



**Upper Tribunal  
(Immigration and Asylum Chamber)**

PS (Christianity - risk) Iran CG [2020] UKUT 00046 (IAC)

**THE IMMIGRATION ACTS**

**Heard at: Field House  
On the: 13<sup>th</sup> and 14<sup>th</sup> November 2019**

**Before:**

**UPPER TRIBUNAL JUDGE RINTOUL  
UPPER TRIBUNAL JUDGE BRUCE**

**PS (IRAN)  
(ANONYMITY DIRECTION MADE)**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M. Westgate QC and Mr C. Holmes of Counsel instructed  
by Greater Manchester Immigration Aid Unit  
For the Respondent: Mr A. Payne QC of Counsel instructed by the Government  
Legal Department

**COUNTRY GUIDANCE**

1. *This country guidance applies to protection claims from Iranians who claim to have converted from Islam to Christianity.*
2. *Insofar as they relate to non-ethnic Christians, this decision replaces the country guidance decisions in FS and Others (Iran – Christian Converts) Iran CG [2004] UKIAT 00303 and SZ and JM (Christians – FS confirmed) Iran CG [2008] UKAIT 00082 which are no longer to be followed.*

3. *Decision makers should begin by determining whether the claimant has demonstrated that it is reasonably likely that he or she is a Christian. If that burden is discharged the following considerations apply:*
  - i) *A convert to Christianity seeking to openly practice that faith in Iran would face a real risk of persecution.*
  - ii) *If the claimant would in fact conceal his faith, decision-makers should consider why. If any part of the claimant's motivation is a fear of such persecution, the appeal should be allowed.*
  - iii) *If the claimant would choose to conceal his faith purely for other reasons (family pressure, social constraints, personal preference etc) then protection should be refused. The evidence demonstrates that private and solitary worship, within the confines of the home, is possible and would not in general entail a real risk of persecution.*
  
4. *In cases where the claimant is found to be insincere in his or her claimed conversion, there is not a real risk of persecution 'in-country'. There being no reason for such an individual to associate himself with Christians, there is not a real risk that he would come to the adverse attention of the Iranian authorities. Decision-makers must nevertheless consider the possible risks arising at the 'pinch point' of arrival:*
  - i) *All returning failed asylum seekers are subject to questioning on arrival, and this will include questions about why they claimed asylum;*
  - ii) *A returnee who divulges that he claimed to be a Christian is reasonably likely to be transferred for further questioning;*
  - iii) *The returnee can be expected to sign an undertaking renouncing his claimed Christianity. The questioning will therefore in general be short and will not entail a real risk of ill-treatment;*
  - iv) *If there are any reasons why the detention becomes prolonged, the risk of ill-treatment will correspondingly rise. Factors that could result in prolonged detention must be determined on a case by case basis. They could include but are not limited to:*
    - a) *Previous adverse contact with the Iranian security services;*
    - b) *Connection to persons of interest to the Iranian authorities;*
    - c) *Attendance at a church with perceived connection to Iranian house churches;*
    - d) *Overt social media content indicating that the individual concerned has actively promoted Christianity.*

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## ANONYMITY DIRECTION

Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders, we consider it appropriate to make an order in the following terms:

“Unless and until a tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

## DECISION AND REASONS

1. This appeal has been designated as 'country guidance' on Iran so that the Upper Tribunal may address two interrelated questions.
2. First, has the situation in Iran for 'ordinary' converts to Christianity changed since the decision in SZ and JM (Christians - FS confirmed) Iran CG [2008] UKAIT 00082? Second, is there a real risk of persecution for persons who have engaged in Christian activities abroad, regardless of whether such individuals hold a genuine religious belief in Christianity?

3. In respect of the Appellant PS it was the second of these questions that brought his appeal before the Upper Tribunal. Although it is accepted that PS was baptised as a Christian in 2015, and that he has attended church, it is not accepted that he is a genuine adherent of the Christian faith. His conversion was found by the First-tier Tribunal to be a cynical device, deployed in order to obtain international protection to which PS was not otherwise entitled. It was on that basis that the First-tier Tribunal dismissed his appeal. At a hearing in 2018 the Vice President Mr CMG Ockelton upheld that finding, but found that the Tribunal had erred in law in failing to assess whether the Appellant would nevertheless be at risk upon return to Iran, simply by virtue of his ostensibly Christian activities in the United Kingdom, and his decision to rely upon those activities in pursuit of an asylum claim.
4. The hearing was listed before us in February 2019 in order that we could make findings on that aspect of PS's claim. Having reviewed the material provided by the parties at that stage, including an expert report by Mrs Anna Enayat, we indicated that we would find it helpful if we could also be addressed on the current situation in Iran for genuine adherents of Christianity, since we could not sensibly assess the risk faced by PS without knowing whether he would be at risk if he had *actually* converted. It was in this way that the scope of our enquiry expanded to include an analysis of the wider country situation.
5. The guidance on the risk to Christians in Iran has remained constant since November 2004 when FS and Others (Iran – Christian Converts) Iran CG [2004] UKIAT 00303 was promulgated. That guidance, reinforced by the November 2008 decision in SZ and JM (Christians – FS confirmed) Iran CG [2008] UKAIT 00082 is, broadly speaking, as follows:
  - i) A distinction must be drawn between 'ethnic' Christians, that is to say members of ancient established churches such as the Chaldeans, Assyrians and Armenians in Iran and more recent converts to Christianity. Although 'ethnic' Christians do face discrimination and harassment in Iran, and claims must be assessed on a case by case basis, they do not in general terms face a real risk of serious harm; they are tolerated, and officially protected by, the Iranian constitution as *Ahl al-Kitaab* ("people of the book").
  - ii) Christians perceived by the Iranian state to be actively evangelising or proselytising in the Muslim population are, in general terms, at risk of persecution regardless of whether they are deemed to be leaders in the church. Apostasy from Islam is considered a capital crime in Iran and although the death penalty has been sparingly used, individuals found to be encouraging others to abandon Islam would be reasonably likely

to face serious harm including arrest, detention and ill-treatment.

iii) The risk for 'ordinary' Christian converts must be assessed on a case by case basis. There is in general a risk of harassment but not of serious harm. That would only be reasonably likely to occur where the individual had some additional risk factor beyond the bare fact of conversion, for instance gender, ethnicity or political profile. The ordinary convert would generally be able to engage in Christian worship within Iran without facing serious harm.

6. The case for the Secretary of State before us is that the position remains unchanged: the ordinary convert to Christianity would be able to return to Iran without fear of persecution, and would be able to worship without any flagrant restriction on his right to do so. Since PS is not even a genuine Christian, it follows that the risk to him is negligible.
7. The case for PS is that the situation for Christian converts in Iran has markedly deteriorated since 2008, to the extent that ordinary Christians face a real risk of persecution by the state, which consistently portrays them as part of a 'Western' fifth column. It is his case that he will be questioned upon return to Iran, and that during the course of such questioning it will come to light that he claimed asylum on the basis that he had converted to Christianity. This revelation is reasonably likely to result in a transfer for further interrogation which will in turn expose him to a real risk of ill-treatment. It therefore matters not whether or not he is a genuine adherent of the Christian faith.
8. These are the competing arguments that we are asked to address. Before we do so we make two preliminary points.
9. The first is that no part of this decision is intended to replace the existing guidance on 'ethnic' Christians: see paragraph 5(i) above. Protection claims made by members of these communities must continue to be assessed on a case by case basis. The evidence before us, and submissions made, were wholly concerned with the position of those who were regarded as Muslims by the state, but who themselves profess conversion to Christianity. All references herein to 'Christians', unless otherwise specified, must therefore be read to mean 'Christian converts'.
10. That leads to our second point: what we mean by 'Christian convert'. It is not possible to make windows into men's souls. Whether someone is, or is not, a Christian is a matter of fact that is impossible to objectively verify. For example, an individual may pay very little attention to scripture or sermon but might fervently believe that Jesus Christ is the son of God; Christians with a long-held and deep belief can still face a crisis of faith at any given moment. It is no doubt for that reason that the Tribunal in Ali Dorodian v Secretary of State

for the Home Department (01/TH/1537) preferred to focus on the externally observable: “as we have said, it is church membership rather than mere belief, which may lead to risk”. This difficulty means that in this jurisdiction decision makers must rely largely on the observations of others to determine whether someone is, or is not, a ‘genuine’ Christian. A further complexity arises. There is no doubt for many a path to wholehearted belief, with gradations marked by life events and a deepening understanding. At what point along that path an individual might become a ‘Christian’ is not clearly signposted. There is certainly no theological consensus on the matter; baptism is an indicator, but it should not be regarded as determinative. The terminology used in this decision must therefore be read with that caveat in mind. For our purposes we are primarily concerned with those whom the Iranian state regard as ‘Christians’.

### **The Evidence**

11. The parties very helpfully agreed a core bundle of evidence to which we could refer. A complete index of that bundle appears at Annex A of this decision. We have read all of the documents that we have been given, but only those which we found to be particularly helpful or relevant are mentioned herein. These are:
  - i) Two November 2017 reports by the Norwegian Immigration Service information centre ‘Landinfo’ *Iran: Christian converts and house churches (1) – prevalence and conditions for religious practise and Christian converts and house churches (2) – arrests and prosecutions* (‘the Landinfo reports’)
  - ii) Three reports published by the Danish Immigration Service, either alone or in conjunction with the Danish Refugee Council and/or Landinfo: *Iran: House Churches and Converts* (February 2018), *Update on the Situation for Christian Converts in Iran* (June 2014), *On Christian Conversion* (February 2013) (‘the Danish reports’)
  - iii) Two documents jointly authored by several NGOs. The first is the 28 March 2019 *Joint Submission* by Article 18, Christian Solidarity Worldwide and Middle East Concern to the UN Human Rights Council for the Universal Periodic Review (34th session). The second is a collaboration between the same organisations, in addition to Open Doors UK, *Violations of the Rights of Christians in Iran in 2018*. We intend no disrespect to the other organisations involved when we follow the lead of Mrs Enayat in referring to this material as coming from ‘Article 18’
  - iv) The Respondent’s Country Policy and Information Notes *Iran: Christians and Christian Converts* published in May 2019 (‘the 2019 CPIN’) and 2015 (‘the 2015 CPIN’) respectively.

12. We were in addition given expert evidence in the form of a detailed report, and oral evidence, of Mrs Enayat, formerly Senior Associate Member of St Antony's College, Oxford. Mrs Enayat has been recognised as an expert on Iran in several cases before the Tribunal, including SZ and JM, and more recently HB (Kurds) Iran CG [2018] UKUT 00430 (IAC). In her report for this appeal Mrs Enayat has drawn on sources published in English and Farsi, including the work of other academics, radio and television broadcasts, articles published in newspapers and online news sites, legal texts, research conducted by NGOs, human rights organisations, governments and Christian advocacy groups. Mrs Enayat has been paying close attention to the position of Christians in Iran for a number of years, not least because she has twice been called upon to write a comprehensive report for proposed 'country guidance' cases that never came to fruition. The level of detail in her report is a testament to her research over the years, and we have read it all with care. We have not however considered it necessary to summarise or refer to each aspect of Mrs Enayat's evidence: much of the factual content was not contested, and where her conclusions are challenged by the Respondent we have dealt with that dispute in our findings. Whilst we have not accepted every conclusion that Mrs Enayat has reached, we have no hesitation in accepting that she is a highly qualified expert in her field.

### **Findings of Fact**

13. In this section we discuss and make findings on the evidence presented to us thematically, before we give our concluding 'country guidance'.

