Home Office

Country Information and Guidance

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

Version 2.0

December 2015

Preface

This document provides general, background information to Home Office decision makers to set the context for considering particular types of protection and human rights claims.

Where applicable, it must be read alongside the other country information and guidance material.

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.

Country Information

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

Feedback

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

Independent Advisory Group on Country Information

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

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

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Guidance

Updated: 15 December 2015

1. Introduction

1.1 Summary of issues to consider

1.1.1 In general, are those at risk of persecution or serious harm able to seek effective protection?

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

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2. Consideration of issues

2.1 In general, are those at risk able to seek effective protection?

2.1.1 Repressive elements within the security and intelligence forces and the judiciary retain wide powers and continue to be the main perpetrators of rights abuses in Iran. 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, arbitrary and unlawful detention, 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 (see Law enforcement agencies).

2.1.2 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, disregard international standards of fairness. Defendants are denied access to representation, the right to appeal, and judges commonly accept coerced confessions,disregard torture or abuse during detention and ignore evidence offered by the defence. There are also reports of lawyers and human rights defenders being banned and jailed for taking on politically sensitive cases. There was little or no improvmement in access to justice or the rule of law in Iran in 2014 and 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 (see Judiciary).

2.1.3 If the person's fear is of ill-treatment/persecution by the state authorities, or by agents acting on behalf of the state, it is unreasonable to consider they would be able to avail themselves of the protection of the authorities.

2.1.4 If the ill-treatment/persecution is at the hands of non-state agents, then the provision of effective state protection is likely to be undermined by the security forces' inefficiency and corruption as well as unfair trials and a lack of due process. Decision makers must however assess whether effective protection is available in relation to the particular circumstances and profile

of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.

2.1.5 For further guidance on assessing the availability or not of state protection, see section 8.1 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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2.2 In general, are those at risk able to internally relocate?

2.2.1 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.

2.2.2 Iran's total land area is 1,648,195 sq km with an estimated population of 81,824,270 (see Geography). The constitution provides for freedom of internal movement. Women, especially in rural areas, sometimes faced official and societal harassment for travelling alone and conservative social norms often restrict the free movement of women in rural areas outside the home or village. Women in those areas often require the supervision of a male guardian or chaperone to travel (see Freedom of movement).

2.2.3 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.

2.2.4 Where person's fear is of ill treatment/persecution at the hands of the state, it is neither reasonable nor realistic to expect them to relocate to escape that risk.

2.2.5 Where a person's fear is of ill treatment/persecution at the hands of non-state agents, internal relocation to escape that risk may be an option but will depend on the nature of the threat from non state agents and the individual circumstances of the person, as long as it would not be unduly harsh to expect them to do so.

2.2.6 Decision makers need to consider the ability of the persecutor to pursue the person to 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, level of education, ethnicity, religion, financial circumstances/ability to secure access to a livelihood and/or support network of the person. The security, human rights and socioeconomic conditions in the proposed area of relocation and the person's ability to sustain themselves should also be taken into account.

2.2.7 For further guidance on considering internal relocation and factors to be taken into account, see section 8.2 of the Asylum Instruction on Assessing Credibility and Refugee Status.

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3. History

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

4. Economy

4.1.1 The Central Intelligence Agency (CIA) World Factbook, Iran, stated that:

'Iran's economy is marked by statist policies, inefficiencies, and reliance on oil and gas exports, but Iran also possesses significant agricultural, industrial, and service sectors. The Iranian government directly owns and operates hundreds of state-owned enterprises and indirectly controls many companies affiliated with the country's security forces. Distortions including inflation, price controls, subsidies, and a banking system holding billions of dollars of non-performing loans, weigh down the economy, undermining the potential for private-sector-led growth. Private sector activity includes small-scale workshops, farming, some manufacturing, and services, in addition to medium-scale construction, cement production, mining, and metalworking. Significant informal market activity flourishes and corruption is widespread.'[2]

4.1.2 'Fiscal and monetary constraints, following the expansion of international sanctions in 2012 on Iran's Central Bank and oil exports, significantly reduced Iran's oil revenue, forced government spending cuts, and sparked a sharp currency depreciation. Iran's economy contracted for the first time in two decades during both 2012 and 2013, and grew only slightly 2014. Iran continues to suffer from high unemployment and underemployment. Lack of job opportunities has prompted many educated Iranian youth to seek employment overseas, resulting in a significant "brain drain." In June 2013, the election of President Hasan Ruhani generated widespread public expectations of economic improvement and greater international engagement. In connection with ongoing international negotiations over Iran's nuclear program the limited sanctions relief for Iran provided under the Joint Plan of Action of November 2013, helped to forestall the decline in the economy in 2014.'[3]

4.1.3 The World Bank noted 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 406.3 billion in 2014. It also has the second largest

[1] BBC News Middle East. Iran Profile, 14 July 2015 http://www.bbc.co.uk/news/world-middle-east-14541327 [accessed 2 September 2015]
[2] Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015, Economy https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]
[3] Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015, Economy https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]

population of the region after Egypt, with an estimated 78.5 million people in July 2014. Iran's economy is characterized by a large hydrocarbon sector, small scale agriculture and services sectors, and a noticeable state presence in manufacturing and financial services. Iran ranks second in the world in natural gas reserves and fourth in proven crude oil reserves. Aggregate GDP and government revenues still depend to a large extent on oil revenues and are therefore intrinsically volatile.'

'...Following two years of recession, the Iranian economy recovered during the 2014 Iranian calendar year (i.e., March 2014-March 2015) as the new administration led by President Rouhani took office in July 2013 and a partial lifting of sanctions was enacted under the Joint Plan of Action (JPA).'

'...The unemployment rate has remained stubbornly high and rose slightly in 2014. The unemployment rate reached 11.4% in 2014, up from 10.4% in 2013. The unemployment rate was much more elevated among women (20.3% for women against 8.7% for men), among the population between the ages of 15 and 29 (17.9% for men and 39% for women in this age cohort) and in urban areas (11.7% in urban areas and 7.4% in rural areas). This weak labor market performance took place within a context of a subdued and declining labor force participation rate with only 37.2% of the country's population being economically active in 2014, down from 37.6% in 2013 (62.9% for men and 11.8% for women). The incidence of underemployment has also become more prevalent, with an estimated 9.5% of workers being considered underemployed (10.3% for men and 4.8% for women). Underemployment is largely concentrated among the youth population.'[4]

4.1.4 The US Department of State reported in its Country Report on Human Rights that during 2014:

'According to the Cooperatives, Labor, and Welfare Ministry, the minimum wage was 608,900 tomans ($225) per month. This figure does not include supplemental allowances for housing, groceries, and child benefits. While the minimum wage represented a 25 percent increase over 2013, it did not keep pace with inflation, which was estimated at 35 percent for the same period. Domestic labour organizations published reports stating that workers' purchasing power eroded during the past few years, as yearly minimum wage increases have not kept pace with inflation since 2011. Statistics Center of Iran head Adel Azar estimated the poverty line to be 13,312 tomans (five dollars) per day in a June press interview. Labour representatives and some economists believed the actual poverty line to be significantly higher--closer to 80,000 tomans ($30 per day--due to the cost of goods in the country.'[5]

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[4] World Bank. Iran Overview. 1 March 2015 http://www.worldbank.org/en/country/iran/overview [Accessed 7 October 2015]

[5] US Department of State, Country Report on Human Rights Practices 2014, Iran, 25 June 2015, section 7 e. Acceptable Conditions of Work, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 2 September 2015]

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

'The constitution bars discrimination based on race, gender, disability, language, and social status "in conformity with Islamic criteria," but the government did not effectively enforce these prohibitions. The constitution does not bar discrimination based on sex, sexual orientation, or gender identity. There were systematic efforts by the government to limit women's access to the workplace. In July male managers in the Tehran city government were barred from employing female secretaries or office managers. In August a policy prohibiting women's employment in coffee shops, coffee houses, and traditional restaurants was announced. In September the local press reported that bands with female musicians would not be granted performance licenses. The performance ban would extend to the entire country a prohibition that had been in place in a few cities. Discrimination occurred based on the above categories with respect to employment and occupation.'[6]

4.1.6 The August 2014 Report of the UN Secretary-General on the situation of human rights in the Islamic Republic of Iran noted that 'no improvement in the level of participation of women in the workforce has been observed. The Islamic Republic of Iran continues to have one of the lowest rates of female representation in the labour market globally, with women constituting only 16 per cent of the labour force. ... Participation rates of women in paid work are low, with Iranian women estimated to earn the lowest average incomes in Asia and the Pacific. Men earn 4.8 times more than women, making the income gap between Iranian men and women one of the highest in the world.'[7]

