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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

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Overview of Danish fact finding reports published in 2012 and 2013

Update (2) On Entry Procedures At Kurdistan Regional Government Checkpoints (Krg); Residence Procedures In Kurdistan Region Of **Iraq (Kri)** And Arrival Procedures At Erbil And Suleimaniyah Airports (For Iraqis Travelling From Non-Kri Areas Of Iraq), Joint Report of the Danish Immigration Service/UK Border Agency Fact Finding Mission to Erbil and Dahuk, Kurdistan Region of **Iraq (KRI)**, conducted 11 to 22 November 2011

2012: 1

Security and human rights issues in South-Central **Somalia**, including Mogadishu, Report from Danish Immigration Service's fact finding mission to Nairobi, **Kenya** and Mogadishu, **Somalia**, 30 January to 19 February 2012

2012: 2

Afghanistan, Country of Origin Information for Use in the Asylum Determination Process, Rapport from Danish Immigration Service's fact finding mission to Kabul, **Afghanistan**, 25 February to 4 March 2012

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Chechens in **the Russian Federation** – residence registration, racially motivated violence and fabricated criminal cases, Joint report from the Danish Immigration Service's and Danish Refugee Council's fact finding mission to Moscow and St Petersburg, **the Russian Federation** from 23 May to 5 June 2012

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Update on security and human rights issues in **South- and Central Somalia, including Mogadishu**, Joint report from the Danish Immigration Service's and the Norwegian Landinfo's fact finding mission to Nairobi, **Kenya** and Mogadishu, **Somalia**, 17 to 28 October 2012

2013: 1

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

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Abbreviations

AIIS Amnesty International's International Secretariat

AOG Assembly of God

AVR Assisted Voluntary Return programme

DAB Daneshjooyane Azadikhah va Barabaritalab, Freedom and Equality Seeking Students

DIS Danish Immigration Service

DRC Danish Refugee Council

ICRC International Committee of the Red Cross

IOM International Organisation for Migration

IPC International Protestant Church

KDPI Kurdistan Democratic Party of Iran

KHABAT Revolutionary Khabat Organisation of the Iranian Kurdistan

MKO Mujahedin-e Khalq Organization

NGO Non-Governmental Organization

PJAK Partiya Jiyana Azad a Kurdistanê, the Party of Free Life for Kurdistan

PKK Partiya Karkerê Kurdistan, the Kurdistan Workers' Party

VPN Virtual Private Network

Introduction and methodology

This report is the product of a joint fact-finding mission conducted by the Country of Origin Information Division, Danish Immigration Service (DIS), Norwegian Country of Origin Information Centre, LANDINFO and Danish Refugee Council (DRC) to Tehran, Iran and Ankara, Turkey from 9 November to 20 November 2012. Following the mission, the delegation consulted an additional four sources in London, UK whose information is also included in the report at hand.

The need for a mission to Iran arose due to the significant number of asylum seekers of Iranian origin to Denmark as well as Norway. Both countries consequently saw a need for updated information on a number of issues that have been recurring in cases regarding Iranian asylum seekers. This report focuses on those various issues that in recent years have been substantial in the caseload regarding Iranian asylum seekers, these being issues regarding converts to Christianity, issues regarding adultery and relations outside of marriage, questions related to persons of Kurdish origin as well as persons who have been active in the post-presidential election protests of 2009. Additionally, the report provides information on certain judicial issues, such as questions regarding bail and legal documents, as well as information on exit procedures. Finally, as very limited information was readily available regarding ethnic Khavaris in Iran prior to the mission, this subject was also included in the terms of reference of the mission. The terms of reference were drawn up by DIS in consultation with LANDINFO and DRC as well as the Danish Refugee Appeals Board. The terms of reference are included as Annex 1.

In the scope of compiling this report, the delegation consulted 22 sources during the mission to Iran and Turkey. Following the mission, the delegation furthermore consulted four sources, i.e. representatives from Amnesty International's International Secretariat in London, two Iranian human rights activists of Kurdish origin in London and the Iran watcher of the U.S. Embassy in London.

The sources consulted during the mission comprised representatives from international organizations, Western embassies, Iranian authorities, sources interacting with Christians in Iran and Turkey, as well as a number of other sources. A complete list of sources consulted is included at the end of this report. For the sake of discretion and upholding tolerable working conditions, as well as personal safety and diplomatic considerations, most sources consulted in Tehran wished to remain undisclosed. Consequently in these cases, the delegation asked the sources how a descriptive reference might best be made to them.

The delegation had anticipated meeting a number of additional Iranian authorities but was unable to gain access to these institutions. Furthermore, the delegation regrets that meeting potential sources from civil society was not feasible.

This report is not, and does not purport to be, a detailed or comprehensive survey of all issues covered. The information provided in this report is the information of most direct relevance to typical asylum claims made in Denmark and Norway.

Additionally, it should be noted that the difficult conditions with regards to human rights reporting in Iran do not allow for in-depth reporting on many of the issues contained in the terms of

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reference. Many of the sources consulted, excluding the Iranian authorities, were concurrent in stating that human rights reporting on the whole in Iran is very difficult. Some of the sources further noted that their contacts to Iranian sources had dried up as many Iranians who were previously active on human rights issues or with political opposition activities had either left the country, were in prison or no longer wished to have any contact with foreigners. It was furthermore considered particularly difficult to gain insight into the situation in the Kurdish areas of Iran as access to these areas for many is restricted by the Iranian authorities. As a result, limited reporting proved feasible when it comes to the situation of the Kurds.

Due to the limited access to sources in Iran, the delegation also sought to consult sources outside of Iran, these being international organizations, local NGO's and lawyers, as well as Christian organizations working with Iranian refugees and asylum seekers in Ankara, Turkey, and sources in London, UK.

The sources consulted were informed about the purpose of the mission and that their statements would be included in a public report. All interviews were conducted orally in English, or in a few instances through a translator, in a semi-structured manner, and were recorded in writing by the delegation. The notes from a given interview were subsequently forwarded to the interlocutor/s in question for approval, giving the source a chance to amend, comment or correct his or her statements. However, the statements given by the Iranian authorities as well as by the two Iranian lawyers have been included in the form that they were recorded, as forwarding the notes was not feasible. However, in connection with the meetings, the sources consulted gave their permission to publish their statements.

In the report, care is taken to present the views of the various interlocutors as accurately and transparently as possible. It is inevitable that the report will contain some contradictory statements. However, it should be noted that the report has been produced to accurately reflect, to the extent possible, the information communicated to the delegation in the various meetings and does not contain any opinions or policies held by DIS, LANDINFO or DRC.

The delegation of this mission and editorial team comprised Chief Adviser Else Øllgaard, Regional Adviser Vanessa Ostenfeld, both Danish Immigration Service, Senior Adviser Sidsel Wiborg, LANDINFO, and Senior Legal Adviser Dorte Smed, Danish Refugee Council.

The delegation would like to express its gratitude for the assistance and extensive support provided by the Royal Danish Embassies in Tehran, Iran and Ankara, Turkey, during its preparations for the visit and during the mission.

This report is available on the DIS's website www.newtodenmark.dk (refer to publications) and the website of the DRC www.drc.dk (refer to publications) as well as www.landinfo.no. Any comments regarding this report are very welcome and should be submitted to the DIS, DRC or LANDINFO at the addresses/e-mail addresses on the front page of this report.

1. Christians in Iran

On the situation of Christians in Iran, a source in Iran who is well-informed about Christians stated that the situation has not changed much since the revolution in 1979. According to article 13 of the Islamic Republic of Iran's constitution, the recognized minorities (Zoroastrians, Jews and ethnic Christian Iranians such as Armenians and Assyro-Chaldeans) are free to perform their religious rites and ceremonies within the limits of the law. However, this statement is to be interpreted more accurately as freedom of cult than freedom of religion. That persons belonging to these minorities are allowed to attend services in their own languages does not equate to freedom of religion in the sense that no one in Iran is allowed to change religion. A change in religion is possible only if it involves a person of a minority religion converting to Islam. The reverse is not possible. (See 1.4. *Consequences of Conversion in relation to the authorities*)

A foreigner interacting with Christians in Iran stated that missions that congregate in their own language usually enjoy more leeway than churches that hold services in Farsi. Iran does acknowledge official religious minorities, these being Christians – Armenians, Assyrians and Chaldeans -, Jews and Zoroastrians. There are three elected Christian members of the Parliament, two Armenians and one Assyrian. There is also one elected Jewish member and one Zoroastrian member. These religious communities have a very long history in Iran. The Catholic and Protestant Churches were established during the Shah regime and there are different Catholic communities in Iran. All these churches use their own different languages during services, except for the Chaldean Catholics. They use Farsi which Iranian authorities are not too happy about.

Generally speaking, a source in Iran who is well-informed about Christians considered that there is no physical persecution of Christians in Iran. However, harassment and discrimination exists. For instance, Christians have no means of accessing a career in the military, the judiciary or the civil service. This is the case for all of Iran's minorities who as a result feel as second-class citizens due to Iran's institutional discrimination.

An international organization in Ankara explained that Christians in Iran consist of different communities. In Iran, there are many different Christian groups which are not connected to each other. The source mentioned Armenians and Assyrians and several smaller diverse Christian societies.

Concerning Christians in Iran, a Western embassy (3) stated that those recognized according to the constitution, must stay within the limits and regulations that are applied when it comes to religious minorities. Asked about the situation of Christian converts, the embassy noted that conversion is not prohibited in codified law. However, for a person to renounce his Muslim identity in public would be unthinkable.

A source in Iran who is well-informed about Christians explained that the 1990's was the worst period of open persecution of converts on known [i.e. institutional] churches. In 1994, aside from the killing of Pastor Mehdi Dibaj,¹ another pastor by the name of Tataous Mikaelian was killed. The

¹ Pastor Mehdi Bidaj was sentenced to death on charges of apostasy, however, he was released, but then found deaf approximately six months later in a forest, see also p. 26

pastor of the Assembly of God Church in Tehran, Haik Hovsepian Mehr, who in fact was ethnic Armenian Christian originally, was found dead. Another incident was the death of Pastor Youssefi who was found dead in 1996 under suspicious circumstances. He had been serving as a minister in an underground Assembly of God Church. The case is mentioned in a report from Human Rights Watch in September of 1997.²

A source in Iran who is well-informed about Christians stated that on the whole, due to the economic situation in Iran, life has become difficult for many Iranians. Such a situation will always be more problematic for Christians, since by definition they have fewer opportunities because of the institutional discrimination that exists. In principle, churches would like Christians to stay in a given community and not leave the country, particularly considering the outflow of Christian communities that has characterized the Middle East region as a whole in recent contemporary history.

A Western embassy (3) informed that Christians can live and work in Iran. They may be discriminated but are not persecuted. It was added that all gatherings with more than ten people make Iranian authorities nervous and suspicious about what is going on. This applies no matter what the case is.

A foreigner interacting with Christians in Iran stated that in the case of Catholics, having a presence in Iran has not really been a problem, as members of this church are of mostly foreign origin as well as a small group of Armenian Catholics. The Catholic Church itself is closely affiliated with the Vatican Diplomatic Mission. Only when the Catholic Church starting using Farsi a few years ago, in connection with certain church activities, some problems did arise with the authorities.

A Western embassy (1) mentioned that mostly foreigners and people married to a foreigner attended the Catholic Church. It was added that it is difficult for converts to enter the established churches and make use of them, as the churches also are very careful about whom they let in. During religious holidays there would often be ‘religious tourists’ attending churches. The Iranian authorities monitored this closely to secure that Muslims were not attracted to the churches.

A foreigner interacting with Christians in Iran explained that foreign Christian women who are married to Iranian Muslims - and who make use of church services available in Iran - legally speaking, are Muslims. As married to Iranian Muslims, they and their children are considered Muslims according to Iranian law. These women do not want to register as members of churches or attend Friday services. This may be because their husband is a governmental official or may be due to other reasons. For instance, in case of divorce, it is easier to get rid of an unwanted spouse by telling the court that the spouse is not a Muslim. When it comes to inheritance, the law always

² Human Rights Watch, *Iran, Religious and Ethnic Minorities, Discrimination in Law and Practice*, September 1, 1997, available at: http://www.hrw.org/legacy/reports/1997/iran/iran-05.htm#P209_34007 [accessed 29 November 2012]

favors the Muslim part. According to the Civil Code, a non-Muslim cannot inherit from a Muslim. If there is one Muslim in an otherwise non-Muslim family, the Muslim part will inherit everything.

AIIS stated that it had not done active research on the situation of Christians in Iran for a while and added that usually any knowledge on issues related to this topic, would be case-driven. Amnesty International has taken up the very well-known case of Yousef Naderkhani and focused especially on the legal aspects involved in this particular case.³ (*See Chapter 1.4. Consequences of conversion*)

Addressing the treatment of all minorities in Iran and what they identified as a growing trend – from 2005 onwards - towards the increasingly close monitoring of and discriminatory treatment towards both religious and ethnic minorities in the country, AIIS drew attention to state documentation published in the organization's 2008 report *Iran: Human rights abuses against the Kurdish minority*.⁴ AIIS drew attention to the identification of "subversive" and "non-subversive" sects.⁵

Regarding other religious minorities, the Iran Watcher, US Embassy, London pointed at the Iranian Jewish community which has become more watched and more isolated now.

1.1 Over ground churches and converts

A foreigner interacting with Christians in Iran stated that there are three organized Protestant churches in Iran that practice in Farsi. The Assembly of God was established during the Shah rule, sometime after World War II. It is the largest of the Farsi-speaking congregations.

³ Amnesty International, Iran: *Naderkhani acquittal shows urgent need to allow religious freedom*, 11 September 2012, available at <http://www.amnesty.org/en/news/iran-naderkhani-acquittal-shows-urgent-need-allow-religious-freedom-m-2012-09-11> [accessed 29 November 2012]

⁴ Amnesty International, *Iran: Human Right Abuses Against the Kurdish Minority*, MDE 13/088/2008; available at: <http://www.amnesty.org/en/library/asset/MDE13/088/2008/en/d140767b-5e45-11dd-a592-c739f9b70de8/mde130882008eng.pdf> [accessed 1 February 2013] - see page 50, Appendix 3: Further example of reporting on activities of non-recognised minorities in schools.

⁵ AIIS explained that a portion of one document obtained by AIIS, issued by the Province of Tehran's Department for Education and Training states that:

22- *It is essential that all Heads of schools/ institutes identify students and staff affiliated and belonging to subversive and non-subversive sects (Feragh e Zalleh and non-Zalleh) including: Christians, Zoroastrians, Jews, Baha'is, Ahl-e Haq, Sunnis, foreign nationals⁵ and to report [on] them individually on the form provided, [including] their details and to send back the form to this office, confidentially.*
[...]

24- *It is necessary for Heads to report to this office in writing any news or ongoing rumours or events happening around school.*

25- *It has been reported that some colleagues and principles of the schools are participating in political and social debates in working hours. It has been reported that these colleagues also attend illegal meeting which is against their professional code of practice. These will undermine the educational and cultural values and cause separation and polarisation in community. It is confrontation with the government. Therefore it is strongly advisable to avoid these behaviour and those who fail to do so will face serious consequences.*

It was explained that the Anglican Church was established in Iran in the 19th century and built up quite an organization especially in the South of Iran. The fact that its leadership had a Muslim background at the time of the Revolution led to the church coming under pressure. Additionally, that the Church itself is closely associated with England, adds to the hostility towards its presence. Today, one could say that it is almost at the brink of extinction. The church does not accept members from other churches. The members, or their relatives were originally Muslims, a few were also Jews or Zoroastrians. The Church is under pressure from the authorities and does not have a bishop residing in Iran at the present time. The bishop is living in Pakistan.

Asked about the Assembly of God and the Anglican Church, a Western embassy(1) answered that they had no contact with these churches and no concrete information, but added that due to the name, the Anglican Church was seen as being somehow connected to the United Kingdom and may therefore be under pressure.

A foreigner interacting with Christians in Iran said that the Assyrian Farsi-speaking Protestant church in South-West Tehran was closed in April or May of 2009 after having been warned by the intelligence services of continuing work among young Muslims. Since February 2012, there has been a wave of harassment towards Farsi-speaking churches. In February of 2012, there was a crackdown on house churches in Ahvaz, and St. Emmanuel church in Tehran were told to hand over a membership list and denied the right to hold services on Friday afternoons. The pastor of the church lost his job and was denied access to the church. The church itself is still open to the congregation. It was further explained that the majority of those people who attended services were in fact not members but visitors. Other congregations that held their services on Sundays faced less pressure. The source found it probable that the authorities' pressuring of congregations with regards to membership lists as well as enforcement of moving of services from Fridays was a central directive stemming from the government. (See *Surveillance and control of over ground churches*)

The Assembly of God (AOG) church is also under pressure. The church has not been allowed to hold services on Fridays for the last three years. It was explained that a certain commander of the Revolutionary Guards in an interview had publicly announced his anger with the fact that the Assembly of God Church in Tehran held services at the same time as Friday prayers.⁶

A source in Iran who is well-informed about Christians said that the institutional churches, however, face fewer problems when comparing with the past because there simply aren't that many members left and their activities are limited, according to the source. In the past, in the 1990's, the Assembly of God Church was very defiant. It was active and open in proselytizing in a rather brave manner. However, after the killings of the 1990's, the Church seemingly was obliged to keep a lower profile and consequently, the church is not as active as earlier. Furthermore it has been imposed on all churches that services cannot be held in Farsi. It was explained that the Christian minorities are ethnically distinct and include Armenians and Assyro-Chaldeans. All of these groups practice their faith in their own liturgical language.

⁶ It was added that The Anglican Church in Isfahan no longer has formal services, and the pastor was locked up for a few months by the authorities. Individual prayers however, are still allowed.

The source added that problems did arise some years back regarding the evangelical churches, including the Assemblies of God, which were open to Farsi-speaking people. In one case concerning an Assyrian Protestant Church in Tehran, the priest was no longer allowed to hold services. It was further added that sometimes, problems arise from within and are caused by members of their own community.

The source further explained that some churches which on Fridays held services in Farsi were no longer allowed to do so. Besides, they have recently been asked to give up lists of members to the authorities, together with members' ID registrations number.

When asked if prohibition of services in Farsi was a new move from the authorities, the source stated that recently the authorities were far stricter with regards to this. The idea of the government with this restriction of Farsi-services is to prevent Iranians from attending church and receiving a Christian message. When asked about reactions from authorities towards churches continuing services in Farsi, the source stated that when members are few, he would not expect them to be so picky. In previous years (1990s) the Assembly of God were having two to three services on Fridays as well as activities on Sundays with high attendance of people and this was certainly not well-accepted by the authorities. Moreover, according to certain sources, at the start of President Ahmedinejad's taking of office, one of his pledges in fact was "to stop Christianity in Iran", which was a change from the previous presidential period.

When asked who makes up the congregation of Assembly of God churches, the source stated that these were typically young people.

An Iranian leader of a home church network based in Ankara since 2011, explained that the Assembly of God church is currently under pressure from the government and has complied with requests of providing information regarding its members. Friday services which were open and evangelistic in character have been closed down. The source added that the AOG church used to have two ordinary worship services on Sundays and two evangelistic services on Fridays. The purpose of the evangelistic services was to invite new people to hear the gospel and thus come to faith in Jesus. The Friday services have been banned and the Sunday services are now completely monitored so that people have to show ID to government officials upon entering into the church building.

Also the church's Sunday school used to offer bible teaching for new believers. This has been closed definitely. There might still be some teaching programs allowed for the registered members, but it is not possible for new converts to attend such programs.⁷ All types of evangelism have been banned as well as baptism and wedding ceremonies conducted in Farsi. The source concluded that adding up all these incidents, illustrates how the life is squeezed out of the churches by the authorities.

⁷ According to Elam Ministries, the term Sunday school designates a teaching program of different courses conducted in classroom settings before the Sunday services.

According to a source in Iran who is well-informed about Christians, it was his impression that as long as a convert keeps a low profile, the authorities will let you live your life. However, sometimes it becomes impossible to uphold discretion for example when it comes to choices related to schooling, further education and marriage and in such instances problems could arise. It was considered that outsiders from the West for example, may have difficulties in understanding the situation that many Iranians are in with regards to having a double root, for example a Christian and Islamic one. Reference was made to a program made available by HIAS (Hebrew Immigrant Aid Society) which facilitates emigration of minorities from Iran to the US by way of sponsorship. However, if a person is born to a Muslim father and a Christian mother, this opportunity will not be available. There had been cases involving baptized children with this background who were not accepted. In fact, the persons who are less free in Iran, are those who do not belong to an ethnic minority but for example come into Christianity through mixed marriages or conversion. They could be held at a distance both from their own Christian community and from the Muslims among whom they live. An Armenian Church for example, would never accept a convert and simultaneously a convert would always be considered an apostate by the Muslim community.

The source further explained that before the Islamic Revolution, there were several churches that did accept converts, including the Catholic, the Anglican and the Evangelical Church as well as the Assemblies of God Church or some other Protestant denominations. During this period, the issues converts faced did not stem from the authorities, but rather from their own families or clans. Reference was made to cases of persons who were accused of conversion by their own families and as a result, lost their jobs. There could be a number of other issues behind such accusations within families. Today however, the problem is two-fold and stems both from Islamic law as well as from families.

It was added that it is very difficult to find second or third generation converts in Iran. As stated above, great problems arise for Iranian converts when it comes to marriage for example. For instance, Armenian and Assyrian Christians will not accept a convert in their family. The Assembly of God Church members are of Christian roots (Armenian and Assyro-Chaldean) or of Muslim, Farsi-speaking roots who have converted to Christianity. However, this Church does not allow inter-marriage, but encourages unions within the same ethnic group (i.e. – as they put it – Armenian with Armenian, Persian with Persian).

Consular officers at the US Embassy in Ankara stated that according to their general knowledge, converts to Christianity in Iran are not persecuted as long as they are not proselytizing. They further added that anecdotal evidence seems to show that Catholic churches in Iran, for example, are allowed to operate as long as they do not expand their congregations to include Muslims.