#### *Christianity in Iran*

14. All of the sources before us indicate that the conversion of Muslims in Iran to Christianity is a growing phenomenon. Disenchantment with Islam (or rather the socially conservative brand of Islam regarded as orthodoxy by the Iranian regime) is identified as one driving factor. As the state has equated itself with Twelver Shi'ism so many Iranians have come to associate the negative aspects of daily life – socio-economic deprivation, political and religious repression – with their traditional faith. They conversely associate the allure of the West – wealth, social and political freedom – with its traditional faith of Christianity. Academics cited by Landinfo point out that such conversions are made more palatable by the fact that there are aspects of Christianity that are theologically compatible with Shi'a belief, such as the preoccupation with martyrdom, and the reverence for Jesus ('Isa). Other studies have identified an emerging narrative of Islam being a colonial import, imposed upon Persia by Arab conquerors. Then there are more cynical motivations. An elder of the Church of Iran told Landinfo that he believes some Iranians seek baptism only in order to facilitate their emigration abroad, in particular to the United States which for a number of years offered a refugee resettlement program for Iranian Christians.
15. That said, there are still no reliable figures on the number of Christian converts, that is to say non-ethnic Christians, living in Iran today. For obvious reasons there is no prospect of their number being confirmed by the Iranian state: as

Mrs Enayat puts it, “they are not enumerated because they have no recognised legal person”. We agree with Mrs Enayat’s assessment – shared by Landinfo – that wherever statistics can be found, they must be viewed with caution. There are several reasons for that.

16. First, they will likely serve the agenda of whomever is producing them. For instance, the huge numbers of converts claimed by various evangelical missions must be viewed in light of the fact that these groups look to sister organisations, primarily in the USA, for funding. The more converts they can claim, the greater the incentive for co-religionists to donate. This dynamic results in some wildly unrealistic figures – for instance we do not regard it as remotely plausible that there are as many as 1 million people secretly practising Christianity in Iran today, a claim made by Elam Ministries.
17. Second, there appears to be no empirical method for calculating the rate of formal conversion. Evangelical satellite television stations may claim millions of viewers, and Christian publishers may know how many Farsi bibles they have produced, but watching a certain channel, or being given a bible, does not make you a Christian. As Mrs Enayat explained, those channels show a variety of programmes including cooking shows and content for children: it is perfectly possible that they have many viewers who have no interest in religion at all. We heard some evidence that calculations had been made on the basis of how many people had used certain online ‘chatrooms’, or called the telephone hotlines of satellite television programmes, but we are not satisfied that these interactions – and the figures extrapolated therefrom – are in any way reliable indicators of actual conversion.
18. Third, nobody seems to have any idea how many Christian converts (as opposed to ethnic Christians) have left Iran. Whilst it should be possible to calculate the number of who have been “resettled” in schemes historically offered by countries such as the USA and Canada, those who have left for neighbouring countries such as Armenia and Turkey are less easy to quantify.
19. Before us Mrs Enayat was questioned extensively about what she believes the true figure to be. She consistently said that she had no idea, but that an educated guess would lead her to accept the US State Department’s “ballpark” figure of 10,000. For the Secretary of State Mr Payne accepted that this may be a good starting point for the lower end of the scale, but suggested that the upper end might be as high as 50,000. We are content to proceed on that basis, but for reasons that will become clear, we do not regard the total figure of converts as especially relevant to our assessment of risk.

#### *The Political Climate*

20. In the recent country guidance case of HB (Kurds) the Tribunal found [at §26] that the human rights situation in Iran could be “taken as read”, so well-documented and uncontested is the evidence that the record of the regime in



that regard is extremely poor. The parties before us were content that we proceed to determine this appeal on the same footing. We need not elaborate save to agree that the general human rights record of the Islamic Republic continues to deteriorate, with Amnesty International reporting over 7000 politically-motivated arrests last year. In the week that we heard this appeal, it was widely reported that well over 100 people had been killed by the security services in quelling protests against cuts to the fuel subsidies that have traditionally kept many Iranians above the poverty line.

21. As to the political climate as it relates specifically to Christians it is Mrs Enayat's analysis that at the time of the Tribunal's decisions in FS (March 2004) and SZ and JM (November 2008) Iranians were enjoying something of a respite from the conservative social policies introduced after the revolution. Under the reformist leadership of President Khatami (1997-2005) Christians - even converts - were generally able to express their faith through collective worship. Although there were some arrests and prosecutions, these were relatively small in number. Mrs Enayat postulates that towards the end of Khatami's government this period of relative *laissez faire* came to an end. Conservative elements gained in strength, culminating in the election of President Ahmadinejad in 2005. This ushered in an era of return to the fundamentalist policies pursued immediately post-1979. The notion of loyalty to the state became increasingly enmeshed with Shi'a identity, so that other groups - Zoroastrians, Baha'ai, Sufis, Christians etc - began to be portrayed as enemies of the state. This became particularly pronounced after the 2009 elections, peaking in 2011. It is Mrs Enayat's belief that this trend continues today, with hardliners within the regime pursuing a narrative of Christianity in Iran being associated with western - or more specifically 'Zionist' - interests.
22. All of the other material before us supports Mrs Enayat's thesis that the Iranian regime has come to identify Christian activity in the country with western, or Israeli/'Zionist', influence. The 2018 Danish report pinpoints the disputed 2009 election as the turning point: "there has been a change in the way the Iranian authorities look at Christians in general. The change started after the green revolution in 2009, as the Christians are perceived to bring ideas of freedom". Landinfo concurs, and suggest that the suspicions of the Iranian state are in fact well-founded, pointing to the close connection between many groups in Iran and western-based Ministries such as Open Doors USA, Elam (whose headquarters are in Sussex) and the Pars Theological Centre in London. Landinfo cite academic research to the effect that house churches are dependent upon support from abroad, and quote a source saying that they would not exist without it. This is one of the reasons why the state rarely prosecutes converts on religious grounds (i.e. apostasy): "organised Christian activity and contact with Christian organisations abroad is instead defined as political activity and as a threat against the country's Islamic identity and national security...consequently, it is the intelligence services that monitor, arrest and interrogate converts, and prosecutions are held before the Revolutionary Court". Landinfo continue:

“The reason why Iranian authorities define the organised house church movement to be a threat against national security, is that they relate the movement’s activities to political opposition activities. House church meetings are conducted in secret, which means that the government can neither control who participates nor what happens in the meetings. The government therefore consider the meetings to be a potential source of opposition activity that can threaten the regime. Furthermore, there is contact between many house churches and foreign communities. This kind of Western connection is perceived by the authorities as suspect, and as a threat to the regime.

Iranian authorities consider Christian missionary work and proliferation of Western and secular values within the country to be an attempt from Western countries, including Israel, to destroy Islam and Iranian culture and undermine its Islamic rule of law...A number of government officials have defined the form of Christianity practised in the house church movement as a deviant and false form of Christianity and house churches as corrupt sects (ICHRI 2013a, p. 24-26). A representative of Elam Ministries pointed out in a lecture about Christian converts (Malta, May 2017) that Iran is a theocracy where apostasy from Islam is not only a religious issue, but also a political one. Apostates (Muslims who leave Islam) are seen as a threat to the regime, and Christians who conduct missions aimed at Muslims are considered possible spies for the West and Israel”.

23. The May 2019 CPIN cites further opinion from the United States’ State Department and others to the effect that the Iranian state views Christian house churches as “Zionist propaganda institutions”.
24. Given the unanimity in the sources we accept that the Iranian state tends today to associate Christian activity with political opposition, and in particular political opposition fuelled by the ‘West’, or by the United States, United Kingdom and Israel in particular. We further accept that this trend has become markedly more pronounced since approximately 2008/2009, and that this has been a feature of a worsening political climate for Christians – and minority faiths in general – in Iran.
25. It is against that general political landscape that we consider the evidence on the law as it is used against Christians in Iran today.

#### *Conversion as a crime*

26. As a matter of Iranian law an individual who turns away from Islam - to another faith or simply atheism - has committed the crime of *ertedad*, or apostasy. It is a crime which can draw, and has drawn, the ultimate punishment of execution. Mrs Enayat and Landinfo both explain that although this is not a crime to be found in the penal code it is regarded as law because paragraph 167 of the Constitution stipulates that in cases where an issue is not covered by the

codified law, the judge shall apply traditional Islamic law. In his work *Tahrir Al-Vasileh* Ayatollah Khomeini prescribed the death penalty for apostasy in his legal deliberations, and his opinion is regarded as a source of law in Iran.

27. That authoritative source of law notwithstanding, it does not appear to be a charge that has been used with great frequency. Landinfo accept the evidence of the International Campaign for Human Rights in Iran that there have been only three recorded instances of convictions for *ertedad* since 1979: Hossein Soodmand who was executed in prison in 1990, Mehdi Dibaj who was killed after his release in 1994, and Yousef Naderkhani whose death sentence was eventually converted to a lengthy prison sentence in 2012.
28. Mrs Enayat postulates that there may be three reasons for the very low rate of apostasy convictions. First because the Iranian regime is conscious of the international outcry that will inevitably ensue should a sentence for apostasy be handed down by the courts. Second it is unnecessary: there are plenty of other legal avenues by which Christian converts can be prosecuted. Third, because at least in the period up to 2005 the campaign against conversion was led extra-judicially by agents of the Ministry of Intelligence who used intimidation and detention without charge as a means of breaking up house churches.
29. Whilst Mrs Enayat agrees that formal convictions have been extremely rare, she stresses in her report that these three cases are not the complete picture. Apostasy charges have also been used retrospectively to justify extra-judicial execution, and prospectively as means to intimidate detainees:

“In fact, apostasy charges have been used in a wide variety of contexts since 1979 including leftist prisoners executed for their atheism in the 1988 prison massacres and non-conformist Muslims as well as converts to Christianity in the early 1990s. Between 2008 and 2011 there was a marked increase in the number of legal proceedings for apostasy conducted against converts to Christianity...”

30. Other sources also stress that the notion of *ertedad* does remain very relevant for converts to Christianity in that it hangs over them, and will often be used as a threat during interrogations. Landinfo cite research documenting several cases where the charge is mentioned at preliminary court hearings, only to disappear from the final indictment. It can therefore be used as a means of putting pressure on the detainee. Mrs Enayat adds:

“Iranians of a Muslim background who convert to Christianity or any other religion are viewed as apostates (*mortad*) and as such are subject to harsh treatment while in the custody of the authorities. If a conversion to Christianity is known of, any brush with the authorities (whether Revolutionary Guard, Basij, ordinary police, security authorities, judiciary), for whatever reason (even a motoring offence), will put them at risk of harsh and discriminatory treatment”.