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5. Geography

5.1 Geography

5.1.1 According to the CIA World Factbook, updated in August 2015, Iran is located in the Middle East, 'bordering the Gulf of Oman, the Persian Gulf, and the Caspian Sea, between Iraq and Pakistan'. Iran also has land boundaries with Afghanistan, Armenia, Iraq, Pakistan, Azerbaijan, Turkey and Turkmenistan. It has an area of 1,648,195 sq km.[8]

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[6] US Department of State, Country Report on Human Rights Practices 2014, Iran, 25 June 2015, section 7 d. Discrimination with Respect to Employment or Occupation. http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 7 October 2015]

[7] UN General Assembly, Situation of human rights in the Islamic Republic of Iran : note / by the Secretary-General, paragraphs 64 and 67, 27 August 2014, http://www.refworld.org/docid/5436a31f4.html [accessed 2 September 2015]

[8] The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015 Geography https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]

5.1.2 The CIA World Factbook, noted that Iran has an estimated population of 81,824,270 as of July 2015 with 73.4% of the population living in urban areas.[9]

5.1.3 The capital of Iran is Tehran with a population of 8.432 million. Other major cities are Esfahan (1.88 million), Tabriz (1.572 million), Mashhad (3.014 million) and Karaj (1.807 million) and Shiraz (1.661 million as at 2015).[10]

5.1.4 The United Nations Industrial Development Organisation (UNIDO) noted in their April 2014 concept note that: 'The demographic profile of the country is characterized by a disproportionately high youth population (with over 60% of the 73 million individuals 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 of them being unemployed or abandoning their job search and joining the ranks of the economically inactive population. Some 150,000 youth are estimated to be migrating to other countries every year in search of better economic prospects, which may lead to a substantial shortage of skilled labor in the long-term. .'[11]

5.1.5 According to the Central Intelligence Agency (CIA) World Factbook updated in August 2015[12], the main ethnic groups in Iran are:

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

the languages spoken:

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

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[9] The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015 People and Society. https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]

[10] The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015 People and Society https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]

[11] UNIDO, Creating job opportunities for youth and women through the promotion of MSMEs in Iran, April 2014, http://www.unido.org/fileadmin/user_media_upgrade/What_we_do/Topics/Business__investment_and_technology_services/Iran_concept_note_15-4-14_v2.pdf [Accessed 7 October 2015]

[12] The Central Intelligence Agency (CIA) World Factbook, Iran. Last updated 24 August 2015 Geography https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html [accessed 2 September 2015]

- Arabic
- other

and the religions practiced:

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

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6. Iranian calendar

6.1.1 The Iran Chamber Society, stated that: 'The Iranian calendar (also known as the Persian calendar or the Jalaali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran.'[13]

6.1.2 The Iran Chamber website includes an Iranian calendar converter to convert dates between the Iranian and the Gregorian calendar.

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7. Constitution

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

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8. Political System

8.1.1 The US State Department's, Country Report on Human Rights Practices 2014, released on 25 June 2015 stated that:

'The Islamic Republic of Iran is a theocratic republic with a constitution that 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 existed within the structure of the state, the supreme leader held significant influence over the legislative and executive branches of government (through various unelected councils under his authority) and held constitutional authority over the judiciary, the state-run media, and the armed forces. The supreme leader also indirectly controlled the internal security forces and other key institutions. Since 1989, the supreme leader has been Ayatollah Ali Khamenei.'

[13] Iran Chamber Society, Iranian Calendar Converter, undated http://www.iranchamber.com/calendar/converter/iranian_calendar_converter.php [accessed 2 September 2015]

'...The constitution provides citizens the ability 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.'

'... The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties with ideological and practical adherence to the system of government embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment. The government maintained bans on several opposition organizations and political parties.... Women faced significant legal, religious, and cultural barriers to political participation.'[14]

8.1.2 Freedom House's report Freedom in the World 2015- Iran, published on 16 March 2015, reported that

'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 June 14, 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.'

'In the months after Rouhani's inauguration in August, 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

[14] US Department of State, Country Report on Human Rights Practices 2014, Iran, Executive Summary and Section 3, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 2 September 2015]

Sotoudeh, though key opposition leaders remained under house arrest. The new administration also took practical steps to guarantee academic freedom.'

'None of the elections held since the 1979 Islamic revolution have been regarded as free or fair.'

'...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. Since February 2011, the former presidential candidates and prominent opposition leaders Mir Hussein Mousavi and Mehdi Karroubi, and Mousavi's wife Zahra Rahnavard, have been kept under strict house arrest without trial, incommunicado, and with only limited access to family members. At least two leading reformist parties, the Islamic Participation Front and the Islamic Revolution Mujahedin Organization, have had their licenses revoked by a court and are prevented from functioning freely.'

'Though non-Muslim minorities cannot hold senior government or military positions, the constitution grants five parliamentary seats to recognized religious minorities (Armenian Christians, Chaldean Christians, Zoroastrians, and Jews). The political participation and representation of religious and ethnic minorities remains weak at the national and local levels. A Zoroastrian candidate from the city of Yazd won a seat in the 2013 local council elections, reportedly marking the first victory of its kind since the 1979 revolution.'

'In addition to the restrictions imposed on the elected presidency by the supreme leader and other unelected institutions, the powers of the parliament are limited by the Guardian Council. Article 94 of the constitution vests the council with the authority to review all legislation passed in the parliament, and to approve or reject bills on the basis of their adherence to Islamic precepts and constitutional law. The Guardian Council regularly invokes its supervisory powers to block legislation passed in parliament. It has acted as the single most important obstacle to the parliament's legislative jurisdiction since the 1979 revolution. Corruption is pervasive at all levels of the bureaucracy, and oversight mechanisms to ensure transparency are weak.'[15]

8.1.3 Jane's Sentinel Security Assessment, updated 19 August 2015, reported that:

[15] Freedom House, Freedom in the World 2015- Iran, 16 March 2015, https://freedomhouse.org/report/freedom-world/2014/iran#.Veb3d_n1DyM [Date accessed 14 September 2015]

'While Iran has dozens of political parties and coalitions, Iran's political groups can typically be organized along two general social and economic policy spectrums. Regarding social policies, parties vary in terms of degree to which Islamic Law should be imposed (e.g. reformists versus hard-liners and traditionalists). Regarding economic policies, parties vary on the degree of support for state planning and intervention in the economy (e.g. pragmatists versus traditionalists). More specifically, the reformists seek to strengthen the democratic elements of Iran's political structure while limiting the power of the appointed bodies. They also support market liberalisation measures, such as subsidy reforms, aimed at reducing the state's interference in the economy. This camp's leaders comprise leftist intellectuals and clerics, with the urban population and a large portion of Iran's youth population as its main supporters. The conservative camp can be divided into three factions: pragmatists, traditionalists, and hard-liners. The pragmatist conservatives favour a market economy alongside a more lenient interpretation of Islamic social laws. The traditional merchant class, the bazaaris, comprise the pragmatists' core constituency. The traditionalist conservatives favour a firm government stance on Islamist social laws, such as veiling of women and restrictions on entertainment. Rural Iranians and most of the clergy form this group's constituency. The hard-liner conservatives demand a return to Iran's revolutionary ideals, an aggressive foreign policy, and strict adherence to Islamic social laws. They favour the use of Iran's security apparatus, including the Islamic Revolution Guards Corps (IRGC), to eliminate any source of internal strife or social corruption (westernization). Nevertheless, many MPs run on independent tickets, providing them with some flexibility to align themselves into coalitions along the two general social and economic policy spectrums without having party loyalties.' [16]

8.1.4 The February 2015 report of the UN General Secretary to the UN Human Rights Council (HRC) noted that:

'A new bill, made public early in 2014, on the activities of political parties which, if passed, would prohibit parties from activities until they obtain a permit from a five-member commission comprising representatives of the judiciary, parliament and the Ministry of the Interior'.[17]

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9. Law enforcement agencies

9.1 Overview

9.1.1 According to a 2014 Bertelsmann Foundation report:

[16] Jane's 'Sentinel Security Assessment' Iran. 19 August 2015. Subscription source. [Accessed 9 September 2015]

[17] UN Human Rights Council: Report of the Report of the Secretary-General to the UN Human Rights Council: Situation of human rights in the Islamic Republic of Iran [A/HRC/28/26], 20 February 2015, http://www.ecoi.net/file_upload/1930_1425383716_a-hrc-28-26-eng.doc [accessed 10 October 2015]

'The government has full control over the entire domestic security forces and almost 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.' [18]

9.1.2 The US State Department's, 'Country Reports on Human Rights Practices 2014 – Iran', released on 25 June 2015 stated that:

'Several agencies shared responsibility for law enforcement and maintaining order, including the Ministry of Intelligence and Security (MOIS), law enforcement forces under the Interior Ministry, and the IRGC, 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 Revolutionary Guard ground forces. Basij units often engaged in crackdowns on political opposition elements without formal guidance or supervision from superiors.'

