

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                       |
|---------------------------------|-----------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>844</b>                                                            |
| Land:                           | Iran                                                                  |
| Kilde:                          | European Asylum Support Office (EASO)                                 |
| Titel:                          | COI Query. Release on temporary bail, court documents, exit from Iran |
| Udgivet:                        | 21. april 2020                                                        |
| Optaget på baggrundsmaterialet: | 13. november 2020                                                     |



## COI QUERY

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Country of Origin</b>                          | <b>Iran</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Main subject</b>                               | <b>Release on temporary bail, court documents, exit from Iran</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Question(s)</b>                                | <ol style="list-style-type: none"><li>1. Temporary release on bail for persons charged with national security or political crimes</li><li>2. Bail payment via third persons instead of direct payment</li><li>3. Regulations regarding the exit from Iran for persons released on a temporary bail</li><li>4. Characteristics of authentic court documents</li><li>5. Way of delivery of court documents to defendants/legal representatives</li><li>6. Consequences of justice absconding in case of return from abroad</li></ol> |
| <b>Date of completion</b>                         | 21 April 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Query Code</b>                                 | Q6-2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Contributing EU+ COI units (if applicable)</b> | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

### ***Disclaimer***

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 21 April 2020. Any event taking place after this date is not included in this answer.

## COI QUERY RESPONSE

### 1. Temporary release on bail

Article 217 of the Code of Criminal Procedure (CCP) of Iran defines several possibilities of guarantees and securities the investigator can impose in order to have access to the accused. These include the payment of a bond (Article 217b), the provision of surety through a bondsman (Article 217h) and detention (Article 217j).<sup>1</sup> The law does not specify which measure is applied for which category of charges. Temporary release on bail is generally possible for all types of charges. One source, however, mentions some reasons for exception, e.g. when the court fears that the accused person could tamper with evidence if released, in matters of national security, or in cases of serious fraud.<sup>2</sup>

Depending on the investigated crime and other circumstances such as the health and age of the accused person, different types of bail may be imposed. Bail conditions may include a pledge or a guarantee to appear in court, a pledge or a guarantee not to leave the judicial jurisdiction, an obligation to register on a regular basis at the court, a guarantee not to leave the house of residence, a guarantee via a bondsman with deposit, a guarantee by cash, bank surety bond or property.<sup>3</sup>

A person who is suspected of being a political or other kind of activist will be detained for an undetermined period while being investigated. Following the investigation, it is sometimes possible for persons accused with political charges to be released temporarily on bail.<sup>4</sup> The examples mentioned below – as well as many other examples accessible through newspaper articles or NGO documentation – illustrate the fact that activists do get released on bail.

A court will set the bail, which is usually higher than in other criminal cases.<sup>5</sup> The amount of the bail depends on the charge.<sup>6</sup> According to a Danish Immigration Service (DIS) report, the bail for political and security charges is more than 2 billion Rial.<sup>7</sup> Some examples show that the bail may also be significantly higher:

- In the case of three reformist journalists, the bail was set at 5 billion Rial per person [ca. 110.000 EUR/ca. 29.000 EUR] in a trial in March 2017.<sup>8</sup>
- In the case of a Kurdish civil rights activist, the bail was set at 3 billion Rial [ca. 66.000 EUR/ca. 17.250 EUR] in August 2017.<sup>9</sup>

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<sup>1</sup> Iran, Code of Criminal Procedure, 2016, Article 217, [url](#)

<sup>2</sup> Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 61-62

<sup>3</sup> Legal expert on Iran, email, June 2018

<sup>4</sup> Denmark, DIS, Iranian Kurds, Consequences of political activities in Iran and KRI, 7 February 2020, [url](#), p. 23; Australia, DFAT, DFAT Country Information Report Iran, 7 June 2018, [url](#), p. 31

<sup>5</sup> Denmark, DIS, Iranian Kurds, Consequences of political activities in Iran and KRI, 7 February 2020, p. 23, [url](#); Australia, DFAT, DFAT Country Information Report Iran, 7 June 2018, [url](#), p. 31