31. In respect of the alternative charges that can be used against Christians Mrs Enayat highlights Article 513 of book 5 of the Penal Code. This reads:

“Anyone who insults the holy precepts of Islam or one of the prophets or imams or the Prophet Mohammad will be executed if the insult can be considered a *sabb al-Nabi* [sacrilege/ blasphemy]; otherwise they will be sentenced to a term of 1-5 years imprisonment.”
32. It will be noted that what might constitute an “insult to religion” remains undefined. Mrs Enayat states that it is for this reason that this Article has been used to prosecute a wide variety of acts, religious and otherwise. A recent example is that of Amin Afshar-Naderi who in early July 2017 was sentenced alongside four others of “acting against national security by organising and conducting house-churches”. Each of the accused received a 10-year sentence. Mr Afshar-Naderi was however given an additional five years under Article 513 for “insulting the sacred” for a comical Facebook post he shared that adopted a Quranic writing style about the sharp rise in the price of chicken in Iran.
33. Other examples of prosecutions under Article 513 illustrate its wide remit, and how it is used to effectively stifle dissent. In 2000 newspaper publisher Latif Safari got 30 months because of two articles criticising capital punishment. In 2002 academic Professor Hashem Aghajari was sentenced to death (later commuted to five years in prison after widespread protest) for giving a lecture in which he advocated a reformist interpretation of Islam. In 2012 human rights activist Yousef Pourseifi received a two-year sentence for ‘blasphemy’ because he posted an article about *sigheh* (temporary marriage) and the status of women, and in 2010 Said Malekpour an Iranian-Canadian website designer was sentenced to death for various charges including those brought under Article 513. Mr Malekpour’s crime was alleged to be the development of photosharing tools that were utilised by online pornographers.
34. An alternative route to prosecution is Article 498 of book 5 of the Penal Code. This Article prescribes prison sentences of between 2 and 10 years for anyone who establishes or leads an organisation or group whose purpose is to “interfere with or damage Iran’s security”, and so it is, Landinfo believe, often used against those accused of being house church ‘leaders’. Mrs Enayat writes that the increased use of this provision has emerged in tandem with government propaganda efforts to portray converts to Christianity as political activists functioning as agents of the West. In the evidence we have on prosecutions it is this, and other ‘anti-organisation’ provisions, which feature heavily in the reports.
35. Having had regard to the evidence we are satisfied that apostasy (*ertedad*) charges are very rarely pursued through to actual prosecution. In the vast majority of cases where individuals are brought to court it is to face alternative, lesser, charges. Apostasy – a capital offence – nevertheless remains a potent

tool for interrogation, a threat that is frequently used against detainees in the course of questioning.

*Restriction and Control*

36. For a period after the revolution, until around 2005-2006, Christians were permitted to openly worship at established churches. This applied not only to the 'ethnic' Christians such as the Armenians but to Persian-speaking Iranians who had converted as a result of Western missionary activities before the establishment of the Islamic Republic in 1979, their descendants and a relatively small number of new converts. Thus, at the time of FS [2004], the Tribunal was primarily concerned with the state's intimidation of churchgoers, and the fact that it permitted no new churches to be built. There were periodic crackdowns and church closures, but it is Mrs Enayat's evidence that this space to freely worship has become increasingly confined. She writes that since 2003 the Iranian government has actively pursued a strategy of restricting Christian assembly through the closure of official church premises, a policy that climaxed in the years immediately following SZ & JM [2008]. Of these Persian-speaking Protestant churches she writes:

"Between March 2009 and December 2014 all were either completely closed down or isolated by putting them under the direct supervision of a member of the security forces...The priesthood/leadership of all these churches was simultaneously systematically persecuted (through arrests, threats or continual harassment), forbidden contact with their congregation, and in several cases forced into exile (i.e. explicitly confronted with the option of exile, imprisonment and/or serial harassment)"

37. Article 18 agree with this analysis, and highlight a ban of the use of Farsi in Christian services as the mechanism by which the security services were able to enforce the policy. Landinfo report that it is not possible to say with certainty how many Persian-language protestant churches are still officially operating in Iran, but they have been informed by Elam Ministries that it is only three: one in Shiraz, one in Tehran and one in Isfahan. Elam state that it is well known that these are under close scrutiny of the Ministry of Intelligence (MOIS); this involves agents in attendance during services, CCTV monitoring and official access to church records. These churches are only permitted to continue so that the authorities can claim there to be religious freedom in Iran. Because of the high level of surveillance and control, Persian speaking converts would find it extremely difficult to join one of these churches: their pastors, and congregation, are well aware that to permit new converts to join them would mean a risk, at the very least, of the church being closed down entirely.
38. In light of the consistency in the sources we accept and find that the Iranian authorities have, over the past decade, effectively restricted Christian converts from engaging in open collective worship, by pursuing a policy of church closures.

39. The result of the church closures, explain Landinfo, is that Christian worship is now conducted almost exclusively in private. That is done in one of two ways.
40. The first is that it remains open to individuals to access Christian content through satellite television stations, websites, WhatsApp or other social media. For these individuals, who choose not to join a house church, their interest, or faith, is a solitary affair. The sources we were referred to all acknowledge that there may be a good number of these people, but there is no reliable method of counting their number. Mrs Enayat agreed that the prospect of such converts encountering difficulties with the Iranian state would be minimal. They will routinely use VPNs to obscure their IP address when using the internet and will be extremely cautious about discussing their faith outside their homes or on the telephone. Although the Iranian government have attempted to disrupt the use of such technologies – for instance by banning the popular encrypted messaging service ‘Telegram’ in 2018 – this has been with limited success. The chance of such isolated ‘hidden believers’ coming to the attention of the security services through online surveillance is therefore small. The risk from viewing evangelical television channels is similarly low: from outside the home it is impossible to tell what programmes have been watched, and the ‘box’ inside the home would only reveal the last hour of content. Mrs Enayat thought it likely that anyone watching a Christian broadcast would be sure to ‘wipe’ his or her box immediately after viewing. To the extent that this private interaction through technology could be considered to be Christian worship, the sources agreed that these converts are by and large able to engage in it without any difficulty.
41. We should add that detection of these ‘hidden believers’ is not impossible. As the Danish report acknowledges, Amnesty International, Middle East Concern and others have pointed out that a conversion might be revealed by default. If the convert does not participate in the many normal social and cultural activities associated with Islam he or she may draw the unwanted attention of neighbours, family or the wider community, who may in turn inform the authorities of their suspicions. They are compelled, by social convention and expectation, to act in a certain way. As Middle East Concern told Danish researchers:

“it does not make sense to talk of the concept ‘silent Christians’. People who are Christians are forced to educate their children in a Muslim way, and to change or lie about their religious identity. You cannot just be low-profiled but would have to act against your faith in so many ways; you would have to lie about your religion e.g. on job-applications, school-registration etc. where you are always asked about your faith and religion. You would have to celebrate Eid and other Muslim traditions, like going to the Mosque at burials. Otherwise it would be very odd. Islam is a community-religion integrated into the Iranian culture, so even if the major part of the Iranian population is not very religious, many customs and traditions in the country are Muslim. It would be noticed if you do not

participate, and you would easily be stigmatized. If you die a Christian, you would not be able to get a Christian burial”.

42. We accept that this is no doubt so. It has long been accepted that Christians face entrenched discrimination in Iran in matters of their personal status, and that such discrimination operates to deny them the opportunity to express their faith in all aspects of their public lives. This discrimination is to be abhorred but we remain to be satisfied that it interferes with the core right of this particular group of Christians to practise their faith in a manner acceptable to them. We were shown little evidence, for instance, of the Iranian authorities raiding the homes of such individuals. As we shall see, the evidence on arrests and prosecution overwhelmingly relates to persons who are part of a *group*. That leads us to consider the measures that the state has taken against the second means of worship open to Christians in Iran today: the house churches.
43. House churches have existed as a phenomenon in Iran since the early 2000s. Landinfo explain that these small private congregations initially consisted of ethnic Iranians who had been converted by friends or relatives, or by an evangelist message brought directly into their homes by satellite television or the internet. As the Protestant denominations such as the Assembly of God faced church closure and restriction, their members were forced underground to join those already worshipping in private homes. In her written report Mrs Enayat gives a detailed survey of this process, but for our purposes she and Landinfo are in agreement that the different waves of converts, and different denominations of Farsi-speaking Christians, are now all compelled to worship in the same covert manner. Because they are clandestine organisations it has never been possible to say how many house churches are operating at any one time in Iran.
44. Mrs Enayat believes that the average house church has a membership of between 5 and 12; they operate as a secret, cell-like structure, with members often deliberately ignorant of the composition of other groups. They consider themselves to be under constant threat of closure, disruption and arrest. Members will vary venues, and turn off mobile telephones, when they set off for a meeting, so as to avoid detection. Seeking to keep ‘under the radar’ congregations will break up if they become too large or have met too often. An informant to the Danish report stated that it is rare for any one group to remain intact for more than two years. There are fears of infiltration by the Ministry of Intelligence and so precautions would be taken before new members are admitted. There was evidence before us to indicate that such subjective fears are objectively well-founded.
45. Infiltration and undercover intelligence gathering are reported to be widespread. A number of organisations including Article 18, the Danish Immigration Service and ICHRI confirm that as part of the state’s ‘open monitoring’, pastors of house churches and the recognised churches have told them of being approached by officials from the Ministry of Intelligence who demand that they share information about their congregations. This runs in

tandem with 'covert monitoring', where the security services make extensive use of informers to infiltrate house church congregations as ordinary members for the specific purpose of reporting back on those present. These may be people who are already members of the congregation who are picked up and pressured, or they may be spies deliberately planted. Family members who work for the state are encouraged to inform upon family members who are attending house church, and their social status would be affected by failure to do so. Neighbours who see unusual activity around a property are another source of information.

46. Article 18 identify five means by which the convert community, even those who keep a low profile, are scrutinised by the security services. Firstly, the authorities keep close watch on the families or associates of those already known to have converted. Following an arrest, family members are often summoned to security offices for interrogation and are at risk of arrest themselves. Secondly, the security forces are known to target places where Christian converts meet for worship. Such raids have become routine and physical abuse is commonplace. Thirdly, the security forces are known to monitor correspondence, telephone communication and internet activity to identify converts and those assisting them. Fourthly, the security forces routinely seek to extract information from known converts about other converts. During interrogation, detainees are put under pressure to name all the Christian converts they know. Fifthly, converts are sometimes detected during routine searches in which incriminating documents or materials are uncovered.
47. In 2013 the International Campaign for Human Rights in Iran (ICHRI) interviewed a number of Christians who had been released from detention. Mrs Enayat writes that in the course of these interviews it became clear to the researchers that the security services "knew information about the detainees which can only have been gleaned from wire-taps, street surveillance or monitoring online activity". It is believed that there is widespread monitoring of telecommunications and electronic communication. A source to the Danish report stated that certain phrases - "church", "Jesus", "Christian" and "baptism" - serve as keywords to trigger phone tapping. Whilst the Danish report questions the extent of the surveillance operation by the Iranian security services it also acknowledges that whatever its reach it has an obvious chilling effect on the way that people behave:

"It is unknown to what extent the Iranian authorities have the capacity to monitor everybody. The authorities do not monitor everyone all the time; what the authorities want is to create a fear among people that they are being monitored all the time, a source highlighted"

48. Given all of that, it is perhaps unsurprising to find reference in the evidence to Christians finding it difficult to locate and join a house church. Mrs Enayat for instance cites a Turkish newspaper interview with a convert identified as 'Amiri' who said that he had converted in 2000 after watching satellite television programmes and then spent the next nine years trying to join a house



church in the “closed” atmosphere of Isfahan and Tehran. The evangelising mission of these groups – and the evidence that rates of conversion are increasing – must be read in this context: where house church members recruit friends or family members, they do so at great personal risk of discovery.