'The security forces were not considered fully effective in combating crime, and corruption and impunity remained problems. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers.'[19]

9.1.3 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.'[20]

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[18] Bertelsmann Foundation, BTI 2014; Iran Country Report, 2014, I. Political Transformation, p6 http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Iran.pdf [accessed 2 September 2015]

[19] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1d, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598

[20] 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 2 September 2015]

9.1.4 The US State Department report covering 2014 stated that:

'The government and its agents reportedly committed arbitrary or unlawful killings, including, most commonly, by execution after arrest and trial without due process. The government made few and limited attempts to investigate allegations of deaths that occurred after or during reported torture or other physical abuse or after denying detainees medical treatment. Members of ethnic minority communities were disproportionately victims of such abuses. […] There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The government executed 721 persons during the year, according to the NGO Iran Human Rights Documentation Center (IHRDC), which reported that many trials did not adhere to basic principles of due process. The government officially announced 268 executions but for many did not release further information, such as the dates of executions, the names of those executed, or the crimes for which they were executed. [….] 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.'[21]

9.1.5 Freedom House noted that '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.'[22]

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

9.2.1 Jane's Sentinel Security Assessment, updated 6 August 2015 stated:

'The LEF, the national police service, was created in 1991 through a merger of the police, gendarmerie, and revolutionary committees and is charged with 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. The current head of the LEF is Brigadier General Esmail Moghadam. It is part of the LEF's role to coordinate on internal security matters with the

[21] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1a and 1d, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598

[22] Freedom House, Freedom in the World 2015- Iran, 16 March 2015, https://freedomhouse.org/report/freedom-world/2014/iran#.Veb3d_n1DyM [accessed 7 September 2015]

Ministry of Intelligence and Security (MOIS), the national intelligence service. The LEF has a counterintelligence unit, which has also been involved in the investigation of corruption.'

'Maintaining security along Iran's borders is an important role of the LEF. In recent years Iran has stepped up security on its borders, with equipment of border units being upgraded. The LEF is using what has been described as "modern technologies" in order to counter drug trafficking, smuggling and the movement of individuals considered to pose a threat to state security. The border with Pakistan is a particular focus for concern, as militant groups have abducted Iranians and held them on the Pakistani side, including five Iranian border guards in February 2014. Four were later freed and one killed. There have also been violent incidents, the most serious of which was the killing of 14 border guards by militant group Jaish al-Adl in October 2013.'

'The LEF investigates those whose behaviour is perceived as contravening Islamic norms. The Social Corruption Unit of the LEF deals with social behaviour considered "immoral". A similar unit in the LEF called the Edareyeh Amaken Omumi (Public Establishments Office) 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.'

'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 can reasonably be assumed to assist in or enable human rights abuses by or on behalf of the Government of Iran"'.[23]

9.2.2 The Interpol website, accessed 7 September 2015, provides information on the various operational police force units in Iran.[24]

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[23] Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 6 August 2015. Subscription source. [accessed 7 September 2015]
[24] Interpol. Member countries. Iran. http://www.interpol.int/Member-countries/Asia-South-Pacific/Iran [accessed 20 October 2014]

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

9.3.1 The Iran Primer website's section on the IRGC noted that:

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

'Over time, the Guards have also been transformed into a leading economic and political actor. The IRGC and its associated companies are involved in many sectors of Iran's economy, allowing it to amass unprecedented power. The Guards' ascendance could not have happened without the support of Supreme Leader Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad. Khamenei relied on the Guards to buttress his declining authority and to block political reform. As guarantor of the revolution's core principles, the IRGC played a key role in marginalizing reformist and pragmatic conservative factions seen to challenge those principles.'[25]

9.3.2 Jane's Sentinel Security Assessment, updated 6 August 2015 notes:

'The Islamic Revolutionary Guards Corps (IRGC), commonly known as the Pasdaran (Guardians), is a crucial and specially trusted element in the Islamic republic's security/military apparatus. It was originally formed as a counterweight to the regular military forces and as a custodian of the Islamic revolution. The Supreme Leader Ayatollah Khamenei directly oversees the IRGC and holds regular sessions with the top Pasdaran commanders.'

'The IRGC 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 elite Qods Force special operations branch which carries out operations abroad. 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).'

[25] The Iran Primer, Resources- The Revolutionary Guard by Alireza Nader undated, http://iranprimer.usip.org/resource/revolutionary-guards [accessed 7 September 2015]

'The IRGC has an important internal security role, which includes local intelligence gathering, and patrolling the capitol, Tehran. IRGC forces often man the internal customs posts found about 10 km outside each major city or conurbation. Patrols often operate on a freelance basis with the LEF, Highway Police and other civilian organisations. Since the enactment of military reforms, the IRGC has been placed under an integrated command with Iran's regular armed forces at the General Staff level. It retains an independent command chain below this level, however, and generally continues to operate as an independent force.'[26]

9.3.3 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.'

'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.'[27]

9.4 Basij

9.4.1 Jane's Sentinel Security Assessment, updated 6 August 2015 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.'

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[26] Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 6 August 2015. Subscription source. [accessed 7 September 2015]

[27] 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 8 September 2015]

‘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 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.’

‘The Basij were among the forces deployed to quell demonstrations in the wake of the 2009 presidential election. However, the lack of military experience or training means the Basij are unlikely to be used in any more demanding conflict situations. For example, the IRGC are still the organisation dedicated to combating the Kurdistan Free Life Party (Partiya Jiyana Azada Kurdistane: PJAK) in Kurdistan and west Azerbaijan provinces, despite the Basij's presence there.’[28]

[28] Jane’s ‘Sentinel Security Assessment’ Iran. Security and Foreign Forces. 6 August 2015. Subscription source. [accessed 7 September 2015]

9.4.2 The January 2014 report of the Center for Strategic and International Studies (CSIS) noted that:

'Today, some elements of the Basij are largely an internal security force. They are used to suppress opposition movements and create counter-demonstrations, and they function...as a mobilization base for the regime... The Basij now have specialized subunits – largely for political control and to enforce the regimes religious restrictions on social behavior – at every level from the school to professions to the mosque. Members include professional cadres and indoctrinators, volunteers, and part timers assigned to a mobilization base.'[29]

9.4.3 The Iran Primer, in an updated article titled 'The Basij Resistance Force' stated that:

'Since the 2005 election of President Mahmoud Ahmadinejad, Basij interventions in politics have become more frequent.'

'...The Basij statute stipulates that the militia's mission is to "create the necessary capabilities in all individuals believing in the Constitution and the goals of the Islamic Republic to defend the country, the regime of the Islamic Republic, and aid people in cases of disasters and unexpected events."'

'...Presidential contender Mehdi Karroubi, a former speaker of parliament, accused the Basij and the Revolutionary Guards of helping manipulate the outcome of the 2005 election, when Ahmadinejad defeated former President Rafsanjani. Karroubi and Mir-Hossein Mousavi raised similar allegations against the Basij after the disputed June 12, 2009 presidential election.'

'The Basij's performance since the June 2009 election has been mixed. It managed to suppress street protests in the provinces with the help of the local police forces, but maintaining order in major urban centers, especially Tehran, was more difficult. And their actions have faced backlash. On June 15 [2009], Basij members reportedly shot and killed protesters at Azadi Square who were forcing their way into the local militia station. From June 22 onward, the Basij constituted only a minority of the forces cracking down on protesters. Basij commander Hossein Taeb, a Shiite cleric with the rank of hojatoleslam, claimed that eight Basij had been killed and 300 wounded during the anti-government protests.'

'The Student Day protests in December 2009 proved equally challenging for the Student Basij, who had mobilized several thousand members but were still unable to suppress dissidents at campuses in Tehran, Shiraz and Tabriz. The Basij were also unable to contain the massive demonstrations three weeks later during Ashoura, the holiest time of the year for Shiite Muslims. Senior military officials admitted that the IRGC had to mobilize militia members from the capital's outskirts and even from other provinces in order to suppress the unrest.'