The consular officers also see casework regarding asylum claims made in the United States by ethnic Armenian Christians. They considered this strange as it does not correspond with their knowledge on the general conditions for this group in Iran as one of the recognized Christian groups in Iran. According to this source, problems may arise when ethnic Armenian Christians intermarry with other groups, both Christians and Muslims. It was explained that the Armenian

Church is very ethnically based and as a general rule does not accept Christians from other denominations or converts into its Church.

(See also 1.4.1 'Surveillance and control of over ground churches' regarding registration of members of churches)

1.2 Conversion and Baptism

A foreigner interacting with Christians in Iran explained that to the knowledge of the source, formal Protestant churches no longer convert Muslims and that it stopped doing so some years ago. The source added that if a church does baptize, it would not be openly known but conducted in a very secret manner. According to Assembly of God, the church stopped baptizing Muslims some years ago. Reference was made to a pastor that had been locked up for baptizing prior to this. It was added that baptism is not a requirement in order to become a member of Assembly of God Church. One does not need a formal entry ticket to enter the Church for services, at least not up until earlier this year (2012). However, as churches are used to dealing with persons sent by the security services, the church will normally observe newcomers.

It was added that from time to time, Iranian Muslims are requesting to be baptized in a Church. The source had no knowledge of this happening to the same extent in other Muslim countries, such as Turkey or in Arab countries. It was considered that the political situation in Iran has a role to play in this respect. In the event that a person requests to be baptized, it would be unwise for a Church in Iran to respond positively.

Regarding documentation of baptism, the source considered it very unlikely that established churches would issue such documents. Whether house churches would issue such documents, the source considered that they might baptize each other within the movement but that they have no formal theological education and they are very much on their own. Finally, the source stated that the source could not imagine that any official church leader would baptize Muslims formally and officially. To convert is a big step when you live in Iran, everybody would know there are dangers to it.

When asked whether it would be possible for a church to baptize a convert in Iran, a source in Iran who is well-informed about Christians stated that, theoretically, churches should baptize catechumens as part of their mission. Practically however, the source did not think that there are any churches that are baptizing converts now, or – if there are any – they are doing it in a very discreet manner.

Regarding converts to Christianity, an international organization in Ankara considered that there were many diverse groups. It was considered that some communities would take their members to the countryside in order to baptize them there. Most converts however, if they have officially converted, have travelled to Turkey, Armenia and Azerbaijan in order to be baptized. It was added that many American Christian groups have activities in these countries. Many converts come to Turkey simply to convert and seek asylum after having done so.

According to an international organization in Ankara, many of the house church members are not baptized as baptism is the proof of conversion and the consequences you could face are serious, according to the law.

Regarding conversion inside Iran, an international organization in Ankara said that some priests may baptize a few individuals now and then, but not overtly as a part of their recognized activity. A significant number of converts have been baptized in Turkey and in Armenia. It was added that American evangelical Christian groups are directing their efforts towards Iranian refugees in Turkey.

Some Christian evangelical church from the US claimed to have baptized 50-100 individuals a week in Tehran for a while. However, this could not be independently verified.

On whether individuals, who have travelled outside of Iran to receive training, can be baptized and return to Iran, Elam Ministries stated that this was possible. Elam Ministries explained that leaders, who are in training, will normally be baptized, but not necessarily. Baptism is important to many, as it is one of the outward signs to the world of a person's commitment to Christianity. It was added that the Iranian authorities are also aware of the fact that baptism is a very definitive decision. Elam explained furthermore that there is a process of discipleship and teaching for preparations to baptism.

It was not considered that a leader that has attended courses abroad himself would be able to carry out baptisms of his house church members as this person would not have been officially ordained. Leaders of house churches, it was added, are quite humble about their position and would most probably hold back on such activities. In addition to that, it is basically not possible to conduct a proper baptism ceremony in Iran and it also has great importance to converts to Christianity who would be baptizing him or her.

It was considered that most conversions are directly related to the reading of the bible. Converts, as a result, are readily referring to the source, i.e. the Bible, and the stories that are encountered in it and perhaps not so much to the well-known religious holidays that Christians generally refer to. It was explained that there is no mention of an actual Christmas celebration in the Bible. The Christmas celebration is a tradition that emerged later on in history after Christianity had been embraced as state religion. It is thus a product of Christian culture more than of biblical faith. Also according to the bible, the Easter story of Jesus death and resurrection is commemorated consistently by Christians every Sunday, forming the central theme of sermons and through the sharing of communion (bread and wine). Easter of course was also observed by Jews in biblical times, being rooted in the Old Testament story of Israel's deliverance out of Egypt. Consequently, the theological meaning of why Jesus came and why he died and rose again is the very core of what Iranian converts believe and celebrate consistently. However, the significance lies in the meaning of these stories for their personal lives and relationship with God, rather than in the way these events may be celebrated at special occasions during the year. The Christian holidays tend to get more attention in societies that have a historical cultural heritage of Christianity and thus follow the Christian calendar.

A new convert may not be fully aware of why Christmas is celebrated, but is instead more knowledgeable about why Jesus came through the readings of scripture. That the word of the bible is available in Farsi, could have a role to play, in the opinion of Elam Ministries. It was added that the Quran is surely translated into Farsi, but such a version is not acknowledged by Muslim authorities as the word of God. Accordingly, observing Muslims in Iran read the Quran in Arabic, even if they do not understand the meaning, in order to benefit spiritually from their readings. In Christianity, a good translation of the Bible into one's own language is still considered to be the word of God, through which God can communicate.

Asked if the house church leaders would undertake a baptism, an elder from the International Protestant Church of Ankara said that sometimes they might. However, the source stated that there are also many Iranians who come to Turkey in order to get baptized. He mentioned an event in Konya about two years ago when 50 people had been baptized over a weekend by an American pastor who flew in from Las Vegas. The source said that this pastor had issued certificates of baptism to people he did not know. According to an elder from the International Protestant Church of Ankara, such baptism events that include large numbers of people take place “all the time” in Turkey. There are a lot of conferences in Istanbul where people, including many Iranians, get baptized after attending for 1-2 days.

An elder from the International Protestant Church of Ankara further informed the delegation that in his church (in Ankara), it would take a 22-week course of introduction to the Christian faith prior to being baptized. According to the source, his church is running 2-3 courses per year with 20 persons in each class. He added that approximately half of the individuals signing up complete the course, and mentioned that in the latest class, only five out of 20 finished. Concerning those who are baptized, a small amount have returned to Iran, most have gone to another country and the rest have stayed in Turkey.

A source in Iran who is well-informed about Christians added that it is difficult assessing the real reasons behind conversions taking place abroad or within the country. It cannot be excluded that there might be reasons of convenience, in order to take advantage of certain privileges given to asylum seekers on religious grounds. In the past, there were conversions of Iranians taking place in European countries of persons who had been refused asylum and who later underwent very intensive courses, got baptized and went public about their conversion, so as not to be deported. Such a procedure, according to the source, could not be considered a true conversion to Christianity.

An elder from the International Protestant Church of Ankara explained that many of the house churches in Iran are non-Trinitarian which means that they believe in “Jesus only”. If they are baptized, they are baptized in the name of Jesus only which is not according to the Bible. The source emphasized that they identify themselves as Christians and that they are persecuted as converts to Christianity. As an example, the source pointed at Yousef Naderkhani who is affiliated with the Church of Iran which is a network of house churches. According to the source, Naderkhani belongs to a certain branch of the Pentecostal mission in the United States that believes in “Jesus only”, and he has been persecuted in Iran because he identifies himself as a Christian and for his Christian activities.

1.3 House churches (*'underground' churches*)

A source in Iran who is well-informed about Christians stated that according to the Church communities it is difficult to provide an approximate number of converts in Iran. Ethnic Christians (Armenians and Assyro-Chaldeans) are around 70-80,000 persons. When speaking of house churches and thereby the potential number of hidden converts, it was considered by the source that the numbers may amount to a few hundred thousand. There are no statistics on this matter. However an Ayatollah went out publicly and stated that he knew of the number of house church members and who these persons were. The Ayatollah had also given an example of how individuals could get acquainted with a church, receive religious instruction, be baptized and consequently go abroad. It was added that the authorities are not happy with this interest in Christianity among the youth. The source however, did not consider that this movement was one that was increasing widely in numbers.

Regarding the house church movement, Amnesty International's International Secretariat (AIIS), London (AIIS) considered that it is difficult to know the numbers, but considered it likely, in light of reports regarding growing social alienation, that there are more house churches across the country compared to a decade ago. In light of this, one can expect that the authorities keep tabs on any spread of the movement in the same way that it keeps close watch on a range of other communities.

AIIS believes that there is ample evidence to show that in the course of the years following the appointment of Mahmoud Ahmadinejad as president in 2005, and particularly since the disputed presidential election in 2009, the security services have grown, both in depth and scope of their activities and that this broad trend is applicable to the Christian convert community, such as the house church movement and those who attend them.

A foreigner interacting with Christians in Iran considered that the movement of house churches is growing. There may be several reasons for why people start up or join house churches. One might be inspired by others or watch TV-channels that communicate Christian ideas. Additionally, a large number of people in Iran are fed up with the way political Islam is practiced by the regime and are looking for alternatives.

According to an international organization, the house church movement came about when evangelizing groups started disseminating a lot of information to Iran. This was done through different contacts by way of house parties, for example, especially in Tehran, and was appealing to many.

According to an international organization in Ankara, the Iranian authorities are looking for people who are proselytizing. Some of them walk around in parks and meet people there. It was considered that the push factor for new members of these groups is the corrupt society, bad governance and the way Islam is practiced by the authorities in Iran. Many people look towards America as the ideal society and in combination with the appealing Christian message of 'Jesus, love and forgiveness', they may be attracted to the evangelizing groups.

An international organization in Ankara said that especially the middle class is looking for something else for which reason they join these communities, especially in the bigger cities. It was considered that the appeal lies less in Christianity as such and more in being a part of a community which is warm and welcoming. However, converts may not be very knowledgeable about Christianity. The source referred to stories of individuals who had quit drugs because of Christianity and had found psychological remedies in their new-found Christian faith.

When asked how house churches come about, Elam Ministries, explained that many of the house churches are rather small groups of people who somehow have stumbled upon Christianity along the way. It does not really come about in any organized fashion. An Iranian leader of a home church network explained that in his own experience of starting up house churches, he for example tells a person about Jesus. This person then becomes a Christian. This could be a person that he has met in the library or at the bazaar. He further explained that the church grows in the way that this person he has approached then approaches his friends or maybe immediate family, and thereby a church comes into being.

Asked if it would not be dangerous to work this way in Iran, an Iranian leader of a home church network stated that he did not consider it dangerous to approach a stranger and speak of Christ in the bazaar for example, because in his opinion, one can tell the really Islamic people from those who are not. It was added that being a Christian in and of itself has always been a risk since the time of St. Paul. However, of course one must act with much discretion because of the authorities. Elam Ministries further added that generally, Iranians are very open to Christianity.

The Iran Watcher, US Embassy, London informed the delegation that house/home churches are often reported on by their neighbors. Based on the sources of information available to her, house churches in Iran are growing in numbers. The source found that many converts in Iran are converting to Christianity because they are fed up with the way Islam is portrayed by the regime. According to the source, the Christian evangelistic groups had been successful in presenting Christianity as warm and welcoming where God is loving and merciful.

Asked about the number of house churches in Iran, an elder from the International Protestant Church of Ankara stated that it is difficult to say. It was considered that a motive to convert arose in individuals who in Iran were fed up with Islam and needed to believe in something else in its place - he compared it with individuals "putting on a new t-shirt".

Regarding the house church movement, a Western embassy (1) stated that the established churches effectively do not accept converts and consequently, converts are pushed to the underground house churches.

Asked about the prevalence of house churches, a Western embassy (3) stated that it had the impression that these on the whole are quite few, and that the ones which do exist are in a vulnerable situation. It considered that ordinary Iranians probably would not know much about the existence of house churches in general. However, if an individual wished to seek out a church, it would probably not be difficult for him to find someone who is involved in a network. By nature, activities of this kind are very secretive and therefore it is difficult to say much on the matter. The embassy itself was aware that house churches exist in Tehran, Isfahan and several other locations.

It was added that the authorities conducted a crack-down on house churches located in Isfahan during Christmas of 2010.

Regarding converts in Iran, Azad Zamani, a human rights activist of Kurdish origin in London considered that persons involved in a 'Christian movement' are under pressure. The source said that he knew of such communities in areas like Yasht, Shiraz, Sanandaj and Orumiye. It was added that the Jewish communities that exist in Iran, are under a lot of pressure and live very discreetly in small families.

1.3.1 House churches - organization and structure

According to the assessment of a foreigner interacting with Christians in Iran, it is not possible to say anything accurate about the size of the house church movement. Even the intelligence services are not able to obtain an overview and there is no way to know the extent of house church activities. This is because the movement is very informal, quite spontaneous and local. A group of people might do some Bible-studies in the home, listen to CDs with Christian music with Farsi lyrics and watch Farsi-speaking TV-channels broadcasting from abroad and then declare themselves Christians. The source mentioned a recent trip to Southern Iran which is an area with a free trade zone and thereby many foreigners. By chance the source met an Iranian who had been in contact with a foreigner that introduced her to Christianity. As a result, she and her immediate family had started practicing bible studies and now considered themselves Christians.

An international organization in Ankara informed the delegation that the structure of the house churches seems to be informal and spontaneous and not formatted in a distinguishable manner but the source did not have much information on this. It was considered that more and more people are claiming to be attracted to something different from Islam and that the American evangelistic organizations could be providing such an alternative.

A foreigner interacting with Christians in Iran considered that house churches in general are very loosely organized. Some house churches may be linked up to networks and others may not. It was added that different networks of house churches also have contact to networks located abroad. In Turkey for instance, foreign organizations offer programs for Iranian church leaders and members. The source knew of cases where Iranians had travelled to Armenia and Turkey in order to be baptized.

It was further explained that house church people are very reluctant to show up in the formal organized churches and fear that these are full of spies. Some of the house churches are theologically quite different from established Protestantism as they do not believe in the Trinity (non-Trinitarian). Established churches are usually not in contact with house church networks as this could create serious problems for their own churches.

Regarding the structure of the house churches, the Iran Watcher, US Embassy, London informed the delegation that normally these churches would count less than ten people – more often five to six people in order to be able to act more discrete and less threatening. As regards regional differences in relation to house churches, the fastest growing Christian communities seem to be in midsize Iranian cities.

Elam Ministries said that house churches do not have a uniform structure and program. Networks are usually small in size and are kept small. A house church tends to be no more than ten members, since it is dangerous to congregate if you attract attention from the neighbors. A house church leader may lead a number of these small communities, but they function as separate fellowships. The content of the gatherings is a simple version of the classic elements of Christian worship: Songs of worship (they do sing, but have to do it silently so they cannot be heard by neighbors), reading of scripture, preaching and teaching from the bible, prayers, sharing the holy communion and intercession for each other, often with the laying on of hands.

An Iranian leader of a home church network explained that house churches congregate in homes and the size of the congregation depends on the size of the home. As an example, it was mentioned that a group of ten people will typically split up into two groups when an eleventh member joins. A house church generally has a leader who has had some training, for instance through training received abroad. There is also a lot of mentoring going on between house churches which also is a way of training and developing of house church leaders.

When asked how house churches start up, an Iranian leader of a home church network explained that in his opinion, there is great opportunity to proclaim Christ to Iranians. He added that in theory, anyone can start up a church. However, a leader obviously needs to be trained and act as the more mature member who has had training in order for the church to grow and for its members to mature in their Christian faith.

Elam Ministries said that there is no formal structure linking the house churches together. However, there are links between them based on the existing relations between leaders of house churches who have a history together. Some have led others to faith or they have studied together in Turkey etc. The leaders who are more significant and experienced tend to be acknowledged by the other house church leaders and thus function as mentors. Also they are linked by their relations outside of Iran. The senior leaders of Elam in London for instance, are mentoring many house church pastors through Skype and this creates the sense of a movement despite the lack of actual organization. However, the links inside of Iran are purposely not strong or regular, for safety reasons.

Asked whether small house church groups are connected to a larger network within Iran, an elder from the International Protestant Church of Ankara said that he was not sure that the groups inside Iran are connected and did not consider that different house churches would be aware of each other's existence.

On whether there is link between the over-ground churches like Assembly of God in Iran and house churches, an Iranian leader of a home church network leader stated that there is no link today due to the fact that Assembly of God has expressed that it will not support house churches in any way.

A source in Iran who is well-informed about Christians said that the house churches are a new phenomenon and that there is no contact between house churches and institutional churches. It was added that when the case involving Yousef Naderkhani came up, nobody among the known churches had any knowledge of him and his existence.

Asked whether the Iranian Church outside of Iran has links to churches in Iran, an elder from the International Protestant Church of Ankara explained that there are links to both “above-ground and underground churches”.

1.3.2 Training of house church leaders and members

When asked about the possibilities for ordinary Iranians to receive education by way of courses while living in Iran, Elam Ministries explained that one must distinguish between Christians who travel to Turkey or other countries to receive teaching and those who are in Iran. In principle it is possible to take online courses through Global University (GU) in Iran. However, in practice it is very difficult and risky. The internet in Iran is very restricted by the government and the Christian homepages are difficult to access. Moreover, to finish a course in Global University you need textbooks, pastoral mentoring that is being reported to GU, interaction with academic advisors at GU, available reference books for research in connection with writing papers etc. In short, the courses are not designed for an audience in a persecuted underground situation. Consequently, only very few leaders in Iran seem to manage the difficulties of taking such courses. Instead, they rely on informal modes of learning through personal mentoring, a sort of apprenticeship that also involves the reading of theological books and learning from more knowledgeable and experienced leaders.⁸

An Iranian leader of a home church network explained that teaching [of house church leaders] can be brought through satellite channels as well as through ministries such as Elam which is involved in training. Elam Ministries explained that there are a number of programs sponsored by Elam Ministries going on in different countries where Iranians can travel to without a visa. Courses of theology are for instance given to leaders of a house church or to the wife of a leader. It was added that the house church movement can be characterized as a grassroots movement and very relational. The duration of a course can be up to three months. There are different levels available as well as different types of programs. Some, for example, are aimed at persons who wish to grow more in their faith. (See *House Churches - organization and structure*)

Elam Ministries said that if you are a leader of a house church, you must travel abroad to receive academic teaching. It was added that even textbooks are difficult to take back to Iran after having attended a course abroad. Besides the internet is so slow in Iran, due to filtering and blocking of websites by the authorities, that it would take forever to download whatever is available on the

⁸ Elam Ministries explained that through Global University (formerly ICI - International Correspondence Institute), one can take theology courses at different levels. The courses available have been translated into different languages and currently up until a BA level is available in Farsi. These translations have been made available by Elam Ministries. It was added that there is a university in the United States where the courses are offered as well. However, most courses are taken by way of correspondence as well as mentoring from a pastor. It was further added that the courses of Global University are accredited to two American institutes (Higher Learning Commission and North Central Association of Distance Education and Training Council). Elam Ministries stated that Global University was not promoting itself as such when it came to offering education to Christians in Iran. The reason the University and their courses are known is because Elam has translated the courses available.

internet. Lots of sites are also blocked, so a person must somehow be able to bypass these blocks. Elam has a website, however, often it is not possible to access it in Iran. Facebook also used to be a great tool for Christians to meet and share their faith. In 2010, by way of Facebook, Elam networks were uncovered by authorities. Therefore Facebook is now quite dangerous. It was added that since Christmas 2010, approximately 300 people in the Elam network in Iran have been arrested. Infiltration of digital communication, especially the Facebook network, was one of the main sources of the government's uncovering of the members of the house churches.

Elam Ministries arranges a number of conferences and seminars. It was added that Elam has been involved in ministry in Turkey since 1987. During the past 8 years, 340 people have completed the training. 155 have gone back to Iran. As for the conferences, they typically gather anywhere from 50 to 150 persons. In 2012 alone, there have been 20 conferences for different purposes (advanced training, leadership, evangelism and discipleship, general teaching, woman). In connection with the conferences, there have been baptismal services. In September this year [2012], 97 converts were baptized in one day – all new believers from the Elam network. Elam counts 200+ house churches in the network. 30 churches are in cities around Turkey and these churches are performing baptisms regularly, so many hundred have become Christian this way and the number is increasing. It is important to note that many house churches in Iran emerge spontaneously with people who become Christians through television or personal reading of the Bible. Moreover, Elam is only one out of many mission organizations that are active in Iran, so there are thousands of underground churches throughout the nation.

According to an international organization in Ankara, Western evangelizing organizations offer training courses in Turkey for leaders of house church communities from Iran who then travel back to Iran. The source mentioned that some pastors were trained in different places in Turkey by priests from the US. Such training seminars are also taking place in Armenia.

It was added that some house church leaders have travelled back and forth from Turkey to Iran for training for years without facing problems because their religious activities have not been disclosed to the authorities in Iran.

Regarding training of house church leaders, an elder from the International Protestant Church of Ankara referred to a number of satellite tv programmes, - especially Nejat Tv by Reza Safa (<http://nejattv.org/>) and also conferences in Izmir and Istanbul in Turkey.

An elder from the International Protestant Church of Ankara also informed the delegation that there are many Christian satellite TV programmes being broadcasted in Iran, for example Mohabat TV (Persian Christian TV), Sat/7 Pars TV and Dr. Hormoz's Iran Alive Ministries. The last mentioned is based in Texas and is broadcasting in Farsi and is according to the source considered a "para-church" supporting churches in Iran.⁹ Asked if Satellite TV evangelizers take the situation in Iran into consideration when sending their programmes, the source emphasized that Hormoz for example is not encouraging people to go and gather in Iran. It was considered that Christian

⁹ It was explained that "para-church" is a Christian organization that is independent of a denomination and works outside of the church to engage and support the local church.

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evangelizers through TV are able to feed the faith of Christians in their own homes. It was added that Christian TV is presently more focused on discipleship towards families than towards bigger groups of people. It was considered by the source that most converts in Iran would be familiar with Hormoz.