49. Once an operational house church has been identified, there is a risk of raid and closure: that this is so is apparent from the incidence of reported arrests that are made at ‘private gatherings’ (to which we return below). The parties agree that the rate of such raids has fluctuated over the past ten years. There were for instance a great number of house churches broken up by the authorities between 2008-2012, particularly between March 2010 and March 2011; there was another spike of activity in the summer of 2016 and again in December 2018. Why that should be so is hard to know. One unidentified source in an unidentified ‘Western embassy’ told the Danish researchers that the regime gave the house churches “space to operate”. Whilst we do not doubt that there are house churches subsisting ‘under the radar’ the notion that they do so with the acquiescence of the security services would appear to be at odds with the overt hostility of the regime (as articulated in speeches etc), the record of actual raids and arrests, and the law. Another explanation for why house churches continue to survive is that the Iranian state simply lacks the resources to close them all down at once. We accept that the security services are likely to concentrate on those house churches that are perceived to be growing, or those connected with known leaders, whilst keeping groups of less immediate interest under pressure, and observation. That interpretation is consonant with the view expressed by Mrs Enayat, that the periods of quiet can be attributed to the success of the operations that preceded them.
50. When a raid does take place, Mrs Enayat writes that the authorities may simply arrest the perceived leaders – the pastor, the organiser of the meeting and perhaps the occupier of the house offered for meetings. Alternatively, they may arrest everybody present at the gathering, which is after all, illegal.
51. Some of those arrested are held for weeks or months at a time before being bailed to appear in court at a later date. We consider the evidence relating to this group below, but here we consider the evidence about the wider practice of what might be termed ‘disruptive detention’. The sources before us all indicate that the majority of arrests follow this pattern: a Christian convert is apprehended either at, or on their way to or from, a meeting. The individual is taken to the police station and questioned. They are threatened and intimidated, then told that they must sign an undertaking before they can be released. The 2019 CPIN suggests that these undertakings consist of a promise to desist from proselytizing but Mrs Enayat is of the view that they are typically much wider in scope: “every account I have seen of these undertakings requires that they stay away from ‘Christian activity’ including, explicitly, Christian gatherings”. Her view is supported by Landinfo and the findings of the Danish report, which describe the demand to stop all Christian activity,

including attendance at house church, as “standard procedure”. One source cited in the Danish report said this:

“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”.

52. Mrs Enayat opines that refusal to sign such an undertaking would give rise to a risk of ill-treatment and much longer detention. One example she gives is that of the Behrooz family:

“Maria, Stephen, and Ehsan Behrooz, three of a group of 15 converts arrested while travelling to a Christian meeting in Bojnurd nr Mashhad on 28 July 2010 were detained for more than three months having refused to give in to demands that they recant. Legal proceedings were initiated and apostasy charges threatened. Ehsan Behrouz was released on bail amounting to \$80,000 dollars on 10 October. A year later he was re-arrested on 7 November 2011 for unknown reasons (he had reportedly been keeping a very low profile), held incommunicado in solitary confinement for 105 days, and again released without trial”

53. Given that the purpose of such pressure is to disrupt organised Christian activity it is in our view hardly surprising that the security services will refuse to take no for an answer. Otherwise it is difficult to see what the point of the arrest would have been. We are satisfied, and we did not understand the Secretary of State to disagree, that refusal to sign such an undertaking would give rise to a real risk of prolonged detention and the attendant risk of ill-treatment.
54. Conversely, where the individual does make such a confession, the evidence indicates that he or she will normally be released quite quickly. Mrs Enayat believes that most such detentions last between anything from a few hours to a week: she thinks it common that the period would be something less than 24 hours. If he or she abides by the promises made, i.e. returning to Islam and abandoning Christian practice, it may be that no further difficulties will follow. Whilst Mrs Enayat agrees that this is common pattern she, and the Danish report, caution that this is not the rule: there have been cases where the subject

has been quickly released but is subsequently brought back to court and sentenced under one of the many provisions routinely deployed against Christian converts.

55. Having had regard to the consistent evidence before us we are satisfied that the 'undertakings' that Christian detainees are required to sign in order to secure their release will typically consist of a confession to having participated in Christian activities, membership of an illegal organisation and a promise to return to Islam; there appears to be frequent mention of complicity with 'Western' or 'Zionist' interests. If the document is signed, the individual will normally be released within 24 hours, although there is a possibility of being summonsed back to court for sentencing at a later date. Mr Payne accepted that where such an undertaking had been signed, it would certainly amount to an "aggravating factor" should the individual be arrested again. We agree. Given the consequences that we know will follow a refusal to sign, it must logically be the case that the authorities would take an equally dim view of those who fail to comply with an undertaking once made. We are satisfied that it is reasonably likely to lead to a far longer detention, ill-treatment and potential prosecution.
56. We note that there is one further method employed by the authorities to restrict and control the behaviour of Christian converts. The sources all make reference to the risk of "ordinary house church members...being called in for interrogation on a regular basis as the authorities want to harass and intimidate them" (the 2018 Danish report). The use of the word 'regular' does not give us much of an idea as to how frequently this tactic is used. Mrs Enayat explained that she expressly excluded such interrogation sessions from her statistics on arrests because these incidents, which may only last a couple of hours, very often go unreported. They may involve the signing, or enforcement, of an undertaking.
57. Finally, we acknowledge the suggestion by numerous sources for the Landinfo report (Christians in Parliament, the Danish Immigration Service, Article 18, an academic, church leaders) that the tactic of letting Christian suspects go after such intimidatory detention or questioning is a deliberate ploy to get rid of them: Christians reported being told by interrogators - and in one case a judge who granted bail - that they were being released so that they could leave the country.

#### *Arrests, detention & prosecution*

58. The parties are in agreement that Christians in Iran can face arrest, prosecution and imprisonment for reasons of their religious belief. As to who those Christians might be, in what circumstances they would risk arrest, and the consequences thereof, there is significant dispute. Before we set out our assessment of the evidence, it is important that we make some preliminary observations.

59. First, we note that there is a discernible circularity in the reporting of such matters. A specific raid by the security services may be reported by five different agencies but that does not mean that each report constitutes independent evidence of it having occurred. Many of the experts, academics, government agencies and NGOs reporting on Iran do so from the disadvantage that they cannot, or will not, actually enter the country. Thus, they come to rely on each other for information. With that in mind we have given greater weight to those reports which give significant levels of detail, and have borne in mind the danger of double-counting in our evaluation of global figures presented in the sources.
60. Second, we accept that it is likely that the individuals named as having been arrested in the various reports before us are not the only Christians subject to arrest in Iran. It is clear that many, if not all, investigations into individuals are conducted under the pretext of some vaguely worded provision (such as Article 513) or politically-themed charges. Any religious motivation for the arrests can thereby be masked. Further we know that many Christians in Iran are worshipping in private, or in very small informal circles. If these individuals are arrested or otherwise harassed it is plausible that this will not come to the attention of the wider Christian community, or human rights organisations. We further note the point made by a Pastor to Landinfo researchers: often detainees are threatened and told by the authorities to keep their arrest quiet. People are afraid for themselves, and their families. There are therefore arrests which are deliberately omitted from the statistics. Mrs Enayat stressed that there is very often a distinct time lag between events occurring on the ground and actually being reported. This can be because the victim of persecution waits until they are safely out of Iran before they tell anyone, or simply because the incident has not yet come to the attention of the reporting agencies. Although this historical problem may be increasingly mitigated by the use of the internet within Iran, we were asked to view what information we have for the recent past with some caution, bearing in mind Mrs Enayat's view that it is very likely that news of some incidents is yet to emerge.
61. Third, many of the sources use different time frames, and conflate the terminology, so that it is very difficult for a clear picture to emerge. For instance, the UN Special Rapporteur on Human Rights in Iran has stated that between June 2010 and September 2012 there were at least 300 arrests; it is impossible to know how many of these can be carried over into the statistics produced by American Christian group USCIRF when they say that "as of" December 2013 there were 158 Christians "imprisoned, arrested or were awaiting trial". We came across reports of trials and convictions where the original arrest does not appear to have been reported at all: Landinfo make the point that legal terms such as arrest, imprisonment, indictment, accusation and prosecution are not always used consistently by the various sources, nor will they always be accurately translated from the Farsi.

62. This leads to a further issue. Under cross examination by Mr Payne, Mrs Enayat acknowledged that she herself had adopted inconsistent methodologies in her various reports over the years. In the opening remarks of her report she seeks to contrast the number of Christians arrested in the four years immediately preceding the appeal in SZ & JM, a figure she gives as 65, with the number arrested in the four years immediately following that decision, which she calculated to be 505. In reaching the earlier, smaller figure she had deliberately excluded any period of questioning or detention of less than 24 hours; in the latter, larger figure arrests leading to detention of less than a day had been included, and in fact amounted to about half of that total.
63. Finally, we note that there is some danger of the figures being inflated by the practice of the Iranian security services of subjecting targets to multiple arrests. Often an individual will be arrested, detained, released on bail, only to be arrested some time later before being brought to trial. Other committed Christians appear in the literature having been repeatedly arrested and imprisoned over many years. Whilst this increases the overall number of incidents, it does not increase the overall number of Christians suffering persecution.
64. With those observations in mind, we address the evidence before us. We summarise the evidence in respect of the period 2008-2015 before looking in greater depth at events over the past five years. We have sought to look not simply at the headline figures of those arrested, but to examine in greater detail the surrounding circumstances of those arrests, whether prosecutions have ensued, and how long detentions have lasted for.
65. We begin by recording the agreement between the parties that there was a discernible spike in the number of arrests in 2008-2012, the years covering the 'green movement' uprising and its aftermath. Of this period Mrs Enayat considers it clear that the Iranian regime was pursuing a "policy of destroying the fabric of organized religious activity among Persian speaking converts from Islam". The wave of arrests peaked in the Iranian year 1390 (March 2010-March 11) with at least 232 arrests reported in that period. This campaign ran in parallel to the state's systematic closure of the established churches (see above) and the targeted dismantling of the house church network that tried to take their place. As to how dramatic the spike was, there is some dispute between the parties: we mention above Mrs Enayat's failure to use a consistent methodology in compiling her figures. Even so, there was a clear rise in arrests. Mrs Enayat's total for the years 2008-2012 is 505; she estimates that half of those were short term (i.e. approximately 24 hours long). Even if we exclude these, that is still a marked increase in the use of arrest as a means of repression.
66. In 2013 the reformist government of President Rouhani came to power. Although Mrs Enayat agrees that the Christian community then enjoyed some respite from the high degree of scrutiny that it had attracted under Ahmadinejad, she believes that in fact the underlying policy did not change.

There may have been a decrease in arrests, but she interprets this as simply a fluctuation, reflecting the fact that the earlier campaign of church closures had been so successful. We were referred to the conclusions of the UN Special Rapporteur in respect of 2013-14 (quoted in a CPIN in December 2014):

“At least 49 Christians were reportedly being detained in the Islamic Republic of Iran as at January 2014. In 2013 alone, the authorities reportedly arrested at least 42 Christians, of whom 35 were convicted for participation in informal “house churches”, association with churches outside the Islamic Republic of Iran, perceived or real evangelical activity and other standard Christian activities. Sentences range from 1 to 10 years of imprisonment. The Christians most commonly prosecuted appear to be converts from Muslim backgrounds or those that proselytize or minister to Iranian Muslims. Iranian authorities at the highest levels have designated house churches and evangelical Christians as threats to national security”.

67. The next report of the Special Rapporteur (2 March 2015) found that the total of reported detentions – of longer than 24 hours – in 2014 had been 69. As of 1 January 2015, at least 92 Christians remained in detention.
68. For the year 2016 Mrs Enayat was content to accept the analysis offered at 8.2.14 of the 2019 CPIN:

“Christian World Watch Monitor reported on the arrest or imprisonment of at least 193 Christians for their religious affiliation or activities in 2016. Authorities continued to arrest members of unrecognized churches for operating illegally in private homes or on charges of supporting and accepting assistance from “enemy” countries. Many arrests reportedly took place during police raids on religious gatherings and included confiscations of religious property. News reports stated that Christians who were arrested were subject to severe physical and psychological mistreatment by authorities, which at times included beatings and solitary confinement”.

69. In order to examine the figure of 193 in greater detail Mrs Enayat looked to a joint statement issued by 19 human rights organisations and published in November 2016 by the Hrana News Agency. This reported that many of those arrests took place during the summer, with groups of Christians being targeted at seemingly innocuous events such as family picnics:

“Between May and August 2016, in locations across Iran, security forces arrested a total of 79 Christians, according to informed sources, family members, and friends. The majority of those arrested were interrogated and detained for periods ranging from a few days to months. At the time of writing, some of these 79 Christians remain in detention and have still not been formally charged. Rights groups believe the true number of Christians apprehended by the authorities could be notably higher, as many arrests would have gone unreported”.

