



# **Country Information and Guidance**

Iran: Journalists and Bloggers

9 October 2014

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Iran 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 with 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 email: [CPI@homeoffice.gsi.gov.uk](mailto:CPI@homeoffice.gsi.gov.uk).

## 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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# 1. Guidance

## 1.1. Basis of claim

- 1.1.1 Fear of harassment, harm and/or arrest and detention by the Iranian authorities due to actual or perceived criticism of the government in their role as a journalist (including internet-based media), a blogger or as an online activist.

## 1.2. Specific issues

- Is the person's account a credible one?
- Do journalists and/or bloggers form a particular social group (PSG)?
- Is the person at real risk from the Iranian authorities?
- Are those at risk able to seek effective protection?
- Is the person able to internally relocate within Iran to escape that risk?

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## 1.3. Consideration of issues

### Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the person's account of their experiences of being a journalist or blogger are both internally consistent and externally credible (i.e. consistent with the generally known facts and the objective country information).

### Do journalists and/or bloggers form a Particular Social Group (PSG)?

- 1.3.2 Journalists and/or bloggers are not considered to form a Particular social Group (PSG). However, ill-treatment due to being a journalist, blogger or on-line activist is likely to fall under the terms of the 1951 Refugee Convention on the basis of actual or perceived political opinion.

### Is the person at real risk from the Iranian authorities?

- 1.3.3 The Iranian authorities severely restrict freedom of speech and press freedom. It reviews all potential publications – including foreign printed materials – prior to their domestic release and may deem books unpublishable, remove text or require word substitution for terms deemed inappropriate. However, simply being subject to such censorship does not of itself give rise to a protection need.

[See Asylum Instructions on Considering the asylum claim and assessing credibility](#)

[See Asylum Instruction on Considering the asylum claim and assessing credibility](#)

[and also the process guidance on interviewing/assessing the claim](#)

[See country information](#)

[See country information](#)

1.3.4 Despite this, the Iranian authorities do harass, detain, abuse, torture and use vaguely worded criminal provisions to prosecute and severely punish publishers, editors and journalists, including those involved in internet-based media, such as bloggers and users of social media, where their reporting is, or is perceived to be, critical of the government. Perceived government critics including journalists and bloggers are likely to be held in detention conditions, some of which are capable of breaching the Article 3 ECHR threshold.

1.3.5 Decision makers must be satisfied that persons claiming to be journalists or bloggers are able to demonstrate that their activities have brought, or will bring them to the adverse attention of the Iranian authorities. Decision makers should give consideration to all relevant factors, including in particular:

- the subject matter of the material in question;
- the language and tone used;
- the method of communication;
- the reach of the publication (i.e. how many people are they communicating with);
- the publicity attracted;
- the frequency of such publications;
- any past adverse interest by the authorities.

1.3.6 Large numbers of Iranian nationals take part in protests and political demonstrations in the United Kingdom. Since the Iranian Government is not able to monitor every individual who takes part in such activities, decision makers must consider the level of involvement of the person, in addition to any political activity that the person may have previously been involved with in Iran.

1.3.7 With regard to sur place activities, an assessment of risk must be made taking account of factors similar to those set out in the country guidance case of [BA \(Demonstrators in Britain – risk on return\) Iran CG \[2011\] UKUT 36 \(IAC\)](#)

1.3.8 Family members of journalists and online activists have been targeted on occasions. When considering claims from such persons, decision makers should give consideration to all relevant factors, including in particular:

- the degree of relationship to the person;
- actual or perceived support for or facilitation of the activities of the person;

[See Asylum Instruction on Considering the asylum claim and assessing credibility.](#)

- any previous adverse interest in the family member from the authorities, e.g. arrests, detention, harassment;
- the specific profile, history and activities of the person.

### Are those at risk able to seek effective protection?

1.3.9 As this category of claim concerns a person's fear of ill treatment by the Iranian state they cannot reasonably be expected to avail themselves of the protection of those authorities.

### Is the person able to internally relocate within Iran?

1.3.10 As this category of claim concern's a fear of ill treatment by the state authorities, relocation to a different area of the country to escape this threat is not viable.

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## 1.4. Policy summary

[See Asylum Instruction on Internal Relocation](#)

**Perceived government critics, including journalists, social media users and bloggers may be subjected by the Iranian authorities to harassment, intimidation, arbitrary arrest, severe custodial sentences, incommunicado detention, unfair trial and torture.**

**Victims of such treatment would not be able to access effective state protection or internally relocate to mitigate any risk.**

**In some cases, family members may also be at risk of ill-treatment.**

**Each case should be considered on its individual merits, but persons who fall into this category and can show that they have come to the adverse attention of the authorities or are reasonably likely to do so, will normally qualify for asylum on the grounds of their actual or perceived political opinion.**

**Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

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## 2. Information

### 2.1. Overview

- 2.1.1 The constitution provides for freedom of expression and of the press, except when words are deemed “detrimental to the fundamental principles of Islam or the rights of the public.” The law states that anyone who undertakes any form of propaganda against the state may be imprisoned for as long as one year. The law does not define “propaganda.” The law also provides for prosecution of persons accused of instigating crimes against the state or national security or “insulting” Islam, and the latter offence is punishable by death. The government severely restricts freedom of speech and press and it used the law to intimidate or prosecute persons who directly criticized the government or raised human rights issues. According to the International NGO ‘the Committee to Protect Journalists’ (CPJ), the government continued a campaign of press intimidation throughout 2013.<sup>1</sup>
- 2.1.2 The government’s Press Supervisory Board issues press licenses, which it sometimes revoked in response to articles critical of the government or the regime. During 2013 the government banned, blocked, closed or censored publications that were deemed critical of officials. The government did not permit foreign media organisations to film or take photographs in the country, required foreign correspondents to provide detailed travel plans and topics of proposed stories before granting visas and attempted to influence correspondents through pressure. Islamic Republic of Iran Broadcasting (IRIB), the main governmental agency in charge of audiovisual policy, directed all state-owned media. Under the constitution the supreme leader appoints the head of IRIB and a council composed of representatives of the president, judiciary and Islamic Consultative Assembly oversees IRIB’s activities. The Ministry of Culture and Islamic Guidance reviews all potential publications, including foreign printed materials, prior to their domestic release and may deem books unpublishable, remove text or require word substitution for terms deemed inappropriate.
- 2.1.3 The U.S. State Department reports that “Organizations, including the Basij “Cyber Council,” the Cyber Police, and the Cyber Army – which was presumed to operate under the IRGC [Islamic Revolutionary Guard Corps] – monitored, identified, and countered alleged cyber threats against national security. These organizations especially targeted citizens’ activities on officially banned social networking websites, such as Facebook, Twitter, YouTube, and Flickr, and reportedly harassed persons who criticized the government, including by raising sensitive social issues. [...] The government monitored meetings, movements, and communications of opposition members, reformists, activists, and human rights defenders. It often charged persons with crimes against national security and insulting the regime based on letters, e-mails, and other public and private communications”.<sup>2</sup>
- 2.1.4 According to the United States Commission on International Religious Freedom 2014, Iranian authorities regularly detain and harass journalists, bloggers, and human rights defenders who say or write anything critical of the Islamic revolution or the Iranian

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<sup>1</sup> US Department of State: Iran 2013 Human Rights Report 21 January 2014 Section 2 Freedom of Speech and Press; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>

<sup>2</sup> US Department of State: Iran 2013 Human Rights Report 21 January 2014 Section 2 Freedom of Speech and Press; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>

government.<sup>3</sup> Reporters Sans Frontières (RSF) reported that content filtering, control over Internet service providers, the interception of communications, cyber attacks and the imprisonment of bloggers and netizens are common practice in Iran. Three bodies are responsible for carrying out this policy of repression inside the country: the Supreme Council for Cyberspace, the Organised Crime Surveillance Centre and the Revolutionary Guards.<sup>4</sup>

2.1.5 RSF further reported that on 17 April 2014, about 100 riot police, accompanied by Revolutionary Guards and Intelligence Ministry officials in civilian dress, began a major inspection of the cells in Section 350 of Tehran's Evin Prison, where political prisoners are held. Dozens of detainees were beaten and then placed in solitary confinement in Security Section 240, regardless of their injuries. They included journalists and bloggers such as Mohammad Sadegh Kabovand, Hossein Ronaghi Malki, Mohammad Davari, Said Matinpour, Siamak Qaderi, Said Haeri, Yashar Darolshafa and Alireza Rajai.<sup>5</sup> Freedom House reports that "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".<sup>6</sup>

2.1.6 The United States Department of State Country Report on Human Rights Practices for 2013, Iran, reported that:

"Other reported human rights problems included: disappearances; cruel, inhuman or degrading treatment or punishment, including judicially sanctioned amputation and flogging; politically motivated violence and repression, such as beatings and rape; harsh and life-threatening conditions in detention and prison facilities, with instances of deaths in custody; arbitrary arrest and lengthy pre-trial detention, sometimes incommunicado; continued impunity of security forces; denial of fair public trials, sometimes resulting in executions without due process; the lack of an independent judiciary; political prisoners and detainees; ineffective implementation of civil judicial procedures and remedies; arbitrary interference with privacy, family, home, and correspondence; severe restrictions on freedoms of speech (including via the internet) and press; harassment of journalists; censorship and media content restrictions...."<sup>7</sup>

2.1.7 The report went on to state:

"Prison conditions were often harsh and life-threatening. There were reports that some prisoners committed suicide as a result of the harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries prisoners reportedly suffered at the hands of their abusers and from the poor

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<sup>3</sup> United States Commission on International Religious Freedom <http://www.uscirf.gov/countries/iran> – Annual Report 2014 Iran, 30 April 2014  
<http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf> date accessed 18 August 2014

<sup>4</sup> Reporters Sans Frontières <http://en.rsf.org/> – Enemies of the Internet 2014 - Iran: Cyberspace Ayatollahs 12 March 2014  
<http://12mars.rsf.org/2014-en/2014/03/11/iran-the-revolutionary-guards-the-supreme-council-for-cyberspace-and-the-working-group-for-identifying-criminal-content> date accessed 18 August 2014