An elder from the International Protestant Church of Ankara informed the delegation that a large percentage of people who come to him in Ankara have watched one of the Christian satellite programmes – either Sat/7 or Hormoz.

1.4 Consequences of conversion in relation to the authorities

1.4.1 Surveillance and control of over ground churches

When asked what the consequences of being a registered member of a church could amount to, a source in Iran who is well-informed about Christians explained that this would imply a declared membership in that church, and could expose converts to severe consequences that could range from social death to persecution. It could be anything and one would never know what could happen. Once a person is born a Muslim, he or she is always a Muslim. This means that even though a person is raised as a Christian, for example by way of being born from a Muslim father and a Christian mother, he or she will be considered a Muslim according to the law.

Regarding the churches that were asked to provide names of members to the authorities, the source stated that he had heard that churches were told to do so and that some members gave their names and some did not. The source added that he had not heard of cases of individuals experiencing repercussions as a result of being registered by the authorities as a member of a church.

A foreigner interacting with Christians in Iran said that when Assembly of God was asked to hand over the membership list, the church leadership would not do so themselves, but asked the members to give up their names on a voluntary basis. About 600 people, three quarters of the congregation signed the list. The source explained that in the aftermath, some of the persons on the list lost their jobs and some were prevented from taking their exams at the university. Additionally, a father to a church member lost his job as a teacher. It was further added that limiting a person's access to higher education is often a tool used by the authorities to put pressure on certain people. Between 800 and 1,000 attend the two services in Assembly of God on Sundays, which is a lot not in the least considering the church is under pressure.

An Iranian leader of a home church network assumed that the authorities are attempting to control the churches by accessing information regarding its members and their ID cards. By having a person's ID registration number (kart e- melli), the authorities have access to information that is stored in the system about that person. On an identification card, there is no mention of religion for example but this is instead stored in the system. It was explained that upon filing an application for a kart e- melli, one is required to fill out all sorts of information. The authorities regularly require for citizens to renew identity documents, for example birth certificates and identity cards, and as a result, collect lots of information on citizens that they store in the system. Therefore by knowing a person's ID card, the authorities in fact have access to a lot of information about that person. As an example of the authorities' surveillance of individuals, the source mentioned a church leader from Iran who had visited him twice in Turkey. In this case, the authorities had contacted the leader's father and asked questions as to why his son had travelled to Turkey.

A foreigner interacting with Christians in Iran said that there are a few Farsi-speaking churches outside Tehran: in Isfahan, Rasht, Hamadan, Abadan and Mashad. Outside of Tehran, surveillance of churches can be very harsh. Reference was made to a case in where the authorities walked in on a church service in order to control ID cards among the congregants. It was added that when it comes to problems with the authorities it depends on who you have to deal with within the secret

police, the judiciary and the prosecutor. Some look the other way, others do not. The source elaborated that it may depend on how conservative a person is or perhaps on how eager a person may be to promote his career.

Regarding registration of members of churches, a Western embassy (1) stated that it had no insight into whether this was enforced in any way and added that there were so many rumours.

(See also 1.1 'Over ground churches and converts' regarding the authorities' registration of members as well as 1.4.3 'Consequences for members and leaders of house churches')

1.4.2 Risks of persecution of converts

An international organization in Ankara stated that the authorities perceive the evangelistic networks as a sort of intelligence network and would rather go after the evangelizers and proselytizers. The authorities would not go after individual converts, but if it turns into more organized activities, it is a different issue. It was added that the authorities for instance, have not cut the TV satellite channels that disseminate Christian TV. According to the source, the authorities are not chasing house church members but would rather go after the 'big fish', i.e. those that organize and who proselytize, as they are seen as a threat to society. The evangelizers who disseminate Christian information are more at risk than others, and an extreme effort is put into chasing the evangelizers, i.e. the pastors, according to the source.

Asked about what could lead to the persecution of a Christian convert, a Western embassy (3) stressed that engaging in evangelical activity or active manifestation of one's Christian identity in the public sphere will risk negative attention from the authorities and create problems. Wearing a cross would not be a problem in itself. It was added that a person's risk however, may also depend on what the individual has done in the past, for example, if previous activity has been registered by the authorities. Asked whether there has been an increase in surveillance of Christian activities recently, the embassy stated that it did not have information on this.

Regarding the possible repercussions converts could face in Iran, a Western embassy (1) informed the delegation that being a Christian as such is usually not a problem. If a person publicly converts to Christianity this could become a problem. However, even for people who convert to Christianity, the risks are – normally speaking - not high if the person keeps quiet about his conversion. On the other hand, once a person starts proselytizing, he or she enters into a new category of people who may face a risk.

On the question of whether Christian converts are able to live in Iran, a Western embassy (4) stated that as long as a convert does not cross the red lines that do exist in Iran, he or she would most likely not experience problems with the authorities. The Naderkhani case is a very famous case of a convert who created such issues for himself by being very active in proselytizing in Iran. It has been widely referenced in the media.¹⁰

¹⁰ Amnesty International, Iran: *Naderkhani acquittal shows urgent need to allow religious freedom*, 11 September 2012, available at <http://www.amnesty.org/en/news/iran-naderkhani-acquittal-shows-urgent-need-allow-religious-freedom-2012-09-11> [accessed 29 November 2012]

A Western embassy (3) mentioned that there had been cases of apostasy which had led to death sentences and reference was made to the case of the Christian convert Yousef Naderkhani. The embassy also mentioned that often when someone is taken in by the authorities under suspicion of being a Christian convert, he would be released again if he confirms his Muslim belief.

A source in Iran who is well-informed about Christians said that any conversion from Islam is considered illegal and could be subject to prosecution with capital punishment as an end result. However, that being said, there are only one or two cases known of, where the charge of apostasy led to conviction. Reference was made to a case in Mashad in 1990 where Pastor Hossein Soodmand, who was a convert to Christianity, was hanged for apostasy. In 1994, a Christian convert who also was a pastor, Pastor Mehdi Dibaj, was sentenced to death on charges of apostasy. He was released however, but found dead approximately six months later in a forest. It was added that another case that recently has been given a lot of coverage in the foreign press, is the case regarding Yousef Naderkhani who was also initially sentenced to death by a lower court on charges related to apostasy.¹¹

AIIS explained that the Naderkhani case is instructive on the issue of converts and the working of the judicial system in the sense that non-codified law was *actually* used in this case – as captured on the charge sheet and verdicts handed down. Under a provision in Iran's constitution, non-codified law can be drawn upon by the judiciary in order to carry out a prosecution.

The sentence which Naderkhani received by the local court in Gilan, northern Iran, was upheld by Iran's Supreme Court, however with instruction to the lower court to ensure (1) that he was an adult when he converted and (2) that he had had the threefold option to recant his faith. Following confirmation that he was a mature adult at the time of his conversion, and his reportedly outright rejection of recantation, the lower court then asked the Office of the Supreme Leader for its advice.

The Office of the Supreme Leader, in turn, is believed to have used the concept of *ijma*, or consensus, used in Islamic Law, to determine the fate of Yousef Naderkhani. The eventual court decision, delivered in September 2011, did not include the apostasy provisions in his punishment, possibly as a result of a direction from the Office of the Supreme Leader based on canvassing of opinions from other religious scholars.

According to media reports on 9 September 2011, his lawyer, Mohammad Ali Dadkhah, said that Naderkhani had been sentenced to three years' imprisonment but that he was released on time served. AIIS has not been able to determine the exact charges of which he was eventually convicted. A brief summary and timeline of this case up to that point can be found in the Amnesty

¹¹ Ibid.

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International statement of 11 September 2011, *Iran: Naderkhani acquittal shows urgent need to allow religious reform.*¹²

In sum, the case departed from the generally used legal norms insofar as (1) a prosecution on the basis of non-codified law was carried out and (2) a lower court, in possession of a Supreme Court verdict, asked for guidance directly from the Supreme Leader to rule on a case.

As has been reported, he was briefly re-arrested on 25 December 2012.¹³

When asked whether ordinary Christians living in Iran face a risk due to their Christian faith, a source in Iran who is well-informed about Christians stated that no persons born inside a Christian community face any risk because of their religious belonging. But those who do proselytism always face a risk, and so do converts, especially if they do not keep a low profile. But then, again in principle, a person who has converted could always face a risk. It was added that converts to Christianity may not even inform their relatives of their conversion as they fear denunciation from this side also. Additionally, they may not want to put their relatives at risk.

With regard to risks to converted Christians, an Iranian leader of a home church network stated that Muslim converts to Christianity are continuously facing threats in Iran. The first threat is that stemming from Sharia law. According to the law, a Muslim found guilty of conversion from Islam will be subject to capital punishment. The second threat arises from the family which may reject you because of your faith or give you up to the authorities. It was considered by the source that this may not have happened widely but at the same time he knew of a number of cases where this had happened.

It was added that a threat can arise from your employer, if he discovers that you are a convert to Christianity. This will most likely lead to dismissal. The same is true when it comes to universities, where persons who have converted to Christianity may be barred from education.

Consular officers at the U.S. Embassy in Ankara stated that it (also) depends on an individual's profession. For example, a person with a government position would face problems if his conversion to Christianity has been found out. Additionally, if a convert has a job as a teacher, he could lose his job if his faith is revealed. It was added that those that are born Christians, Bahai'is, Zoroastrians, or Jews are already limited with regards to which profession they can take up.

An elder from the International Protestant Church of Ankara pointed at a case regarding a pastor who had been held for the duration of 54 days. It was added that the pastor had been beaten and threatened to death. The source also referred to another case in spring of 2012 regarding an

¹² Amnesty International, *Iran: Naderkhani acquittal shows urgent need to allow religious freedom*, 11 September 2012, available at <http://www.amnesty.org/en/news/iran-naderkhani-acquittal-shows-urgent-need-allow-religious-freedom-2012-09-11> [accessed 29 November 2012]

¹³ *Iranian Christian Pastor Nadarkani Re-arrested in Tehran*, CNSNews.com, 26 December 2012, <http://cnsnews.com/news/article/iranian-christian-pastor-nadarkhani-re-arrested-tehran> [accessed 1 February 2013]

individual who was part of a house church who was detained and questioned and then released, but told not to evangelize or the authorities would go after the church.

An elder from the International Protestant Church of Ankara considered that converts in Iran in general are afraid to gather anymore and that this is a growing trend since 2011. Reference was made to information from the Middle East Concern (MEC) regarding arrests of Christians.¹⁴

According to MEC, there were waves of arrests in February and May 2012 in Iran affecting both recognized (“building”) churches and house churches. However, according to MEC, the number of arrests seem to be lower in 2012 (47 up to September 2012) compared to a total of 118 arrests in 2011.

1.4.3 Consequences for members and leaders of house churches

An international organization in Ankara said that many converts have been living in Iran as Christians for many years, however some come under pressure and therefore choose to leave. This could be after their house church has been raided by authorities. It was explained that house churches, for example, may be raided by authorities and members and leaders may in this connection receive warnings from the authorities to give up the church, proselytizing and conversion.

With regards to the situation of Christians today, a source in Iran who is well-informed about Christians stated that his impression - one that he also shared with other well-informed sources – is that registered churches face less problems today. However, new churches, the so-called house churches, are really targeted by the regime. Every now and then, there is a crack-down on these house churches. Most of the people involved in a house church do not belong to any institutional church and thereby there is no direct link to any of the over ground churches in Iran. It was regarded by the source that house churches have a life of their own. The satellite channels that make broadcasting of Christian programs probably have a role to play in that many people follow these and start up their own activities inspired by these programs.

An Iranian leader of a home church network stated that those who go to the over ground churches do not to the same extent face problems as the authorities have obtained information from the churches regarding members. Approximately eight months ago (February 2012), the authorities requested information from the Assembly of God Church in Tehran regarding their members. The churches wished to continue their existence and therefore complied with their request. (*See Surveillance and control of over ground churches*) The authorities however, are more concerned with the house churches and are working hard to obtain information about these. It was estimated that 99% of arrests of church leaders are affiliated with house churches. According to the source, the authorities see the house church movement as such a threat that the Supreme Leader Ali Khamenei in November 2010 specifically pronounced house churches a threat to the nation. According to the source, such a statement instigates different levels of policing to arrest and find out what they can about house churches and persons involved in the movement.

¹⁴ Middle East Concern (MEC) website: <http://www.meconcern.org>

A foreigner interacting with Christians in Iran said that the Supreme Leader mentioned the Christian TV-channels broadcasting from abroad twice in 2010. The regime looks upon this as a threat towards the Iranian youth. The Supreme Leader also mentioned Wahabi¹⁵ activities in Baluchistan. His speeches were regarded a sign to the security authorities that it was about time to do something, and there was this crackdown on house churches during Christmas 2010. It was furthermore added that the source had heard that the authorities had managed to break up around 200 house churches in 2009 in Mashad. The news of this had come from a government news service and he therefore questioned the statement's credibility.

An Iranian leader of a home church network reiterated that there are two types of churches to distinguish between. The first is those which have provided information on their members and where the authorities sort of accept them as they are under certain circumstances. These over ground churches have experienced a stunted growth because of pressures put on them. For instance, three years ago the evangelistic activities of the Central Assembly of God Church were shut down. The other churches are those which function underground and which at the moment are growing in numbers, according to the source. The source found that this growth could be as a result of the inhibited situation of the over-ground churches.

A source in Iran who is well-informed about Christians explained that house churches have been subject to crack-downs by the authorities every year in the months between December and February for the past years. Members of churches are arrested as well as their leaders, and released after a few days. At times, the authorities keep a few in arrest, however this depends on how determined the converts are in their faith. Many will simply accept the demands from the authorities to keep a lower profile and are released. It is also very likely that such persons will go back to their house churches and meet again, however they must act discreetly.

A Western embassy (1) considered it likely that house churches could be affected in connection with campaigns launched by the authorities before and during certain religious holidays where for example attention to hijab and other moral issues is on high alert. Additionally, it was considered that if a house church was growing or if this issue of house churches was raised higher up in the system, it could lead lower levels of security services to act. The embassy stressed that it is very difficult to get reliable information regarding house churches, also due to the fact that the established churches do not have any real contact with them. Furthermore, information given by the embassy regarding house churches should be read with some caution [because of these circumstances].

Asked if the security services are actively pursuing house churches, a Western embassy (1) stated that around religious holidays in Tehran it might happen, however the source had no information on the situation outside of Tehran. It was added that Iran is a large country and it is not as centralized as one might think.

Concerning possible measures taken against the house churches by the authorities outside of Tehran, a Western embassy (3) stated it had no reliable information on how authorities react to

¹⁵ Puritanical form of Sunni Islam practiced in Saudi Arabia.

cases that may arise and if consequences are uniform across the country. To obtain information is generally very difficult, and that applies to the entire country. The embassy commented that, "Everything is forbidden and everything is there. This is Iran."

According to a Western embassy's (1) impression, the main issues related to house churches typically arise when these churches cause disturbances in the neighbourhoods. House churches convene in residential homes and it does occur that the police are contacted by annoyed neighbours who are disturbed by noise from singing. Upon such a complaint, the police might break up a house church and take its members to the police station. Trouble might also start for a house church member when a family member opposes a conversion. The source considered that if such incidents did not occur, the authorities would not care about such activities.

According to an elder from the International Protestant Church of Ankara there were not a lot of Christians coming out of Iran up until 2009. Immediately after 2009, there was a huge outflow of political refugees, however as of 2011, there has been an increase in Christians arriving from Iran. This included members from churches (evangelic or Pentecostal) working above-ground as their churches were increasingly pressured as well as members and leaders of house churches. He further informed the delegation that house churches were rounded up in Iran from time to time. A round-up would according to the source, lead to members being detained for a short time while the authorities were looking for the leaders. Leaders of house churches could be held for longer periods and would then most often be bailed out, however, with a risk of a charge still hanging over their heads.

An elder from the International Protestant Church of Ankara found that in 2011, there has been a new trend of Christians leaving Iran, especially leaders of house churches. He also mentioned the case of a Pentecostal pastor who recently came to Turkey. The source said that it was his impression that the Iranian authorities allow people to leave the country as they prefer to see people go if they do not agree with the present regime.

1.4.3.1 Detention and arrest of house church members and leaders

With regard to what may happen if a house church member or group is revealed, a foreigner interacting with Christians in Iran explained that potential ramifications will depend on the local context. It was explained that the usual pattern would involve the local police breaking up the house church and arresting its members. They will be told to sign a document where they promise not to repeat the activities and then the police will let them go after signing. If someone has been arrested before, consequences may be more severe, but it will still depend on the circumstances. Possible consequences if a person does not agree to sign the document put forward by the police will also depend on the circumstances. It was considered that in some cases, the police may turn the other eye, while in others, corruption or if a person is connected or not, may affect how a person is treated.

The source further explained that the possible consequences of cases that may reach court depend on the local authorities. It depends on the judge, his attitudes and assessments, as well as on the prosecutor, i.e. how far he wishes to take the case. There are two types of judges in Iran: one which comes from the religious seminaries and one from the universities. Judges apply the law in different ways. Some of those who are convicted usually get a few years prison term for

being a threat to national security, for unlawful assembly or unlawful connection to foreigners. The source stated that he had heard of four or five death sentences since 2008, but no execution has taken place. The death sentences the source is aware of have been commuted to prison sentences.

Asked about the consequences of being a member of a house church, an international organization in Ankara said that some of the members could be seriously threatened; however the likelihood of facing physical harm is relatively low. If the authorities find a group of people gathered as a house church, they may not file a court case against each of these individuals. The authorities could detain those involved and keep them in custody for some time and then let them go until a court hearing. There will be a court case against them in case of conversion and /or evangelizing activities would come to the notice of the authorities. If a court case is filed, the punishment for conversion from Islam, according to Iranian law is capital punishment. The standard procedure however, is that the detainee in such a situation signs a paper in which he or she regrets his or her activities and signs an undertaking that s/he will not continue with it. It was added that this did not necessarily mean that the legal procedure about that case is finished but the detention may end this way, but the court case will be held by the competent court.

According to an international organization in Ankara, the authorities do not pursue ("do not squeeze") the members of house churches. It is the act of evangelizing which is considered criminal. However, members of house churches could face problems with their own families.

On the question of whether an ordinary convert will face risks because of his faith, an Iranian leader of a home church network considered that a person would be able to continue his Christian activities, if he or she was discreet about it. In his own case, he was given up to the authorities by his own brother. From 1370-1390 (1991-2011), he was interrogated by the authorities and tortured a number of times. Each time they would release him as well as ask him to work on their side. Additionally, they presented papers that he was demanded to sign. Not once, however, did he sign those papers. According to his knowledge, some who are arrested by the authorities do sign these papers and keep quiet. Others are released very easily. Many are typically released on bail and in the situation where a person leaves Iran, his or her bail is taken by the authorities. This could be deeds of a house or money that has been put up. The source considered millions of Tomans are collected by the authorities this way.

With regard to the statements drawn up by the authorities that converts are forced to sign, an Iranian leader of a home church network explained that based on his own experience and knowledge, these statements typically contain admittances of cooperation with 'sinful' foreign organizations as well as statements to the effect that all Christians are spies. When an individual signs, he or she agrees not to be in communication with foreign organizations as well as refrain from receiving financial support from 'sinful' organizations. It may also contain statements to the effect that a person will no longer attend seminars in Turkey or outside of Iran and that a person will return to Islam. If a person does not agree to these terms, they may face imprisonment. The crime applied generally, is one related to working against the security of the country. However, generally, in pre-trial detention, there is no charge, however accusations are thrown about right and left with the aim of obtaining more information on house churches and creating fear.

An elder from the International Protestant Church of Ankara informed the delegation that the Iranian authorities are trying to close down house churches and therefore, the general trend is that their members are taken in by the authorities until the leaders are found and arrested.

(See also 1.3.2 'Training of house church leaders and members' regarding arrests made of people from house church networks and use of Facebook)

1.5 Consequences upon returning to Iran after having converted to Christianity abroad

About Christian converts returning to Iran, a foreigner interacting with Christians in Iran explained that the source had never heard of returning converts who have visited churches and asked for membership. But if you have connections abroad who know church leaders in Iran, it might be possible. Churches are used to being tested by the authorities and would generally be wary of new visitors from outside the community and observe these persons for a longer period of time before accepting them as members.

Regarding the situation for converts returning to Iran, a Western embassy (3) stated that if one acts in a discrete manner and does not do anything to invoke the authorities' attention, one would probably not experience any problems. But if a person starts his or her own congregation, engages in evangelical activities or objects to his or her children learning about Islam in school, then he or she could be putting him or herself at risk as one's faith becomes an issue with the authorities.

Asked about the possible consequences of returning to Iran after having converted to Christianity in a foreign country, the Iran Watcher, US Embassy, London informed the delegation that she knew of some Iranian women who converted to Christianity in the UK and who are travelling back to Iran now and then. However, in these cases, the families are not aware of their conversion. It was added that these days people are careful about going back to Iran. This applies not only to Christian converts but also to journalists and political activists as well as human rights activists who have left Iran since 2009.

When asked if a person who has converted outside of Iran, who does not have any Christian contacts in Iran, can get in touch with a house church upon returning, Elam Ministries did not consider it that simple. The house church movement in fact is very relationally-based.

Furthermore, caution must be taken due to the authorities activities to infiltrate churches. It was mentioned that the authorities had attempted to bring spies into the churches in Turkey. It could not be ruled out that a spy from the authorities would present himself as a Christian and try to enter a house church in order to obtain information about it and its members. House churches are very careful when it comes to new persons coming from outside the network or community to join the church. Such a person would only be put in touch with one member of the church who then would be responsible for assessing whether this person had a genuine interest in the house church and was actually growing in his faith. It could take six to eight months before an outsider could be welcomed into the house church. If the newcomer is thought to be a spy, the Christian who has been in contact with him, will destroy his SIM-card and cut off all contact with him. It was added that the culture in Iran is saturated by suspicion and an underlying fear of denunciation because of the way the system has worked for so long. Therefore, house churches instinctively know to be wary if a total stranger comes and shows an interest in a house church.