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[29] CSIS – Center for Strategic and International Studies, 'The Gulf Military Balance Volume I: The Conventional and Asymmetric Dimensions',
28 January 2014, p144, http://csis.org/files/publication/1305022_Gulf_Mil_Bal_Volume_I.pdf [Date accessed 10 October 2015]

'The regime signalled its displeasure with the Basij's performance. In October 2009, Taeb was removed as Basij chief. A few days later, the militia was formally integrated into the Revolutionary Guards ground forces, with Brig. Gen. Mohammad Naghdi as the new chief. In 2010, the Basij focused significant attention on combating perceived threats to the regime from the Internet. Thousands of members were educated in blogging and filtering of dissident websites, Basij officials acknowledged.'[30]

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9.5 Basij as 'morality police'

9.5.1 In a November 2011 article for The Journal of Middle East and Africa, Saied Golkar stated that there were three Basij groups who were active in enforcing the principle of Amr be Maruf va Nahy az Monkar ["commanding what is just and forbidding what is wrong"]. The lowest ranked group, the Nasehin, was responsible only for 'giving oral guidance or verbal warning'. The second ranked group, the Zabetin, 'have more power to confront persons who break the moral law' and act as chiefs of the Nasehin. The article stated:

'According to Basij regulations, the Basijis who are active in the Amr be Maruf activities are divided into three groups: unlimited or first-level bailiff (zabetin-e ghazaei-e Aam), limited or second-level bailiff (zabetin-e ghazaei-e khase), and ordinary or third-level bailiff (zabetin-e Aadi) or Nasehin. The Nasehin are only responsible for promoting and commanding Islamic shariah in society by giving oral guidance or verbal warning (tazzakkor-e lesani). They are organized as members of the Nasehin team. The second level of Zabetin, who serve as chiefs of the Nasehin teams, are mainly responsible for enforcing the Islamic codes. Therefore, they have more power to confront persons who break the moral law, especially when crimes take place in the presence of the officers, such as improper observance of the Islamic dress code. The most powerful Basiji judicial officers are those at the first level of Zabetin, who are usually appointed as chiefs of Nasehin resistance groups. These officers have an open hand in implementing the Islamic order and wield the power to arrest and capture offenders of the law.'[31]

9.5.2 A 2009 Middle East Report Online article also outlined the different roles of the Nasehin and Zabetin in their moral policing activities. The article stated:

'Officially, there are two ranks of Basiji agents in the morality police. Only the top-ranking officers, the *zabetin*, are permitted to carry guns and make arrests. These *zabetin* are under the supervision of the judiciary, though their mandate overlaps with that of the regular municipal police. Most agents are known as "instructors" (*nasehin*), who are to restrict themselves to issuing verbal admonitions. On many occasions since the morality campaign began,

[30] The Iran Primer, Resources- The Basij Resistence Force by Ali Alfoneh, undated, http://iranprimer.usip.org/resource/basij-resistance-force [accessed 8 September 2015]
[31] Saied Golkar, 'Politics of Piety: The Basij and Moral Control of Iranian Society', The Journal of the Middle East and Africa, 30 November 2011, Issue 2, No.2, p.216 http://dx.doi.org/10.1080/21520844.2011.619257 [Date accessed 15 September 2015]

however, Basiji men of all ranks have stopped cars or apprehended pedestrians and transferred the detainees to clandestine locations where they can be held incommunicado for one day without charge or even notice to judicial authorities. Gross abuses have ensued... Following a succession of such incidents, the judiciary attempted to rein in the Basij. Hassan Firuzabadi, a top IRGC commander, proclaimed that henceforth Basijis would be limited to verbal "instruction," but in practice many Basijis still take considerable liberties and pay no penalty for overstepping their nominal legal bounds.'[32]

9.5.3 In the November 2011 article for The Journal of Middle East and Africa, Saied Golkar stated that:

'To implement Amr be Maruf va Nahy az Monkar in Iranian society, the Basij and especially Nasehin teams are primarily responsible for identifying troublemakers, potential criminals, and ''unclean'' (alodeh) places in each neighborhood to prevent people from doing wrong.

While there is 'a lack of accurate statistics', a Basij commander had claimed in 2005 that 'more than 54,000 Nasehin and 50,000 Zabetin were working at more than 300 "Amr be Maruf" centers throughout Iran'.

'[l]ike other members of the Basij, these people are poorly educated'. They have also been criticised, including by the Basij commander for 'not being familiar with laws and regulations'. Those working at checkpoints have also been said to 'often lack the required experience and training'.

'The Basij use two kinds of street patrolling, visible and undercover', and that '[w]hile visible patrolling is done by Basijis wearing uniforms and using official vehicles, undercover patrolling is done in personal vehicles and without uniforms'. [33]

9.5.4 The Journal of Middle East and Africa also stated that the Basij made use of 'checkpoints (inspection and stop trap) and street patrols', which were 'usually carried out in crowded areas, such as streets around universities, in squares, and at intersections'. It was also noted that these were 'also conducted in the mountains in the north of Tehran, where many people go hiking on weekends'.[34]

9.5.5 The Guardian reported in May 2015 that "Religious police and plainclothes basij militia are often deployed on the streets or in public buildings such as

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[32] Fatemeh Sadeghi, 'Foot Soldiers of the Islamic Republic's "Culture of Modesty"', The Middle East Report Online, Spring 2009 http://www.merip.org/mer/mer250/foot-soldiers-islamic-republic%E2%80%99s-%E2%80%9Cculture-modesty%E2%80%9D [Date accessed 15 September 2015]

[33] Saied Golkar, 'Politics of Piety: The Basij and Moral Control of Iranian Society', The Journal of the Middle East and Africa, 30 November 2011, Issue 2, No.2, p.216 http://dx.doi.org/10.1080/21520844.2011.619257 [Date accessed 15 September 2015]

[34] Saied Golkar, 'Politics of Piety: The Basij and Moral Control of Iranian Society', The Journal of the Middle East and Africa, 30 November 2011, Issue 2, No.2, p.216 http://dx.doi.org/10.1080/21520844.2011.619257 [Date accessed 15 September 2015]

big shopping malls where they crack down on men and women who fail to stick to their forced Islamic dress code."[35]

9.5.6 In the November 2011 article in the Journal of Middle East and Africa, Saied Golkar stated that Iranian law only allows the Basij to confront citizens 'when a crime is observed'. Despite this, 'there are many reports of Basijis disrupting private gatherings and parties under the pretence of "countering immoral behavior"'.[36]

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

'At the present time, one of its main functions is to act as "moral police" enforcing Islamic cultural codes of behaviour, such as requiring women to veil in public and prohibiting male-female relations. The Basij not only harasses women and students, they have also instituted a systematic practice of taking over territory that belongs to peasants and farmers. This practise of land-confiscation by the government can be seen as targeting ethnic and religious minority groups...'.[37]

9.5.8 The same report also referred to information provided by a 'western embassy' that 'the authorities had previously conducted raids within private homes to check on people's dress code'.The report also noted that from time to time, violence and force are used against girls to make them cover up and that in some cases the girl may be sentenced to lashes. [38]

9.5.9 In its 2011 Freedom in the World report for Iran, Freedom House stated that "The Basij carried out thousands of home raids in 2007, arresting more than 150,000 people and forcing them to sign letters promising to observe official dress codes and adhere to moral standards."[39]

9.5.10 A May 2014 Wall Street Journal article referred to how each summer the 'morality police raid the streets punishing women for daring to show their painted toes, bare ankles and streaks of highlight'. It was reported that

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[35] The Guardian, Iran bans 'homosexual' and 'devil worshipping' hairstyles, 6 May 2015. http://www.theguardian.com/world/2015/may/05/iran-bans-devil-worshipping-homosexual-hairstyles Accessed [Date accessed 15 September 2015]

[36] Saied Golkar, 'Politics of Piety: The Basij and Moral Control of Iranian Society', The Journal of the Middle East and Africa, 30 November 2011, Issue 2, No.2, p.216 http://dx.doi.org/10.1080/21520844.2011.619257 [Date accessed 15 September 2015]

[37] Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.7 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [Date accessed 8 October 2015]

[38] Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.23 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [Date accessed 15 September 2015]

[39] Freedom House 2011, Freedom in the World 2011 - Iran, 12 May, UNHCR Refworld http://www.refworld.org/docid/4dcbf51a39.html [Date accessed 15 September 2015]

'[s]ometimes the women are fined' and '[s]ometimes they are given a verbal notice and often they are detained for several hours'.[40]

9.5.11 In a March 2014 report, Justice for Iran outlined a range of potential punishments for "improper hijab", and indicated that women who had committed multiple infractions of this nature would be transferred to the judiciary. The report stated that:

'Officers frequent busy streets and crowded areas in order to identify those women who in their opinion do not observe hijab laws in a proper manner, reprimand them and in some cases detain them in their SUVs and after a few hours, have them pledge to observe full Islamic hijab laws at all times. In other cases, family members of detained women are instructed to provide Islamic uniforms that are longer or clothing that is deemed more Islamic before they are released. Some women are transferred to police stations and held for a number of hours while those among them who have a previous record of improper hijab or refusal to cooperate with the police are transferred to the judiciary.'[41]