<sup>6</sup> Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 62

<sup>7</sup> Denmark, DIS, Iranian Kurds, Consequences of political activities in Iran and KRI, 7 February 2020, p. 23, [url](#); Circa 44.000 EUR according to the official exchange rate, circa 11.500 EUR according to the market exchange rate. Bonbast, Live exchange rates in Iran's free market, consulted 17 April 2020, [url](#);

<sup>8</sup> Center for Human Rights in Iran, Some Detained Reformist Telegram Channel Admins Released on Bail Until Trial, 4 August 2017, [url](#)

<sup>9</sup> Center for Human Rights in Iran, Lawyer Accuses Intelligence Ministry in Kermanshah of Harassing Kurdish Civil Rights Activist, 22 August 2017, [url](#)

- In the case of five human rights activists, the bails were set between 5 billion Rial and 8.5 billion Rial per person [ca. 187.000 EUR/ca. 49.000 EUR] in October 2019.<sup>10</sup>
- In the case of two labor activists released in October 2019, the Associated Press (AP) reported a bail sum of 130.000 USD, without mentioning the equivalent in Iranian currency.<sup>11</sup>

After payment of the bail, the accused person is temporarily released.<sup>12</sup>

### 1.1. Bail payment

The bail can be paid either directly by the accused (Article 217b CCP) or by means of a surety (Article 217h CCP).<sup>13</sup> If the accused person prefers to provide security, i.e. to make a payment himself, instead of providing surety via a bondsman, the interrogator has to accept this and to alter the bail conditions (Article 220 CCP).<sup>14</sup> The investigator and the prosecutor determine whether the credibility of the bondsman is sufficient (Article 221 CCP).<sup>15</sup>

A report by the Canadian Immigration and Refugee Board (IRB) explains that the surety consists in the bondsman's 'word' or 'honour' guaranteeing that the accused person appears in court. If the accused person does not appear in court, the previously agreed payment is due. The bondsman is not required to pay the amount up front.<sup>16</sup> The bondsman can guarantee for the bail with his property, money or eventually his business license.<sup>17</sup>

### 1.2. Exit from Iran on bail

Exiting Iran does not depend on the bail itself, but on the issuance of a specific travel ban.<sup>18</sup> Whether a travel ban will be issued depends on the investigated crime and at the stage of the court procedure. In early stages of the investigation, the travel ban is issued by the prosecutor; in later stages, by the judge.<sup>19</sup> A DIS/DRC report found contradictory information regarding the question whether the payment of a bail automatically leads to a travel ban. One source stated that the judge imposes the travel ban just upon demand of the prosecutor, another source said that a person on bail may not leave the country legally, while a third source opined that it may be possible but the bail payment would be lost in such a case.<sup>20</sup> In an older report, a source said that a person released on bail is normally not prohibited from leaving the country by a travel ban, but leaving the country would lead to the confiscation of the bail – eventually, the property of the bondsman.<sup>21</sup>

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<sup>10</sup> International Federation for Human Rights, Iran: Release on bail of 5 HRDs, 30 October 2019, [url](#)

<sup>11</sup> AP, Report: Iran releases 2 labor activists on bail, 27 October 2019, [url](#)

<sup>12</sup> Denmark, DIS, Iranian Kurds, Consequences of political activities in Iran and KRI, 7 February 2020, [url](#), p. 23

<sup>13</sup> Iran, Code of Criminal Procedure, 2016, Article 217, [url](#)

<sup>14</sup> Iran, Code of Criminal Procedure, 2016, Article 220, [url](#)

<sup>15</sup> Iran, Code of Criminal Procedure, 2016, Article 221, [url](#)

<sup>16</sup> Canada, IRB, Iran: The circumstances under which court summons and forfeiture documents are issued by courts, 6 May 2009, [url](#)

<sup>17</sup> Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 62

<sup>18</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 9

<sup>19</sup> Legal expert on Iran, email, June 2018

<sup>20</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 9; Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 61