70. In their analysis of the 2016 figures Landinfo focus on two particular events reported by 'Human Rights Without Frontiers'. The first was a series of raids on house churches that took place in the city of Rasht in May. Of the four individuals named as having been detained, Pastor Naderkhani was the most prominent. He had gained international recognition after he was sentenced to death for apostasy in 2011: it is perhaps for that reason that he was quickly released, being bailed the same day. The three arrested with him, Mohammadreza Omid, Yasser Mossayebzadeh and Saheb Fadaie, were held for between 2 to 3 weeks before being bailed for \$33,000. They were all brought to trial in June 2017 and sentenced to 10 years in prison, plus 80 lashes for drinking communion wine. Although the charges against them included familiar accusations such as "conspiracy against national security" they were also accused of accepting British funds. Landinfo describes these three as being members of Naderkhani's house church:

"The three other church members who were arrested together with him are not particularly well-known names, and little has been written about them in English-language media. Therefore, it is unclear which type of activity and what type of roles they have had in Naderkhani's house church. However, a CSW news report states that all three men were briefly arrested during a similar raid in February 2015. Omid was imprisoned the first time during a raid against the house churches in December 2012. In 2013, he was one of four Christians who were sentenced to 80 lashes for drinking alcohol during communion."

71. The second incident occurred on the 26<sup>th</sup> August 2016 when 17 Christians, mainly converts, were arrested at a picnic in a private garden in Firouzkouh. Five individuals arrested that day are named in the sources. Two, Hadi Asgari and Amin Afshar Naderi, are described as house church leaders: they were sentenced respectively to 10 and 15 years in prison although by mid-2017 both had been released on bail pending appeal. One, Ramil Bet-Tamraz, was not a convert but an Assyrian: it is however worth noting that he had once before been arrested for attending a house church (in December 2014) and that he remained in custody for at least two months before being released on bail pending his trial, at which he was eventually sentenced to ten years in prison. The fourth man was Amir Saman Dashti who spent three months in Evin before he was bailed on charges including "having a non-Islamic party". We note that in her commentary on his case Mrs Enayat describes Amir Dashti as a young convert who had never been arrested before. He was eventually sentenced to four months in prison but on what basis it is unclear. The last man was Mohammad Dehnavi, of whom nothing is known bar that he was kept in Evin prison for some three months before he was released. Landinfo comment that he "appears to be an example of an arrested convert without a known profile. Because sources hardly mention him, it indicates that he had less visible activity".

72. In their 2017 Report on International Religious Freedom the US State Department contend that in that year "Christians, particularly evangelicals and

converts from Islam, continued to experience disproportionate levels of arrests and detention, and high levels of harassment and surveillance". Similar conclusions are drawn by Article 18. The actual figure of those detained is however difficult to gauge. The 2018 CPIN quotes Open Doors UK who give a figure of 52 arrests throughout the year. If that is correct, we have not been given the particulars of all of those incidents. The material before us gives the detail of 2 people arrested in February (Landinfo), 1 in May (Mrs Enayat), 10 in July (in two separate incidents reported by Mrs Enayat and the Danish report), 3 in November (Mrs Enayat and Article 18) and 7 in December ("Christians in Chains" article and US State Department): a total of only 23. Whatever the true number there is a clear decrease from 2016. That said we note that in each of those identified cases those arrested were spending months, rather than days, in detention. Whether in pre-trial detention or upon conviction, the individuals mentioned in the reports spent between several months and 5 years in prison. 2017 is also notable for the series of high-profile convictions of Christians who had been arrested in previous years. The US State Department identifies one particular judge of the Revolutionary Court in Tehran as having taken a particularly hard line. In June and July of 2017 Judge Ahmadzadeh presided over three separate trials in which he handed down sentences of between 10 and 15 years to 12 men, convicted on charges such as "assembly and collusion against the state" and "Christian Zionism".

73. As to the profile of those arrested during 2017, we find three individuals of particular interest. Fatemeh Bakhteri, arrested in May at her home in Rasht is identified as being the organiser of the house church held on the premises; Saroush Saraie arrested in Shiraz in July has a relatively high profile, having been arrested a number of times before; Mrs Enayat believes that Majidreza Souzanchi Kushani, detained in Tehran in November, "may have been the leader of the house church". Other than that, there is no suggestion that the remaining individuals arrested were in leadership roles in any church.
74. Landinfo report that Anousheh Reza-Bakhsh and Soheil Zagarzadeh Sani, arrested in Urmia in February, were a mother and son arrested in their home. It is unclear what they are accused of, but neither had been arrested before. Middle East Concern reported that the two had been baptised in Istanbul in August 2016, and that they had returned to Iran where they continued to read and learn about the Christian faith. When Mohabat News reported on their case some 3½ months after their arrest, "their fate was uncertain". Fatimeh Mohammadi, arrested in November 2017, was a nineteen-year-old student detained during a raid on a house church. She spent six months in Evin. Of her case Mrs Enayat comments: "it is striking that she was accused not of evangelism but of "membership in evangelical groups" (*ow z viat dar grouha-ye t abas har i*), and "engaging in Christian activity" (*fa'aliat-e massihiat*)" as well as "actions against national security through propaganda against the system". Finally, no information is available about the group of nine Catholic converts arrested in a park in Tehran other than that contained in the 2018 Danish report: that at least five were held for interrogation, two of whom fled the country



upon their release. The other three remained in detention when the report was published in February 2018.

75. Amnesty International designated 2018 as 'Iran's Year of Shame', stating that the organisation is aware of at least 171 Christians being detained by the end of the year. The majority of these arrests are said to have taken place in a series of raids in December, when as many as 150 people were detained. Whilst that assertion was not directly disputed by the Respondent, we note that the 2019 CPIN cast some doubt on the provenance of those reports. Mrs Enayat therefore explains in detail the source of the information on the December arrests. The original report appeared on the website of the semi-official Mehr news agency on the 1<sup>st</sup> December:

"An evangelical network linked to the current of Zionist Christianity has been dealt with. Some of its members have been identified and a number arrested. Besides domestic elements the members of this gang included foreigners who, under the direction of the Zionist regime, while spreading evangelical Christian propaganda in various areas of our country have recruited large numbers to their sect...."

76. On the 5<sup>th</sup> December Article 18 issued a press release stating that it was aware that 114 people had been arrested over the past week: this referred to the Mehr news piece but was also based on information provided by its own sources. By the 13<sup>th</sup> December Mohabat News (a Christian news agency) had added this: "some 28 others had been arrested in the preceding three weeks [before 27/28 November] bringing the total for one month to 142". The source for that figure was once again Article 18. Mrs Enayat is not in a position to verify the exact details of the claims, but she points out that an important part of Article 18's work is to lobby politicians in the West to support the Christian community in Iran. To that end it must be confident that the information it provides, gathered from contacts in Iran and Turkey, can be relied upon. Towards the end of the month confirmation came from a source known to be close to the Revolutionary Guard – the Tansim news agency – that a further 9 arrests had been made in Karaj, bringing the total of known detentions in December 2018 to 149.
77. As to who was being arrested in 2018, there is no clear indication that any of these individuals were 'leaders' or persons who were actively evangelising. Aziz Majidzadeh, arrested in a house church in Karaj with 9 others in March is simply described as a "young convert": he was held for over two months before being released on bail. Similarly, the five men named by Article 18 as having been arrested in Karaj in June are simply described as 'Christians', and their names do not appear in any earlier reports. The same can be said for the two sisters arrested at the beginning of December and held without charge for almost a month - allegedly so that their bruises could heal. Another case of what appears to be 'ordinary' Christians facing arrest is one that attracted much attention: that of the five ladies detained whilst having a gathering at the home of 65-year-old Mrs Mahrokh (Rokhsare) Ghanbari. It is reported that the security services raided the house and confiscated mobile phones, Bibles and

other Christian materials. Ms Ghanbari was held for 10 days during which she was subject to intensive, day long interrogations, and released on bail of US\$2,500. She was brought before the court who directed her to “return to Islam”. It is notable that the final charge brought against her was “propaganda against the system” for which she received a sentence of 1 year in prison. As Mrs Enayat observes, given that no charges were brought of the ‘unlawful organisation’ variety it can be assumed that even the Iranian security services realised she was doing no more than hosting her friends in her home. Of all the 2018 incidents detailed in the material before us only one appears to relate to people already known to the authorities: this was the detention of the three men arrested with Naderkhani and bailed the preceding year (Mossayebzadeh, Fadaei and Omid). Their arrest in July was following a decision of the appeal court to uphold their June 2017 convictions: they are each serving a sentence of ten years’ imprisonment.

78. It would appear that in the majority of these arrests, those that occurred in the first two weeks of December, individuals were picked up during raids on house churches and held for a short period before being released upon undertaking to cease Christian activities and return to Islam.
79. The figures for 2019 were as yet incomplete at the date that we heard the appeal. We were however provided with some preliminary data, provided primarily by Article 18, and by Mrs Enayat’s collation of press reports and human rights alerts. It is believed that 4 individuals were arrested in January, 14 in February, 28 over March and April, 1 at Tehran Airport in May, and in July 8, possibly 9, were arrested in Bushehr.
80. Of the 55 (or 56) individuals reported as arrested between January and July 2019 we know that at least 10 are deemed to be church leaders or elders. Ismaeil Maghrebinejad, detained in Shiraz in January converted from Islam 40 years ago. Article 18 are said to report that “he has been regularly harassed by security officials, including an attempt to kill him”. Pastor Abdolreza Matthias Haghnejad of the Church of Iran was detained in February as he concluded a sermon at a house church in Rasht; again, he was well known to the Iranian authorities who have arrested him on many occasions. Mrs Enayat describes the other eight people arrested in the course of the same investigation as “other leading members of the church”.
81. Conversely others do not seem to have any ‘profile’ other than being practising Christians. Mrs Enayat reports on the case of 26-year old Sina Moloudian, beaten and snatched from his family home in Isfahan by eight security service officers and taken to Dastgerd prison. The 8 people arrested in Bushehr in July were all extended family members whose homes were searched and Bibles, Christian statues and signs, wooden crosses, paintings, laptops, cellphones, ID cards and credit cards confiscated. Mrs Khatoon Fatolahzadeh, who is 61 years old, was released the same day but her sons, daughters-in-law and others were not bailed until the 16<sup>th</sup> and 17<sup>th</sup> July, having been held in solitary confinement

for those two weeks. They have been charged with “actions against national security”, “gathering and collusion against the state”, and “membership of an illegal organisation”. In other cases those arrested are simply described as ‘Christians’, for instance Shahrooz Easlamdous, Babak Hosseinzadeh, Behnam Akhlagh and Mehdi Khatibi, all arrested in February 2019. In the case of Mrs Fatemeh Azad, a 58-year old woman arrested on arrival in Tehran earlier this year, Mr Payne asked us to note that the authorities appear to have been waiting for her, and to infer from that there must be some other relevant factor that as yet remains obscure. On the evidence we do have, that appears to be unlikely: German newspaper *Bild* tells us that she was removed from Germany because the authorities had not been satisfied that she was a genuine convert. She is reported to have attended church whilst in Germany but no links to any Iranian churches are mentioned.