1.6 Consequences of conversion with regard to family and social network

When considering possible consequences of conversion, a foreigner interacting with Christians in Iran said, it depends on the family values and attitudes. It might be risky the moment money is an issue. According to the law, no Non-Muslim can inherit from a Muslim. So it may be used against a convert if family members want to secure legacy for themselves. The source added that he had never heard of family members who file a complaint against a convert to the police, but lawyers can tell that this happens when it comes to inheritance.

The source commented that Northern Tehran in many respects is quite different from other parts of Iran with regards to what is acceptable behavior.

Consular officers at the US Embassy in Ankara said that there have been examples of family members putting pressure on converts. There have been reports of cases from the Kurdish areas where society is more tribally-based and traditional, of persons being pressured to drop their new faith. Threats from the family instill a fear, especially on females. A person would not necessarily face problems, but the fear could lead them to leave the country.

Asked about possible implications for family members to converts to Christianity, a Western embassy (3) stated that that it did not have information concerning the possible risks. However, it was considered by the source that family members might be associated with the convert, but that this would not necessarily lead to punishment from the authorities.

Asked whether family members to house church leaders are at risk, an elder from the International Protestant Church in Ankara said that he had only second hand information on this. The source had heard reports of intelligence services putting pressure on families in order to get their family member to come back, leading families to change cities. When asked if family members to ordinary members of house churches could risk problems with the authorities, the source stated that many family members visit their relatives staying in Turkey as asylum-seekers and travel back to Iran.

An international organization in Ankara did not know of cases where family members of individuals who had joined a house church faced problems, except in the instance that the house church was located in his or her own home. Still, this does not give any indication that the general detention/surveillance rules do not apply to this group of persons.

1.7 Possession of the Bible

A foreigner interacting with Christians in Iran mentioned that a Catholic Catechism has been translated into Farsi in Iran, apparently in Qom for the educational purposes for an institute of religious instruction. Bibles in Farsi are however not commonly available, and if someone has a Protestant Bible it has probably been smuggled into the country. To possess a bible in itself should not be a problem. But if someone is caught with several Bibles, he or she might have some explaining to do. Additionally, if a person somehow has attracted the attention of the authorities and the police therefore are trying to build a case, possession of a bible could be used against him or her. In general, Farsi-speaking Christians make the regime nervous.

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The source stated that a stranger cannot just walk into a church and ask to buy a Bible. But if they know you, they might give you one. There are reasons to be careful - handing a Bible to a Muslim can be used against you.

Regarding consequences of possession of a Farsi Bible, a Western embassy (3) informed that the Bible is generally not available to the public. It is difficult to assess whether possession of the Bible would be problematic for a Muslim. The source assumed that it would depend on the context, but it doubted that possession alone would lead to any legal sanction.

Elam Ministries confirmed that the New Testament is available in Farsi in Iran. Elam stated that large numbers of the New Testament in Farsi have been printed by various publishers outside of Iran and smuggled into Iran. It also happens that Iranian tourists in Istanbul buy the New Testament and bring it back to Iran.

Whether or not possession of a bible may entail a risk, Elam considered that it depends on who finds it. If the authorities are after you regarding your Christian activities and find your bible, then you could be arrested then and there. However, if it happens in a more coincidental manner, where no suspicion is directed against you for any reason, then possession of a bible would probably not be regarded as something risky. Moreover, it was not considered that anything would happen to a person who might have a bible in his or her suitcase upon return from abroad if no other suspicion has been directed against him or her.

Elam Ministries informed that it had printed up a New Millennium of the New Testament translation in Farsi. One million prints in Farsi had so far been distributed across the world. How many of these have been distributed in Iran, is not certain. It was added that the reading of the bible is very essential for Iranians who convert and that it plays a big role in a person's encounter with Christianity.

Elam Ministries began translating the Bible during the 1980's because the former translation was over a 100 years old and had an outdated language. Elam finished translating the New Testament Millennium Edition in 2001. Since then, the translation of the Old Testament has been in process. It finished this year[2012], so the whole Bible Millennium Edition will be printed this year. The New Testament Millennium edition has been printed and distributed widely – one version adding the books of Psalms and Proverbs from the Old Testament. Over one million copies have been distributed over the last decade.¹⁶

Asked whether the possession of the Bible in Farsi would cause problems for an individual, a Western embassy (1) stated that the answer to such question very much depends on the given situation. The embassy believed that if a person was not causing any problems, the police would not be bothered about a bible. However, if a person has conducted other activities deemed

¹⁶ Elam Ministries explained that it is a common Protestant practice to distribute the New Testament on its own for evangelistic purposes. The reason is that the New Testament introduces the actual Christian faith, as it contains the stories of Jesus and the early church. Accordingly, the content of the New Testament is of primary importance in presenting the core message of Christianity and in instructing new converts in the faith.) An overview of existing Persian Bible translations can be found on <http://www.elam.com/Shop/ProductDetails.aspx?PrdId=523&CatId=1>

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offensive and he or she has a bible at home which is discovered in connection with raid, possession of a bible could be problematic.

As regards the distribution of Christian books, including the New Testament, the Iran Watcher, U.S. Embassy, London referred to news reports on the burning of New Testaments by the Iranian authorities close to the Iranian-Turkish border¹⁷ and informed the delegation that Iranian Christian sources in London had confirmed this information.

¹⁷ Mohabat News Iranian Christian News Agency, *Once again, the Islamic regime of Iran burned New Testaments!*, 14 March 2011, available at: http://www.mohabatnews.com/index.php?option=com_content&id=1355:once-again-the-islamic-republic-of-iran-burned-new-testaments&catid=36:iranian-christians&Itemid=279 [accessed 23 January 2013]

2. Adultery and relations outside of marriage

2.1 Premarital relations

Premarital relations were regarded by a Western embassy (1) to be common behind the scenes. Young unmarried couples would often be seen at ski resorts or in the parks walking hand in hand. Premarital relations would not be accepted in public, even though in North Teheran, it would be less of a problem, depending on the family. Consequences of such relations would depend on where you are, however in North Tehran such behaviour would merely be admonished. In smaller villages however, in the provinces, such behaviour could be more of a problem.

It was added that even in North Teheran a young couple could be taken in by the police if the girl or woman is not wearing proper hijab. In this case, the parents would be contacted to pick them up at the police station as well as bring proper clothing for the girl. Regarding crack-downs on women not properly dressed, the embassy stressed that this was quite common, especially in certain shopping centres.

The embassy could not recall any premarital cases that had reached court, but would not rule out that this could happen, particularly in the provinces. It was added that a lot of people who have relations outside of marriage, either before or after marriage has taken place, often go to neighbourhoods that may be more lenient for a shorter period of time. Couples may let holiday apartments or borrow houses or apartments from friends or relatives. It was considered almost impossible for a couple that is not married to stay in a shared room in a hotel as a hotel usually checks identification upon checking in.

The Western embassy (1) did not consider temporary marriages (sigheh) to be widespread between young persons, and did not believe that this would be used as a way of legalizing a premarital relationship. Temporary marriages would rather be entered into by older married men.

On the subject of premarital relations, AIIS concurred that these were common in Iran. There could be a chance that a couple could get arrested, however this did not seem likely. Reference was also made to government attempts to promote temporary marriage.

According to a well-educated Iranian woman with links to the international community, premarital relations are very prevalent. This is only punished if the couple is caught in a 'street check' (where e.g. dress code is controlled) or in a 'crack-down' on a party. Crack-downs have sometimes taken place in connection with parties related to Western-created festivities that appeal to the youth such as New Year's or Halloween and Valentine's. This could be instigated by neighbours complaining over noise levels. It was mentioned that police also have a financial interest in these crack-downs where both alcohol and drugs have sometimes been present, since the fines given to the participants and particularly the person hosting the party can be significant.

If the girl or a couple in one of these situations are taken to the police station, the girl is sometimes sent to a medical check to check if she is a virgin. The source expressed uncertainty regarding the possible punishment in these kinds of cases, but mentioned a mild jail sentence as a possible outcome. The source stated that if the couple is caught in public, it is not in the involved families' power to decide whether the case will go to court or not. As it is regarded as a public

offence that threatens the morality of society, it can go to court regardless of the families' stance. If the girl's family insisted the consequence could also be a forced marriage. It was added that the source had heard of cases where a father had taken his daughter to a medical check to see if she was still a virgin, and added that the consent of the daughter was not needed in this situation. Future parents-in-law are also known to sometimes take their soon-to-be daughter-in-law to have her virginity verified.

Asked specifically to the risk related to walking hand in hand publicly, a well-educated Iranian woman with links to the international community stated that compared to ten years ago, there is not much of a risk today. Only if the persons are badly dressed or badly behaved or for other reasons attract negative attention, they would face problems for walking hand in hand. It was pointed out that this could differ depending on the political and social situation. For example, the risk would be higher during certain religious holidays.

According to the source, premarital relations is a higher category of offense than walking hand in hand. The latter can lead to questions about premarital relations, however, walking hand in hand alone can be handled in the manner explained. A premarital relation can snowball to more serious consequences. Walking hand in hand is much less prevalent outside the big cities. But if a couple is caught, it would most likely be solved within the families; if the police is involved they would call the father, and the case is less likely to reach court.

2.2 Adultery

Regarding relations outside marriage, a Western embassy (2) informed the delegation that such relations are quite common. The source added that many women are unable to choose their own husbands for which reason there is a bigger potential for relations outside of marriage. It was considered that not all such relations are reported. Some of these cases are reported as clashes among clans and will not go to courts while others are settled in a more amicable way between the husband and the wife. It was added that there are few honour killings in Iran in comparison with neighboring countries.

Regarding the prevalence of relations outside of marriage, a Western embassy (3) considered it common and widespread among the educated middle classes. It was added that the high increase seen in the sales of birth control, more specifically the morning-after pill, is an indicator of this fact. However, it goes on in a discreet manner because of the strict social control prevailing in Iranian society. However, among the poor, uneducated, religious and conservative part of the population, the social norms and attitudes when it comes to relations outside of marriage might be very different.

Regarding adultery, a well-educated Iranian woman with links to the international community informed the delegation that this is very common. Today this is the situation in both upper, middle and the upper margins of the lower class. It was by the source considered that the young generation are torn between different worlds, the outside world and the world of what they are taught at home as well as at school. Since a young person is very rarely allowed to live alone, the only way out of the family home is to marry; so many young people rush into marriage without giving it the necessary consideration.

An Iranian man can take a second wife provided his first wife consents to this. If a man enters into a temporary marriage, he does not need his wife's permission. It was explained that a form of brief ceremony will be performed before a mullah in connection with a temporary marriage and a contract is signed. The source explained that in this way, the law supports men's extramarital relations.

2.3 Adultery cases before the court

Regarding cases of adultery before the court, a Western embassy (3) stated that it is very difficult to sentence an individual on adultery charges due to the requirement of four witnesses stated in the law. Asked about adultery cases in which the defendants have been convicted by means of other evidence than that stipulated in the law, the embassy stated that it was not aware of such judgments. It was added that generally in Iran, the matter of sexual relations is quite sensitive and many would probably not want to expose such issues through legal processes. Finally, it is extremely difficult to acquire any knowledge on the legal processes in Iran and there is no access to legal proceedings. Additionally, on the whole, the court system has big issues of corruption.

A Western embassy (2) mentioned that adultery is very difficult to prove because of the requirement of four witnesses. However, if the judge bases his argument on his knowledge, i.e. "knowledge of the judge", he is given free hands to issue whatever sentence he sees fit. The same charge could lead to different verdicts according to which judge and in which city, the case is handled. According to the source, the most recent case was that of Ja'far Kiani, a man who was stoned to death in July 2007 in Iran's north-western province of Qazin¹⁸ and according to the source that verdict was based on the knowledge of the judge.

The source pointed out that in the existing Penal Code, the punishment for adultery has never been mentioned. The new Penal Code is still pending approval in the Guardian Council. In the new Code, stoning is not mentioned. Jurists argue that even if stoning was not mentioned, it does not mean that Sharia Law will not allow for a judge to pass a judgment involving stoning. The source mentioned that recently (October 2012), a news story about the stoning of four women in Iran surfaced. However, it was not known whether these women had been stoned because of adultery or for other reasons, and the news story itself could not be verified. The news had been reported on one political website and was later withdrawn.

On the subject of cases of 'illicit relations' or adultery, AIIS stated that in general the system wishes to avoid these cases. But once a case is brought before the court it is treated as it is a crime against God, not against the people.

AIIS was aware of cases where women accused of some form of sexual indiscretion or 'crime' were not released, in contravention to law, but for their own safety, in the event she be at risk of

¹⁸ Amnesty International, *Iran, Executions by Stoning*, December 2010, available at:
<http://www.amnesty.org/en/library/asset/MDE13/095/2010/en/968814e1-f48e-43ea-bee3-462d153fb5af/mde130952010en.pdf> [accessed 23 January 2012]

violence meted out by family members, and against which the authorities have little ability to protect.

On the other hand, women convicted of adultery while married cannot ever be released under law: the only way to do so would be for their sentence – stoning – to be implemented. As Iran looks unlikely to implement stoning sentences, those women are in a legal limbo resulting in indefinite detention.

According to two lawyers with criminal law experience, adultery cases fall under the criminal courts. Asked about prevalence of adultery cases before the courts, the lawyers stated that adultery is usually not reported to the police or to the court. If there is no private plaintiff, there is no case. Asked who would potentially act as a plaintiff in a case regarding adultery, it was explained that it would usually be a husband or a father to a girl. However, few cases are reported and therefore it is very rare that a case of adultery reaches the courts. Adultery is a personal matter and it is not common to report such a case.

Concerning how a case which is brought before the court would be judged, the sources stated that it is very difficult to prove adultery due to the fact that strict criteria for evidence in the form of witnesses of the adultery are required. It was considered that it is almost impossible to witness adultery. Furthermore, a person confessing to adultery can do so four times and the fifth time deny the relationship, upon which the person would be acquitted.¹⁹ It was explained that the philosophy behind such severe punishments that a conviction for adultery would entail, i.e. stoning, is to deter adultery from taking place.

Asked about “the knowledge of the judge” (*elm-e-qazi*), when evidential criteria in adultery cases are not met, two lawyers with criminal law experience informed that the judge in that case would depend on technical evidence, such as lab tests or DNA. In this case, the accused might be convicted for having illegal relations, but not for adultery. The sentence should be proportionate to the crime and the punishment could be short-term imprisonment or fine or both. The convicted could also receive a sentence involving lashes, but lashes are normally converted to another form of punishment, i.e. fine or short-term imprisonment.

When asked about the legal consequences of adultery, a well-educated Iranian woman with links to the international community explained that if a man commits adultery and his wife takes the case to court, the only thing she can hope to achieve is divorce. And if the husband argues before the court that his wife was not available to him, she might not even be granted a divorce.²⁰

¹⁹ Regarding confession and repentance, see also Islamic Penal Code of Iran, article 68 and 81, http://mehr.org/Islamic_Penal_Code_of_Iran.pdf

²⁰ The source informed that if the parties agree, a divorce that is consensual can be implemented in six to seven days. If there are children as a result of the marriage, there is a procedure with professional counselling and ‘discouragement’ that the spouses have to go through. Divorces are quite common, especially in the upper and middle class.

If a woman is tried in court due to her adultery, she will most likely lose all her rights, such as the right to financial support and often also the children. The only thing she will never lose is the dowry. Dowry is the only thing that is not negotiable according to Sharia law. Regarding punishment for adultery, a well-educated Iranian woman with links to the international community explained that it very much depends on how far the husband wants to take the case. It was further explained that many women are ‘saved’ by the fact that the husband for fear of shame will not proceed with a case through the court system, so only few women end up in jail due to adultery. It was stated that these cases were often solved within the family.

Regarding possible punishment for adultery, a well-educated Iranian woman with links to the international community mentioned flogging, jail and stoning. However, it was added that adultery is difficult to prove. Reference was made to a case where the husband had tapped the telephone line and could present recorded conversations between the wife and her lover to the court. This had been rejected as proof by the court. The woman’s children were taken away from her and she lost her assets. However, the husband was obliged to pay the dowry to his wife. On the other hand, if the husband has power or money or is just very insistent and angry, the wife could be punished with less evidence, and circumstantial evidence could be used to incriminate a woman.

2.4 Regional differences and differences between urban and rural areas with regard to how cases are handled by the courts

According to a Western embassy (1), adultery is as common in Iran as anywhere else in the world. The embassy had knowledge of adultery cases that had been taken to court.²¹ Regarding the outcome of such cases, the embassy believed that there were differences between courts in the city and in the province.

Asked about regional differences and differences between urban and rural areas with regard to how cases are handled by the courts, two lawyers with criminal law experience stressed that the law is applied equally throughout the entire country. It was added that there have been cases of judges being caught breaching the law and who consequently have been charged on that basis.

²¹ The embassy made reference to Sakineh Mohammadi Ashtiani who in 2006 was sentenced to death by stoning for adultery, after initially having been convicted and punished with 99 lashes for involvement in her husband’s murder. The case has been widely reported internationally and reports state that in January of 2011, judiciary authorities commuted Sakineh Mohammadi-Ashtiani’s sentence to 10 years in prison. For more see United States Department of State, *2011 Country Reports on Human Rights Practices - Iran*, 24 May 2012, available at: <http://www.unhcr.org/refworld/docid/4fc75a92af.html> [accessed 7 January 2013]

3. Issues concerning persons of Kurdish origin

3.1 Kurdish political activities

Asked about the situation in the Kurdish area, a Western embassy (2) said it is difficult to obtain information on the ground. During the Khatami period, a dialogue started up between the central government and the Kurdish areas. However, nowadays, one hears more and more of ordinary persons being pursued by the authorities because of family members being members of PJAK, Komala or KDPI. It is considered that opposition is gradually increasing, but it is not possible to say anything about what kind of activity is going on. However, it is difficult to say what kind of activities are going on in the border areas in Orumiyeh on the Iran-Turkey border. The authorities are harsher with PJAK members but it might be difficult to tell who is a PJAK member and who is not. It was added that those who are members of PJAK live in small communities and have normal interaction with others. Regarding Komala and KDPI, the source said that the government is not “happy” with them. If the Kurdish people are organizing cultural activities and a number of people gather, the authorities will fear that it is a cover for political activities for which reason they are also suppressing cultural activities and expression.

According to the source, everything can be politicized in the Kurdish area. Kurds have always been politically active. In other border areas, people are in general more opposed to the central government and most are also ethnic and religious minorities. People in these areas become separatists due to the situation, including the economic gaps that affect their situation. It is impossible to say anything about the authorities’ threshold vis à vis Kurdish activities. According to the source, there is no clear logic and no clear red line. It may change from day to day and depend on the contacts you may have.

An international organization in Ankara said that in the Kurdish areas, individuals who are suspected of connections to KDPI, Komala and Khabat may be called in by the security agencies. Individuals who organize cultural activities may also be called in for questioning. It was added that this is not a standard security control, but a way in which the authorities set pressure on such individuals by showing them that they are under surveillance.

AllS considered that the situation for Kurds is worsening with regards to risks of being targeted by the authorities, not in the least due to the situation in Syria.

Generally, the Kurdish community seems to be better able to organize itself, certainly in areas like Sanandaj. It was also considered that the example of Northern Iraq and what has been achieved there also has an impact on the Kurds in Iranian Kurdistan.

Regarding Kurdish political activities inside Iran, the Iran Watcher, US Embassy, London found that organized meetings would not take place in Iran and assessed that many Kurds are too nervous to participate in political activities inside Iran. She also emphasized that it should be considered that after all, only a small percentage of the Kurds in Iran are active members of one of the Kurdish political parties.

Regarding the Kurdish parties in general and KDPI in particular, a Western embassy (1) informed that things seemed relatively quiet these days. The source considered that Kurds are more careful

now due to recent improvements in the relations between the Iranian government and the government of Northern Iraq. The embassy stated that recently, it had not heard much news regarding the Iranian Kurdish population.

The embassy stressed that in general, separatism is not tolerated by Iranian authorities. A case that had been reported recently from the Kurdish areas concerned two brothers who face death sentences allegedly for activities for Komala.²²

According to representatives from two Human Rights Organizations in Turkey, KDPI activities in Iran had minimized due to pressure, whereas KDPI was more active in Northern Iraq. The representatives emphasized that they were not certain of what KDPI was doing in Iran, but to their knowledge activities had more or less stopped. Regarding Komala, the representatives stated that Komala had ended military activities, but added that they had no recent information regarding activities.

It was considered by the sources that PJAK is the most active organization. PJAK has entered into a ceasefire agreement with the Iranian government and there had been no clear armed clashes recently. However, many cases have been reported regarding imprisonment, torture, terrible prison conditions and executions in Iran of PJAK members and supporters. It was further added that an individual does not need to be a member of PJAK in order to be pursued and that others somehow affiliated could face risks. Families to PJAK members can also be at risk and face arrest and interrogations by the authorities. It was added by the sources that they obtain information on the situation in Iran through the internet and publicly accessible sources as well as through refugees.

Azad Zamani, a human rights activist of Kurdish origin in London explained that organizations that deal with issues related to children's and women's rights as well as political parties, are very much under pressure by the system in Iran and their working conditions are very difficult. Individuals active for these sorts of organizations from time to time experience that their family members are put under pressure from the authorities as well. Parties such as KDPI and Komala as well as Hekmatist party, that have some activities are facing pressures from the authorities. Also students' groups such as DAB (Daneshjooyane Azadikhah va Barabaritalab, Students for Freedom and Equality) are under pressure as well as persons considered to be PJAK members.

It was considered that the system targeted members of these groups, that is those who were documented members, and considered that in these cases, their family members, including women and children, may be pressured by the authorities as well. It was explained that the authorities, in order to target those individuals, may go directly to the family members of the

²²Amnesty International, *Iran: 'We are ordered to crush you': Expanding repression of dissent in Iran*, 28 February 2012, MDE 13/002/2012, available at: <http://www.unhcr.org/refworld/docid/4f50acd57e.html> [accessed 4 December 2012] Two brothers were sentenced to death in December 2010 for alleged membership of Komala and for a murder. Amnesty reports of conflicting information regarding status of the death sentences.

active persons of those groups in search of these individuals as well as a means of putting pressure on them and their families. (*See 3.1.1 Family members to activists*)

It was further explained that generally, the Kurdish areas is an area with political activities, especially the province of Kordestan in the west of Iran. The main Kurdish parties exist outside of Iran. However, many are oppositional to the Iranian regime in the area. However, if a person is a documented member of Komala or KDPI, Hekmatist party, for example, he would be an underground member and not be active out in the open. It was added that the Kurdish areas have been home to many oppositional groups and after the Islamic revolution in 1979, many groups moved there to work to set up their activities.