<sup>21</sup> Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 63

After a court sentence, a travel ban is not automatically issued. However, the authorities will reportedly impose a travel ban if the case involves debt, national security cases, political cases, for crimes committed abroad and when outstanding sentences await enforcement.<sup>22</sup>

When a travel ban is issued, other responsible authorities are informed immediately. The database of the prosecutor's office is connected to the border authorities' information system. Due to the presence of security forces at borders and airports and strict security measures, exiting the country while under a travel ban is next to impossible.<sup>23</sup> While corruption exists in Iran, observers consider the bribery at entry/exit points unlikely; smuggling and human trafficking nevertheless do happen.<sup>24</sup>

## 2. Features of court documents

This section contains information about the features of several Iranian court documents. It is important to note that court documents are not identity documents. Therefore, they mostly do not display security features, which allow an assessment of their authenticity. Instead, the authorities and the involved parties can verify the authenticity of court documents by checking whether the case number is registered in the court's register.<sup>25</sup> There are, however, other features which are common to authentic court documents, as described below.

### 2.1. Summons

According to Article 170 CCP, the court summons must contain the following information:

- name and family of the accused person;
- date, hour and place where the accused person must appear;
- reason for summons;
- consequences of failure to appear;
- signature of the concerned judicial authority.<sup>26</sup>

Exceptions apply regarding the mentioning of the reasons. The reason may not be indicated if 'the social status of the accused or public morality or safety' requires it.<sup>27</sup> The Office of the Prosecutor is the authority responsible for issuing the court summons.<sup>28</sup> A summons for an investigation is usually called *ekhtariyeh*, a summons for a court trial *ehzariyeh*.<sup>29</sup>

A large number of scanned court summonses can be found using the Farsi word for summons, برگ احضاریه (*barg-e ehzariyeh*), as search term in online search engines. Two websites display summonses with English translations.<sup>30</sup> The authenticity of these document scans cannot be verified. The big number of available scans nevertheless permits to draw some conclusions. There are two versions of court summonses, a newer electronic one and an older one that is filled out by hand. While all courts are now supposed to issue the electronic version, there may still be areas where the electronic system

<sup>22</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 8; Australia, DFAT, DFAT Country Information Report Iran, 7 June 2018, [url](#), p. 48

<sup>23</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), pp. 8-9; Australia, DFAT, DFAT Country Information Report Iran, 7 June 2018, [url](#), p. 48

<sup>24</sup> Canada, IRB, Iran: Exit and entry procedures at airports and land borders, 10 March 2020, [url](#)

<sup>25</sup> Denmark, DIS/DRC, Human Rights Situation for Minorities (...), February 2009, [url](#), p. 44

<sup>26</sup> Iran, Code of Criminal Procedure, 2016, Article 170, [url](#)

<sup>27</sup> Iran, Code of Criminal Procedure, 2016, Article 170, [url](#)

<sup>28</sup> Amnesty International, Flawed Reforms, Iran's New Code of Criminal Procedure, 2016, [url](#), p. 31

<sup>29</sup> APCI, Review of the COI Service's Iran COI Report of August 2008, 23 September 2008, cited in: United Kingdom, Home Office, Country of Origin Information Report Iran, 31 August 2010, [url](#), p. 59

<sup>30</sup> Iran Human Rights Documentation Center, Criminal Court Summons Mahmoud Ahmadinejad, No Charge Specified, 17 June 2013, [url](#); Mission Free Iran, Urgent: Sweden to Imminently Deport Christian Asylum-Seeker Facing Lashes & Prison on Apostasy Charges to Iran: Mohammadreza Hamedian Esfahani, 10 February 2012, [url](#)

has not been rolled out yet. In emergency cases, a legal document can be handwritten in the form used for electronic documents.<sup>31</sup> Computer-generated summonses have already been mentioned in a report from 2009.<sup>32</sup> Sometimes, the barcode is missing in computer-generated summonses.<sup>33</sup>