82. Pulling all of that together we make the following findings.
83. First, for the reasons we set out above, the figures we have can give us no more than a snapshot of conditions at any given time. They cannot be considered to be exact, and we accept that there will be incidents – particularly short term ‘disruptive detentions’ and people being called in for questioning – which are for the individual involved routine, and so go unreported. We are however satisfied that the evidence shows a clear trend towards an increase in the use of detention and prosecution as a means of disrupting Christian practice in Iran.
84. Aside from the increase, the other immediately obvious point to be drawn from these figures is that the fluctuating numbers of those arrested year to year corresponds with the information we have about house church raids. That leads us to our conclusions about who is being targeted in these operations.
85. We agree with the analysis in SZ & FM that those who are perceived to be church leaders or activists face a real risk of harm. It is clear from the extremely long sentences handed down to figures such as Pastor Naderkhani that the authorities believe that the most effective way to undermine organised Christianity is to target its leaders.
86. We do not however find it safe to assume that ‘ordinary’ Christians, that is to say individuals with no role beyond attending collective worship at house churches, escape the attention of the authorities. On a general level the language used by the sources indicates that to the contrary, simply being a Christian is enough to get you arrested: “authorities continued to arrest members of unrecognized churches”, “many arrests reportedly took place during police raids on religious gatherings”, “Christians, particularly evangelicals and converts from Islam, continued to experience disproportionate levels of arrests and detention”.
87. Upon more detailed examination these general comments are shown to be justified. Of the large number of arrests in 2016 only a proportion are named,

and only a handful of these are identified as having leading roles in the house church movement. Of the individuals identified as being arrested in 2017 we find only three with any prominence: Fatemeh Bakhteri, Saroush Saraie and Majidreza Souzanchi Kushani. In equal number we are given the details of 'ordinary' Christians subject to extraordinary punishments: the mother and son from Urmia who apparently spent at least 3½ months in prison after being picked up at home, the nineteen-year old student simply charged with 'membership' - not 'organisation' - of a banned group, for which she served six months in Evin. There does not appear to be any dispute that the majority of those detained in the Christmas raids of 2018 were not leaders, but simply those in attendance at meetings; in these cases the length of detention is not specified so it can be assumed (as we understand it to have been by Mrs Enayat) that many were released after a short period of between 24 hours and a week. Given what we know about the charges brought, and sentences handed down, to known activists, it seems unlikely that any of this group could be considered to be church organisers. As for the rest of that year, there is clear evidence of 'ordinary' church members being targeted: see for instance the case of "young convert" Aziz Majidzadeh. In respect of arrests in the first half of 2019, only 10 of the known 55 are identified by Mrs Enayat as "leading members of the church". The remaining 80% appear to be 'ordinary' Christians who were gathered in private homes for the purpose of collective worship.

### *Ill-treatment*

88. It is not the case that every detainee in Iran will suffer physical ill-treatment. In many of the incidents described in the material, there is no mention at all of physical harm, and in some it is expressly acknowledged that none took place. There is some suggestion that the Iranian security services will deliberately seek to avoid torturing or beating Christian detainees because of the international attention that physical injury might attract. The Secretary of State understandably seeks to emphasise that, particularly in relation to the short-term disruptive detentions which form part of the overall pattern of restriction and control of the Christian community. Mr Payne was however prepared to accept that we can 'take as read' a reasonable likelihood of persecutory ill-treatment in any detention of a week or more.
89. In light of that concession we need not repeat or summarise all of the evidence of physical ill-treatment that we were given, but we think it important to note that physical ill-treatment is very often accompanied by 'mental torture'. This is significant because it gives context to those situations in which only psychological techniques are employed: a detainee who is being subject to verbal threats will know very well that there is the ever-present danger of escalating to serious, or more serious, physical harm. The example is used by Mrs Enayat of Mustafa Shokrollahi, who escaped Iran for Turkey and from there gave the following evidence to the United Kingdom All Party Parliamentary Group on the Persecution of Christians in Iran:

“Four people stood there and took it in turns to shout and scream at me or beat me and slap me in the face... I asked about how my wife was once and they began really beating me, beating from behind and in front and if I said something they did not like they would bash me. They tried to make me cooperate, saying: “We will cripple you for the rest of your life, you will carry it with you that you did not cooperate.” They asked a lot about Elam, about the members of my churches and asked me for my email password. I had one email account that wasn’t very important. I gave them that email address password. They realised this was not my main account and they said in the interrogation session the next day, “Give us your password for your main email account.” This email account would prove my communication with Farshid [Fathi], so I refused to give it. I said “My password is personal”. They said “We will show you what is personal”. They made me stand up and stripped off my shorts and they threatened to rape me. So I gave the password. They lay me down and whipped me. They kept beating me on the head. They regularly would threaten me with execution during the interrogations. This process of interrogations took 29 days”.

90. Asked specifically about the risks arising during short term detentions, that is to say those lasting less than a week, Mrs Enayat accepted that in many instances the reports thereof make no mention of ill-treatment. She did however stress the following matters.
91. First, that very often the individual concerned will not divulge the details of any ill-treatment because he does not want it in the public domain: we accept that this may be the case, particularly where the harm was of a particularly humiliating - perhaps sexual - nature.
92. Second, that in many cases the reporting agencies will not bother to mention specific details because it can be assumed that a detainee of the Iranian security services will have been subject to some form of ill-treatment, be that mental or physical. That this was so was illustrated by Mrs Enayat’s responses to questions put by Mr Payne. He took her to a section of her report where she had listed the experiences of several detainees. She had not made any reference to ill-treatment in any of these examples, but when asked whether she knew if any had occurred Mrs Enayat responded by stating that to her recollection each of the prisoners she had mentioned had been subject to harms including: sensory deprivation such as being kept in solitary confinement in total darkness; sensory overload such as being exposed to constant bright light and loud noise; threats to friends and relatives - including those individuals being brought into the custody suite so that the subject knows that they too are in detention; misinformation, for instance the individual being told that they have been betrayed by someone close to them. In some of the cases the individuals, or family members, were also beaten.
93. This led to Mrs Enayat’s third point on this matter. That is that regardless of whether physical harm was inflicted, it can be assumed that some form of

psychological harm would have been attempted. It is the norm for prisoners to be held in solitary confinement, at least until interrogation is over; interrogation sessions are long and aggressive; detainees are routinely taunted and threatened with the most serious charges. There are also examples of pressure being exerted on detainees by the withholding of vital medication.

94. We accept the Secretary of State's submission that there will be a reasonable likelihood of ill-treatment for any Christian convert detained for a week or more in Iran. As to the risk of such serious harm arising in shorter detentions or interrogation sessions we cannot exclude the possibility, but there is a lack of evidence to demonstrate that it is being widely used. We accept that psychological pressure will very often be applied. In the context of a short detention this would likely include threats and intimidation, but probably not extreme interrogation techniques such as sensory overload, which would normally be employed over a longer period.

#### *Risk on Return*

95. As to general procedures on return we informed the parties that we would be following the guidance in SSH & HR. We were however provided with the following additional material specifically relating to Christians, or persons claiming to be Christians.
96. The Respondent's position can be summarised by the February 2019 CPIN Iran: *Illegal exit*, which cites the 2018 conclusions of the Australian Department of Foreign Affairs and Trade [at 6.1.2]:

"According to international observers, Iranian authorities pay little attention to failed asylum seekers on their return to Iran. Iranians have left the country in large numbers since the 1979 revolution, and authorities accept that many will seek to live and work overseas for economic reasons. International observers report that Iranian authorities have little interest in prosecuting failed asylum seekers for activities conducted outside Iran, including in relation to protection claims. This includes posting social media comments critical of the government – heavy internet filtering means most Iranians will never see them – converting to Christianity, or engaging in LGBTI activities. In such cases the risk profile for the individual will be the same as for any other person in Iran within that category. Those with an existing high profile may face a higher risk of coming to official attention on return to Iran, particularly political activists".

97. The Respondent further relied on the contents of two Danish reports, from 2018 and 2014. Four of the respondents to the 2018 report, including Amnesty International and the IOM, did not think that a returning asylum seeker would encounter any difficulties as a result of Christian activities abroad. The exceptions to this were Middle East Concern, who believe that a baptism could lead to problems, and an unidentified 'international organisation' operating in Turkey who think that converts returning to Iran are interrogated "in relation to

perceived threats to society and to the Iranian regime". In 2014 Elam Ministries reported that they had decided to cease their training operation in Turkey after over 500 people were arrested returning to Iran in the preceding few years. Elam told the Danish researchers: "the reason behind this high number is that the authorities have obtained quite a bit of information about how the house churches operate. It also seems that the Iranian authorities have agents in Turkey that know of what work Elam is doing there". When asked when people who return from training or other activities in Turkey are taken in by the authorities, Elam said that it could be at the airport or on the road after passing back into Iran or a few days after returning.

98. Some of the respondents to the Danish research highlighted that social media activity might increase the risk to a returnee, particularly if they were "very outspoken" or seen to be "propagating Christianity" (a 'western embassy'). Middle East Concern and two anonymous sources thought that the Iranian security services would conduct an overall evaluation of any online content. They would be interested in whether it demonstrated that the individual was actively engaged in promoting Christianity. They would not be so interested in someone who had used "copy paste" phrases - we understood this to include content copied from another source or 'liked' on a social media platform. Middle East Concern agreed, and stated that a Facebook declaration of conversion would lead to monitoring but not necessarily persecution.
99. In her evidence on the returns process Mrs Enayat sets out extensive evidence indicating that a returnee travelling on an emergency travel document obtained from the embassy in London will already be 'flagged' to the authorities as someone who has claimed asylum in the United Kingdom. They will be subject to interrogation on arrival, and this will include questioning about the asylum claim. We do not regard any of this as being in contradiction to the findings of the Tribunal in SSH & HR. Mrs Enayat adds that during this initial questioning the reasons for the asylum claim will be revealed by the subject, who will be fearful that it will already be known to the authorities:

"Given the effort and resources put into the surveillance of house church activity in Iran, and the belief that the house church networks are driven by foreign money and even managed by foreign elements, coupled with the known Iranian surveillance of diaspora political activity, it is reasonable to conclude that agents are also deployed to watch convert communities abroad. Church communities certainly believe this is so".

100. On the matter of whether a returnee with a Christian-related claim would be subject to any increased scrutiny Mrs Enayat's evidence has not been consistent. In HB (Kurds) the Tribunal appended to its decision its summary of the evidence given by Mrs Enayat on the impact of such questioning [at Appendix B, paragraph 10]:

"Even in relation to someone who could be said to have made up stories to make their asylum case better, the point is that the authorities would

regard it as besmirching their name and accusing them of human rights violations. If someone were to say that they had pretended to convert but had not really, that would be okay. If it was a genuine conversion they would probably pressure you to recant. But if one was making up a political statement it is not so easy to say that that was all 'rubbish'. When pressed on the matter Mrs Enayat responded to state that she felt she was being asked questions that she could not answer".

101. In her report for this case Mrs Enayat stated that it was her considered view that in fact the authorities *would* be interested in someone who had said that he was Christian:

"Anyone subjected to enforced removal, or anyone who returns on temporary documentation (an ETD) will be questioned. If it emerges in the course of questioning that a returnee has been involved in religious or political activity while abroad that is likely to mean detention for further questioning

The Iranian authorities view converts, who in Iran are overwhelmingly linked to evangelical strands of Christianity, as vehicles of a Western plot or plots to destabilize the Islamic Republic and undermine the religion of Islam....

