Electronic Election System <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/05/comment-virtual-votes-questions-over-new-electronic-election-system.html> [Accessed 16 October 2014]

⁷⁹ Middle East Consultancy Services, Iranian National ID card, 9 September 2012 <http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=26> [Accessed 16 October 2014]

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 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.”⁸⁰

- 2.12.2. The US State Department report covering 2013 reported that “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 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 travel bans and passport confiscation during the year [2013].”⁸¹ “A woman must have the permission of her husband, father, or other male relative to obtain a passport. A married woman must receive written permission from her husband before she leaves the country.”⁸²
- 2.12.3. According to Mr. Hossein Abdy, Head of Passport and Visa Department, some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before completion of service for educational purposes or in the event that he needs to travel for medical attention abroad. Additionally, persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case.⁸³
- 2.12.4. Checks are carried out, at the time of passport issue, in relation to any other outstanding security issues, such as outstanding warrants, which could prevent either a

⁸⁰ UK Asylum and Immigration Tribunal. *SB (risk on return-illegal exit) Iran CG [2009] UKAIT 00053*. Para 21 and 22. <https://tribunalsdecisions.service.gov.uk/utiac/37683> [Accessed 16 October 2014]

⁸¹ US Department of State, Country Report on Human Rights Practices 2013, Iran, 27 February 2014, Section 2d. Freedom of Movement. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>, [Accessed 17 October 2014]

⁸² US Department of State, Country Report on Human Rights Practices 2013, Iran. 25 May 2012. Section 2.d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186425> [Accessed 3 November 2014]

⁸³ 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. 6.2 Exit bans and other issues leading to a person not being able to travel Page 69 <http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeliquidgave.pdf> [Accessed 28 October 2014]

male or a female from being issued the passport. This takes place at the time of the general passport application rather than when issuing any particular 'exit stamp'. This is done using a specialised database, which is also the same system used at the airport when conducting the final verification of eligibility to travel at the security checkpoint.⁸⁴

- 2.12.5. The 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 'On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures', 9 to 20 November 2012 and 8 to 9 January 2013, published February 2013 [Danish fact finding report 2013], stated that:

'An employee of a Western embassy (5), did not consider it possible to exit the Imam Khomeini International Airport with a forged passport, but would not rule out the possibility of a person being able to bribe his way out of the airport - though the price would probably be high. (...) The source indicated that many illegal Iranian migrants abroad have left Iran using original national passports but there were also examples of people having left on foreign forged passports.'

'Concerning the issue of bribery in Imam Khomeini International Airport, a Western embassy (1) stated that there are easier ways to leave Iran illegally and pointed to the land border with Turkey. The source explained that security measures are efficient and air lines are strict on control of documents, but added that anything is possible in Iran. The embassy would not rule out that a person could bribe his way out of the airport in Iran.'

'The possibility of bribing one's way through the airport was rejected by a well-educated Iranian woman with links to international communities, referring to the very strict security. It was considered that this would be extremely difficult. On whether it would be possible to exit the airport with a forged passport, it was considered that this would have to be a very good forgery, if it at all happens'.

'On the issue of leaving Iran by use of bribery, AIIS [Amnesty International's International Secretariat] referred to one case it had heard of after 2009, in which a woman was able to leave the airport through paying 10,000 USD in advance. It was added that the borders to Turkey and Iraq are porous and there are well-established smugglers' routes. Many people have been able to leave the country illegally.'

'Reference was made to a case where a person had left Iran illegally but later managed to obtain a forged Turkish entry stamp in his passport as well as get his details put into the Turkish system, thus facilitating a normal exit – the person had a Schengen visa. AIIS had no information as to the frequency of such incidents, although such high cost deals are presumably out of reach of people without sufficient financial resources to make them.'⁸⁵

2.13 Forged and fraudulently obtained documents

⁸⁴ Advisory Panel on Country Information, Evaluation of the August 2008 COI report on Iran, Illegal Departure, [Hard Copy available on request]

⁸⁵ 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 Security measures in Khomeini international airport Page 67- 68.

<http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeliquidgave.pdf> [Accessed: 14 October 2014]

2.13.1 The Danish fact finding report 2013 reported on the possibility of bribing officials:

'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 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 U.S. 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.'⁸⁶

2.13.2 A response by the Canadian Immigration and Refugee Board (CIRB) 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.'⁸⁷

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⁸⁶ 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/ronlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeliquidgave.pdf>
[Accessed: 14 October 2014]

⁸⁷ 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, accessed via <http://www.unhcr.org/refworld/country,IRBC,,IRN,,4b7cee7e1e,0.html> [Accessed: 14 October 2014]

Annex A: Map

Map of Iran showing regions and main cities.⁸⁸



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⁸⁸ United Nations (UN) Cartographic Section, Map of Islamic Republic of Iran. 2004.
<http://www.un.org/Depts/Cartographic/map/profile/iran.pdf> [Accessed 15 October 2014]

Annex B: Caselaw

SB (risk on return-illegal exit) Iran CG [2009] UKAIT 00053 (16 December 2009)

- (i) Events in Iran following the 12 June 2009 presidential elections have led to a government crackdown on persons seen to be opposed to the present government and the Iranian judiciary has become even less independent. Persons who are likely to be perceived by the authorities in Iran as being actively associated with protests against the June 2009 election results may face a real risk of persecution or ill treatment, although much will depend on the particular circumstances.
- (ii) Iranians facing enforced return do not in general face a real risk of persecution or ill-treatment. That remains the case even if they exited Iran illegally. Having exited Iran illegally is not a significant risk factor, although if it is the case that a person would face difficulties with the authorities for other reasons, such a history could be a factor adding to the level of difficulties he or she is likely to face.
- (iii) Being a person who has left Iran when facing court proceedings (other than ordinary civil proceedings) is a risk factor, although much will depend on the particular facts relating to the nature of the offence(s) involved and other circumstances. The more the offences for which a person faces trial are likely to be viewed as political, the greater the level of risk likely to arise as a result. The degree of risk will vary according to the nature of the court proceedings; being involved in ongoing court proceedings is not in itself something that will automatically result in ill-treatment; rather it is properly to be considered as a risk factor to be taken into account along with others.
- (iv) Being a person involved in court proceedings in Iran who has engaged in conduct likely to be seen as insulting either to the judiciary or the justice system or the government or to Islam constitutes another risk factor.
- (v) Being accused of anti-Islamic conduct likewise also constitutes a significant risk factor.

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Change Record

Version	Date	Change References
1.0	25 Nov 2014	First version of country information and guidance.

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