The old version of the summons consists of a pre-print in format A5, which is filled out by hand. In addition to the features specified in Article 170 CCP, the document mentions the court and its branch, the case number (top left corner), the date of issue (top right corner), and includes a stamp, the logo of the Iranian judiciary and in some cases a signature.<sup>34</sup> The newer version is computer-generated and printed in format A4. In addition to the features specified in Article 170 CCP, the document includes a case number, a notification number, a branch archive number, the date of issue, and the logo of the Iranian judiciary.<sup>35</sup> A part of the exemplars found online are stamped, others not. As opposed to the old version, the layout of the new version is issued in a uniform way.<sup>36</sup> Summonses usually order the accused to bring his identity card with him and mention that he will be sentenced in absentia in case he does not report to the court.<sup>37</sup>

No information could be found among the sources consulted by EASO within the time constraints of this response on when the new version has been introduced and whether the old version continued to be used after the introduction of the new one.

## 2.2. Arrest warrant

An arrest warrant is issued if an accused person fails to report in court after being summoned; and in four specific circumstances without prior issuance of a summons. This includes cases where persons are accused of crimes punishable by death, of organized crimes, or of crimes against national or external security.<sup>38</sup> An arrest warrant must bear the signature of the prosecutor.<sup>39</sup> The arrest warrant is supposed to mention the reason for the arrest, but the CCP does not specify whether the respective legal provisions must be included.<sup>40</sup> The Office of the Prosecutor is the authority responsible for issuing the arrest warrant.<sup>41</sup>

Search engines show many scanned arrest warrants for searches with the Farsi word for arrest warrant, “برگ جلب” (*barg-e jalb*). The appearance of the arrest warrant is similar to the court summons. As with the court summons, several versions of the arrest warrants exist. These include older versions filled out by hand and newer computer-generated versions.<sup>42</sup> Again, all versions feature case numbers, but just the new versions feature a bar code as well, a notification number and a branch archive number. The new versions have a consistent layout, which is not the case with older versions.

<sup>31</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5

<sup>32</sup> Denmark, DIS/DRC, Human Rights Situation for Minorities, February 2009, [url](#), p. 44

<sup>33</sup> Legal expert on Iran, email, June 2018

<sup>34</sup> APCI, Review of the COI Service's Iran COI Report of August 2008, 23 September 2008, partially accessible via United Kingdom, Home Office, Country of Origin Information Report Iran, 31 August 2010, [url](#), pp. 58-59; Denmark, DIS/DRC, Human Rights Situation for Minorities, February 2009, [url](#), p. 44; Mission Free Iran, Urgent: Sweden to Imminently Deport Christian Asylum-Seeker Facing Lashes & Prison on Apostasy Charges to Iran: Mohammadreza Hamedian Esfahani, 10 February 2012, [url](#)

<sup>35</sup> Iran Human Rights Documentation Center, Criminal Court Summons Mahmoud Ahmadinejad, No Charge Specified, 17 June 2013, [url](#)

<sup>36</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5

<sup>37</sup> Legal expert on Iran, email, June 2018

<sup>38</sup> Iran, Code of Criminal Procedure, 2016, Article 180; Amnesty International, Flawed Reforms, Iran's New Code of Criminal Procedure, 2016, [url](#), p. 3; Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 6

<sup>39</sup> Iran, Code of Criminal Procedure, 2016, Article 181, [url](#)

<sup>40</sup> Amnesty International, Flawed Reforms, Iran's New Code of Criminal Procedure, 2016, [url](#), p. 32

<sup>41</sup> Amnesty International, Flawed Reforms, Iran's New Code of Criminal Procedure, 2016, [url](#), p. 31

<sup>42</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5

English translations of any of the arrest warrants are not available. The electronic version new version is issued in a uniform way<sup>43</sup>, but sometimes, the barcode is missing in computer-generated arrest warrants.<sup>44</sup>

### 2.3. Bail document

No information could be found among the sources consulted by EASO within the time constraints of this response regarding the features of bail documents. An online search with the Farsi term for bail, قرار وثیقه (*qarar-e vatiqeh*), did not provide scans of bail documents.