<sup>5</sup> Reporters Sans Frontières <http://en.rsf.org/>: Iran: RWB calls for Independent Inquiry into Police Search of Evin Prison 24 April 2014  
<http://en.rsf.org/iran-rwb-calls-for-independent-inquiry-24-04-2014,46193.html> date accessed 18 August 2014

<sup>6</sup> Freedom House <http://www.freedomhouse.org/>, Freedom in the World 2014 – Iran – 23 January 2014  
<http://www.freedomhouse.org/report/freedom-world/2014/iran-0> date accessed 18 August 2014

<sup>7</sup> The United States Department of State Country Report on Human Rights Practices for 2013: Iran: Executive Summary: accessed 8 October 2013  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>

sanitary conditions of prison life....The July 31 (2013) annual report of the UN High Commissioner for human rights noted cases in which authorities subjected prisoners to torture, threats and solitary confinement after charging them with contacting the Office of the Special Rapporteur”.<sup>8</sup>

## 2.2. Bloggers

2.2.1 In 2013, the government prosecuted and punished several bloggers and webmasters for the peaceful expression of dissenting views. On 9 April 2013, blogger Mojtaba Daneshtalab began serving a six-month prison sentence for “insulting the supreme leader” in relation to a 2011 article in which Daneshtalab criticized Supreme Leader Khamanei’s suggestion to institute a parliamentary system of government. On 6 October 2013, authorities released Daneshtalab after he completed his sentence.<sup>9</sup>

2.2.2 According to Freedom House’s Freedom on the Net report for 2013, Iranian internet users suffer from routine surveillance, harassment and the threat of imprisonment for their online activities, particularly those critical of the authorities and among the members of ethnic and religious minorities. The constitution provides for limited freedom of opinion and expression, but numerous, haphazardly-enforced laws restrict these rights in practice. The 2000 Press Law, for example, forbids the publication of ideas that are contrary to Islamic principles or detrimental to public rights, none of which are clearly defined. The government and judiciary regularly invoke this to criminalise critical opinions. The 2009 Computer Crime Law (CCL) identifies punishments for spying, hacking, piracy, phishing, libel and publishing materials deemed to damage “public morality” or to be a “dissemination of lies.” Punishments mandated in the CCL are severe. They include the death penalty for offences against public morality and chastity, as well as long prison sentences, draconian fines and penalties for service providers who fail to enforce content restrictions.<sup>10</sup>

2.2.3 Since June 2009, the authorities have cracked down on online activism through various forms of judicial and extralegal intimidation. An increasing number of bloggers have been threatened, arrested, tortured, kept in solitary confinement, and denied medical care, while others have been formally tried and convicted.<sup>11</sup> Iranians outside of Iran were also intimidated for their online activities. The father of an Iranian student in the Netherlands was also arrested for his son’s satirical posts on Facebook. The authorities threatened the son that if he does not return to Iran, his father will be executed.<sup>12</sup>

2.2.4 Freedom House 2013 reported on the case of Sattar Beheshti, an Iranian blogger, who was arrested on 30 October 2012 by the Cyber Police of Iran for criticizing the government in posts he made online. He was pronounced dead after four days in custody. Despite initial difficulties in obtaining an official confirmation of his death, it quickly became one of the top news headlines in the media and across social networking sites and blogs. The head of the Tehran Cyber Police was dismissed by the

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<sup>8</sup> The United States Department of State Country Report on Human Rights Practices for 2013: Iran: Section 1: Prison and Detention Centre Conditions: accessed 8 October 2013  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220352>

<sup>9</sup> US Department of State: Iran 2013 Human Rights Report 21 January 2014 Section 2 Freedom of Speech and Press; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport>

<sup>10</sup> Freedom House <http://www.freedomhouse.org/>, Freedom on the Net 2013 Iran, 3 October 2013  
[http://freedomhouse.org/sites/default/files/resources/FOTN\\_2013\\_Full\\_Report\\_0.pdf](http://freedomhouse.org/sites/default/files/resources/FOTN_2013_Full_Report_0.pdf) date accessed 18 August 2014

<sup>11</sup> Freedom House <http://www.freedomhouse.org/>, Freedom on the Net 2013 Iran, 3 October 2013  
[http://freedomhouse.org/sites/default/files/resources/FOTN\\_2013\\_Full\\_Report\\_0.pdf](http://freedomhouse.org/sites/default/files/resources/FOTN_2013_Full_Report_0.pdf) date accessed 18 August 2014

<sup>12</sup> Freedom House <http://www.freedomhouse.org/>, Freedom on the Net 2013 Iran, 3 October 2013  
[http://freedomhouse.org/sites/default/files/resources/FOTN\\_2013\\_Full\\_Report\\_0.pdf](http://freedomhouse.org/sites/default/files/resources/FOTN_2013_Full_Report_0.pdf) date accessed 18 August 2014

Commander of the Islamic Republic Security Forces for “shortcomings in the supervision and handling of the case.”<sup>13</sup>