9.5.12 The same source also noted that the criteria for what is considered to be "improper hijab" do 'change on a regular basis and in many cases vary in accordance with the personal preferences of the patrol officers'. [42]

9.5.13 The UN the Special Rapporteur on the situation of human rights in Iran noted in February 2013 that:

'The parliament reportedly recently approved a plan "on the protection of promoters of virtue and preventers of vice", which would increase checks on improper veiling. ... The morality police strictly monitor all public places, including vehicles, and take action against those who do not adhere to the morality codes. Women who appear without an Islamic hijab risk arrest and imprisonment of between 10 days and two months, or a fine of up to 500,000 rials. Approximately 30,000 women were reportedly arrested between 2003 and 2013, with many others subjected to expulsion from university or banned from entering public spaces, such as parks, cinemas, sport facilities, airports and beaches.' [43]

9.5.14 A report by The Guardian published in October 2013 noted that gay people are also targetted by the Basij:

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[40] Wall Street Journal, Iranian Women Find New Platform for Personal Freedom Push, , 13 May 2014. http://blogs.wsj.com/middleeast/2014/05/13/iranian-women-find-new-platform-for-personal-freedom-push/ [Date accessed 15 September 2015]

[41] Justice for Iran, Thirty-five Years of Forced Hijab: The Widespread and Systematic Violation of Women's Rights in Iran, March 2014, p.13 http://justice4iran.org/english/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf [Date accessed 15 September 2015]

[42] Justice for Iran, Thirty-five Years of Forced Hijab: The Widespread and Systematic Violation of Women's Rights in Iran, March 2014, p.13 http://justice4iran.org/english/wp-content/uploads/2014/03/Hejab-Report-JFI-English.pdf [Date accessed 15 September 2015]

[43] UN Human Rights Council: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran [A/HRC/22/56], 28 February 2013, paragraph 30, www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_28_26_ENG.doc [accessed 10 October 2015]

'"Homosexual" and "devil worshipping" hairstyles have been banned in Iran, alongside tattoos, sunbed treatments and plucked eyebrows for men, which are all deemed un-Islamic.'

'In recent years, it appears that the government and the police has maintained the policy of ignoring gay people but the revolutionary guards and the informal voluntary Basij religious militia, who are indepdent of the government but close to the country's supreme leader Ayatollah Ali Khamenei, have been active tracking down gays and punishing them.'[44]

9.5.15 Vice News reported on April 2015 the treatment of transgender people in Iran:

'Saghi Ghahraman runs the Iranian Queer Organization, a Canadian group that fights for LGBTQ refugee rights in Turkey. She says it's common for transgender refugee women to report that the basij, and sometimes the police, harass and rape them. This is due in part because they're such easy targets. "There is no support system for transgender people in Iran," Ghahraman says. "No support system at all — not their own families, not their friends, and not authorities."'[45]

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

9.6.1 Jane's Sentinel Security Assessment, updated 6 August 2015 notes that:

'The Ministry of Intelligence and Security (MOIS) 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. The MOIS, the IRGC intelligence unit and the IRGC's elite Qods Force often work together. Some MOIS 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 recent years the agency claims to have made numerous arrests of individuals alleged to have been

[44] The Guardian, Iran bans 'homosexual' and 'devil worshipping' hairstyles, 10 October 2013. http://www.theguardian.com/world/2013/oct/10/iran-arrests-network-homosexual-satanists [Date accessed 8 October 2015]

[45] Vice News, Transgender Iranian Refugees are Struggling to Outrun Prostitution and Violence, 10 April 2015, https://news.vice.com/article/transgender-iranian-refugees-are-struggling-to-outrun-prostitution-and-violence [Date accessed 8 October 2015]

spying for the CIA or Israel. 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 Amniat-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.'[46]

9.6.2 The Danish Refugee Council report of 2009 noted that:

"According to Amnesty International, levels of harassment of many Kurds, notably those active in civil society, has, in recent years, increased. Reports appear to suggest that officials from the Ministry of Intelligence (sometimes called Ministry of Information, in Farsi, Vezarat-e Ettela‟at) may harass and intimidate activists in order simply to gain information which could be used against the individual at a later date, whether in respect to the individual targeted, or others that s/he may know, depending on the nature of their activities".[47]

A March 2014 report by the UN Special Rapporteur on the situation of human rights in Iran also reported that "At least 58 Kurdish human rights

[46] Jane's 'Sentinel Security Assessment' Iran. Security and Foreign Forces. 6 August 2015. Subscription source. [accessed 7 September 2015]

[47] Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.7 http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [Date accessed 8 October 2015]

activists were summoned to offices of the Ministry of Intelligence and Security between August 2013 and May 2014."[48]

9.7 Human Rights Violations and Impunity

9.7.1 Human Rights Watch noted in their World Report 2015: Iran, covering events in 2014, that:

'2014 saw no significant improvements in human rights in the first full year in office of President Hassan Rouhani. Repressive elements within the security and intelligence forces and the judiciary retained wide powers and continued to be the main perpetrators of rights abuses.'[49]

9.7.2 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 reported that:

'The most significant human rights problems were severe restrictions on civil liberties, including the freedoms of assembly, speech, religion, and press; limitations on the citizens' ability to change the government peacefully through free and fair elections; and disregard for the physical integrity of persons, whom authorities arbitrarily and unlawfully detained, tortured, or killed.'

'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; harsh and life-threatening conditions in detention and prison facilities, with instances of deaths in custody; arbitrary arrest and lengthy pretrial detention, sometimes incommunicado; continued impunity of the security forces; denial of fair public trial, sometimes resulting in executions without due process; the lack of an independent judiciary; political prisoners and detainees; ineffective implementation of civil judicial procedures and remedies; arbitrary interference with privacy, family, home, and correspondence; severe restrictions on freedoms of speech (including via the internet) and press; harassment and arrest of journalists; censorship and media content restrictions; severe restrictions on academic freedom; severe restrictions on the freedoms of assembly and association; some restrictions on freedom of movement; official corruption and lack of government transparency; constraints on investigations by international and nongovernmental organizations (NGOs) into alleged violations of human rights; legal and societal discrimination and violence against women, ethnic and religious minorities, and lesbian, gay, bisexual, and transgender (LGBT) persons based on perceived sexual orientation and gender identity; incitement to anti-Semitism; trafficking in persons; and severe restrictions on the exercise of labor rights.'

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[48] UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014, paragraph 36, http://www.refworld.org/docid/534e4d0d4.html [accessed 10 October 2015]

[49] Human Rights Watch, World report 2015: Iran, 29 January 2015, http://www.hrw.org/world-report/2015/country-chapters/iran [accessed 10 October 2015]

9.7.3 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 also stated:

'Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. There was no transparent mechanism to investigate or punish security force abuses, and there were few reports of government actions to discipline abusers.'

'There were reports of politically motivated abductions during the year, all of which were attributed to government officials. The government made no effort to prevent or investigate such acts and meted out no punishment. Plainclothes officials often seized journalists and activists without warning, and government officials refused to acknowledge custody or provide information on them. In other cases, authorities detained persons incommunicado for lengthy periods before permitting them to contact family members.'

'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. In his October 2014 report, the UN special rapporteur cited refugee testimony indicating the widespread use of physical and psychological abuse by authorities to secure confessions.'

'Commonly reported methods of torture and abuse in prisons included prolonged solitary confinement, threats of rape, sexual humiliation, threats of execution, sleep deprivation, electroshock, burnings, the use of pressure positions, and severe and repeated beatings. There were reports of severe overcrowding in many prisons and repeated denials of medical care for prisoners.'

'Some prison facilities, including Evin Prison in Tehran, were notorious for cruel and prolonged torture of political opponents of the government. Authorities also allegedly maintained unofficial secret prisons and detention centers outside the national prison system where abuse reportedly occurred. The government reportedly used "white torture," a type of psychological torture that included extreme sensory deprivation and isolation. According to reports, such treatment was used especially on political prisoners and often in detention centers outside the control of prison authorities, including Ward 209 of Evin Prison, which news organizations and human rights groups reported was controlled by the country's intelligence services.'

'...The government defended its use of flogging and amputation as "punishment," not torture. Judicially sanctioned corporal punishment included lashings and, for offenses involving multiple thefts, amputations.'

'...The government took few steps to investigate, prosecute, punish, or otherwise hold accountable officials, whether in the security services or

elsewhere in the government, who committed abuses. Impunity remained pervasive throughout all levels of the government and security forces.'[50]

9.7.4 Amnesty International stated, in their annual human rights report published in February 2015, that:

'Torture and other ill-treatment, particularly during pre-trial detention, remained common, facilitated by routine denial of access to lawyers and the virtual impunity of perpetrators. Methods reported included prolonged solitary confinement, confinement in uncomfortably small spaces, severe beatings, and threats against detainees' family members. The authorities generally failed to investigate allegations of torture and prosecute and punish those responsible.'