### 2.4. Travel ban

A travel ban is not issued as a separate document, but is written on other documents, usually on summonses.<sup>45</sup>

### 2.5. Verdict

Verdicts are issued in writing to the accused person, with a copy for the lawyer.<sup>46</sup> In addition, the accusing party and their lawyer can get a copy. However, in practice, the verdicts are not always issued to all persons who are legally entitled to it.<sup>47</sup> A sample of Iranian court verdicts is available online by using the Farsi word for verdict, رای دادگاه (*ray-e dadgah*) as a search term in search engines. The search results show a variety of different layouts. However, the verdicts have a number of common features. All of them are computer-generated and bear the logo of the Iranian judiciary. Furthermore, they list case number, notification number, branch archive number and a date of issue; and are signed by one or several judges. Bar codes are not found on verdicts. If a verdict is uploaded on the judiciary's web portal (<http://adliran.ir/>), as is the rule today, it does not bear any signatures or stamps.<sup>48</sup>

### 2.6. Delivery of court documents

A court summons is issued in two exemplars: one copy is delivered to the accused and the other – after the accused has signed it – to the bailiff.<sup>49</sup> If the summoned person is illiterate, the bailiff is supposed to explain to him the content of the summons.<sup>50</sup> According to a DIS/DRC report, the delivery of the summons is made by a court clerk, who functions as the mail man of the judiciary, in written form. If the accused person is not present at his address, the summons can be issued to the parents or other relatives living at the same address. If nobody is present, the summons will be put on the door after being signed by the process server. If the address of the accused person is unknown, the summons will be published in a national newspaper and considered being delivered. It is also possible to deliver it at the human resources department of the working place of an accused person.<sup>51</sup> An older Danish/Norwegian report also mentions delivery by the police.<sup>52</sup>

<sup>43</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5

<sup>44</sup> Legal expert on Iran, email, June 2018

<sup>45</sup> Legal expert on Iran, email, June 2018

<sup>46</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 6

<sup>47</sup> SFH, Zugang zu Gerichtsurteilen / Ausstellung einer Schenasmaheh, 4 March 2015, [url](#), p. 1

<sup>48</sup> Legal expert on Iran, email, June 2018

<sup>49</sup> Iran, Code of Criminal Procedure, 2016, Article 169, [url](#)

<sup>50</sup> Iran, Code of Criminal Procedure, 2016, Article 173, [url](#)

<sup>51</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5; Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 60

<sup>52</sup> Denmark/Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 60



Article 175 CCP holds that it is permitted to use 'email, long distance picture communications, fax and telephone to lodge complaint or to file a suit, referring to a case, summoning a defendant, serving judicial documents and for judicial delegation.'<sup>53</sup>

Some sources indicate that court summonses can be delivered electronically. The Human Rights Activists News Agency (HRANA) stated upon request by Canada's IRB that 'electronic summons are sent out in some areas through text messages, while in smaller cities they are still writing the summons by hand, [and] typed out summons in templates are also fairly common.'<sup>54</sup> An analyst quoted in a DIS/DRC report noted that 'summons might be sent to the person concerned, and a text message may be sent to his/her inbox. However, this happens basically only with lawyers who have an electronic account with a registered password and username. Summons are too long to be sent by a short text message.'<sup>55</sup> A DIS/DRC fact-finding mission report in 2009 had already found the use of SMS or e-mail as a means of delivery of summonses.<sup>56</sup> According to Amnesty International, written summons are the only legal means to summon an accused person. In practice, however, authorities reportedly summon people via phone or other means.<sup>57</sup>

An arrest warrant is handed out by a warrant officer, which invites the accused person to follow him to the judge who issued the arrest warrant. If the accused person fails to do so, he will be arrested.<sup>58</sup>