- 2.2.5 The Foreign and Commonwealth Office, in their Human Rights and Democracy Report for 2013, stated that in July 2013, the investigation into the death in custody of Sattar Beheshti was brought to a close by the head of the Iranian Coroner’s Office. He held that Beheshti’s beating and mistreatment while he was in custody was not enough to have brought about his death. No convictions were made in relation to his death at that time. Abolfazl Abedini, an imprisoned activist who had given testimony in Beheshti’s case, was transferred to Ahwaz prison with no clear explanation in July 2013 and the doctor who examined Beheshti’s body was arrested in December 2013. Beheshti’s family also continued to be harassed by the security forces.<sup>14</sup>
- 2.2.6 However, in August 2014, the Committee to Protect Journalists welcomed the conviction of a police officer for the death of Sattar Beheshti and called on the Iranian authorities to disclose details of the investigation and trial. The police officer was given three years in jail, two years in exile, and 74 lashes for assaulting the blogger and insulting him, according to reports.<sup>15</sup>
- 2.2.7 Human Rights Watch World Report for 2013 noted that on 4 April 2012, a revolutionary court notified Mansoureh Behkish, a prominent blogger and supporter of the Mourning Mothers, that she had been sentenced to four-and-a half-years for “propagating against the regime” and “assembly and collusion against national security.” Behkish had been active on behalf of families of victims of the 2009 post-election crackdown and 1988 prison massacres.<sup>16</sup> Behkish is a human rights and women’s rights activist in Iran. She is also a signatory of a letter sent to United Nations Secretary General Ban Ki -Moon dated 30 October 2009 which highlighted the violations of the rights of political prisoners in Iran and called on the United Nations to reestablish the office of the Special Representative for Iran and to save the lives of prisoners sentenced to death in Iran.<sup>17</sup>
- 2.2.8 The online news agency ‘Mashable’ reported that Iran has sentenced a group of tech bloggers to a combined 36 years in prison for espionage and working with foreign media. A court sentenced the group, who all worked for the tech gadgets site Narenji, to prison terms ranging from 1.5 to 11 years, a source close to the bloggers told Mashable. Eight Narenji bloggers, along with eight cyber activists, were arrested by the Revolutionary Guards in December 2013, accused of working against the country’s national security and having ties with foreign “enemy media.” Iranian state TV later showed them handcuffed and facing a wall. Their arrest caught many by surprise, since they didn't seem to fit the profile of Internet activists who would be targeted by Iranian hardliners. Al Jazeera has described Narenji as the Iranian version of Mashable saying the blog was

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<sup>13</sup> Freedom House <http://www.freedomhouse.org/>, Freedom on the Net 2013 Iran, 3 October 2013 [http://freedomhouse.org/sites/default/files/resources/FOTN\\_2013\\_Full\\_Report\\_0.pdf](http://freedomhouse.org/sites/default/files/resources/FOTN_2013_Full_Report_0.pdf) date accessed 18 August 2014

<sup>14</sup> Foreign and Commonwealth Office [https://www.gov.uk/government/publications/iran-country-of-concern – Human Rights and Democracy Report 2013 – Human Rights in Countries of Concern – Iran](https://www.gov.uk/government/publications/iran-country-of-concern-Human-Rights-and-Democracy-Report-2013-Human-Rights-in-Countries-of-Concern-Iran) 10 April 2014 <https://www.gov.uk/government/publications/iran-country-of-concern/iran-country-of-concern> date accessed 18 August 2014

<sup>15</sup> Committee to Protect Journalists <https://cpj.org/>, Police officer convicted in death of imprisoned Iranian blogger, 7 August 2014 <https://cpj.org/2014/08/police-officer-convicted-in-death-of-imprisoned-ir.php> date accessed 18 August 2014

<sup>16</sup> Human Rights Watch <http://www.hrw.org/> World Report 2013 – Iran, 21 January 2014 <http://www.hrw.org/world-report/2013/country-chapters/iran?page=2> date accessed 18 August 2014

<sup>17</sup> Front Line Defenders: Mansoureh Behkish: Human Rights in Iran: accessed 8 October 2014 <https://frontlinedefenders.com/MansourehBehkish>

"popular in Iran for its reviews of things like Android and iPhone apps but never dipped its toes into the political" to avoid trouble.<sup>18</sup>

2.2.9 Three of the bloggers were later released, but the following five remained in custody: Aliasghar Honarmand (Founder of Narenji and owner of Paat Shargh Govashir, the company which owns Narenji), Abbas Vahedi (Editor of Narenji), Hossein Nozari (Director of Paat Shargh Govashir), Reza Nozari (tech blogger of Nardebaan, sister website of Narenji), Ehsan Paknejad (tech blogger on Narenji). The sentencing would follow the recent pattern of harsh penalties that experts say are designed to scare Iranian netizens. In late May 2013, a local court sentenced eight people to a combined 123 years in prison. One of them, a British woman named Roya Saberinejad Nobakht, received a sentence of 20 years, allegedly for calling Iran's government too controlling and "too Islamic" in comments she had made to friends on Facebook and in an online chat.<sup>19</sup>