'The authorities systematically denied detainees and prisoners access to adequate medical care, including for injuries resulting from torture or health problems exacerbated by harsh prison conditions. A revised Code of Criminal Procedure passed in April failed to address the inadequacy of national laws to afford detainees effective protection against torture and other ill-treatment. It denied detainees access to lawyers for up to one week after arrest in cases concerning national security and some other offences, and provided no clear and comprehensive definition of torture conforming to international law.'

'State security and intelligence agencies operated their own detention facilities outside the control of the State Prison Organization, in breach of national law. Torture and other ill-treatment was common in these facilities. In some cases, the authorities subjected death row prisoners to enforced disappearance by moving them to such facilities prior to execution.'[51]

9.7.5 In a March 2014 report to the UN Human Rights Council, the UN Special Rapporteur on human rights in Iran stated that:

'The Special Rapporteur is struck by the magnitude, frequency and recurring nature of certain incidents reported by interviewees. The details given by interviewees depict situations of arbitrary detention, particularly the apparent arrest and detention of individuals for the peaceful exercise of fundamental rights, including the right to expression, association or belief, as described by other special procedures. Their testimonies also uniformly convey a pattern of abuse that violates both international and national safeguards for humane and fair treatment of detained and accused persons.'[52]

9.7.6 The US Department of State annual report for 2014 also noted that:

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[50] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1d and Executive Summary, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 7 September 2015]

[51] Amnesty International, Annual Human Rights Report 2014/15, 25 February 2015, https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/ [accessed 7 September 2015]

[52] UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 13 March 2014, paragraph 28, www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_25_61_AEV.doc [accessed 10 October 2015]

'Prison conditions reportedly were often harsh and life threatening. There were reports that some prisoners committed suicide as a result of harsh conditions, solitary confinement, and torture to which they were subjected. Prison authorities often refused medical treatment for injuries that prisoners reportedly suffered at the hands of abusers and for illness due to the poor sanitary conditions of prison life.'[53]

9.7.7 Freedom House notes in their world report for 2015 that:

'The government interferes in most aspects of citizens' private lives. Home parties are often raided and citizens detained or fined for drinking alcohol or mingling with members of the opposite sex. Women are regularly harassed and detained by the police for not fully observing the obligatory Islamic dress code. In June 2014, the parliament described skin-tight leggings that have become popular among Iranian women as a threat to society. There is also pressure on young men over certain forms of dress or appearance, such as wearing pony tails or clothing deemed Western.'[54]

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10. Judiciary

10.1 Organisation

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

'But the Islamic Republic also has Revolutionary Courts and the Special Court for the Clergy. Both sets of tribunals were based on decrees by revolutionary leader Ayatollah Ruhollah Khomeini. They have never been incorporated into the constitutional clauses defining the role and structure of the Judiciary. Legal experts critical of these tribunals have repeatedly challenged their legal standing. The Special Court for the Clergy has also been used as a political tool against clerics who urge reforms, criticize the regime or challenge the role of the supreme leader.'[55]

10.1.2 A report on Globalex (an electronic legal publication dedicated to international and foreign law research published by the Hauser Global Law School Program at New York University School of Law), titled 'A Guide to the

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[53] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1c, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 10 October 2015]

[54] Freedom House, Freedom in the World 2015- Iran, 16 March 2015, https://freedomhouse.org/report/freedom-world/2014/iran#.Veb3d_n1DyM [accessed 7 September 2015]

[55] 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 8 September 2015]

Legal System of the Islamic Republic of Iran', updated in February 2011, provided the following information on the Iranian court system:

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

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

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

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

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

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

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

'The judges of these courts fulfil additional roles as prosecutors and mediators. All judges in the courts have received a higher education in Islamic Law and most of them are also members of the group of ruling clergies.'

'Besides, there is Administrative Court of Justice, which under the supervision of the head of the judicial branch is authorized to investigate any complaints or objections by people with respect to government officials, organs, and statues 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.'[56]

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10.2 Fair Trial

10.2.1 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 states:

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

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

'The government often charged political dissidents with vague crimes, such as "antirevolutionary behaviour," "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 victim was believed to have done something serious and contrary to sharia. Other trials were designed to publicize coerced confessions.'

'During the year [2014] human rights groups noted the absence of procedural safeguards in criminal trials. Courts admitted as evidence confessions made under duress or torture. In his August 27 report, the UN special rapporteur cited continuing reports pointing to the "widespread and

[56] 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 8 September 2015]

systematic use" of psychological and physical torture to solicit confessions. On October 25, authorities executed Reyhaneh Jabbari for the killing of a former MOIS employee she claimed she stabbed in self-defence after he tried to abuse her sexually, according to Amnesty International. The UN special rapporteur cited allegations that Jabbari's conviction for premeditated murder was based on confessions she made under duress, possibly amounting to torture.'

'On May 20, the state-run network, Islamic Republic of Iran Broadcasting, broadcast expressions of remorse from six men and women whom authorities had arrested following their participation in an online video where they danced to a popular international song. A September 11 report by the ICHRI alleged that the expressions of remorse were coerced. On September 18, the courts informed the six that they had been sentenced to up to one year in prison and 91 lashes. The sentences appeared to have been suspended.'

'Numerous human rights groups continued to question the legitimacy and secrecy of the special clerical court, which is headed by a Shia Islamic legal scholar and overseen by the supreme leader. The constitution does not provide for the court, which operated outside the judiciary's purview. The court is charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. Critics alleged that clerical courts were used to control non-Shia clerics as well as to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.'[57]

10.2.2 Freedom House note, in their Freedom in the world report 2015, that;

'Lawyers taking up sensitive political cases have been jailed and banned from practicing, including prominent human rights lawyer Abdolfatah Soltani. A number of lawyers have been forced to leave the country to escape prosecution.'

'Activists are routinely arrested without warrants and held for indefinite periods of time without formal charges. They are denied access to legal counsel and prevented from any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes. Activists say they have been beaten during interrogation and subjected to psychological pressure, including threats that their relatives will be arrested. Many have been forced into false confessions dictated by their interrogators.'[58]

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[57] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1e, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 9 September 2015]

[58] Freedom House, Freedom in the World 2015- Iran, 16 March 2015, https://freedomhouse.org/report/freedom-world/2014/iran#.Veb3d_n1DyM [accessed 7 September 2015]

10.2.3 The Foreign and Commonwealth Office in their Human Rights and Democracy Report covering 2014 notes that;

'There was little or no improvement in access to justice or the rule of law in Iran during 2014. While the Iranian government noted that the constitution safeguards the independence and impartiality of the judiciary, there were allegations and reports of influence over judges. According to the UN Special Rapporteur, the Special Assistant to the President for Ethnic and Religious Minority Affairs said in February that "we have witnessed the security apparatus, from the position of strength, putting the judge under pressure to steer the trial in the direction they want".'[59]

10.2.4 Amnesty International, in their annual report on Iran covering events in 2014/2015, noted that:

'The judiciary continued to lack independence and remained subject to interference by the security authorities. Trials, particularly those before Revolutionary Courts, were largely unfair. The new Code of Criminal Procedure enhanced detainees' access to lawyers but did not guarantee access from the time of arrest, required to help safeguard detainees against torture. The Code allowed prosecutors to prevent lawyers accessing some or all of the case documents against their clients if they determine that disclosure would impede "discovery of the truth", and in cases relating to national or external security, hindering the right to adequately prepare a defence. ... Courts continued to convict defendants in the absence of defence lawyers or on the basis of "confessions" or other evidence obtained through torture or other ill-treatment. In some cases, the authorities broadcast detainees' "confessions" on television before trial, breaching the presumption of innocence.'[60]

10.2.5 The UN Human Rights Council noted in their February 2015 report that; 'In the majority of cases that involve capital punishment, due process guarantees were often violated in proceedings that fell short of international fair trial standards. This raises concern about the potential for wrongful conviction, which is unavoidable even for the most advanced and established judicial system.'[61]

10.2.6 The UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014 stated that:

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[59] United Kingdom: Foreign and Commonwealth Office, Human Rights and Democracy Report - Islamic Republic of Iran, 12 March 2015,https://www.gov.uk/government/publications/islamic-republic-of-iran-country-of-concern/islamic-republic-of-iran-country-of-concern#access-to-justice-and-the-rule-of-law [accessed 9 September 2015]

[60] Amnesty International, Annual Report 2014/15 Iran, 25 February 2015, https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/ [accessed 8 October 2015]