In general, it is difficult to distinguish between groups as to which is most at risk of being targeted by the Iranian authorities – be it political or religious groups or human rights groups. It was considered that the behavior of the system in Iran is so complicated and it is impossible to say anything clear cut on what group is most vulnerable and it changes all the time. Everything and anything can be perceived as political by the system if it serves a purpose for the authorities. Reference was made to the fact that even organizing events around environmental issues can put you at risk of being targeted by the authorities.

When asked if there are activities in the Kurdish areas that could be perceived as political, Azad Zamani, a human rights activist of Kurdish origin in London said that not only underground members of Kurdish parties may carry out activities. Other groups may also publish for example leaflets on different issues related to human rights and arrange some events that could be perceived as critical or oppositional to the system. The activist further explained that the majority of Kurds in Kordestan tend to be oppositional to the regime and some of these are active as well. It was added that it is important for parties to have connections with human rights activists and to show their support for their activities. However, as was the case with the activist and his organization, they wished to be independent from them and deal solely with issues of human rights.

It was considered that generally, no matter what ethnic or religious background, an individual has, if he or she plainly accepts and lives by the Islamic regime, he or she will be left alone. However, there is institutional discrimination in Iran and it would for example be harder for a Kurd to get a job compared to a Persian Iranian. While it was considered that Kurds would be subject to harsher treatment from the authorities than ethnic Persians, one cannot say that there would be differences between how Kurds are treated in different areas of Iran. In the border areas where there could be some interactions and activities between armed groups, it is however, a different story.

Regarding the Iranian Kurds who sympathize with a Kurdish party, the Iran Watcher, US Embassy, London informed that according to Kurdish sources with connections to KDPI and Komala, many of them receive training in Northern Iraq. Previously, training involved primarily military training, but now people receive an overall training in issues such as IT as well as political and economic issues. These training courses last from 6 weeks to 3 months and are undertaken by different Kurdish political parties. The source further informed the delegation that Iranian Kurds in Erbil at present face more difficulties in crossing the Iranian-Iraqi border as they are now more targeted by the

Iranian government. It was added that they have also been edged out of the cross-border activities due to more restrictions from the (Iranian) government.

The Iran Watcher, US Embassy, London informed the delegation that it was her impression, based on information from exiled Kurdish activists that Iranian Kurdish parties feel that now is the time to be more active. During the latest KDPI Congress in October 2012 at KDPI headquarters in Northern Iraq an agreement was made to continue to reach out to “splinter groups” to initiate discussions about potential cooperation. In August 2012, KDPI signed a memorandum of agreement with Komala Party of Iranian Kurdistan to discuss and analyze regional matters and discuss cooperation and coordination on matters pertaining to Iran and Kurdistan. PJAK, however, is not part of any agreements, according to the source.

(See also 6.4.1 'Security and control in the Turkish-Iranian border areas' regarding the authorities' presence in the Kurdish border areas)

3.1.1 Family members to activists

Asked about the consequences for family members of political activists, an international organization in Ankara informed that they may be targeted if they are in the wrong place at the wrong time. If a person is deemed to be affiliated to a separatist party, he would be at risk. Family members could be regarded as oppositional as well.

In the Kurdish regions, families are larger and links are closer. If a person is affiliated to the KDPI, one would expect to find other activists within the family. It is the general trend of the authorities to seek out family members in the event that an activist is a fugitive. Going after families also creates an example as well as fear. According to the source, this would also be the case in areas like Khuzestan (Arab) as well as in East Azerbaijan (Azeri / Kurd) with regard to what would be seen as separatist activity by the authorities.

According to Azad Zamani, a human rights activist of Kurdish origin in London, an individual giving interviews to foreign media in exile, could give rise to problems for family members in Iran. It was mentioned that after having spoken to foreign media, since he left Iran, a close relative of one of the human rights activists had several times been called in by the authorities. Often authorities will threaten to put another family member behind bars if information cannot be provided regarding the person in question. Reference was furthermore made to an incident two-three weeks ago [December 2012] where 70 families to persons involved in human rights groups in Sanandaj city were contacted by the authorities.

It was added that the authorities also announce executions of political prisoners and others as a means of intimidating the Kurdish population and silencing them. Reference was made to the case of two brothers convicted of murder and of links to Komala whose execution has recently been announced.²³ *(See also 3.1 'Kurdish political activities')*

²³ Ibid.

3.2 Prevalence of written Kurdish political materials

An international organization in Ankara considered that activities such as printing and distributing of materials would occur in the Kurdish areas. Print houses situated in northern Iraq which printed propaganda materials for the opposition do it much less because of the usage of internet and personal computers. However, some of the publications (Kordestan Magazine for example) is being published in small sizes and sent to Iran for distribution to sympathisers. The organization added that it had heard reports that individuals in the Kurdish areas had printed materials in their own homes, using equipment available there, and distributed these in mailboxes and under the doors at night. According to the source, written materials traditionally have been part of political activities in the Kurdish areas, and it was further explained that written political materials are not passed around in broad daylight but rather among relatives and friends or at night to shops and houses without disclosing the distributing activist.

With regard to the prevalence of written political material in the Kurdish areas, four Western embassies in Tehran (1,2,3,4) stated that they had no information on the matter.

One of the embassies (4) stated that it was difficult to gain access to the Kurdish areas and what is going on there. Due to lack of access to valid information, having an insight to what is going on in the Kurdish areas is not really possible.

Another embassy (2) added that it had very little information on what is going on in these areas as it is extremely difficult to get access to any information from that area. It was added that diplomats are allowed to travel there, but need to inform the Ministry of Foreign Affairs seven days prior to travelling, as is needed also for visits to other places. According to the source, information from that area should be collected from the Iraqi side.

On the subject of the use of political materials in the Kurdish areas, AIIS stated that they did not have information on this matter. The activities that Kurds conduct that can be perceived as political activities include social welfare and solidarity activities. Cultural events seem tolerable but perhaps to a lesser extent now than earlier.

It was further noted that Kurdish is a language which is very much alive. It is widely used, including in literature; the press and online. Kurds of Iranian nationality routinely use Kurdish in blogs and to a great extent on Facebook for example and it was considered that this was a useful tool for building self-awareness. The autonomy enjoyed by KRG appears to have contributed to renewed confidence and self-awareness in Iran's Kurdistan and other adjacent regions: cultural and economic needs appear to have been well supported by the existence of KRG, pulling swathes of Iran's Kurdish areas towards the KRG.

The very difficult circumstances [for any sort of political activity or awareness raising activity] are not isolated to the Kurdish areas and any groups or individual who is involved in anything that is seen as critical in any way would be at risk, especially in light of the upcoming election later schedule for June 2013. It is in light of this and the situation in general, printing political materials would be a very risky activity, but AIIS had no confirmed information as to the extent to which printed political material is currently produced. It was added that there seem to be a lot of

environmental activities in the Kurdish areas which could also be perceived as critical towards the government.

Regarding the prevalence of use of written Kurdish political materials in the Kurdish area in Iran, the Iran Watcher, US Embassy, London said that she was not aware if such written materials were used. However, there are a lot of websites with such content and it was considered that political messages would be broadcasted by a Kurdish radio station in Northern Iraq as well as through TV and through the internet.

When asked whether political written materials were distributed in the Kurdish areas in Iran, two human rights activists of Kurdish origin in London stated that members of political parties, such as KDPI, Komala, Hekmatist, distribute materials at night. It would be very dangerous if such a person is disclosed by the authorities with a leaflet. It was explained that some parties publish small leaflets and pamphlets and they have heard reports that such materials are received by others under the door of their houses for example. One of the activists, Azad Zamani, further explained that in order to raise awareness on a case of a political prisoner in Iran, he had uploaded information to a special site that then was printed in a leaflet for publishing and distribution. It was added that messages are not only spread through written materials such as leaflets but that people are also communicating through internet, including through paltalk meetings, telephone and other media such as TV and radio.

If an individual were caught with a leaflet, he would most likely be arrested and tortured as well as forced to confess to being a member of whatever group could have been behind such a publication. He or she would go through a five minute trial and the outcome such a trial could vary from many years imprisonment to a mild sentence. It is impossible to say.

3.3 Return of former Iranian refugees of Northern Iraq to Iran

Four western embassies in Tehran (1,2,3,4) were asked whether Iranian Kurds who have been living in Northern Iraq for a long period of time, for example former residents of the Al Tash camp in Iraq²⁴, are able to return to Iran. The embassies all replied that they had no knowledge of such returns taking place and that it is difficult to obtain information on the situation in the Kurdish areas. One embassy (1) said that MKO members from Iraq were reportedly welcomed back if they repented. Another embassy (2) said that it was aware of returns of former MKO members from Iraq and not others. The source (2) added that the Iranian government several times had expressed that those MKO members who do not have blood on their hands, are able to return to Iran and that some had returned after having repented their activities.

Asked about the return of former Iranian refugees of northern Iraq to Iran especially former residents of the now-closed Al Tash camp, an international organization in Ankara said that it is well-known that the camps in northern Iraq where such individuals now reside, were under the control of KDPI and Komala. It was considered that the Iranian government views the inhabitants

²⁴ The Al Tash camp was located near Ramadi in Al-Anbar province in Central Iraq and hosted Iranian Kurds who fled from Iran to Iraq following the Islamic revolution in 1979, many in the beginning of the Iran-Iraq war (1980-1988).

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of these camps as ex-affiliates of KDPI and/or Komala. The source had no information of persons who had returned to Iran from northern Iraq. The source further added that if someone would opt to return, it is granted that the person would have to give a testimony to the Iranian authorities. The source also emphasized that the Iranian government takes Kurdish separatism very seriously. At the same time, the source mentioned that traffic across the border between Iran and northern Iraq is busy and it is impossible for the authorities to control the border effectively.

Regarding Kurds who have lived in Northern Iraq for many years, who have had links to the now-closed Al Tash camp, AIIS considered it very difficult for such individuals to return to Iran. It was added that no one, to the best of AIIS' knowledge, has tried to repatriate this group to Iran.

If the rule of law was adhered to in Iran, it could perhaps have been an option for some, however it was considered that such an individual would come under enormous suspicion in the event of return. Besides, the Iranian intelligence has a strong presence in Northern Iraq. If such a person wished to return and they had a family member who had been a Kurdish activist at some point, it could become an issue with the Iranian authorities.

Regarding the situation of the Iranian Kurdish refugees residing in Northern Iraq and their possibilities of returning to Iran, representatives from two human rights organizations in Turkey considered that most of the Kurds who had formerly resided in the Al Tash camp located in Ramadi had somehow been affiliated with the KDPI while some had other affiliations. When the Al Tash camp was closed down, a part of the group disconnected from the KDPI and registered with the UNHCR in Iraq, however without getting resettled. When the UNHCR office closed in 2003, this group, counting around 1,200 individuals, went to Turkey with the hope of getting resettled from there. The remaining group relocated to Northern Iraq, many to one of the two camps that were erected for them to live in (including Barika and Kawa camps in Kurdistan Region of Iraq) and it was considered by the sources that some are still somehow affiliated with KDPI or have stayed in Northern Iraq due to elderly family members. The two organizations were not aware of any of these Kurds having returned to Iran.

Representatives from two human rights organizations in Turkey explained that Turkey and UNHCR in a protocol in 2006 or 2007 entered into an agreement regarding the 1,200 Iranian Kurds that had come from Iraq, which stated that this group could not be resettled and would not be deported back to Iran. The group had limited rights and received limited assistance in Turkey. It is estimated that the group has decreased to comprise about 300 individuals as many have left due to the lack of opportunities available to them in Turkey. Many have left irregularly, but the organizations had no knowledge of anyone going back to Iran.

The organizations also mentioned the return of MKO members from Iraq to Iran; upon return such persons were to state to the Iranian authorities that they had given up their activities. It was considered likely that such persons had been interrogated upon return and that some had probably been jailed and then released.

The ICRC in Iran informed the delegation that the organization is not involved in return of former Iranian refugees of Kurdish origin from Northern Iraq to Iran. ICRC is facilitating the voluntary

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repatriation to Iran of former ex-MKO members from Iraq. Once home, they have the option of periodic follow-up visits from a local returnees' organization. Since 2003, 600 MKO-members have repatriated out of which ICRC has assisted 200.

Asked about the return of former Iranian refugees of Northern Iraq to Iran, Iran Watcher, US Embassy, London stated that, to her knowledge, no significant numbers have returned to Iran – if any. The source emphasized that, in her opinion, these refugees would definitely put themselves into jeopardy if they returned as they would be perceived as Kurdish political activists because they are coming from Northern Iraq and that according to the source, they would be closely watched.

Asked whether IOM, Tehran had provided any assistance to Iranian refugees returning from Northern Iraq, IOM replied that there had been no such cases of return, according to their knowledge. IOM further explained that traditionally in the tribal areas, there are border crossings on a daily basis as there are anywhere else in the world with tribal communities on both side of the border. (*See also 6.4.2 'Border Crossings between Iran/Iraq and Turkey'*)

4. Participation in the post-presidential election protests

A Western embassy (2) informed the delegation that the activities of the post-presidential election protests had died down. The source made reference to the demonstration which took place on 14 February 2011 and which was the last big demonstration in Iran. In 2012, there have not been any demonstrations. It was stated that the authorities will be particularly alert each year on the anniversary of the house arrests of the opposition leaders, Mousavi and Karroubi which took place on February 14, 2011. It was further added that the authorities in connection with the anniversary had notified activists and persons that had been formerly detained, that they should stay at home and not participate in potential demonstrations on that day.

Reference was made to a special edition of newsprints including photos of participating demonstrators that the authorities had printed in July of 2009 following the mass demonstrations. The objective of these special newsprints was to get ordinary Iranians to denounce the people in the photos. The embassy (2) stated that this was used at that specific time, and that recently, there had not been any of those types of special editions.

A Western embassy (4) similarly provided the example of the authorities' approach to the show of political opposition that immediately followed the controversial presidential election of 2009 in the form of the special newspaper printed by the authorities in July of 2009. The newspaper consists of numerous photos of demonstrations and on these photos, individuals are framed in red. The newsprint from July of 2009 was demanding Iranians to contact the authorities with the aim of denouncing fellow citizens who took part in demonstrations.

A Western embassy (3) explained that many people participated in demonstrations after the 2009 election. For example, there were three very large demonstrations in Tehran that each had an estimated one million participants. According to the embassy, no security services are capable of collecting information regarding so many participants and manage that amount of information. For this reason, but also because it is very difficult to get information in Iran today, the embassy had no clear answer on whether the government still actively tries to find and arrest those involved in the 2009 protests.

4.1 Continuous risk of prosecution of demonstrators

With respect to the question of whether those individuals who were active – detained or convicted - in the 2009, post-presidential election unrests would still risk being pursued by the authorities, AIIS said that in its opinion, it depends on who it is and what they do now; though many remain in prison.

Journalists who were active at that time, and who have been released by the authorities, are not inclined to make waves now. It was the intention of the authorities to let them know that there would be repercussions if such individuals spoke out again. It is, in part, for that reason that outside organizations, even media are not able to contact those sorts of individuals in Iran anymore as that would put them at risk.

AIIS stated that the various Iranian security bodies are typically very thorough in systematically registering and recording events for their future use against the intended target.

With its practice conviction, imprisonment and, later, temporary release, the system is effective in hanging a Sword of Damocles over people's heads. This fact is one of the reasons why so many left Iran after the 2009 presidential election, including many who were not political activists linked with formal political bodies.

As noted above, however, there are many who chose to remain in Iran following their release in the months and years following the 2009 and 2010 mass trials and the end or amnesty of their convictions.

It is difficult to conceive of these people speaking out again any time soon: the same type of 'sword' remains hanging over them as their previous involvement with the law would likely be used against them, should they come into conflict with authorities again.

When asked whether a person who had participated in post-presidential election protests could still risk being arrested by the authorities, an international organization in Ankara considered that if an individual starts up a new activity that could be considered a provocation, such a person might be arrested and his participation in 2009 protests could be used against him.

Asked if participants from the 2009 post-election demonstrations would still be pursued by the authorities, a Western embassy (1) stated that this would depend on the situation; if for instance an individual was active on the internet regarding the up-coming election in 2013, this person could very well be pursued. If on the other hand, an individual is no longer active in any way, the authorities would most likely not have an interest in him or her. It would be wrong to believe that the authorities were actively pursuing individuals who were in the streets in connection with the demonstrations in 2009. However, if a person was still politically active and criticizing the regime then he or she could be at risk. According to the embassy, the Iranian authorities are very eager to keep things under strict control.

Asked whether Iranian authorities continue to arrest and prosecute individuals who participated as ordinary protestors in the 2009 post-presidential election protests, another Western embassy (3) underlined that this cannot be ruled out. Individuals who were identified and put on lists may still be sought after by the Iranian authorities. At the same time, a long period of time has passed since the election and the ensuing demonstrations, however one cannot rule out that individuals who were identified may still experience repercussions. Additionally, it was considered that even if nothing happened at the time in question, it is likely that matters related to the 2009 elections could be used against an individual in the future if new circumstances arise.

Asked about the continuous risk of persecution of people who were active in the post-presidential election protests in 2009, a Western embassy (2) expressed that it is difficult to assess as it depends on the circumstances of those who were registered during the election protests. People who are political active may operate in a grey zone for long time but if a person goes too far or

starts up a new activity, the authorities may bring forth a photo taken in one of the 2009 protests. To what extent this may happen, is impossible to say. The source was aware of cases where the persons who were detained for a shorter period of time, had been confronted with all the SMS's they had sent over a year, and added that it might also be SMS's sent over the last few years.

Regarding the continuous risk due to participation in the post-presidential election protests, the embassy (2) emphasized that a great deal of people were involved in the demonstrations and it was therefore considered that the authorities would only track persons who for other reasons are of interest. The source questioned whether the authorities would have the capacity to pursue all those involved including their family members.

Asked if the authorities would still track down people who had participated in the demonstrations long after the demonstrations took place, the source replied that it is very difficult to know for certain. There are still political activists that were arrested in the aftermath of the elections, serving prison sentences and it also occurs that such individuals are rearrested for other reasons after having served their jail sentences. Smuggling of letters out of prison or relatives of imprisoned persons giving interviews to foreign media can also be used as grounds to give a harsher or an entirely new sentence.

When asked if a person who has participated in demonstrations following the presidential election in 2009 would still risk being subject to arrest after years have passed, a Western embassy (4) stated that it would assume that most persons wanted by the authorities have fled or been arrested. However, it could not be excluded that the authorities in a situation would hold it against a person, if it surfaced in connection with a new case that he or she had participated in demonstrations following in the election in 2009.

When asked whether a person who had participated in demonstrations in 2009, and who was singled out in the special sort of newspaper printed by the authorities that was referenced earlier, could be recognized upon returning to Iran, the embassy (4) stated that prominent demonstrators could probably be recognized. The source had no information on whether ordinary demonstrators could also be recognized upon return.

When asked whether a person who has been involved in political activities and has maintained these activities abroad, could return to Iran, it was considered by the source that it would be unadvisable for such a person to return.

A Western embassy (5) informed the delegation that it cannot be ruled out that a person who had participated in demonstrations following the presidential elections in 2009 could still face a risk in Iran. It could also not be ruled out that a person with a record for having participated in demonstrations could be prosecuted upon return to Iran. It would depend on the level of involvement. However, the source stated that it had no information to support this as it did not know of cases of individuals returning. The embassy was not sure whether a person who had remained in Iran would risk punishment several years after having participated in demonstrations. It was added that leaders of demonstrations and organizers have either left the country or been caught. Additionally, recent prosecutions that the source was aware of were related to recent activities. If a person is prosecuted today, this would most likely be for recent charges.

It was considered more likely that problems faced after several years could be of a more professional nature, for example issues related to job opportunities and acquisition of business licenses.

4.2 Punishment for participation in post-presidential election protests

Asked about the number of arrests in 2009, a Western embassy (4) stated that the number of arrests remains unknown.

When asked what kind of punishment former low-level protesters may risk, a Western embassy (3) stated that the degrees of punishments has varied incredibly and that it is not possible to generalize on this matter. It can be anything from interrogation for 12 hours with no further consequences to being tortured to death in prison. Furthermore, if someone has been associated with the post-presidential election protests, it will not necessarily matter whether one actively participated or was just in the wrong place at the wrong time.

Regarding how many low-profile protesters have been arrested and what punishment they have received, the embassy (3) stated that such information is not known to the public. However, it is well-known that many were arrested and that some were prosecuted. Many still remain in prison as a result of the 2009 demonstrations, and some of those, approximately 500-1,000 who were arrested, have just disappeared.

According to a Western embassy (2), there are still hundreds of political activists behind bars – many of them rearrested after 2009. Those behind bars are journalists, reformist politicians, student activists, human rights activists, and influential politicians, for example former Khatami-supporters. The exact number of persons imprisoned across the country is impossible to say as genuine statistics are difficult to obtain. It was stated that most of the ordinary demonstrators who were arrested during 2009 were released after ten days. However, some of these people may have gradually become political activists later on and in this connection been rearrested. There is little or no information on whether ordinary participants from demonstrations in 2009 are still imprisoned.

The source further informed the delegation that many people were arrested during the demonstration in February of 2011. Those who were arrested in 2011 had been detained for 1-5 weeks and most of them are out now. The source considered that some could have been detained for longer periods and added that it did not have any information regarding persons still detained. However it was assumed that some could still be in prison. Those that were detained would probably have been asked to sign a paper in which they declare that they would not engage in any political activities which would be a condition for release, according to the source. The source was not aware of more serious punishments for participation in these demonstrations.