2.2.10 According to the Guardian in 2011, Iran's appeals court has upheld the conviction of a renowned blogger who was sentenced to 19 years in prison, his family said. Hossein Derakhshan, an Iranian with joint Canadian citizenship, was arrested in November 2008 after returning to his home country. The 36-year-old, regarded as one of Iran's first bloggers and known among many as the "blogfather", was convicted in September 2010. He was found guilty of co-operation with hostile countries, spreading propaganda against the regime and insulting Islamic thought and religious figures. Derakhshan's family told the Iranian media that an appeals court has confirmed his sentence. His punishment also includes a five-year ban on belonging to any political or media organisations. Derakhshan, who has contributed articles to the Guardian's Comment is Free website, drew the attention of Iranian authorities when he travelled to Israel in 2006 and posted a series of articles about his visit. Iran does not recognise Israel and bans all its citizens from travelling there. After his visit to Israel he resumed blogging and was forthright in his support for hardline president Mahmoud Ahmadinejad – a stance that infuriated many fellow bloggers as well as opposition activists. Some bloggers believe Derakhshan was confident he would not be arrested because of his support for Ahmadinejad.<sup>20</sup>

2.2.11 According to his family, Derakhshan was detained for 500 days before being charged, following his arrest. His first trial was held in June 2010. Iranian human rights groups announced that Sakhi Reigi, an Iranian blogger from the country's Baluch ethnic minority, has been sentenced to 20 years in jail. Another blogger, Hossein Ronaghi-Maleki, has been in prison since December 2009 after being sentenced to 15 years. Navid Mohebbi, an 18-year-old blogger and high school student, was recently given a three-year suspended sentence. Persian is among the world's top languages used in blogs. Ahmadinejad launched a campaign against Iran's online community soon after he took the office for the first time in 2005. Many bloggers have since been arrested and some have been given lengthy prison terms.<sup>21</sup>

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<sup>18</sup> Mashable <http://mashable.com/>. Iran Doles Out Prison Sentences to Tech Bloggers or Enemy Cyber Activists 20 June 2014

<http://mashable.com/2014/06/19/iran-tech-bloggers-prison/> date accessed 18 August 2014

<sup>19</sup> Mashable <http://mashable.com/>. Iran Doles Out Prison Sentences to Tech Bloggers or Enemy Cyber Activists 20 June 2014

<http://mashable.com/2014/06/19/iran-tech-bloggers-prison/> date accessed 18 August 2014

<sup>20</sup> The Guardian: Iranian Blogger Loses Appeal Against 19-Year Sentence – 9 June 2011

<http://www.theguardian.com/world/2011/jun/09/jailed-iran-blogger-loses-appeal> date accessed 18 August 2014

<sup>21</sup> The Guardian: Iranian Blogger Loses Appeal Against 19-Year Sentence – 9 June 2011

<http://www.theguardian.com/world/2011/jun/09/jailed-iran-blogger-loses-appeal> date accessed 18 August 2014

- 2.2.12 The U.S. State Department reports that “On July 13 2013, a Tehran Revolutionary Court judge sentenced Mostafa Daneshjoo, Farshid Yadollahi, and Amir Eslami each to seven and one-half years in prison for “forming an illegal group with intent to disrupt national security” in connection with their work on the Gonabadi Dervish website Majzooban-e Noor. According to the Austrian NGO Sudwind, on August 24, Daneshjoo suffered from respiratory disease and cardiac arrhythmia, and his health was in “very critical” condition. Amir Eslami underwent stomach surgery in August, but in September authorities transferred him back to Evin Prison before the end of his assigned recovery period, according to HRANA [Human Rights Activists News Agency]”.<sup>22</sup>
- 2.2.13 In January 2014 Amnesty International reported that the health of jailed Iranian blogger Mohammad Reza Pourshajari, a prisoner of conscience, was worsening and that he was in urgent need of specialized medical treatment.<sup>23</sup> In July 2014 a revolutionary court sentenced eight young people to between 11 to 21 years for antiregime posts on Facebook, for “acting against national security, antiregime propaganda, and insulting religious values and Iranian leaders”.<sup>24</sup>

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## 2.3. Journalists

- 2.3.1 The U.S. State Department report covering 2013 notes that “The government and its agents harassed, detained, abused, and prosecuted publishers, editors, and journalists, including those involved in internet-based media, for their reporting. The government also harassed many journalists’ families, and journalists in prison were often subjected to solitary confinement. According to the UN Special Rapporteur’s October report, at least 40 journalists and 29 bloggers and online activists were serving prison sentences in the country, and 23 journalists had been arrested since the start of the year. International NGOs reported that several journalists were forced into exile during the year and that authorities continued to close publications for political reasons.”<sup>25</sup>
- 2.3.2 According to the Foreign and Commonwealth Office 2013, freedom of speech was suppressed even more than usual in the lead-up to the elections, despite lively televised debates between the presidential candidates. This began with the arrest of 24 journalists in January 2013 and warnings against public discussion of the elections and other “sensitive” matters. The media, the internet and text messaging were all severely restricted or censored, although it was reported that these were then partially lifted immediately prior to voting day. A number of international media outlets were prevented from providing coverage from within Iran by being refused entry visas. Reporters who did manage to gain access were tightly restricted.<sup>26</sup>

<sup>22</sup> U.S. Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm> Iran 2013 Human Rights Report 21 January 2014 Section 2 a. Freedom of Speech and Press <http://www.state.gov/documents/organization/220564.pdf> date accessed 18 August 2014