.... Further, the authorities do not just view evangelical Christianity as an undesirable ideology: they portray it as a subversive movement capable of mobilising organized cadres (aka housechurches/housechurch networks) for its purposes. Converts to Christianity are, in other words, viewed in the same light as political activists"

102. She explained that her evidence in HB had not been about Christian claims. She had not been prepared to answer questions about that and had been put on the spot under cross-examination: she had just been seeking to emphasise the regime's particular sensitivity towards Kurds and it had been an off-the-cuff comparison. She had made clear to the Tribunal that she could not be expected to give a complete analysis of the position of 'Christian' returnees because that was not the subject that she had prepared for in attending that hearing. Upon reflection she thinks that in fact a returnee whose claim had been rooted in Christian activity would be likely to be subject to further investigation, which in her view would lead to ill-treatment.
103. Asked about what specific factors might excite the interest of the authorities in a 'Christian' case Mrs Enayat said this:

"If a returnee has been baptised he or she will be viewed as an apostate because they have publicly turned away from Islam. As explained earlier they are unlikely to be prosecuted for apostasy. But they have broken Iranian law and will be treated as a person who has committed a religious offence. It is very difficult to say precisely how the baptism per se will be dealt with by the authorities - in part because not all the converts arrested



in Iran have been baptised and many have been persecuted for what may be described as “standard Christian activities...”

If a person has been an active Christian but not baptised the distinction between Church attendance and baptism is likely to be academic for the authorities....

When considering the situation of an individual who has converted in Europe who then returns to Iran, their situation would be much the same as that of Iranians who convert in Iran”.

104. In that regard Mrs Enayat repeats her evidence about what happens to an ‘in-country’ convert: he is taken into custody and required to sign an undertaking. He may be monitored to ensure compliance with that undertaking. She cautioned however that even if a returnee is perfectly willing to sign the document (i.e. in the case of the disingenuous claimant) there may still be a problem:

“The authorities are well aware of the strategic signature of disclaimers and are unlikely to be immediately convinced that a returnee who professes a baptism of convenience is speaking the truth and will not turn out to be a covert Christian activist. (Note the scepticism of “a representatives of the Union Church”[Istanbul] speaking to a Danish Fact Finding Mission in 2013: “The source did not consider that there would be less risk to an individual who returns to Iran after being baptized in a Western country if the individual renounces the baptism and explains it to be part of a strategy for coming to the West. This would work for their families, but maybe not for the government authorities.) The fact that someone signs a renunciation does not mean they would not be subject to punishment, usually pursuant to national security laws, for the activities they have been involved in as an apostate.”

105. She adds that because of the regime’s insistent equation of Christianity with Western political influence, denials may fall on deaf ears:

“A returnee from the UK who has been baptized, and long involved with an evangelical/protestant church, will be particularly susceptible to suspicions arising from this mindset”.

It is therefore likely, in Mrs Enayat’s view, that on arrival such a returnee will be subject to arrest followed by short-term, probably abusive, detention for investigation. He will then be released, possibly on bail pending further investigation; he will likely be monitored and subject to recall. She concludes that “it is important not to overestimate the rationality and underestimate the paranoia of the Iranian authorities – it is long standing and pervasive”.

106. Mrs Enayat has identified the following recent cases of Iranians who claim to have converted to Christianity being returned to Iran:

- i) The four members of the Hekmatara family were removed from Norway on the 15<sup>th</sup> January 2014. The mother and two children were reportedly given entry but the father was held for a few days before being released on bail. The Hekmatara family subsequently left Iran again and were eventually recognised as refugees in Norway.
- ii) Unidentified individual removed from Norway in January 2014. He was tracked by the Norwegian Association for Asylum Seekers (NOAS) who reported that he was held for less than a month after his arrival and tortured. He managed to escape from Iran in March 2014 and returned to Turkey where his asylum claim was processed by UNHCR.
- iii) Unidentified individual removed from Norway on 20<sup>th</sup> February 2014. He was again tracked by NOAS who were informed by his family that he was detained on arrival and that as of May he was still in prison. His identity was kept secret at the request of his family who feared aggravating his situation.
- iv) Shahrzad Sakiani, whose removal from Norway in 2015 was frustrated by her lack of identity papers. She was refused entry at Tehran airport and returned to Norway. She reported that during her questioning a crucifix was ripped from her neck.
- v) Behrooz Kafaei Zendehel was removed from Norway on the 18<sup>th</sup> January 2018. He was held 'for a few days' during which he was tortured and threatened with execution before being released on bail. He managed to escape again to Turkey where he applied to the UNHCR for asylum. He was recognised as a refugee and settled in Norway as a quota refugee.
- vi) Fatemeh Azad was removed from Germany in May 2019 after her claim to be a Christian was rejected. A 58-year-old woman, she was reported by Bild to have been detained on arrival. She has no known profile other than the fact that she had been attending church and had been baptised in Germany. It is not known how long she was held for, but it is reported that she was released after a relative put up bail.

107. The bundle further contained a news report from 'Iran News Update' stating that on the 10<sup>th</sup> February 2014 a young man and his uncle were arrested at Tehran airport as they disembarked from a flight from Armenia. They were reportedly taken in for questioning by plainclothes officers affiliated with the Revolutionary Guard. A week later their families were told that the men had been charged with offences including "making contact with Christian networks abroad, apostasy, converting from Islam to Christianity, and for promoting Christianity inside the country".

108. Of all of the evidence before us it was this material, relating to risk on return, that we found most difficult to evaluate. Although the joint Danish reports canvassed a wide range of opinion it was not possible for us to know how much of it was based on empirical evidence, and what was simply speculation. Although well-known human rights organisations are cited, the Danish reports routinely anonymise the identity of many sources. In this instance the sources offering their opinions on what might happen to a returning Christian included a “foreigner interacting with Christians in Iran”, “a western embassy” and simply “an anonymous source”. We note that in Sufi and Elmi v the United Kingdom (Applications nos. 8319/07 and 11449/07) the ECtHR cautioned that it will be “virtually impossible” for a court to assess the reliability of such evidence, where the nature of the source’s operations in the country in question are unknown. It is therefore only where the information provided accords with other, verifiable, information, that we are able to place any significant weight upon it. The information provided by Elam Ministries was striking – over 500 arrests in the period 2011-2014 -but was difficult to reconcile with the evidence that we have on detentions overall, only a handful of which relate to people who have returned from Turkey.
109. Before us Mrs Enayat was placed in some difficulty by her evidence in HB. In there seeking to emphasise the particular sensitivity of the regime to Kurdish activism, she sought to draw contrast between the returning Kurd and a ‘run of the mill’ returnee: “if someone were to say that they had pretended to convert but had not really, that would be okay”. We accept that she had not been prepared to answer questions on Christianity when she attended the hearing in HB and that she was therefore to some extent ‘on the spot’. We do however also have to take account of the fact that she has clearly spent much of the last decade closely monitoring the situation for Christians in Iran: whilst it may have been an off-the-cuff remark, it was one informed by her very great expertise on this topic. We have taken that into account whilst evaluating her subsequent, contrasting, evidence. Mrs Enayat has however compiled, from other sources, the list of recent cases of returnees being arrested, and she has set that in the context of her wider knowledge about the modus operandi of the security services; it is this element of her evidence that we found most helpful.
110. We remind ourselves of the underlying reasoning in SSH & HR. The Iranian authorities know very well that many Iranians leave the country to seek asylum in the West, and that when they do so, they advance protection claims that by their nature will involve some criticism of the Iranian state. The Tribunal rejected the contention that it was reasonably likely that the Iranians would frame this as propaganda against the regime. On the contrary, the evidence before them indicated that an Iranian who had made up a story in order to claim asylum could re-enter the country without difficulty. It is only where ‘particular concerns’ arise that the subject will be sent for further questioning, and it is in this second-line questioning where the potential for ill-treatment will arise.

111. Against this background we have no hesitation in finding that a genuine Christian would face serious difficulties on arrival in Tehran. Asked about the basis of his claim for asylum, he cannot be expected to lie. The interviewer will quickly establish that here is an individual who has been attending church abroad, and who has perhaps been baptised into this new faith. Here is an individual who would then, as Mrs Enayat puts it, be treated like “any other convert”. There is a real risk that he would be asked to sign an undertaking which amongst other things (see above) would require him to renounce Christianity. The convert who in fear chooses to sign that document will be quickly released, but will almost certainly be placed under surveillance. The effect of that surveillance would be that his ability to practise his faith in his own country would be completely denied. The convert who refuses to recant, and to make the admissions required of him, is on the road to martyrdom: even if he manages to avoid ill-treatment during this process, he will be detained until he agrees to sign. Set in the context of the overall evidence about the way that Christians are treated, we think it very likely that this is what has happened in the recent cases of return to which we have been referred. Although nine of the eleven individuals involved had initially failed in their asylum claims in Europe, seven were subsequently recognised as refugees, their claims to be at risk as practising Christians now apparently accepted. It can be inferred from the charges brought against the uncle and nephew returning from Armenia that they already had known house church links.
112. What of the disingenuous claimant? Mr Payne submits that on the evidence of reputable organisations such as Amnesty International and the IOM, there is nothing to differentiate that variety of failed asylum seeker from any other. He asks us to apply the ratio in SSH & HR and to find that such a returnee will pass through the on-arrivals process without any further questioning or difficulty. Mr Westgate conversely asks us to find that it is the particular character of a conversion-based claim that will give rise to ‘particular concerns’ warranting transfer for further questioning, and the serious harm that could follow. Having considered all of the material before us our conclusion lies somewhere in the middle of these two positions.
113. We are satisfied that a returnee who had made a false claim of conversion would be reasonably likely to excite sufficient interest to warrant further questioning. His is an asylum claim that is likely to have depended on *sur place* activities, including baptism and attending church, *prima facie* evidence of a crime under Iranian law. The evidence overall indicates that the security services follow a specified procedure when it comes to Christians: they are taken in and required to sign the undertaking. It does not seem likely to us that this procedure would be followed standing at an arrivals desk, even if the subject was protesting that it was all false and that he was perfectly willing to sign. A returnee is not someone who has been picked up on an Iranian street. He is someone who has just come back from the United Kingdom, possibly having spent a considerable amount of time here; the Iranian security services perceive there to be a clear link between Christianity and attempts by the West

to undermine the Iranian state. These factors cumulatively give rise, in our view, to a “particular concern” such that a transfer to second-line questioning would be likely.

114. What then? The person tasked with conducting that interrogation will be one who, to put it bluntly, will know what he is doing. It is an important job. His task will be to ensure that this returnee is not in fact a Western spy, or someone otherwise deployed to engage in subversive activities such as organising prayer meetings. The returnee will be asked to sign the undertaking. There being no reason for him to refuse, he will do so. He will explain that yes, he attended church in the United Kingdom, and yes, he may have been baptised, but in fact it was all a charade to try and get asylum so that he could settle and work in the United Kingdom. The Iranian security services are no doubt well aware that people make such claims (the Iranian embassy in London only need read certain newspapers to know that this is a concern).
115. In SSH & HR the panel were satisfied that during secondary questioning there is the *potential* for ill-treatment, and given what we know about the behaviour of the Iranian security services generally, this must be right. We are however mindful of Mrs Enayat’s evidence that returnees would be treated like “any other convert”. The specific evidence we have been given about what happens when suspected Christians are held in short ‘disruptive detentions’ does not indicate that physical abuse is being used. Psychological pressure is applied with the clear motive of frightening the subject into signing an undertaking, and of thereby disrupting house church networks. In the case of our disingenuous returnee, the interviewing officer would not have to do much to ensure compliance: he need do no more than ask. We therefore find that this secondary questioning is generally likely to be very short, perhaps no more than a few hours, and that it will not, in those circumstances, involve a real risk of serious harm. The returnee will likely be subject to surveillance once he is released, but this will not involve any risk of harm given that he is not a genuine Christian.
116. We accept that this will not always be so. Risk assessment must always be fact specific and decision makers must look to the particular characteristics and behaviour of claimants to assess whether there is a reasonable likelihood of physical harm during these ‘second-line’ investigations. We accept the Secretary of State’s general rule of thumb that the longer the detention, the greater the risk of torture. Decision-makers must therefore assess whether there are any reasons why interrogation would be prolonged. We do not propose to offer an exhaustive list of the kind of factors that might be relevant here, since the evidence does not permit us to do so. We would however note that one aggravating factor identified in the sources is “very outspoken” social media activity: this would have to project the personal commitment of the individual, rather than for instance simply ‘liking’ posts by others. Past adverse interest by the Iranian authorities would also increase risk, as would connections to other individuals with a ‘profile’. We have found that the primary focus of the

Iranian state is the perceived threat of *organised* religion, and for that reason we are satisfied that association in the United Kingdom with a Church with known links to Iranian house churches would certainly be a risk factor.