[61] UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran : Report of the Secretary-General, 20 February 2015, paragraph 8, http://www.refworld.org/docid/54f5ab4b4.html [accessed 9 September 2015]

'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, in their experience, judges rarely considered evidence provided by the defence, and frequently chose to ignore allegations that confessions had been obtained under torture.'[62]

The same report also noted that:

'... lawyers are intimidated, detained and prosecuted for carrying out their professional responsibilities in defence of their clients. More than 42 lawyers have reportedly faced detention, prosecution or harassment by security forces since 2009. Several have been stripped of their professional licences by the courts. Several lawyers also reported that they and their colleagues were often harassed or intimidated by judicial and/or intelligence authorities for carrying out their work, including for their defence of political ("security") detainees. They also reported that, in more serious cases, judges threatened lawyers with prosecution for their work and that they were charged and/or had been sentenced for "insulting" judges or "disrupting the court" in apparent retaliation for their professional defence of individuals accused of political or "security" crimes.'[63]

10.2.7 The judiciary continued to allow the execution of prisoners convicted of moharebeh ("enmity against God") despite penal code changes requiring that it review and vacate death sentences unless there is proof that the alleged perpetrator resorted to the use of arms.[64]

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10.3 Summonses

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

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[62] UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014, paragraph 65, http://www.refworld.org/docid/534e4d0d4.html [accessed 9 September 2015]

[63] UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 March 2014, paragraph 66/7, http://www.refworld.org/docid/534e4d0d4.html [accessed 9 September 2015]

[64] Human Rights Watch, World report 2015: Iran, 29 January 2015, http://www.hrw.org/world-report/2015/country-chapters/iran [accessed 9 September 2015]

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

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

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

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

The same IRBC response also noted that; 'Amnesty International points out that despite the existence of laws requiring that court or other judicial officials write up and issue judicial documents to those affected by such documents (those putting up forms of bail; witnesses, suspects, lawyers, other judicial officials), such documentation may not, be produced and those affected may ultimately be ignorant of decisions taken, by virtue of not having been informed.' [65]

10.3.2 A joint Danish Immigration Service, Norwegian LANDINFO and Danish Refugee Council Fact Finding Report 2013 noted, 'Concerning the procedures for issuing of summonses, two Iranian lawyers with criminal law experience stated that this is done by the competent court. A summons is issued by the court and forwarded by the police to the person in question. The summons will request that the person in question appear in court in the near future and it was mentioned that in some cases this could be within three days.' [66]

10.3.3 The same source further stated:

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[65] Immigration and Refugee Board of Canada. Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, IRN 102981.E, 6 May 2009, http://www.unhcr.org/refworld/country,,IRBC,,IRN,,4b7cee7e1e,0.html [accessed 9 September 2015]

[66] 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 9 September 2015]

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

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

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

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

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

‘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.’ [67]

[67] 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

10.3.4 A review for the Independent Advisory Group on Country Information (IAGCI) Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, in 2013 noted that, 'Any "court summons" will be served internally by the judiciary's bailiffs office and would not be sent by post, text message or email as the court needs to be assured that the relevant document was served to the subject before proceeding with the next stage of criminal litigation.' [68] 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.'[69] The report also warned that: 'The format and layout of a summons varies depending on the series and year of publication. Therefore the information relating to the emblem and logo as well as dates and position of case number may vary.... As in any legal system, different editions and different types of documents introduce some non-uniform features. It thus makes it a dangerous preposition to suggest that any summons or legal notice which does not have the date, for example, in the correct corner must be invalid. Ultimately the entire document, its contents, texture and jurisdictional issues must be assessed to come to such a conclusion, rather than just relying on isolated features of the format, as set out in a blanket statement.'[70]

10.3.5 See also 'English Translation of the Islamic Republic of Iran's Criminal Code of Procedure for Public and Revolutionary Courts', Part Four, Articles 112 to 131 for further information on summonses. [71]

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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 9 September 2015]

[68] Independent Advisory Group on Country Information. Commentary on the January 2013 Country of Origin Information (COI) Report on Iran. Prepared for the Independent Advisory Group on Country Information (IAGCI), Dr. Mohammad Hedayati Kakhki, School of Law, Durham University, 11th March 2013.Page 17. http://icinspector.independent.gov.uk/wp-content/uploads/2013/06/IAGCI-Iranreview-13-3-21-with-COIS-response.pdf [accessed 9 September 2015]

[69] 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 9 September 2015]

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

[71] 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 9 September 2015]

10.4 Arrest Warrants

10.4.1 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 stated:

'The constitution and penal code require a warrant or subpoena for an arrest and state that an arrested person must be informed of the charges against them within 24 hours. Authorities often violated these procedures by holding some detainees, at times incommunicado, for weeks or months without charge or trial, frequently denying contact with family or timely access to legal representation.... The government placed persons under house arrest without due process to restrict their movement and communication.'[72]

10.4.2 The Immigration and Refugee Board of Canada (IRBC), noted information gathered from correspondence with the coordinator of the independent International Campaign for Human Rights in Iran:

'Court summons [in Iran] are issued in criminal and civil cases. [The Campaign is] concerned by the use of such summons as a form of harassment. In recent years, human rights defenders (including Nobel Peace Laureate Shirin Ebadi), women's rights activists, students, labor activists, journalists, opposition political activists and others have received summons, some of which have contained no information about any possible charges. At times, those summoned have been charged; at times they have been arrested, and in many cases, the summons is an occasion to threaten and intimidate ... people who have been summoned purely on political grounds.'[73]

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

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

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[72] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 1d, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 9 September 2015]

[73] Canadian Immigration and Refugee Board, Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, 6 May 2009, IRN102981.E, http://www.refworld.org/docid/4b7cee7e1e.html [accessed 10 October 2015]

'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.'[74]

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

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

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

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

'... it is well known that the agents of the Ministry of Information (the secret service) have detained many individuals without going through the process that is set out in the CPC. In a particular case that [the attorney] was personally involved, [he] noticed that many months after their arrest, a number of the accused were forced to sign statements that they [had] received temporary arrest warrants on a monthly basis and acknowledged receipt thereof. Some of the detainees ... [were] released without being charged and without any record of their arrest.' [75]

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[74] Canadian Immigration and Refugee Board, 'Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents', 6 May 2009, IRN102981.E, http://www.refworld.org/docid/4b7cee7e1e.html [accessed 10 October 2015]

[75] 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

10.5 Double Jeopardy

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

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

a) The committed conduct is deemed an offense under the law of the Islamic Republic of Iran.
b) If the committed crime is punishable by ta'zir, the accused person is not tried and acquitted in the place of the commission of the crime, or in the case of conviction the punishment is not, wholly or partly, carried out against him.
c) According to Iranian laws there is no basis for removal or discontinuation of prosecution or discontinuation or cancellation of execution of the punishment.'[76]

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11. Corruption

11.1.1 In its 2014 Corruption Perceptions Index (CPI), released on 3 December 2014, Transparency International ranked Iran 136th [up from 144th the previous year] in the world corruption rankings out of 175 countries surveyed, giving it a score of 27 [up from 25]. ['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.'] [77]

11.1.2 Freedom House note that 'Corruption remains endemic at all levels of the bureaucracy, despite regular calls by authorities to tackle the problem. Many state service providers engage in corrupt practices, including bribery, with impunity. Powerful actors involved in the economy, including the IRGC and bonyads (endowed foundations), are above scrutiny.'[78]

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documents, IRN 102981.E, 6 May 2009, accessed via http://www.refworld.org/docid/4b7cee7e1e.html [accessed 10 October2015]

[76] 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 5 October 2015]

[77] Transparency International, Corruption Perceptions Index 2014, 3 December 2014 https://www.transparency.org/cpi2014/results#myAnchor1 [accessed 9 September 2015]

[78] Freedom House, Freedom in the World 2015- Iran, 16 March 2015 https://freedomhouse.org/report/freedom-world/2015/iran#.VfBQt_n5zyM [accessed 9 September

11.1.3 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 stated:

'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, ran these tax-exempt organizations, which are defined under law as charities. Members of the political opposition and international corruption watchdog organizations frequently accused bonyads of corruption. Bonyads received benefits from the government but were not required to have their budgets publicly approved by any government agency.'

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

'...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 was unavailable regarding these organizations' specific mandates, their collaboration with civil society, and whether they operated effectively, independently, and were sufficiently resourced.'