<sup>23</sup> Amnesty International <http://www.amnesty.org>, Iran: jailed blogger's health worsening, 11 January 2014 <http://www.amnesty.org/ar/library/asset/MDE13/002/2014/en/8022047a-b2db-4747-af96-253a64753574/mde130022014en.pdf> date accessed 18 August 2014

<sup>24</sup> Radio Free Europe/Radio Liberty <http://www.rferl.org/> Iran Sentences Eight Youths To Jail Over Facebook Postings, 14 July 2014 <http://www.rferl.org/content/iran-facebook-youths-jailed/25455978.html> date accessed 18 August 2014

<sup>25</sup> U.S. Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm> Iran 2013 Human Rights Report 21 January 2014 Section 2 a. Freedom of Speech and Press <http://www.state.gov/documents/organization/220564.pdf> date accessed 18 August 2014

<sup>26</sup> Foreign and Commonwealth Office <https://www.gov.uk/government/publications/iran-country-of-concern> – Human Rights and Democracy Report 2013 – Human Rights in Countries of Concern – Iran, 10 April 2014

- 2.3.3 Although restrictions were especially evident in the lead-up to the presidential elections, they were not confined to that period. Journalists and bloggers were arrested and a number of news outlets were shut down. Internet speed continued to be manipulated as a censorship tool and five million websites were blocked by the Iranian authorities. Virtual Private Networks, which many Iranians use to bypass government filtering of the internet, were blocked, further restricting access to information. Despite President Rouhani's and Foreign Minister Zarif's use of Facebook and Twitter, these and other social media platforms were routinely filtered and blocked for ordinary users. The report of the UN Special Rapporteur in October 2013 highlighted the closure of 67 internet cafes in July 2013 alone. The report also pointed out that Iranian laws restricting internet access do not meet international standards, by being ambiguous, wide-ranging and open to abuse.<sup>27</sup>
- 2.3.4 According to the CPJ, 35 journalists were held in prison across the country as at 18 December 2013. This number has dropped from 45 compared to the same period in 2012, partially due to the government's policy of releasing some journalists on furlough. In December 2013, 16 Internet activists were arrested on charges of providing contents and developing websites for foreign elements. Some of those arrested were reportedly the administrators of popular cultural and social pages on Facebook. They had occasionally posted news about the imprisonment of political prisoners. Seven others were allegedly working for an Iranian website, specialising in new technology. These individuals had their houses searched and personal items confiscated before being taken to an unknown location.<sup>28</sup>
- 2.3.5 On 23 November 2013, judicial authorities in Rafsanjan confirmed the arrest of seven individuals for allegedly insulting sacred beliefs and Islamic values online and warned that the intelligence apparatus was monitoring the Internet closely and would take all possible actions to prevent certain online breaches. Journalists affiliated to minority groups and reformists also continue to face imprisonment. In November 2013, Khosro Kordpour and Masoud Kordpour were sentenced to six and three-and-a-half years respectively, on charges of gathering and colluding against national security and propaganda against the system. Their conviction was allegedly chiefly motivated by their work as journalists, including reporting on the human rights situation in Kurdistan Province. On 7 December 2013, Fatemeh Ekhtesari and Mehdi Mousavi, both poets, were arrested and transferred to Evin prison. They were allegedly incarcerated for their critical writing and dissenting views. They were reportedly released on bail after a month in detention.<sup>29</sup>
- 2.3.6 In January 2013, Amnesty International recommended that Iran should release all journalists being held solely for carrying out their legitimate work. At least 14 reporters were arrested in January 2013 amid police raids on newspaper offices. The journalists

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<https://www.gov.uk/government/publications/iran-country-of-concern/iran-country-of-concern> date accessed 18 August 2014

<sup>27</sup> Foreign and Commonwealth Office <https://www.gov.uk/government/publications/iran-country-of-concern> – Human Rights and Democracy Report 2013 – Human Rights in Countries of Concern – Iran, 10 April 2014 <https://www.gov.uk/government/publications/iran-country-of-concern/iran-country-of-concern> date accessed 18 August 2014

<sup>28</sup> United Nations Human Rights Council <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>, Report of the Secretary-General on the Situation of Human Rights in Iran 7 April 2014 – A/HRC/25-26 paragraph 13 [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-26\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-26_en.doc) date accessed 18 August 2014

<sup>29</sup> United Nations Human Rights Council <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>, Report of the Secretary-General on the Situation of Human Rights in Iran 7 April 2014 – A/HRC/25-26 paragraph 14 [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-26\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-26_en.doc) date accessed 18 August 2014

were reportedly accused of co-operating with "anti-revolutionary" Persian-language media organisations outside Iran. "This latest example of locking-up journalists in Iran is a result of draconian restrictions on reporting which violates the right to freedom of expression and must be relaxed", stated Ann Harrison, Deputy Director of Amnesty International's Middle East and North Africa Programme.<sup>30</sup>

2.3.7 Keyvan Mehrgan, formerly of the newspaper Shargh, and Hossein Taghchi – were reportedly arrested in January 2013. Security forces stormed the offices of several Tehran-based publications and security agents reportedly searched and videotaped the premises. They also searched some of the journalists' homes and some phones and press permits were confiscated. The arrests reportedly took place after warrants were issued by the Court of Media and Culture. The latest series of arrests followed the return to jail of Mohammad Sadiq Kaboudvand, who was sent back to Evin Prison after being released on furlough for medical treatment in December 2012. Kaboudvand, who is in poor health, is serving a 10-and-a-half-year sentence imposed for his journalism and human rights work. It was the first time he has been allowed furlough since his arrest in 2007.<sup>31</sup>