4.3 Risks to family members

An international organization in Ankara informed the delegation that following the mass demonstrations in 2009, there were cases where the authorities had squeezed family members, including parents, sisters and brothers, in order to get to fugitives. It was explained that the intelligence services react differently in different areas of Iran. In some instances where family members are targeted, the authorities are doing this to create an example for others, and this is

highly effective. The family members in Tehran are also at risk and they may be arbitrarily detained and mistreated in custody. While the number of such cases decreased after the crack-down following the post election demonstrations in 2009, however it was considered that these types of cases could still come up.

It was added that a family member to an activist who has left the country might be summoned by the authorities. Reference was made to a case in Tabriz, where a family member of a blogger who was politically active was called in and detained for hours. Physical torture may not have been involved, however, he or she was subjected to threats and the detention was consequently effective in creating fear in the individual and pressuring both the family and the family member abroad. According to the organization, this instills a fear and is also done to put pressure on the family in order to inform their family members to stop these activities.

Asked if family members to people who had participated in the post-election protests would be at risk, a Western embassy (2) stated that it did not know of cases where family members had been affected. However, it was considered that in instances involving especially noteworthy persons, this could be the case. There are some examples of higher profile persons, now in exile, whose family members have been pressured by the authorities. Reference was made to a recent case involving journalists from BBC Persia in which their family members were harassed and intimidated by the authorities.²⁵

An international organization in Ankara was aware of cases in 2011 where family members [of politically active individuals] had also been targeted, but in 2012 the source had received no reports of physical mistreatment of family members.

On the issue of whether family members to persons who were active in demonstrations in 2009 have felt repercussions, a Western embassy (4) referred to cases where authorities tried to put pressure on prominent activists through their families. It is difficult to say if this is something that has been widely diffused. Generally, the embassy is only able to follow prominent cases that are depicted in the media. The embassy made reference to the case of the prominent human rights lawyer Nasrin Sotoudeh²⁶ who is presently in jail. However, it is hard to say anything accurate about the situation of other cases, including those less prominent as it is extremely difficult and rather complicated for the embassy to follow the sort of issues involved accurately.

Regarding the risk to family members of political activists in exile, the Iran Watcher, US Embassy, London stated that she had only heard of this in the case of the BBC Persian journalists whose family members had been harassed and intimidated in order to put pressure on them.²⁷

²⁵ BBC accuses Iran of intimidating journalists, CCN, February 7, 2012, available at:
<http://edition.cnn.com/2012/02/07/world/meast/iran-bbc-journalists/index.html> [accessed 7 January 2013]

²⁶ Amnesty International, Iran must end harassment of imprisoned lawyer's family, 12 July 2012, available at:
<http://www.unhcr.org/refworld/docid/5005044e2.html> [accessed 29 November 2012]

²⁷ The source made reference to "BBC Reporter Interrogated Online by Iran's Revolutionary Guards, Radio Free Europe, Radio Liberty,
http://www.rferl.org/content/bbc_persian_reporter_interrogated_by_iran_revolutionary_guards/24471823.html

According to the Iran Watcher, US Embassy, London in general though, people who have left, have not really complained about families being harassed due to their leaving Iran. It seems to be more of an issue for persons with a much higher profile that can face such problems, journalists, and human rights and political activists in particular.

The consular officers of the U.S. embassy in Ankara informed the delegation that young people have been prevented from attending universities if their families are politically active. It was considered by the source that access to higher education is a lever that the system uses against people as a sort of soft oppression. There are examples of blacklisting of students who had participated in post-presidential election protests in 2009.

It was added that if an aspiring student who has taken his placement exams before university has parents who are political, or that individual himself is, he could receive a letter from the Ministry of Education stating that he regrettably is unable to attend a given university due to adverse information that exists on him.

4.4 Political opposition activities after 2009

An international organization in Ankara informed the delegation that in Teheran and other big cities, individual political activists are not automatically scrutinized, however, if an activity is perceived as organized then there could be a risk from the authorities. This is not a new development, however after 2009, there is an increased awareness from the authorities and surveillance has become tighter in society as a whole. After the post-presidential election protests, it seems that the intelligence has been given the authority to do what they want, according to the source. Experiences from the authorities' 2009-crack-down have instilled a fear in people of what may happen if an individual is detained and kept in custody for a period of time.

Regarding the Green Movement, a Western embassy (1) stated that it seems to have faded away. Persons from the Green Movement, who are still in Iran, paid a high price. It was considered by the source that they were disillusioned and would probably not even vote at the 2013 presidential election. In this connection it was added that it is difficult to assess if there is any real political activity presently. Such an assessment would require a distinction between what in an Iranian context would be regarded as political activity and what would not.

It was added that with the upcoming elections in 2013, the government is acting much stricter with regards to who can be nominated to run as a candidate so that the elections do not go wrong. The embassy (1) stated that there are no opposition parties as such in Iran; they are all part of the system, and even Mousavi has blood on his hands from being part of the system in the past. The embassy stated that there had been legal procedures against several of the lawyers who had defended people from the Green Movement; lawyers had been sentenced to prison or been

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banned from practice. Reference was made to lawyers such as Abdolfattah Soltani, Mohammad Ali Dadkhah and Nasrin Sotoudeh.²⁸

The embassy (1) believed that the Supreme Leader would allow for a bit of political activity in order to legitimize the upcoming elections.

An international organization in Ankara considered that the matter of the Green Movement is not active like before; the real organizers and those who were managing it, have either left the country or have been imprisoned or silenced to such an extent that the movement no longer is active as a united front. There were many arrests of political activists belonging to the Green movement after the presidential elections. Reference was made to the arrest of [former president] Rafsanjani's children in September 2012 as the latest example of the type of people who had been arrested for creating unrest after the elections.²⁹

An international organization in Ankara further informed that protests have calmed. At present, every sort of oppositional activity could be dangerous, but according to the source that does not mean that nobody would engage in them. Generally, the authorities keep a close watch and therefore may gather information for the record which could be used against an individual at a later stage and thus, instill a fear that individuals must live with.

When asked about the existence of current political opposition in Iran, a Western embassy (4) explained that after Mehdi Karroubi and Mir Hossein Mousavi have been put under house arrest in February of 2011,³⁰ the Green Movement has virtually disappeared.

The embassy (4) further informed that the government has put down any opposition by way of a crack-down on political activism in the period after June of 2009. The contacts that the embassy used to have to civil society have all dried up and there virtually are none anymore. There are very clear red lines as to what is permitted and no one dares crossing these.

A Western embassy (4) stated that at present, the government is very much engaged in preparations for the presidential election in 2013, which is scheduled for June 14. With regards to the situation in Iran when it comes to human rights and political activists, one can say that today, there are no deaths in the streets, as opposed to the situation in 2009 when officially 50-60 protestors died in the streets.

²⁸ Abdolfattah Soltani was in March of 2012 sentenced to 18 years imprisonment on national security charges and Mohammad Ali Dadkhah was sentenced to nine years imprisonment in February of 2011. Both were co-founders of Center for Human Rights Defenders which was declared illegal by the authorities and shut down. Nasrin Sotoudeh was in January of 2011, sentenced to 11 years on charges that included 'acting against the national security' and 'propaganda against the state' (later reduced to six years). For more information on these cases, see Human Rights Watch, *Why They Left: Stories of Iranian Activists in Exile*, 13 December 2012, ISBN: 1-56432-971-2, available at: <http://www.unhcr.org/refworld/docid/50d055982.html> [accessed 7 January 2013]

²⁹ *Rafsanjani role in spotlight as children jailed*, BBC, 24 September 2012, available at: <http://www.bbc.co.uk/news/world-middle-east-19708081> [accessed 7 January 2013]

³⁰ Amnesty International, *Iran protest crackdown condemned*, 14 February 2011, available at: <http://www.unhcr.org/refworld/docid/4d620ee71d.html> [accessed 29 November 2012]

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It was considered that the authorities have carried out an efficient repression of any activism as no one really, at the moment, wants to be politically involved. After 2009, many left Iran for political reasons. It is also considered that currently, many are leaving for economic reasons. Iranians are also occupied with issues related to the country's economic situation.

It was further explained that in Iran, there is a grey area in which you can criticize and express opinion. For example, journalists and newspapers are able to conduct critical journalism if they do it within a certain framework. There are presently in Iran different factions within the established political system that are struggling for more power. This is the real political game which involves a struggle between different parts of the political spectrum, from conservative to reformists, within the system.

The source added that it did not believe that Iranians living outside of Iran are able to control anything inside of Iran. It was stated that it was certainly difficult to speak of a real opposition and that what may be going on abroad with regards to addressing human rights issues in Iran, cannot really be characterized as oppositional activity. It was further explained that within the system, moderates are trying to address human rights and trying, for the sake of the institutions, to promote changes that would push Iran towards international standards with regards to human rights. Reference was made to the efforts made by groups within the system to abolish stoning from the penal code as well as death penalty to persons under the age of 18 who are up against clerics who very much wish to follow Sharia Law strictly.

Regarding political opposition activities, a Western embassy (2) pointed at a new case of an Iranian blogger Sattar Beheshti who a few days ago had died in custody.³¹ Beheshti had been arrested for expressing his political opinion online but died in custody, allegedly due to torture, in November 2012. The source emphasized the serious prison conditions and stated that apparently the authorities had gone too far in their torture this time. Beheshti was arrested after posting criticism against the regime, Supreme Leader and the country's judicial system on his website in end of October 2012. His death in custody has been reported in the Iranian newspapers and a parliamentary commission has been set up to investigate the case.

The source further stated that after the events of 2009 and the brutal crack-down, only very limited opposition exists inside Iran. The crack-down pushed the opposition underground and led to arrests of political activists, students, lawyers and human rights activists. Consequently, activities of an oppositional nature significantly decreased. There have been no crack-downs of this magnitude after 2009.

Another Western embassy (1) made mention of the blogger Sattar Beheshti who was recently arrested and died in custody. This person did not have a high profile; rather the person seemed to have been unknown to the public.

³¹ Iran must immediately investigate blogger's death in custody, 8 November 2012, Amnesty International, available at: <https://www.amnesty.org/en/news/iran-must-immediately-investigate-blogger-s-death-custody-2012-11-08> [accessed 7 January 2013]

The Western embassy (2) mentioned that as the government is approaching the 2013 elections, it is trying to show some kind of openness, for instance by setting up a parliamentary commission to investigate the death in custody of the previous mentioned blogger/*Sattar Beheshti*.

4.4.1. Civil society

AIIS considered that due to the closing down of public space in Iran in general, civil society organizations such as human rights NGOs and trade unions cannot hold meetings and gather. Even if ones are planned in a private setting like a home, the authorities may warn them of doing this beforehand or raid the meetings held at home. Groups that may try to meet in parks or elsewhere face the risk of being accused of gathering illegally if the group makes up too many people.

It was added that such a situation where public space is closing down and organizations or groups have no means of getting together and act is not sustainable, and in the source's opinion, civil society will find a way to subvert restrictions imposed on civil society. Reference was made to a bus driver's union whose offices were shut down but which has continued to meet, for example, in a wooded park.

Generally, any sort of political activity or awareness raising activity will face difficulties. Reference was made to the One Million Signatures campaign for raising awareness for women's rights in Iran.³² This campaign has been suspended, many people behind it have faced legal proceedings, and it has not run since 2009. If a campaign of that sort is not able to carry on, AIIS argued, then it certainly is very difficult to see that any other sort of activity can.

It was further explained that UN projects for example, are much more limited today due to the difficult working environment, including levels of cooperation within Iran that have become strained.

There are lots of examples to illustrate the difficult situation in Iran where authorities have taken effective steps to destroy civil society and create an atmosphere of fear and repression.

A Western embassy (2) stated that university students' activities have been restricted and recently, there have been no obvious activities that have been reported. Some students are still a target of the government and there have been cases of students being arrested or banned from studies. It was added that disciplinary committees present at universities are very much monitoring student activity and it is very difficult to be a student activist. It was further explained that not all protests and actions at the universities are politically motivated. For example, some of the students' demands are linked to better services.

³² Campaign launched in 2006 to promote awareness on women's rights issues and collect signatures on petitions to reform gender-biased laws. Human Rights Watch, *Why They Left: Stories of Iranian Activists in Exile*, 13 December 2012, ISBN: 1-56432-971-2, available at: <http://www.unhcr.org/refworld/docid/50d055982.html> [accessed 5 February 2013]

Regarding cultural activities, the Western embassy (2) informed the delegation that the guild for artists has been shut down in Tehran and there is an increasing amount of pressure on film directors. In connection with the very recent gathering in Tehran of the Iranian Pen association (not linked to international PEN) which took place two-three weeks ago, i.e. end of October 2012, arrests were made of participants and some of the arrested are still behind bars.

4.5 Communication of political messages and prevalence of written political materials

Regarding the prevalence of written political materials, as well as the ability of political activists to distribute written materials in public, particularly flyers in big cities in Iran, a Western embassy (3) stated that according to their knowledge, no written materials are used and most political activism or criticism happens on the internet. It was added that no oppositional activity is permitted in Iran today and that printed materials would be too dangerous to possess. According to the embassy's knowledge, there is no distribution of written material by activists. Before the 2009 elections, there was an array of local newspapers and other publications that were legitimate and operated within the system. Such publications are still allowed, but to a very limited extent due to the extensive control from the authorities.

Today, all political activity and demonstrations are banned. The last major demonstration was in 2010. Critical activities against the regime are almost non-existent in Iran. Almost all activities take place on the Internet, through blogs and in social media, and from abroad. There are a large number of bloggers who use Farsi inside and outside Iran. Control and censorship of the Internet by the authorities is extensive, but use of VPN (Virtual Private Network) is widespread and relatively easily available on the black market. VPNs are forbidden in general, however it was not considered that using a VPN would lead to any serious punishment.

The embassy (3) explained that Iran, technologically-speaking, is relatively underdeveloped when it comes to internet accessibility, internet speed, wifi connections, mobile coverage, etc. Even so, Iranians are very active internet-users despite these difficulties. It is estimated that 17 million Iranians are on Facebook, even though this site is blocked in Iran, and that about half of the population has access to the Internet.

Another Western embassy (2) similarly informed the delegation that most communication that can be characterized as oppositional is sent out via SMS, e-mail and Facebook. The source had not heard of printed materials being used and stated that those wishing to communicate anti-government sentiments and mobilize others, are much more careful nowadays. It was added that the source had been asked to verify some political flyers presented to the immigration authorities in Europe, however these flyers were not found to be genuine.

The source considered that printed political materials would be too dangerous to be used in Iran. It was added that student organizations may publish some publications and that these sometimes may be banned by the authorities if they contain controversial content.

The same source explained that persons wishing to access websites that typically are blocked by the authorities easily gain access through setting up a VPN connection. According to the source, it is fairly easy to set up a VPN in Iran as there are many providers, even though it is officially

banned. Many Iranians have them. Asked how to buy one, it was explained that everybody always knew someone they could contact and who could then connect them to a provider. Providers are selling access codes on the phone. It was added that some people set up with an IP address outside of Iran.

When asked whether written materials that are political in nature and critical of the government are used, AIIS said that in general, it would be inclined to think that these sorts of things would now be more often circulated through the internet. They had not themselves heard of specific written materials being distributed for a long time.

Individuals would also probably be more likely to use social media and have documents/pictures etc. that could be perceived as critical, on smart phones and computers. Mention was also made of examples of bank notes upon which critical slogans were written.

A Western Embassy (1) added that there is an active blogging scene in Iran used by those critical of the regime. Tools such as VPNs are used to circumvent the authorities' filtering and blocking of sites. Reference was made to Farsi as one of the top languages used on the internet and stated that many Iranians are still active.

The embassy (1) further explained that the Iranian authorities were one of the most experienced when it comes to surveillance and monitoring of the internet and mobile networks. The blocks of SMS traffic could even be quite inventive such as a previous block of all SMS messages comprising 'dollar rate'.

Regarding how political activities are communicated, a Western embassy (5) mentioned that Facebook and Twitter are used to express anti-government messages. People bypass blocks set up by the government by making use of VPN. Besides using social media tools, people also make use of SMS. In connection with the recent demonstration on October 3 of 2012 protesting soaring inflation³³, all mobile networks were suddenly blocked and for days, it was impossible to send an SMS which contained the word dollar. Apparently, motorbike couriers were used to deliver messages orally to counteract the authorities' blocking of the mobile network. The embassy stressed that the stated information related to the situation in Tehran.

The embassy said that it was difficult to obtain information about how political messages are communicated outside of Tehran as access to information, as well as access to other provinces, is restricted.

When asked if written materials exist in areas, like Tehran and other big cities, an international organization in Ankara said that as it is a standard political activity it cannot be excluded that it

³³ The embassy pointed to the fact that the demonstration on October 3rd had focused on the present economic situation and had less of a political nature. The authorities' reaction to the demonstration on October 3rd was swift as well as harsh. Demonstrators were met with water-canons and there were also reports of sharp ammunition being used by the authorities. It was dissolved rather quickly and a number of arrests were also made. according to the embassy.

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also happens in larger cities. However, it does seem that communication through internet or passengers traveling abroad to receive political or religious materials are more common than leaflet distribution in areas like Tehran, Karaj, Tabriz.

(See also 3.2 'Prevalence of written Kurdish political materials')

5. Judicial issues

5.1 Legal documents

5.1.1 Procedure for issuing summons.

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.

5.1.2 Procedure for delivering and receiving summons

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.³⁴

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.

³⁴ 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.

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.

5.1.3 Verdicts

With regard to the handing over of sentences, a Western embassy (5) informed that this is done orally at first and afterwards handed over in writing. However, it sometimes does happen that the written sentence is not delivered according to the procedures. The embassy added that within the past two to three months, the regulations have changed so that courts now were required to provide a written sentence and to register these. The register is not open to the public, however a member of the Bar Association would be able to access lower courts sentences available. Whether the obligation to put sentences in writing and register them apply to all courts and all types of cases could not be answered by the embassy. The embassy was particularly uncertain if the mentioned obligation applied to the higher courts and the Revolutionary Court. The embassy had never seen a written sentence from higher courts or the Revolutionary Court.

Regarding verdicts, a Western embassy (2) stated that these have been recorded and all verdicts have to be given in writing, although this might not always happen. Every office of courts has its own archives. Sentences are issued in different copies to lawyers, clients and the registry. It was considered that the registration of verdicts could be different for the various courts. The source was not aware of the existence of electronic archives.

Cases which come before the Revolutionary courts are cases related to national security, drugs, and possession of arms as well as political cases. The source did not know if verdicts from the Revolutionary Courts were handed over in writing.

5.2 Use of bail

5.2.1 Case type and proportionality

Regarding use of bail, a Western embassy (2) said that bail is possible for any type of crime. In theory, it is not possible for certain political crimes, like crimes of national security, espionage, etc., and for the most serious crimes such as crimes resulting in death penalty. There are, however, a few examples of exceptions and persons being released on bail. It was considered that bail is used as a sort of Damocles sword, as it usually involves huge amounts of money tied up to property deeds for example with the threat of authorities confiscating this. The bail guarantees that the person in question does not leave the country or do anything that could be considered an offence by the authorities. In the event that a person leaves or commits new offences, the bail will be confiscated.

Asked if a person on bail would be informed of the charges he or she has been held on, the source considered that the person in question would most probably be aware of this.

On the issue of bail and how it is set, a Western embassy (5) stated that bail is used in all types of cases, also in political cases and cases regarding corruption. The embassy stated that it had no information on how bail was set and whether or not a grant of bail would be allowed in cases regarding drug crimes punishable with execution and in cases where a victimized family was

involved. The embassy explained that bail can be set as high as 700,000 EUR down to 20,000 – 30,000 EUR. It was added that the mentioned sums are sums that the embassy read about in the news.

On the subject of the use of bail, two Iranian lawyers with criminal law experience explained that a request for bail is an option in almost all criminal cases. After a preliminary investigation, it is a judge who will decide whether bail can be given or not. In cases where a judge considers the preliminary investigation incomplete and fears that the accused could tamper with evidence if released, bail will not be set. Additionally, this would also be the case if the judge has reason to believe that the accused will join other culprits and take other criminal measures. In cases that encroach on matters of national security or in cases of serious fraud, a person will not be able to be released on bail.

When it comes to murder and there is a private plaintiff, bail is not an option unless there is consent from the victim's next of kin. If consent is given, bail typically makes up a deed regarding property.

Asked if it is common that a next of kin gives his or her consent to release on bail, for example in murder cases, the lawyers stressed that this is a personal decision made by the victim's family. The bail in such a case would amount to twice the amount of blood money. Who would consent to bail and who would not, is impossible to say and it very much depends on the case and the people involved. It was added that in a case of someone deliberately killing innocent people, there would be no release on bail.

Asked what is considered by a judge in order to set an appropriate bail, it was explained that the criteria are set by the law. For instance, in a case involving fraud, the amount of bail would be twice the amount of the estimated amount swindled.

In cases involving major crimes, a deed to a property or a bank deposit are required as a guarantee. However, in cases involving minor crimes, bail could be a business permit or license.

Asked if someone can act as a guarantor, two Iranian lawyers with criminal law experience explained that an accused cannot guarantee him or herself, and therefore someone else should. It is therefore the guarantor that puts up a bail, this being property, money or perhaps a business license.

Consular officers of the US embassy in Ankara stated with regard to bail issues that persons are frequently bailed out. It was further stated that bail would normally not be possible for political activists, however bribes could get a person out of jail and in general, corruption is widespread.

AIIS stated that the organization did not have much information on issues related to bail. There had been reports of one case where a family's property had been seized by the authorities after the person guaranteed had left the country while out on bail. It was considered that this sort of thing is probably more common than we know of. Bail and how it is used by the authorities, is a means of pressuring activists and others not to be active. Additionally, there had been reports that once the case is over with, the return of documents given to the court, often the property deeds, can be difficult. This is also a means of maintaining pressure on the family.

With regards to the issue of bail and how it is used in Iran, a Western embassy (4) stated that it had no knowledge on the subject or insight into cases regarding this matter. However, it was considered that use of bail very much would depend on case type.