'Government officials, including cabinet ministers and members of the Guardian Council, Expediency Council, and Assembly of Experts, are required to submit annual financial statements to the state inspectorate. There was no information available on whether the government effectively implemented the law, officials obeyed the law, or financial statements were publicly accessible. There was also no information available on whether there were public outreach activities or public official training to encourage effective use of the financial statements. The law does not provide for public access to government information.'[79]

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[79] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 4, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598

11.1.4 According to a 2014 Bertelsmann Foundation report, there were "high levels of corruption engaged in by authorities, public officials and their families, often amounting to billions of rials and given tacit approval through the silence of their peers."[80]

11.1.5 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."[81]

11.1.6 The joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council on Iran noted 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".[82]

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12. Freedom of movement

12.1.1 The US State Department's Human Rights report for Iran 2014 published on 25 June 2015 stated:

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

'Women, especially in rural areas, sometimes faced official and societal harassment for travelling alone. Conservative social norms often restricted the free movement of women in rural areas outside the home or village.

[accessed 9 September 2015]

[80] Bertelsmann Foundation, BTI 2014; Iran Country Report, 2014, I. Political Transformation, p16, http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Iran.pdf [accessed 2 September 2015]

[81] 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 14 September 2015]

[82] 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/Iranendeligudgave.pdf [accessed 14 September 2015]

Women in those areas often required the supervision of a male guardian or chaperone to 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 scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women's rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during 2014.'

'The law does not provide for forced exile. 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.'[83]

12.1.2 Freedom House note in their Freedom in the World- 2015 report published in March 2015 that:

'Freedom of movement is restricted, particularly for women and perceived opponents of the regime. Women are banned from certain public places, such as sports stadiums, and can obtain a passport to travel abroad only with the permission of their fathers or husbands. Many journalists and activists have been prevented from leaving the country to attend international events, and in some cases their passports have been confiscated. In June 2014, prominent reformist journalist Mashaollah Shamsolvaezin was charged with "propaganda against the state" and banned from travelling. Shamsolvaezin had also been banned from leaving the country in 2009.'[84]

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

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

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[83] US Department of State, Country Report on Human Rights Practices 2014, Iran, Section 4, 25 June 2015, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dlid=236598 [accessed 9 September 2015]

[84] Freedom House, Freedom in the World 2015- Iran, 16 March 2015 https://freedomhouse.org/report/freedom-world/2015/iran#.VfBQt_n5zyM [accessed 9 September 2015]

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

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

'...Iran's Intelligence Ministry and the IRGC's Intelligence Unit are two of the organizations that can arbitrarily bar people from traveling abroad without judicial orders. "No organization, including the Judiciary, is accountable for illegal travel bans," one civil activist told the Campaign.'[85]

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

'While both international and Iranian law protect the right to the freedom of movement, the Islamic Republic of Iran has placed severe restrictions on the freedom to move and live throughout the State, and on the freedom to leave the State. Examples of such restrictions include placing innocent individuals under house arrest, expelling individuals from cities who have done nothing wrong, discriminating against individuals with refugee status, and prohibiting individuals from leaving the state by means of detention or simple refusal to issue valid passports or accept valid visas. These restrictions violate the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory, and violate Iran's Constitution.'[86]

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13. Citizenship & Nationality

13.1.1 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.

[85] International Campaign for Human Rights in Iran (ICHRI), Iranian Officials to Answer Questions About Foreign Travel Bans, 14 January 2014, http://www.iranhumanrights.org/2014/01/travel-bans/ [accessed 14 September 2015]

[86] Iran Human Rights Documentation Centre, Fundamentals of Freedom of Movement in Iran, undated, http://www.iranhrdc.org/english/english/news/features/3428-freedom-of-movement.html?p=2 [accessed 14 September 2015]

- Marriage: Foreign woman who marries an Iranian man is entitled to citizenship.
- By Naturalization: Iranian citizenship may be acquired upon fulfilment 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 Recognised. Exceptions: Child of an Iranian father, who acquires citizenship due to birth in a foreign country. A foreign woman who marries an Iranian is automatically granted Iranian citizenship, whether it is requested or not.

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.' [87]

13.1.2 The February 2015 report of the UN Secretary-General to the UN Human Rights Council (HRC) noted that:

'Nationality laws in the Islamic Republic of Iran do not grant women equal rights when transferring their nationality to their children. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as at January 2015, there were more than 950,000 refugees from Afghanistan and 32,000 from Iraq living in the country. Iranian women who marry men from Iraq or Afghanistan are unable to pass on their Iranian nationality to their children, who thereby risk becoming stateless. Gender discriminatory nationality laws often lead to the statelessness of women and children, or to situations where a woman, her children or husband are deprived of the nationality of the country where they reside.'[88]

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[87] US Office of Personnel Management. Citizenship Laws of the World, March 2001. http://www.multiplecitizenship.com/worldsummary.html [accessed 14 September 2015]

[88] UN Human Rights Council: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran [A/HRC/22/56], 28 February 2013, paragraph 28, www.ohchr.org/EN/HRBodies/HRC/.../A_HRC_28_26_ENG.doc [accessed 10 October 2015]

13.1.3 See also the unofficial translation of the Iranian Civil Code, 23 May 1928 available on the UNHCR Refworld site. 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

14. Identity Cards

14.1.1 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.' [89]

14.1.2 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.'[90]

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15. Forged and fraudulently obtained documents

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

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[89] 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 14 September 2015]

[90] Middle East Consultancy Services, Iranian National ID card, 9 September 2012 http://mideastconsultancy.com/new/mecs/auth.php?sid=3&id=26 [accessed 14 September 2015]

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

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

15.1.2 A report by the Danish Refugee Council and Danish Immigration Service publishd in 2009 noted that:

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

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[91] Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council Iran: On Conversion to Christianity, Issues concerning Kurds and Post-2009 Election Protestors as well as Legal Issues and Exit Procedures. Joint report from the Danish Immigration Service, the Norwegian LANDINFO and Danish Refugee Council's fact-finding mission to Tehran, Iran, Ankara, Turkey and London, United Kingdom, 9 November to 20 November 2012 and 8 January to 9 January 2013. 6.1.1 Documents Page 68.
http://www.nyidanmark.dk/NR/rdonlyres/A8C2C897-1CA9-49D1-BA32-EC3E599D646D/0/Iranendeligudgave.pdf [accessed 14 September 2015]

[92] Danish Refugee Council and Danish Immigration Service 2009, Human Rights Situation for Minorities, Women and Converts, and Entry and Exit Procedures, ID Cards, Summons and Reporting, etc.: Fact finding mission to Iran 24th August – 2nd September 2008, April, p.37
http://www.nyidanmark.dk/NR/rdonlyres/90D772D5-F2DA-45BE-9DBB-87E00CD0EB83/0/iran_report_final.pdf?bcsi_scan_80CA22F9AD71C623=0&bcsi_scan_filename=iran_report_final.pdf [Date accessed 8 October 2015]

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

'According to Article 34 [of the Penal Code], any Iranian who leaves the country illegally, without a valid passport or similar travel documents, will be sentenced to between one and three years imprisonment, or will receive a fine between 100,000 and 500,000 Rials [c£2.50- £12]. The assigned punishment in this article is called a "Taaziri" punishment (a deterrent), the severity of which is at the discretion of the presiding Judge. The Iranian Judiciary believe that the "Taaziri" punishment serves firstly to prevent the guilty party from re-offending, and secondly to benefit society by deterring potential criminals from committing that particular crime. In order to deal with the cases relating to illegal departure, a special court is located in Mehrabad Airport in Tehran. Its branch number is given as 1610. If an Iranian arrives in the country, without a passport or any valid travel documents, the official will arrest them and take them to this court. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups and any other circumstances. Dependent on the outcome of the court's investigation, The judge will decide the severity of the punishment within the parameters of Article 34. This procedure also applies to people who are deported back to Iran, not in the possession of a passport containing an exit visa; in this case the Iranian Embassy will issue them with a document confirming their nationality. Illegal departure is often prosecuted in conjunction with other, unrelated offences. In light of the above Dr Kakhki believed that if the appellant had exited illegally this would lead to his prosecution upon return.'[93]

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

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[93] SB (risk on return-illegal exit) Iran CG [2009] UKAIT 00053, paragraph 21 https://tribunalsdecisions.service.gov.uk/utiac/37683 [accessed 10 October 2015]

[94] Immigration and Refugee Board of Canada Iran: The circumstances under which court summons and forfeiture documents are issued by courts; information on bail; the circumstances under which notices of conviction are issued by the Islamic Revolutionary Court; the prevalence of forged court documents, IRN 102981.E, 6 May 2009, http://www.refworld.org/docid/4b7cee7e1e.html [accessed 14 September 2015]

Version Control and Contacts

Contacts

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

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

Clearance

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

- version **2.0**
- valid from **15 December 2015**
- this version approved by **Sally Weston, Deputy Director, Legal Strategy Team**
- approved on: **14 December 2015**

Changes from last version of this guidance

- Updated country information.
- Country information and guidance on illegal exit from Iran moved to discrete guidance document.

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