2.3.8 According to Amnesty International, journalists in Iran face numerous restrictions on their legitimate work, which includes peaceful criticism of the authorities and reporting on human rights issues. Dozens of journalists have been harassed, detained and imprisoned in recent years and detainees' families have also been harassed or temporarily detained. In January 2013, many of those arrested solely because of their peaceful professional activities before and after the disputed June 2009 election remain in prison, often held in poor conditions.<sup>32</sup>

2.3.9 Despite President Rouhani's election, the treatment of journalists and bloggers has deteriorated in 2014. In July 2014, Reporters Without Borders noted that "The arrest on 22 July of two journalists and a photographer, including the Tehran correspondent of the Washington Post and his Iranian wife, brings to 65 the number of news providers behind bars in Iran. They include 10 women, of whom three are foreign nationals, making Iran the world's leading jailer of female journalists and netizens. Reporters Without Borders is extremely concerned by this wave of summonses and arrests aimed mainly at women working in the media, seven of whom have received prison terms of between six months and 20 years".<sup>33</sup> The Committee to Protect Journalists reports that in the first few months of 2014 "Authorities pursued a revolving-door policy in imprisoning journalists, freeing some detainees on short-term furloughs even as they make new arrests".<sup>34</sup>

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<sup>30</sup> Amnesty International [www.amnesty.org](http://www.amnesty.org) – Iran Must Release Journalist Detained in Newspaper Office Raids – 28 January 2013

<http://www.amnesty.org/en/news/iran-must-release-journalists-detained-newspaper-office-raids-2013-01-28> date accessed 18 August 2014

<sup>31</sup> Amnesty International [www.amnesty.org](http://www.amnesty.org) – Iran Must Release Journalist Detained in Newspaper Office Raids – 28 January 2013

<http://www.amnesty.org/en/news/iran-must-release-journalists-detained-newspaper-office-raids-2013-01-28> date accessed 18 August 2014

<sup>32</sup> Amnesty International [www.amnesty.org](http://www.amnesty.org) – Iran Must Release Journalist Detained in Newspaper Office Raids – 28 January 2013

<http://www.amnesty.org/en/news/iran-must-release-journalists-detained-newspaper-office-raids-2013-01-28> date accessed 18 August 2014

<sup>33</sup> Reporters Sans Frontières <http://en.rsf.org/>: Iran - Iran is world's leading jailer of female journalists and netizens, 30 July 2014 <http://en.rsf.org/iran-iran-is-world-s-leading-jailer-of-28-07-2014,46712.html> date accessed 18 August 2014

<sup>34</sup> Committee to Protect Journalists <https://cpj.org/>, In Iran, series of arrests and prosecutions target journalists, 7 July 2014

<https://cpj.org/2014/07/in-iran-series-of-arrests-and-prosecutions-target.php> date accessed 18 August 2014

2.3.10 On 1 August 2014, Amnesty International reported that “A sharp rise in arrests, prosecutions and imprisonment of independent journalists in Iran signals the authorities' utter determination to crush hopes for increased freedom heralded by the election of President Hassan Rouhani”.<sup>35</sup> Hassiba Hadj Sahraoui, Deputy Middle East and North Africa Programme Director at Amnesty International stated that “The way journalists are being treated puts everything journalism should stand for at risk in Iran. Anyone deemed critical of the authorities has been at increased risk of arrest and prosecution in recent months, creating an intense climate of fear where voicing any criticism has become a direct road to prison.”<sup>36</sup> Its briefing details journalists and media workers who have been arrested or summoned to begin serving their prison terms between April and July 2014.<sup>37</sup>

2.3.11 On 8 August 2014, a group of UN human rights experts expressed grave concern over the recent escalating trend of arrest and sentencing of individuals exercising their rights to freedom of expression and opinion, peaceful assembly and association.<sup>38</sup> They noted that “Since 22 May 2014, at least 36 individuals that include journalists, bloggers, filmmakers and authors, many of whom are also human rights activists, have been arrested summoned or sentenced in connection with their journalistic activities or for simply expressing their opinion on social media websites. Some of them have also been charged for ‘gathering and colluding against national security’ following their participation in peaceful assemblies. [...] A number of these cases include situations where persons are held in solitary confinement or unknown locations and for unknown charges. Many of the trials were allegedly riddled with procedural irregularities, including deprivation of legal representation and exclusion from attending one’s own sentencing. These individuals have been sentenced from six-month to over twenty-year prison terms. Furthermore, at least one individual was sentenced to 50 lashings and another sentenced to death.”<sup>39</sup> On 12 August 2014, Reporters Without Borders published a list of press freedom violations committed in 2014.<sup>40</sup>

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<sup>35</sup> Amnesty International <http://www.amnesty.org>, New wave of attacks against journalists as repression escalates, 1 August 2014 <http://www.amnesty.org/en/news/iran-new-wave-attacks-against-journalists-repression-escalates-2014-08-01> date accessed 18 August 2014