Regarding temporary release, two Iranian lawyers with criminal law experience explained that in many cases, a person who is serving a sentence could request a temporary release. However, if he or she is unable to come up with the bail set in such an event, no temporary release is possible.

(See also 1.4.3.1 'Detention and arrest of house church members and leaders' regarding house church members and bail)

5.2.2 Consequences of departure while free on bail

Regarding travelling outside the country while released on bail, two Iranian lawyers with criminal law experience stated that a person who is out on bail, is normally not prohibited from leaving the country (there is no exit ban), unless otherwise stated in the bail terms. However, the consequences of leaving would be confiscation of the bail. In cases involving serious embezzlement, an accused would not be able to leave the country. It was explained that the bail amount would simply be so large in such a case, that it would be impossible to provide surety.

Asked about the consequences for the guarantor in case of absence of the defendant, it was explained that the bail will be confiscated. This happens sometimes, but it is quite rare, according to the sources. It was added that a person would not act as a guarantor unless he is confident that the accused will not break his word and disappear. Asked if anything would happen to the guarantor, i.e. the person who has put up the bail, in the event that the accused disappears, the sources stated that the bail does not have to do with the person acting as guarantor, but with what he or she has put up for bail, i.e. the property. In the event that an employer guarantees another person, for example, the bail amount will be deducted from his salary, but the authorities would not bother the person himself.

When property is confiscated due to the disappearance of an accused, it was explained that the persons living in the property that has been put up for bail, will be kicked out. It was considered that this only happened rarely.

Regarding possible consequences for family members of an accused with a pending case who has left the country, the lawyers stated that unless a family member has helped an accused in order to escape or hide from the authorities, he or she will not face any problems with the authorities.

Regarding implications of a person leaving the country while out on bail, a Western embassy (5) stated that it had read about political cases in which relatives in Iran are put under serious pressure from the authorities. Such persons could be forced to sign papers concerning the person that has left on bail, e.g. what he or she has done or said.

Two Iranian lawyers with criminal law experience stated that if a person departs the country while on bail, he or she may be tried in absentia. If he or she then returns and the legal procedure for confiscation of bail in the meantime is completed, he or she upon return should serve the

remaining prison sentence given. The sureties of the bail are not given back. It was added that if a person is tried in absentia, he or she has the right to appeal the case.

5.3 Rule of law

A Western embassy (5) informed the delegation that even though courts were supposed to be public, access was usually denied, and added that it was not possible to monitor court cases. The embassy added that Iranian media was very silent when it comes to covering court cases and that it has always claimed that no cases of apostasy exist in Iran. It was added that the embassy from one single website source which was considered political, had heard of the alleged stoning of four women four weeks ago. It had not been possible for the embassy to confirm the information put forward by the website through any sources, including Farsi-language sources.

The embassy commented on the status of Iran's new Penal Code and stated that the Parliament had requested some changes in the wording regarding the influence of Sharia in the law. The proposal now lies between the Parliament and the Guardian Council and it is expected to enter into force before too long. However, the exact time frame is uncertain.

AIIS stated that information they have suggests that the manner in which the administration of justice is conducted varies considerably across the country, but that adherence to the rule of law is, at this time, weak.

Case outcomes, they suggested, appear to depend more on the type of case; the people involved and the differing forms of power, or leverage that parties to the matter might have rather than the objective merits of a given case. There is anecdotal evidence that the administration of justice in the provinces is even weaker than in Tehran.

Insofar as this has a bearing on the consideration of asylum cases, AIIS observed that it means that one must have an open mind as to what individuals recount; but that local, independent and ideally multiple confirmation may be the only way to develop a solid assessment of the claims.

It was added that in general, the rules and regulations in place that authorities may put to use for example if they want to take away a lawyer's license – such as in the case of Nasrin Sotoudeh -, are not followed. Lawyers are simply stripped of their licenses, subverting even the often flawed provisions governing this area of law.³⁵ While there may not have been any procedural changes in Iran, the rule of law has in fact worsened.

AIIS remarked that the most significant growth area, as in many other parts of the world, relates to online activities. New laws have been passed in this area and practices are developing quickly. Oversight for their operation appears, following the November 2012 death in custody of blogger

³⁵ AIIS explained that if the accusation relates the lawyer's conduct in the context of carrying out her/his duties, then a special court, rather than a conventional, criminal court, is the only empowered to disbar a lawyer.

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Sattar Beheshti,³⁶ flawed. In its February 2012 report, *We are ordered to crush you - Expanding repression of dissent in Iran*³⁷ the organization set out some of the measures³⁸ enacted in this regard.

In sum, the assessment of the AIIS is that the scope accorded to the right to exercise the right of expression, association and assembly online is just as restricted and limited as it is in the ‘real’ world; and that laws passed in recent years, along with emerging practices deployed by the new policing agencies contribute to the broad erosion in the quality of justice that the organization is seeing in other areas of the administration of justice.

Regrettably, laws and practices addressing Iran’s effort to combat its very real challenges in relation to drug trafficking and use appear likewise flawed. They appear to have done little to stem the flow or demand of very harmful narcotics, yet have resulted in the skyrocketing use of the death penalty. Issues like the lack of an appeal procedure for drugs offences are discussed in the organization’s 2011 report, *Addicted to death*.³⁹

³⁶ Amnesty International, Iran: Still no explanation or justice for blogger who died in custody, 13 December 2012, available at: <http://www.amnesty.org/en/news/iran-still-no-explanation-or-justice-blogger-who-died-custody-2012-12-13> [accessed 1 February 2013]

³⁷ See the box on page 12 of report, Amnesty International, *Iran: 'We are ordered to crush you': Expanding repression of dissent in Iran*, 28 February 2012, MDE 13/002/2012, available at: <http://www.unhcr.org/refworld/docid/4f50acd57e.html> [accessed 4 December 2012]

2001: Order by Supreme Leader on “Overall policies on computer-based information-providing networks”

2001: Supreme Council of the Cultural Revolution “Rules and Regulations for Computer Information Providers” giving full control of the internet to the government and restricting content of internet publications

2002: “Decree on the Constitution of the Committee in charge of Determination of Unauthorized Websites”

May 2006: Government-owned Information Technology Company (ITC) announces that Iran’s nationwide filtering database, which can be used to block access to Internet sites, would shortly begin work

October 2006: Regulations by Radio-telecommunications regulator including restrictions on online speeds to 128 kilobits per second and banning Internet service providers from offering fast broadband packages

2007: Requirement by Ministry of Culture and Islamic Guidance for all website and blog owners to register with the authorities

2008: Law on Audio-Visual Crimes, which extends the scope of the death penalty for some pornography-related activities

2009: Law on Cyber Crimes (also called Computer Crimes Law)

2009: Establishment of “Cyber Army” believed to be linked to Revolutionary Guards

January 2010: Ban on contact with over 60 foreign media and think tanks.

January 2011: Inauguration of “Cyber Police Force” in Tehran. Force fully operational by January 2012

The source stated that the latter is now operational and it was in a facility under their control that Sattar Beheshti died in November 2012, leading to public and parliamentary scrutiny.

³⁹ Amnesty International, *Addicted to Death, Executions for Drugs Offences in Iran*, 15 December 2011, MDE 13/090/2011, available at: <http://www.amnesty.org/en/library/asset/MDE13/090/2011/en/0564f064-e965-4fad-b062-6de232a08162/mde130902011en.pdf> [accessed 1 February 2013]

AIIS made reference to page 15 of the report which discusses 2011 amendments to the Anti-Narcotics Law. It states that amended provisions:

5.4. Death sentences

A Western embassy (1) stated that 90% of death sentences were related to drug crimes. The embassy added that Iran considered itself a country at the forefront of the war against drugs. At the same time, the government has introduced programs for drug addicts and regard these people as patients. Traffickers on the other hand, are looked upon as something entirely different.

On the issue of executions, another Western embassy (4) stated that, according to gathered information, less than 10% of known cases, are linked to political issues. There are around 400-600 executions a year, and of these 65% are linked to drug trafficking.

...introduced the death penalty for trafficking or possessing more than 30g of specified synthetic, non-medical psychotropic drugs and for recruiting or hiring people to commit any of the crimes under the law, or organizing, running, financially supporting, or investing in such activities, in cases where the crime is punishable with life imprisonment. It also provides for a mandatory death sentence for the “heads of the gangs or networks”, although there is no definition given of a gang or network. A list of the 17 offences that carry the death penalty in the amended law may be found in Appendix 1 [of the report].

6. Exit procedures

6.1 Security measures in Khomeini international airport

According to an employee of a Western embassy (5), it would not be possible to pass the airport authorities at the Imam Khomeini International Airport without sufficient documentation, at least not without their knowledge. He stated that according to his knowledge, most Iranians who end up as illegal migrants have left Iran with their original documents. The source explained that this happens either by obtaining a genuine visa to a certain country or by obtaining a forged visa. Additionally, many travel to Turkey where there is no visa requirement for Iranians and from there travel onwards using forged documents. It was added that a lot of visa cheating is taking place in the form of forged visas or visas obtained through false information. The source did not consider it possible to exit the Imam Khomeini International Airport with a forged passport, but would not rule out the possibility of a person being able to bribe his way out of the airport - though the price would probably be high. The source indicated that the price could be as high as 8-10,000 Euros. It was added that the source considered that the right connections were also important if one was to bribe one's way out of the airport. When asked if an average Iranian could pay the necessary bribe, the employee commented that, "Everybody has connections in Iran". The source indicated that many illegal Iranian migrants abroad have left Iran using original national passports but there were also examples of people having left on foreign forged passports.

An employee of a Western embassy (5) explained regarding the security procedure at the Imam Khomeini International Airport that the airport authorities and the airlines conduct separate document checks of both passport and visa. However, what the check conducted by the airline more specifically involves, very much depends on the airline. Regarding the authorities' check of the visa, the source found that this was of no use as they are not competent in this regard.

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

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

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

Reference was made to a case where a person had left Iran illegally but later managed to obtain a forged Turkish entry stamp in his passport as well as get his details put into the Turkish system, thus facilitating a normal exit – the person had a Schengen visa. AIIS had no information as to the

frequency of such incidents, although such high cost deals are presumably out of reach of people without sufficient financial resources to make them.

6.1.1 Documents

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 exit from Iran, a Western embassy (5) stated that travel agencies and even insurance companies in Iran are offering services related to visa applications. Mostly, this is organized with the use of tourist visas, however sometimes group travel is organized around a business trip, for example a fair. The source was also aware of pre-booked appointments with embassies for processing visa applications being sold by travel agents. The price of the services offered depends on what assistance and services are needed. Whether this sort of enterprise is legal or illegal is difficult to ascertain and involvement of bribery and ‘buying of false information’ could be difficult to identify. It was further mentioned that currently a TV commercial is airing from a company offering assistance to obtain residence permits in Europe. The embassy stressed that in general it was very common for Iranians – even well-educated persons – to pay for services such as visa application.

Regarding the issue on exiting Iran, a well-educated Iranian woman with links to international communities noted that it is possible to purchase forged documents, but that this is less common than in other countries such as for example Pakistan. She had heard of companies that sold Schengen visa and thereby offered services to get a person into a country. This was companies arranging events or exhibitions abroad that would allow a larger group of people, for example 15-20 persons, to get visas ‘by the bulk’. Some of the visas were then sold for 7-8.000 USD to persons whom they knew would not return to Iran.

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

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

6.1.2 Entry for returnees

IOM, Tehran informed the delegation that the organization is operating an Assisted Voluntary Return (AVR) programme world wide. Asked about the total number of persons who have benefitted from this programme, IOM informed that it is less than 100 per year. The majority of people who have returned to Iran under this programme from various countries including

Switzerland, Norway, Belgium, Australia, Indonesia (people who were on the way to Australia) and the Netherlands are according to IOM, people who have been looking for a better life, studying opportunities, and people who have family abroad.

Regarding returnees, IOM, Tehran, stated that Iranians who return with their passports will not face any problem at the airport when they return after a longer stay abroad. It was added that a long stay abroad in itself, is not an issue as long as a person has left the country legally. IOM added that Iranians who have left the country on their passports and are returned on a Laissez-passer will be questioned by the Immigration Police at the airport. This questioning may take few hours, but according to IOM, nobody has been arrested when travelling back on a Laissez-passer.

When asked specifically to the situation of deportees, IOM stressed that they are only dealing with voluntary return and have no knowledge on the situation of deportees if any. It was added that they would assume that such persons would be welcomed upon return, as these persons are nationals of Iran.

IOM stated that so far, they have not had any experience with people being arrested by the authorities at the airport. IOM added that if persons have been involved in criminal activities abroad and are on the Interpol list, it is another issue.

Mr. Hossein Abdy, Head of Passport and Visa Department, stressed that the Iranian constitution allows for Iranians to live where they wish. It is not a criminal offense in Iran for any Iranian to ask for asylum in another country. He further stated that approximately 60% of Iranians who have asylum in other countries, travel back and forth between Iran and other countries.

6.2 Exit bans and other issues leading to a person not being able to travel

Mr. Hossein Abdy, Head of Passport and Visa Department, stated that only the court could hinder the issuance of a passport. This could be due to a person having an outstanding issue with the government. When a ruling is passed by a court, a copy is sent to the police which is responsible for enforcing such a ruling.

On the issue of when a person is unable to exit Iran, Mr. Hossein Abdy stated that when a passport is issued and handed over to a person, he or she is able to leave the country. If there is a court verdict regarding him or her that prevents exit from the country, the police would attempt to inform the person of this fact. If the police is unable to access the person in question, then he or she would be informed at the point of departure by the authorities in place that he or she is not able to leave the country. After the matter is settled in court, he or she may travel once again. When asked if a person released on bail, before any ruling has been made by the court, is able to exit Iran, Mr. Hossein Abdy explained that whether or not such a person would be able to leave the country depends on the bail and what is stated explicitly by the court issuing the bail regarding possible issues in this regard.

Mr. Hossein Abdy explained that some issues could lead to a person not being able to travel outside of Iran. For example, in Iran there is mandatory military service whereby a young man must serve 18 months of military service. When his military service is completed, a young man may travel outside of Iran. He is however, able to apply and obtain permission to travel before

completion of service for educational purposes or in the event that he needs to travel for medical attention abroad. Additionally, persons with outstanding issues with the government, for example tax liabilities over the amount of 150 million rials, or felons who have committed serious crimes, such as homicide, fraud etc., can be subject to a ban which is issued by the court in the relation to a specific criminal case.

The consular officers of the U.S. embassy in Ankara noted that after the post-election political turmoil in the summer of 2009 it appears as if the Iranian Government has eased the requirements to allow people to leave the country in the sense that a young man wishing to leave the country before having completed his military service is able to deposit a bond of 12,000 USD and be allowed travel abroad for study. If the person does not return to Iran, the amount is taken by the authorities. It was commented that young dissatisfied individuals could be perceived as a potential source of unrest by the authorities. It was considered that by allowing them to leave, the authorities were thereby getting rid of dissent.

It was added that by pulling passports, the authorities are able to put pressure on political types such as artists, directors, journalists and are thereby giving them no option to leave. This is as a way of keeping them compliant.

AIIS stated that the organization had little knowledge on issues regarding exit from Iran. While the law does not permit a person to leave the country through official channels if there is a criminal case pending, in practice, since 2009, the authorities have appeared to lift such restrictions in order to allow such individuals to leave Iran.

On whether a person who had participated in demonstrations would be able to leave the country, a Western embassy (3) stated that there could be examples of cases involving prominent demonstrators being able to exit the country legally and that this could be the case if the authorities just want to be rid of them.

When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, Head of Passport and Visa Department, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban, according to Mr. Hossein Abdy.

(See 5. 'Judicial Issues' regarding leaving the country while out on bail)

6.3 Legal procedures for issuance of passports and permission to travel

According to Mr. Hossein Abdy, Head of Passport and Visa Department, there are three kinds of passports that Iranian nationals can acquire; service passports issued for government functionaries, diplomatic passports and ordinary passports. All Iranians have the right to acquire a passport and may do so by submitting an application complete with his or her documents. An application is lodged to the General Department for Passports which is part of the police department. The documents required for such an application include the application itself, two

photos as well as copies of one's national identification documents, Shenashameh and national ID card. An applicant must go in person to an office of the police department which is responsible for receiving passport applications, bringing along his or her original identification documents, and hand in an application. In this process the identity of the person is confirmed by submission of one's papers personally.

Mr. Hossein Abdy explained that the department will check that the information presented in the documents matches the information available in the database of National Registration of Personal Status upon which a passport is issued. A passport is valid for five years.

Once a person is issued his or her passport, he or she can travel outside of Iran. According to the Civil Code of Iran, any person under 18 years must have the consent of his or her guardian to leave the country and thereby be issued a passport.

With regards to exit stamps, Mr. Hossein Abdy explained that an exit stamp is stamped in one's passport upon exiting Iran where the date of departure is stated. This is similar upon entering Iran, where a stamp is stamped into one's passport with the date of entry.

When asked which authorities control the airport, Mr. Hossein Abdy stated that this falls under the airport authorities. Passport controls make up a part of the police.

6.3.1 Passport and permission to travel for women

According to Mr. Hossein Abdy, Head of Passport and Visa Department, the consent of the husband can be given by the husband accompanying the woman in connection with the submission of her application for a passport and giving his consent in person. Alternately, the husband can go to a notary public where a written consent is signed which the woman may present when applying for a passport.

Mr. Hossein Abdy stated that the regulation of husband's consent, applies to women who have residence inside of Iran. With regard to women who reside outside of Iran, this regulation does not apply and a woman who lives abroad is not required to present any consent from her husband in order to be issued a passport. The purpose of the law is to protect the family as an entity.

According to Mr. Hossein Abdy, the consent given by the husband is valid for five years, i.e. the length of time that the passport is valid. When asked if such a consent given by the husband can be annulled, it was further explained that a husband that has an outstanding issue with his wife has the option of going to the courts in order to get the consent annulled. However, if the husband is living outside of Iran, he cannot get his consent annulled.

Mr. Hossein Abdy further explained that the place of residence of the passport holder is stated in his or her Iranian passport. If a person's place of residence is outside of Iran, for example Denmark, this is written in the passport. Mr. Hossein Abdy explained that no permission is needed from anyone if a woman has her permanent place of residence outside of Iran.

Regarding the permission a woman has to have from her husband in order to travel, a well-educated Iranian woman with links to international communities explained that the husband would sign a form before a notary public. The husband would consent to either a single exit or

unlimited exits throughout the validity of the passport, by ticking either the ‘one time only’ box or the box ‘permanently’. But even if consent was given ‘permanently’, it would only take a phone call to the Airport Security or a letter to prevent the wife from exiting Iran. The husband could call any level of Airport Security, be directed to the right person, revoke the consent and prevent his wife from leaving. He would be asked to send in a handwritten statement as well as a copy of his identification card (Kart e- Mell). This could be arranged from the time the wife left the house to before she had arrived to the airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave. This situation affects primarily the high- and middle-income women. The low-income women were less affected. These women are not used to travelling, do not know other languages and would not dare travel outside Iran on their own. High- and middle-income women would be the ones choosing to leave the country in case of for instance divorce or abuse from their husbands. And since numbers on both divorce and abuse are high, it was her impression that a significant number of women are affected.

6.3.2 Permission for women to travel with children

With regards to children, a mother who wishes to take her children outside of Iran must have the consent from the father of the children in order to do so. Mr. Hossein Abdy, Head of Passport and Visa Department, stated that the father would always be able to travel with his children outside of Iran as he is the legal guardian of the children, unless a court has ruled otherwise. If a father who has given his consent to allow his wife to travel outside of Iran with his children within the five year period that the consent is valid, changes his mind, he would have to go to the court with reasonable arguments as to why such consent should be revoked. Once consent is revoked, the courts will notify the police who in turn will attempt to inform the wife of the fact that she is unable to travel with the children, either by contacting her at her address or at possible exit point.

Mr. Hossein Abdy explained that there had been some cases in Europe regarding children with Iranian mothers and foreign fathers, in which the father had contacted the Iranian embassy to request that the embassy refrain from issuing a visa for their children. In these cases the embassy had accepted the request of the father without a ruling from the court. He stressed that the Iranian system believed that both the mother and the father are important for the welfare of the child.

When asked if it is considered a criminal offense according to Iranian law if and when a mother takes a child abroad without the consent of the father, Mr. Hossein Abdy explained that there is a 50 USD fine that is given to persons who leave the country in an illegal manner. As regards possible charges of abduction, it is not of importance whether it is the mother or father that takes a child away from his or her parent. Such cases would, upon filing of a complaint then proceed to the civil court. Reference was made to two cases a few years ago, where a ruling from an Iranian court was made to the effect that the children taken out of the country by a mother without the consent of the father, were brought back from Europe. In such cases, the Foreign Ministry alerts Interpol.

However, Mr. Hossein Abdy emphasized that according to the Iranian law, up until the age of seven, guardianship over a child belongs to the mother. After the age of seven years, the custodianship passes on to the father. A mother has the option of going to the court if the father

does not have the capacity to fulfill his role as custodian, for example if he is mentally ill or unfit in some other way.

According to Iranian law, all persons under 18 years of age are required to have the consent of the father in order to be issued a passport.

Asked about punishment for a mother who takes her children out of Iran without the consent of their father, two lawyers with criminal law experience stated that a mother cannot kidnap her own children, according to the law. Neither parent can, according to Iranian law, kidnap his or her own children. If the children are taken out of Iran without the consent of their father and upon return to Iran, are reunited with their father, he can ask the Family Court to issue travel bans for the children to prevent the mother from taking them out of the country again. According to the sources, a mother cannot be given a punishment by a court which prohibits her from seeing her children because she illegally took the children out of the country.

