

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: IRN35547
Country: Iran
Date: 2 November 2009

Keywords: Iran – Document fraud – Court summonses – Arrest warrants – Morals crimes - Adultery

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

Please direct these questions to DFAT.

- 1. Can post comment on the ability of individuals in Iran (for example a retired police officer) to obtain official documents, such as warrants and summonses, for illegitimate purposes? How difficult would it be to create a fraudulent template for a summons or arrest warrant?**
- 2. Can post comment on the probability of a first summons being issued by a court two days after the offence is reported in an adultery case? Would the original of a summons to appear in a public court be given by authorities to a relative of the person to whom it was addressed?**
- 3. Can post comment on whether an arrest warrant would normally be issued if the authorities knew the individual was not in Iran? Would the warrant normally be issued thirty days after the individual had failed to appear in response to the first summons?**
- 4. Can post provide updated information on whether an original arrest warrant would normally be handed over to a relative of the person wanted for arrest?**
- 5. Can post comment on whether in Iran in 2009, individuals who have committed “morals” crimes such as adultery are being penalised more harshly by the authorities than in previous years? If so, what is perceived about such individuals that has caused the penalties to be more harshly applied?**

RESPONSE

The following information was received from the Department of Foreign Affairs & Trade (DFAT) on 30 October 2009:

DFAT REPORT: 1069

REPORT RELEASED TO THE MRT/RRT: 30 October 2009

MRT/RRT INFORMATION REQUEST: **IRN35547**

DFAT provides the following responses to the questions contained in MRT/RRT Information Request: **IRN35547**.

In response to this request, we have reviewed publicly available information and discussed the questions raised with an embassy contact in the legal profession in Iran. The answers provided are to the best of the embassy's knowledge.

Questions

A. Can post comment on the ability of individuals in Iran (for example a retired police officer) to obtain official documents, such as warrants and summonses, for illegitimate purposes? How difficult would it be to create a fraudulent template for a summons or arrest warrant?

We are aware of cases where court documents, such as summonses, have been forged. With the right connections it may be possible to obtain documents for illegitimate purposes.

B. Can post comment on the usual time frame, after a complaint is made to the police, for the issue of a first summons by a court in an adultery case? Would the original of a summons to appear in a public court be given by authorities to a relative of the person to whom it was addressed?

Adultery is considered one of the more serious crimes in Iran and complaints related to adultery are given priority in the system. If the person making a complaint was persistent, a summons could be issued immediately. Yes, the original of a summons could be given to relatives of the person to whom it was addressed, if that individual was not available.

C. Can post comment on whether an arrest warrant would normally be issued if the authorities knew the individual was not in Iran? Would the warrant normally be issued thirty days after the individual had failed to appear in response to the first summons?

Yes, an arrest warrant could be issued in the absence of the individual from Iran. The first time an individual fails to appear in court, or send a representative, the court would usually issue a second summons, to give the individual another opportunity to appear. If the individual failed to appear, a verdict could be delivered in the absence of the individual, regardless of whether or not the person was in Iran. It would usually take around one month for this process to be completed.

D. Can post provide updated information on whether an original arrest warrant would normally be handed over to a relative of the person wanted for arrest?

An arrest warrant would not normally be handed over to either the accused or their relatives. When a summons is issued, the Court can also issue a warning that if the individual fails to comply with the summons, an arrest warrant may be issued. That warning could be handed to the individual with the summons.

E. Can post comment on whether in Iran in 2009, individuals who have committed "morals" crimes such as adultery are being penalised more harshly by the authorities than in previous years? If so, what is perceived about such individuals that has caused the penalties to be more harshly applied?

We are not aware of an increase in the harshness of penalties being imposed for those convicted for "moral" crimes such as adultery in 2009 as compared to previous years. However, we do not generally have visibility of these kinds of cases (Department of Foreign Affairs & Trade 2009, *DFAT Report 1069 – MRT/RRT Information Request IRN35547*, 30

October – Attachment 1; for the originating email to DFAT, see: RRT Research & Information 2009, Email to DFAT: ‘RRT Country Information Request IRN35547’, 9 October – Attachment 2).

List of Sources Consulted

Department of Foreign Affairs & Trade

List of Attachments

1. Department of Foreign Affairs & Trade 2009, *DFAT Report 1069 – MRT/RRT Information Request IRN35547*, 30 October.
2. RRT Research & Information 2009, Email to DFAT: ‘RRT Country Information Request IRN35547’, 9 October.