<sup>36</sup> Amnesty International <http://www.amnesty.org>, New wave of attacks against journalists as repression escalates, 1 August 2014 <http://www.amnesty.org/en/news/iran-new-wave-attacks-against-journalists-repression-escalates-2014-08-01> date accessed 18 August 2014

<sup>37</sup> Amnesty International <http://www.amnesty.org>, Iran: Jailed for being a journalist, 1 August 2014 <http://www.amnesty.org/en/library/asset/MDE13/044/2014/en/dd84c019-761d-45a1-8ab6-d6c5e74942a5/mde130442014en.pdf> date accessed 18 August 2014

<sup>38</sup> OHCHR news <http://www.ohchr.org/>, Iran: UN rights experts condemn the recent wave of arrest and sentencing of civil society actors, 8 August 2014 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14926&LangID=E> date accessed 18 August 2014

<sup>39</sup> OHCHR news <http://www.ohchr.org/>, Iran: UN rights experts condemn the recent wave of arrest and sentencing of civil society actors, 8 August 2014 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14926&LangID=E> date accessed 18 August 2014

<sup>40</sup> Reporters Sans Frontières <http://en.rsf.org/>, Press freedom violations recounted in real time January 2015, 12 August 2014 <http://en.rsf.org/press-freedom-violations-recounted-23-01-2014,45705.html> date accessed 18 August 2014

# Map of Iran

This is a map of Iran showing major cities and regions.



Map No. 3851 Rev. 1 UNITED NATIONS  
January 2004

Department of Peacekeeping Operations  
Cartographic Section

41

41 United Nations, Map of Islamic Republic of Iran, January 2004  
<http://www.un.org/depts/Cartographic/map/profile/iran.pdf> date accessed 18 August 2014

# Caselaw

## BA (Demonstrators in Britain – risk on return) Iran CG [2011] UKUT 36 (IAC)

The Tribunal found that:

1. Given the large numbers of those who demonstrate here and the publicity which demonstrators receive, for example on Facebook, combined with the inability of the Iranian Government to monitor all returnees who have been involved in demonstrations here, regard must be had to the level of involvement of the individual here as well as any political activity which the individual might have been involved in Iran before seeking asylum in Britain.
2. (a) Iranians returning to Iran are screened on arrival. A returnee who meets the profile of an activist may be detained while searches of documentation are made. Students, particularly those who have known political profiles are likely to be questioned as well as those who have exited illegally.  
(b) There is not a real risk of persecution for those who have exited Iran illegally or are merely returning from Britain. The conclusions of the Tribunal in the country guidance case of **SB (Risk on Return-Illegal Exit) Iran CG [2009] UKAIT 00053** are followed and endorsed.  
(c) There is no evidence of the use of facial recognition technology at the Imam Khomeini International airport, but there are a number of officials who may be able to recognise up to 200 faces at any one time. The procedures used by security at the airport are haphazard. It is therefore possible that those whom the regime might wish to question would not come to the attention of the regime on arrival. If, however, information is known about their activities abroad, they might well be picked up for questioning and/or transferred to a special court near the airport in Tehran after they have returned home.
3. It is important to consider the level of political involvement before considering the likelihood of the individual coming to the attention of the authorities and the priority that the Iranian regime would give to tracing him. It is only after considering those factors that the issue of whether or not there is a real risk of his facing persecution on return can be assessed.
4. The following are relevant factors to be considered when assessing risk on return having regard to sur place activities:
  - (i) Nature of sur place activity:
    - Theme of demonstrations – what do the demonstrators want (e.g. reform of the regime through to its violent overthrow); how will they be characterised by the regime?
    - Role in demonstrations and political profile – can the person be described as a leader; mobiliser (e.g. addressing the crowd), organiser (e.g. leading the chanting); or simply a member of the crowd; if the latter is he active or passive (e.g. does he carry a banner); what is his motive, and is this relevant to the profile he will have in the eyes of the regime?
    - Extent of participation – has the person attended one or two demonstrations or is he a regular participant?
    - Publicity attracted – has a demonstration attracted media coverage in the United Kingdom or the home country; nature of that publicity (quality of images; outlets where stories appear etc)?
  - (ii) Identification risk:

- Surveillance of demonstrators – assuming the regime aims to identify demonstrators against it how does it do so, through, filming them, having agents who mingle in the crowd, reviewing images/recordings of demonstrations etc?
- Regime’s capacity to identify individuals – does the regime have advanced technology (e.g. for facial recognition); does it allocate human resources to fit names to faces in the crowd?

(iii) Factors triggering inquiry/action on return:

- Profile – is the person known as a committed opponent or someone with a significant political profile; does he fall within a category which the regime regards as especially objectionable?
- Immigration history – how did the person leave the country (illegally; type of visa); where has the person been when abroad; is the timing and method of return more likely to lead to inquiry and/or being detained for more than a short period and ill-treated (overstayer; forced return)?

(iv) Consequences of identification:

- Is there differentiation between demonstrators depending on the level of their political profile/adversity towards the regime?

(v) Identification risk on return:

- Matching identification to person – if a person is identified is that information systematically stored and used; are border posts geared to the task?