A well-educated Iranian woman with links to international communities stated that if a woman leaves Iran with her children without the consent of their father, this is considered a criminal and a civil offence. Even if the mother has custody of the children, the consent from the father is necessary in order to take the children out of Iran. If the woman returns to Iran, she would most likely be given a fine for the illegal exit. Illegal exit would not lead to jail. She could also face a civil case in a family court as a result of taking the children out of the country without the father's consent, but the result here would also not be a prison sentence. The source mentioned that courts differ depending on geography and the financial situation of the parties involved, but even outside Teheran she did not think that a prison sentence would be the result. She had not heard of prison sentence given to a mother after she had returned with her children, however, the source added that she would not rule out that this could happen if the father was rich or powerful enough and angry enough even after his children were returned to him.

6.3.3 Permission to travel for single women, divorced women and widows

As for divorced women and widows, no consent is needed in order to be issued a passport. Mr. Hossein Abdy, Head of Passport and Visa Department, explained that according to the Civil Code of Iran, any young woman who wants to get married must have the consent from her father. This is always required for the first marriage. However, if she later divorces and wishes to marry again, no consent is required. The permission or consent to travel abroad is similar in that up until the age of 18, a woman needs the consent from her father in order to apply for and obtain a passport.

After 18, a woman can apply in her own right and she is not required to present consent from any male relative. Once a woman is married, she needs the consent of her husband in order to be issued a passport. However if a woman later divorces, she no longer needs any consent. Thereby, as for divorced women as well as widows, no consent is needed in order to obtain a passport and travel outside of Iran.

It was stated that if a father acts illogically, a woman under 18 can go to the courts and obtain permission from the court in order to be issued a passport.

6.3.4 Passports for religious minorities

On the issue of whether religious or ethnic minorities in Iran are subject to regulations that differ from those stated when it comes to issuance of passports, Mr. Hossein Abdy said that there is only one law applicable when it comes to issuance of passports. He further explained that non-Muslim Iranians can in civil matters like marriage and burial, act according to their own religious laws. However, regarding the law that pertains to exiting Iran, the laws and its regulations apply equally to all Iranians. Thus, a Christian woman would also need to have the consent of her husband in order to be issued a passport.

6.4 Entry to Turkey from Iran

IOM, Ankara informed the delegation that there are three border gates at the Iranian border; Gürbulak Border Gate in Ağrı, Esendere Border Gate in Hakkari and Kapıköy Border Gate in Van which carries the majority of the case load.

Representatives from two Human Rights organizations in Turkey stated that not only Kurds come to Van from Iran, but that Iranians of different backgrounds come there as well. Van is typically the first city that Iranians arrive in from Iran and from there they travel onwards to other parts of Turkey.

Asked about illegal Iranian migrants in Turkey, IOM, Ankara informed that approximately 700 were apprehended so far in 2012, according to official statistics. In total, 30,300 illegal migrants were apprehended. When arrests are made, it is easy for the authorities to identify individuals from Iran (and Iraq) even if they do not have any ID-documents.

IOM, Ankara explained that most Iranians are staying in Turkey legally and that the 700 Iranians that have been apprehended in 2012, most probably were apprehended as they were trying to leave Turkey illegally to travel onto European countries, or their visas were expired. Ordinary and official passport holders are exempted from visa for their travels up to 90 days.

An elder from the International Protestant Church of Ankara said that about 60% of the Iranians he is in contact with in his congregation have arrived to Turkey using their own passports whereas 40% were smuggled across the borders. He said that they arrive from all over Iran and that about 30% of them are Azeris and 70% are Persian.

Regarding how many Iranians were entering Turkey illegally, Nihat Ali Özcan, TEPAV considered the number to be relatively small. Iranians can easily visit Turkey legally as there is no visa requirement between the two countries. It was added that an estimated two million Iranians visit Turkey each year. Most of them travel in a legal manner through the established border crossing points along the Turkish-Iranian border.

The source further informed the delegation that for people who have daily trade activities across the Iranian-Turkish border, the local governor can issue special passes for crossing the border. There are fixed trading points on both sides of the border at Esendere-gate. This is based on a joint agreement between Iran and Turkey.

IOM, Ankara further stated that there are no organized voluntary returns to Iran from Turkey. The organization did not have information regarding Iranians returning to Iran after having been

rejected as asylum seekers in Turkey. IOM, Ankara added that according to the organization's knowledge, Iranians are staying in Turkey legally. It was further added that the organization had never seen Iranian nationals at removal centers in Turkey.

6.4.1 Security and control in the Turkish-Iranian border areas

Asked about the security measures at the Turkish-Iranian border, Nihat Ali Özcan, TEPAV, explained that for the past seven years, there has been strict control on both sides of the border. The border areas are considered a matter of security by both countries due to terrorist activities by the PKK and PJAK. Agreements of cooperation in the border areas exist between the Iranian and Turkish authorities regarding issues of security, trade and everyday life, but the regulations are not always followed. It was added that approximately two years ago, security controls of the border regions between Iran and Turkey were intensified in order to combat PKK and PJAK activity. Concerns over security led the Iranian government at that time to increase the presence of the Revolutionary Guard in these areas.

Generally, people living on each side of the borders know each other, and often relatives are living across the border from each other. The social situation facilitates very active networks in the border areas of Iran, Turkey and Iraq, according to the source.

Regarding the authorities' activity in the Kurdish border areas with Turkey, a Western embassy (2) stated that the security forces are mobilized to a much higher extent than in other areas. To illustrate this, the source added that on the prospect of unrest and demonstrations in Tehran, the security forces from the Kurdish area are called on to assist. The source added that Iran has an agreement with Turkey regarding a crack-down on PKK/PJAK activities, however there is nevertheless traffic across the border and there are parts of it that the authorities are unable to control effectively.

The source further said that it is impossible to control the border areas in the Kurdish region and that traditionally, Kurdish families living on both sides of the border have travelled back and forth across the border for hundreds of years. It was considered that not all border crossings would be something the Iranian government is equally concerned about.

Concerning the situation in the Van border area to Iran, representatives from two Human Rights Organizations in Turkey stated that the pushing back of refugees over the border still occurred. It used to be a big problem, however, due to the efforts from NGOs and lawyers who have brought these cases before the European Court of Human Rights, the numbers of push-backs have decreased. Reference was made to a 2008 report from UNHCR documenting illegal deportations in which Turkey had been involved in pushing recognized refugees over the border to Iraq.⁴⁰

⁴⁰ According a press release in 2008 from UNHCR, *UNHCR deplores refugee expulsion by Turkey which resulted in four deaths* on April 25, 2008, four individuals, including an Iranian refugee, died from drowning after being forced by the Turkish authorities to cross the Tigris River at Turkey's south-eastern border with Iraq,
<http://www.unhcr.org/news/NEWS/4811e23c4.html> [accessed 1 February 2013]

According to this report the deportees had been pushed back over the river and four had been killed, one of whom was Iranian. This has also involved instances of persons who were recognized as refugees. The Turkish government had later acknowledged their mistake. The representatives emphasized that secret and illegal deportations still happens, but added that the numbers had decreased. It was stated that it is very difficult for organizations to know exactly what is happening as they do not have a presence on the border and often learn of these sorts of cases coincidentally. It was added that a file opened up two years ago, regarding a former Turkish soldier who confessed that the soldiers had killed 40 refugees while stationed at the border about 10 years ago. According to the sources, a court case will now proceed.

Representatives from two human rights organizations in Turkey informed about a mayor from Başkale, a town by the border not far from Van, who frequently received dead bodies from the prosecutor's office to bury. Deaths of persons from different nationalities had typically been caused by either freezing during the winter or by gunshot wounds. According to this representative, many refugees were killed by authorities when illegally crossing the border.

6.4.2 Border crossings between Iran /Iraq and Turkey

The Director of Citizenship and Refugee Affairs Department, Ministry of Foreign Affairs, stated that many Kurds living along the border areas with Iraq cross into Iraqi territory in the morning and are back on Iranian soil in the evening. Iranian Kurds do sometimes go to reside in Iraqi Kurdistan, and Iraqi Kurds also come to reside in Iran. They can pass the border without restrictions.

Asked if Kurdish people can move freely across the borders and what kind of documents they have, the Director stressed that Iran is a very large country with long and flexible borders. Relatives live across the borders from each other and businesses are conducted freely. They go back and forth over the borders all the time. Also people in Khorasan and Baluchistan do this; people in these border areas have done this for centuries.

Due to the stricter control of borders between Iran and Turkey, an increasing number of people who enter Turkey illegally seem to prefer crossing into Turkey over the Turkish-Iraqi border, according to Nihat Ali Özcan, TEPAV. The source stated that this border is not prioritized to the same extent as the Turkish-Iranian border and the security measures are not high in standard and therefore ineffective. Iranians can easily travel into the Kurdish areas of northern Iraq and then cross the border into the Kurdish areas in Southeastern Turkey.

The source further informed the delegation that smuggling activities between the mostly Kurdish villages on both sides of the borders of Turkey and Iran as well as Turkey and Iraq are widespread. The most commonly smuggled goods are oil, cigarettes and food. In addition, there is extensive smuggling of drugs and human trafficking. The people on both sides of the border who are involved in smuggling belong to the same tribes, are often related and have common economic interests in such enterprises. Additionally, as locals, they are familiar with the terrain and aware of how to bypass controls that may be in place on the Turkish border. According to the source, the locals know which routes are passable in the different seasons, including during the winter season.

Regarding the controls of the border between Iraq and Turkey during the winter season, the source explained that military check-points were at times vacated due to heavy snow in some of

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the border areas. Living conditions in these areas can be difficult, however, according to the source, people still move across the borders during the winter season.

Nihat Ali Özcan, TEPAV, mentioned that it is generally difficult to control the borders between Iraq and Turkey due to the geographical conditions. It can therefore for the same reason be risky to cross that border. However, the source added that especially the Iran–Iraq border is not subject to efficient state control and therefore easier to pass. According to the source, there is at present an increasing activity of people passing through this route to Turkey.

The source found that there is a growing interest in human trafficking as the economical gains are high and possible punishments for this activity relatively low. When it comes to human trafficking, the city Van is a gathering point. It is typically from Van that further transportation of illegal migrants can be arranged either by smugglers or by other means. It was added that there are many Turkish bus companies that run daily from Van to Istanbul as well as to other parts of Turkey.

Asked about how much it would cost to be smuggled from Iran through Turkey and into Europe, Nihat Ali Özcan stated that he had heard stories involving amounts up to 10,000 USD for being taken to Van.

According to a Western embassy (2) there are (also) reports of smuggling across the border between Iraq and Iran, and reports that smugglers have been shot by the Iranian authorities. The source made reference to a recent report published by International Campaign for Human Rights in Iran about smugglers being killed in the border areas.⁴¹

Another Western embassy (1) doubted the effectiveness of the control at Iran's borders with Iraq.

⁴¹ Report published by the International Campaign for Human Rights in Iran, *Dangerous Borders, Callous Murders: Documenting the Killings of Couriers in Iran's Western Provinces*, August 30, 2012, available at: http://www.iranhumanrights.org/2012/08/couriers_report/ [accessed 7 January 2013]

7. Ethnic Khavaris

7.1 Origin of Khavaris

According to an international organization in Tehran, the word "khavar" means "east" and "Khavari" means "person from the east". The organization stated that ethnically, the Khavaris are a group of people with Afghan Hazara or Barbari origins, mostly Shia Muslim.

Khavaris have historically moved across the borders between Iran and Afghanistan. Issues with regard to nationality for such a group have surfaced at some point when countries started enforcing nationality laws.

The organization further stated that some of the Khavaris are registered as refugees in Iran. Some however, are able to provide evidence of their ancestry in Iran, for example by providing witnesses who can testify to a family's presence in the area. It was considered by the source that documentation of ancestry and roots in Iran would not be heavy on most of these people. It was added that those that can demonstrate Afghani identity and roots can apply for a status of Afghani national via the Afghan embassy [in Iran].

The Director of Citizenship and Refugee Affairs Department, Ministry of Foreign Affairs stressed that from an Iranian point of view, the Khavaris are from Afghanistan. Iran does not consider them to be stateless. Experience has shown that many do have Afghan ID-documents, but attempt to hide this fact and try to obtain Iranian citizenship instead.

The Director could not give any figure of how many Khavari families have been given Iranian nationality. He emphasized that after the first Gulf war (1991) so many people have been living in Iran without proper documentation. This is also the situation in the border areas.

7.2 Documents and Iranian citizenship

Asked about what kind of documents are necessary for Khavaris who want to register and apply for Iranian nationality, the Director of Citizenship and Refugee Affairs Department, Ministry of Foreign Affairs, stressed that the question of who is Iranian is regulated by the Civil Code of Iran. Iran is a country with many ethnic groups, but the issue of nationality has nothing to do with ethnicity, according to the source. Ethnic Armenians for example, have been residing in Iran for hundreds of years. Together with the Jews and Zoroastrians, they are all represented in Parliament and carry Iranian ID cards upon which no reference is made to religion or ethnicity.

The Director stated that Khavaris are no exception to the general rule. Asked if Iran considers the Khavaris an Iranian minority, the source stated that they are basically of Afghan origin. The majority of them carry Afghan ID-documents and are living on the Afghan side of the border. However, it was added that in the course of the Afghan-Soviet war (1979-1989), many moved into Iranian territory.

Asked if it is known how many Khavaris are actually living in Iran, the Director replied that he could not give any exact numbers. He underlined that in general, any individual, including Khavaris, who

are of Iranian origin, should have sufficient documents which can prove that they have Iranian roots.

The Director explained that there are a vast number of people living in Iran without legal documents, especially Afghans. Many might have lived in Iran for up to 30 years. They live and work in Iran, but they also cross the border into Afghanistan from time to time in order to bring money and visit their families. After some time, they return to Iran illegally to find work. He added that Iran, being a Muslim country, has hosted refugees, including Khavaris, for many years.

Asked if Khavaris can become Iranian citizens, the Director replied that if they have documents which prove they are of Iranian origin, they can apply in the usual manner according to current procedures.

The Director stressed that according to the Civil Code, a foreigner who has lived in Iran for five years with authentic documents and visa can apply for citizenship.

Asked how Khavaris without proper documents can prove their Iranian roots, the source informed that if they had a father or a grandfather or great-grandfather on the father's side of the family, they should be able to submit some written documentation to prove it. In case they have no documentation at all, they can approach the authorities through their male relatives. The head of the family may appear in the Family Court to confirm the family relation. If the court approves, Iranian nationality will be granted. It is up to the courts to decide what evidence is sufficient, however many cases have been settled with use of DNA evidence.

The Director emphasized that these procedures do not only apply to Khavaris. All ethnic groups along the border can approach an Iranian Family Court to verify that they are of Iranian origin. Asked what they can actually do if they have no documentation, it was stated that according to their experience, applicants manage to provide evidence if they are eager to do so.

An international organization in Tehran explained that the issues related to Khavaris are not entirely new. Some Khavaris have Amayesh⁴² and are registered as refugees. Some of these persons claim that they are not Afghans and those who are able to demonstrate that they have roots in Iran, were then registered as nationals of Iran. For those who took part in the Iran-Iraq war (1980-1988) on the Iranian side or are married to Iranians, it may be easier to prove connection to, and be registered as Iranian nationals. According to the source the official position from the Iranian government is that if a person can prove his Iranian ancestry, then he or she may be granted status as an Iranian national in accordance with the law.

7.3 Marriage and children

The Director stated that according to the Civil Code, Iranian nationality is based on blood and territory, but mainly on blood. Children with an Iranian father are always considered to be Iranian. This also applies to children born abroad who have never been to Iran and who have a mother with another nationality.

⁴² Amayesh refugee cards are registration cards issued to registered Afghan refugees.

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Asked if marriage to an Iranian national would help Khavaris in obtaining nationality, the Director confirmed that it might help. But he emphasized that the marriage must have taken place in a legal manner and be properly registered according to the law. The entry into Iran should also have been legal. It was explained that even if a couple has married according to Sharia law, the marriage is not valid in Iran without the proper registration.

The Director stated that the Parliament in 2006 passed a law which gave children born in Iran of unregistered marriages the right to apply for Iranian nationality before the age of 18 years old. The purpose of this law is mainly to assist the children; it has nothing to do with one of the parent's legal or illegal residency in Iran. The source added that while Iran has such a law, one must also consider that according to Afghan law, children to an Afghan father are considered Afghan.

Asked if a woman automatically is considered an Iranian when she marries an Iranian man, the Director confirmed that if the marriage is a legal one according to the law, she is automatically considered Iranian. If the marriage is not valid, she is not considered Iranian.

Organizations, authorities and persons consulted

In Tehran, Iran

- **Citizenship and Refugee Affairs Department, Ministry of Foreign Affairs, Iran**
Mr. Saeid Zare, Director
- **Passport and Visa Department, Ministry of Foreign Affairs, Iran**
Mr. Hossein Abdy, Head of Department, Mr. Hashemi, Assistant Head of Department
- **International Organisation for Migration, IOM**
Mr. Abdolreza Samadzadeh, Head of Office, Mr. Mehran Razmehr, Programme Coordinator
- **An international organization based in Tehran**
- **ICRC**
- **A foreigner interacting with Christians in Iran**
- **A source in Iran who is well-informed about Christians**
- **Two Iranian lawyers:**

Both lawyers had criminal law experience and one of them is also a Professor of Law. The lawyers were consulted on various legal matters. Beforehand, the lawyers had stressed that they wished to remain anonymous also vis a vis the delegation and that they wished only to answer questions regarding the law and its technicalities.

- **A well-educated Iranian woman with links to international communities**
- **A Western embassy (1)**
- **A Western embassy (2)**
- **A Western embassy (3)**
- **A Western embassy (4)**
- **A Western embassy (5)**

In Ankara, Turkey

- **Amnesty International, Turkey Section**
Volkan Gorendag, Turkey Refugee Rights Coordinator
- **Elam Ministries**
Golnar Jamieson, Children Ministries Director,
Pastor Kenneth Kühn
An Iranian leader of a home church network, based in Ankara since 2011
- **Embassy of the United States, Ankara,**
Consular officers
- **Human Rights Agenda Association**
Salih Efe, General Secretary in charge of refugee issues
- **International Organisation for Migration, IOM**
- **An international organization based in Ankara**
- **An elder from the International Protestant Church of Ankara**
- **TEPAV, Economic Policy Research Foundation of Turkey**
Nihat Ali Özcan, Ph.D.

In London, UK

- **Amnesty International's International Secretariat (AIIS)**
Ann Harrison, Deputy Director, Middle East and North Africa Programme
Drewery Dyke and Bahareh Davis, East Gulf team of Middle East and North Africa Programme
- **Embassy of the United States, London**
Amy Wilson, First Secretary (Iran watcher)
- **Azad Zamani**
(Lawyer by profession) Chairman and spokesperson of Association of Defense of Political Prisoners and Human Rights in Iran (ADPPHRI) as well as board member of the Association for Defense of Children's Rights in Iran (ADCR). Based in London since 2007.
- **A human rights activist of Kurdish origin based in London since 2007**

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ANNEX 1: TERMS OF REFERENCE

1. Converts to Christianity

- Conversion to Christianity, process and prevalence.
- Possible consequences upon returning to Iran after having converted to Christianity in a foreign country
- The consequences of conversion with regard to the convert's relation to his/her family and social network, and with regard to one's public behaviour.
- The consequences of conversion in relation to the authorities – cases of converts before the court, prevalence of cases of converts punished by law – as well as possible consequences for priests or other persons involved in conversion process
- House churches, structure/organization of house churches and activities, ways of coming in contact with and becoming member of house churches, trends in churches and activities
- Regional differences and differences between urban and rural areas in relation to conversion
- Possession of the Bible

2. Adultery and relations outside marriage

- Prevalence of relations outside marriage in Iran
- Possible alternative settlements for families involved in such relations
- Regional differences and differences between urban and rural areas with regard to such relations
- Case law where evidential criteria required are not met
- Regional differences and differences between urban and rural areas with regard to how cases are handled by the courts

3. Issues concerning persons of Kurdish origin

- Consequences for a person sympathizing with a Kurdish party, particularly KDPI and Komala
- Risks to family members of persons associated with a Kurdish party
- Prevalence of use of written Kurdish political materials, particularly flyers, in the Kurdish area in Iran
- Consequences of carrying, as well as storing of, political materials (type and quality of materials, CDs, flyers, books etc.) in the Kurdish area in Iran
- Return of former Iranian refugees of Northern Iraq to Iran after having lived in Northern Iraq /Al-Tash for a longer period, particularly low-profile KDPI members or family members of KDPI members, including children born in Iraq: the number of returnees; the risk of being arrested upon return to Iran; risk from other agents of persecution.
- Is the Iranian intelligence informed about persons returning from Iraq to Iran

4. Participation in the post-presidential election protests

- Continuous risk of prosecution of low-profile demonstrators
- Punishment for participation in post-presidential election protests
- Number of cases where low-profile protesters are put on trial and the punishments meted out
- Risks to family members
- Prevalence of use of written political materials, particularly flyers, in big cities in Iran
- Would the authorities track down persons who have participated in demonstrations long after the demonstrations took place in order to arrest them? Alternatively, would arrests only take place during the demonstration?

5. Judicial issues

- Legal documents, use of courts orders writ of summons or subpoenas, procedure for issuing summons. Who is able to accept such documents in case the subject in question is not present? Are documents handed over in copies or originals?
- Use of bail (i.e. case type, proportionality, arbitrariness, consequences of departure while free on bail, consequences for the guarantor in case of absence of the accused)
- Prevalence of temporary release on bail for persons serving a sentence in prison (i.e. case type, proportionality, arbitrariness, consequences of departure while free on bail, consequences for the guarantor in case of absence of the accused)
- Occurrence of arrest and imprisonment of family members when a person who is sought out by the authorities is not found at his/her residence

6. Exit and entry procedures

- Security measures and organization in Khomeini international airport
- Possibility of exit through Iran's Khomeini airport using forged documents
- Possibility of leaving the country through bribery of authorities?
- Individuals who are subject to an exit ban, and process of issuance of exit ban
- Legal procedures for issuing passport and exit stamp to married women and their children
- General procedures for issuing of passports to widows, unmarried women, divorced women and men
- Security measures at the Turkish border and possibilities to cross the border illegally during all seasons (incl. winter)

7. Ethnic khavaris and their general living conditions

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ANNEX 2: MAP OF IRAN