Copies of court verdicts are issued in writing to the accused and the accusing party and the respective lawyers. In practice, verdicts, particularly those of Revolutionary Courts, are not always issued. Reportedly, courts sometimes also show them to the lawyers for a limited time or communicate them by phone.<sup>59</sup>

An electronic court cases database (<http://adliran.ir/>) grants the involved parties' electronic access to all court cases. The sources of a DIS/DRC report disagree on whether such access is available for all parties to a case or just the lawyers. To access the database, the user needs the case number, a username, and a password.<sup>60</sup>

## 2.7. Falsification of court documents

As described above, Iranian court documents do not contain any security features other than stamps and signatures. Hence, the Middle East Consultancy Services, in correspondence with the Canadian IRB, indicated that it is 'relatively easy to forge a court document.'<sup>61</sup>

A DIS/DRC report presents contradicting information on how easy or difficult it is to fraudulently obtain genuine court documents. According to an analyst, it is difficult to obtain a legal document by bribe as courts are under surveillance. A representative of a Western embassy, meanwhile, mentioned

<sup>53</sup> Iran, Code of Criminal Procedure, 2016, Article 175, [url](#)

<sup>54</sup> Canada, IRB, Iran: Court summonses and arrest warrants (...), 13 March 2020, [url](#)

<sup>55</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 6

<sup>56</sup> Denmark, DIS/DRC, Human Rights Situation for Minorities, February 2009, , [url](#) p. 43

<sup>57</sup> Amnesty International, cited in: Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 13; Legal expert on Iran, email, June 2018

<sup>58</sup> Legal expert on Iran, email, June 2018

<sup>59</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/61, 18 March 2014, [url](#), para. 76; SFH, Zugang zu Gerichtsurteilen / Ausstellung einer Schenasnameh, 4 March 2015, [url](#), pp. 1-2

<sup>60</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 5

<sup>61</sup> Canada, IRB, Iran: Court summonses and arrest warrants, 13 March 2020, [url](#)



that it was probably possible to obtain a legal document with false content.<sup>62</sup> In 2008, a source of DIS/DRC had found that it was easy to obtain summonses illegally and also to forge them.<sup>63</sup>

### 3. Justice absconders returning to Iran

In criminal cases and upon being summoned, reporting to court is mandatory. A warrant of arrest can be issued to persons who do not report.<sup>64</sup> According to Amnesty International, the consequences for not reporting to court depend on the profile of the case. The authorities may arrest the accused person or apply pressure by surveillance or phone calls.<sup>65</sup> If a person on bail does not report to court, the bail will be retained and the accused person will be arrested.<sup>66</sup> One report mentions a case in which a family's property had been seized by the authorities after an accused person on bail had left the country. The same report quotes a source which stated that in political cases, the relatives in Iran can be put under pressure from the authorities.<sup>67</sup>

No information could be found among the sources consulted by EASO within the time constraints of this response regarding the treatment of persons who have absconded abroad. A court procedure may continue in absentia while the accused person is not present. If sentenced, the sentence will be enforced as soon this will be possible, i.e. upon return if the accused person has absconded abroad. Depending on the case, it is also possible that a court procedure is interrupted while the accused person is abroad and resumed upon his return.<sup>68</sup> The government will confiscate the paid bail in such a case.<sup>69</sup>

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<sup>62</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 7

<sup>63</sup> Denmark, DIS/DRC, Human Rights Situation for Minorities, February 2009, [url](#), p. 43

<sup>64</sup> Iran, Code of Criminal Procedure, 2016, Article 179, [url](#); Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 7

<sup>65</sup> Amnesty International, quoted in DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 13

<sup>66</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), p. 8

<sup>67</sup> Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), pp. 62-63

<sup>68</sup> Denmark, DIS/DRC, Iran, Judicial Issues, February 2018, [url](#), pp. 8-9; Denmark, Norway, DIS/DRC, Landinfo, Iran, On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures, February 2013, [url](#), p. 63

<sup>69</sup> Denmark, DIS, Iranian Kurds, Consequences of political activities in Iran and KRI, 7 February 2020, [url](#), p. 23



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