## **Our Conclusions**

### *Analysis*

117. Article 1(A)(2) of the Convention relating to the Status of Refugees defines a “refugee” as any person who:

“... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country... or, owing to such fear, unwilling to return to it.”

118. It has never been in issue that there is a causal nexus between the religious belief of Christians in Iran and the harms that they there suffer. The dispute before us concerned the extent of those harms, and whether considered in the round, they amounted to a real risk of persecution.

119. We find that the situation for Christians in Iran has deteriorated drastically since the last country guidance was published. The most marked change has been that the Persian-language churches then permitted to operate openly (albeit with restrictions) have now almost all closed down. Those few that remain do so under the direct control of the Ministry of Intelligence. That means that all remaining Christian worship must be conducted ‘underground’.

120. As we have seen, there are two ways in which Christians can today practise their faith in Iran.

121. There is a group, of unquantifiable size, whose spiritual life is confined within the walls of their own home, and whose interaction with other Christians is strictly limited to virtual or remote contact via the internet or television. Whilst we accept that some of these individuals run the risk of discovery – be that by informants in their community or online surveillance – we do not find it established that as a group they are at risk *per se*. These ‘hidden believers’ are by and large able to engage with Christian media content and to study their faith in private and in relative safety. We cannot think, however, that the life led by these Christians is going to be particularly relevant to any case before the Tribunal. That is because protection claims brought in this arena invariably come from individuals who have asserted – either expressly or impliedly by their actions – that a fundamental part of their faith is to attend church. It is this desire to take part in collective worship which will expose them to risk.

122. A risk of what? It was the Secretary of State’s case before us that an ordinary Christian who attends a house church runs the risk, at most, of being picked up

for a few hours and required to sign an undertaking. There being little evidence of physical harm being inflicted during such encounters, the Secretary of State asks us to discount these short-term detentions as falling short of the high threshold of harm required to engage the Convention.

123. We are unable to do so.

124. We accept that not all arbitrary detentions amount to 'serious harm'. In Ravichandran v Secretary of State for the Home Department [1996] Imm AR the Court of Appeal was asked to consider the position of young Tamil men at risk of being 'rounded up' on the streets of Colombo and held for short periods. The Court directed itself to the hierarchy of rights propounded by Professor Hathaway in *The Law of Refugee Status*: freedom from arbitrary detention fell within the second tier of rights, which signatory states were bound to protect except where such detentions could be justified by for instance, a state of emergency. Noting that the government of Sri Lanka was seeking to combat terrorism, Lord Justice Simon Brown found the arrests to be "obviously directed not to the oppression of Tamils as such but rather to the maintenance of Public Order". He went on to underline the fact-specific nature of the derogation:

"If the real purpose of these round-ups was to deprive Tamils of their liberty simply out of hostility towards them (i.e. with "malignancy"), I cannot think that the loss of freedom involved would properly be held insufficient to constitute persecution. Equally, if there remained a practice of torturing those detained, I very much doubt whether a finding of persecution on Convention grounds would be precluded merely because the torture was intended to discourage terrorism or to persuade detainees to inform on their associates rather than inflicted for purposes of oppression".

125. When we consider the purpose of the arrests in Iran, we are left in no doubt that it is to intimidate Christians and to try and prevent them from practising their faith through attendance at house churches. It is a purpose pursued with malignancy, and with no legitimate purpose recognised in international law. In that context, such short-term arbitrary arrests must amount to persecution.

126. That this is so becomes even more apparent when we examine the evidence in detail. Two important matters arise.

127. The first is that there is an ever-present fear of ill-treatment. We accept that detainees are routinely threatened and intimidated. This psychological pressure will include the threat of physical harm to the individual or his loved ones and the threat of prosecution on serious charges up to and including apostasy. We are quite satisfied that the average Iranian Christian held in detention will know someone, or know of someone, for whom these threats have been realised. We have no doubt that for the genuine adherent this situation is extremely frightening.

128. It is in that context that the detainee is then presented with a piece of paper and asked to sign it. Mr Payne suggested that being required to sign a piece of paper could not rationally be considered to be persecution. That may be so, but where the document in question amounts to a promise to desist from practising one's faith, it plainly engages the Refugee Convention. The detained Christian is faced with a stark choice: renounce your right to freedom of conscience and belief, or refuse to sign, and face prolonged detention and torture. As Sir John Dyson put it in HJ (Iran)(FC) v Secretary of State for the Home Department [2010] UKSC 31 [at §110], he would by signing "surrender the very protection that the Convention is intended to secure him".
129. These short-term disruptive detentions lie somewhere in the middle of the spectrum of measures employed by the Iranian state. Below them lie the pervasive breaches of Hathaway's third and fourth tier rights which we have not considered necessary to enumerate in our discussion of the evidence, e.g. discrimination in the workplace, hostility in society generally, the fact that your children will be educated as Muslims whether you like it or not, the fact that you cannot be married - or buried - according to your religious rites. Above them are the clear and undeniable breaches of tier 1 rights comprising lengthy detention, prosecution and torture.
130. Having reviewed the evidence before us we do not accept that any of these persecutory measures are reserved exclusively for church leaders or for those with a particularly evangelical zeal. We think it unlikely that many of those subject to disruptive detention have a special role to play in their house church. Were that the case we would expect to see a lot more evidence than there is of people refusing to sign undertakings and facing the consequences. As for the cases of longer detention and prosecution we accept that the global figures we are given may not be entirely accurate. There may be some double counting and there are almost certainly incidents which go unrecorded. What we do find to be reliable, however, are those cases documented in detail by organisations such as Article 18. We accept that it is in the interests of such groups to ensure that their reporting is accurate, and they are often able to give particulars such as the detainee's name, age, gender, circumstances of arrest and charge. When we look to this evidence we find that very many of those cases appear to concern 'ordinary' Christians doing no more than spending time collectively with co-religionists.
131. It follows from what we have said that we were assisted not at all by the Secretary of State's attempt to reduce the task before us to a bald probability calculation. Mr Payne repeatedly invited us to find that even accepting the increased arrest figures, the evidence showed that only a small proportion of the 10,000-50,000 Christian converts agreed to currently be in Iran have experienced serious harm. We accept that this might be the case. Having considered the totality of the evidence, however, we are satisfied that those who have managed to avoid such harms have done so because of the extraordinary measures that they routinely take to protect themselves and their families. To



put it another way, we are in no doubt that if all of the Christian converts in Iran openly declared themselves to be Christian, the Iranian security services would be very busy. The fact that these people are existing 'under the radar' does not change the fact that they would be persecuted if they chose to live openly.

132. At paragraph 82 of HJ (Iran) Lord Rodger set out the framework for enquiry to be applied to claims based on sexual orientation. We need only swap the word "gay" for "Christian" to see where that analysis leads us:

"When an applicant applies for asylum on the ground of a well-founded fear of persecution because he is gay, the tribunal must first ask itself whether it is satisfied on the evidence that he is gay or that he would be treated as gay by potential persecutors in his country of nationality.

If so, the tribunal must then ask itself whether it is satisfied on the available evidence that gay people who lived openly would be liable to persecution in the applicant's country of nationality.

If so, the tribunal must go on to consider what the individual applicant would do if he were returned to that country. If the applicant would in fact live openly and thereby be exposed to a real risk of persecution, then he has a well-founded fear of persecution - even if he could avoid the risk by living "discreetly". If, on the other hand, the tribunal concludes that the applicant would in fact live discreetly and so avoid persecution, it must go on to ask itself why he would do so..."

133. We interpolate that the next section can be directly applied to those Christians who choose, for reasons unrelated to the risk of harm, to contain their faith within the four walls of their own home:

"...If the tribunal concludes that the applicant would choose to live discreetly simply because that was how he himself would wish to live, or because of social pressures, e.g., not wanting to distress his parents or embarrass his friends, then his application should be rejected. Social pressures of that kind do not amount to persecution and the Convention does not offer protection against them. Such a person has no well-founded fear of persecution because, for reasons that have nothing to do with any fear of persecution, he himself chooses to adopt a way of life which means that he is not in fact liable to be persecuted because he is gay."

134. It is the final test in Lord Rodger's framework that we find to be determinative in the case of Christians who openly worship in this country, and who would wish to continue to do so in Iran but for their well-founded fear of persecution:

"If, on the other hand, the tribunal concludes that a material reason for the applicant living discreetly on his return would be a fear of the persecution which would follow if he were to live openly as a gay man, then, other things being equal, his application should be accepted. Such a person has a well-founded fear of persecution. To reject his application on the ground

that he could avoid the persecution by living discreetly would be to defeat the very right which the Convention exists to protect – his right to live freely and openly as a gay man without fear of persecution. By admitting him to asylum and allowing him to live freely and openly as a gay man without fear of persecution, the receiving state gives effect to that right by affording the applicant a surrogate for the protection from persecution which his country of nationality should have afforded him”.

135. We make it clear that in reaching our findings we have considered, and rejected, Mr Payne’s argument for the Secretary of State that the act of collective worship does not go to the core of what it is to be a Christian. He cautioned us against extending protection where it is not needed, and urged upon us Lord Hope’s caveat to the principles in HJ(Iran) [at §35(c)]:

“On the other hand, the fact that the applicant will not be able to do in the country of his nationality everything that he can do openly in the country whose protection he seeks is not the test. As I said earlier (see para 15), the Convention was not directed to reforming the level of rights in the country of origin. So it would be wrong to approach the issue on the basis that the purpose of the Convention is to guarantee to an applicant who is gay that he can live as freely and as openly as a gay person as he would be able to do if he were not returned. It does not guarantee to everyone the human rights standards that are applied by the receiving country within its own territory. The focus throughout must be on what will happen in the country of origin”.

136. In this regard Mr Payne sought to equate the desire of a convert to attend a house church with that of a homosexual man wanting to go on a gay rights march, this being an example given by Lord Rodger in HJ (Iran) of a matter at the margins of the right [at §72].

137. We do not find the analogy to be apposite. Setting aside any theological debate that might be had about whether collective worship is a formal requirement of Christianity, it is a fact that for the vast majority of Christians it is an integral element of their faith. We are satisfied that for these people congregating to pray and worship forms part of the irreducible core of what it is to be a Christian: it cannot be regarded as being on the margins of the protected right. That this is so is reflected by Article 10 of Council Directive 2004/83/EC (the Directive):

“1(b) The concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief.”

138. See further Article 9 of the European Convention on Human Rights:

- “1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief in freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice, and observance.
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

139. We are satisfied that the effective ban on collective worship for Christian converts amounts to a severe violation of religious freedom, and that the harms that Christians suffer in pursuit of that right reach the high threshold of persecution. Our conclusion accords with the Secretary of State’s view expressed at §20 of the ‘refusal letter’ issued to PS: “it is accepted that the situation for Christians in Iran is extremely dangerous”.
140. Our conclusion in respect of disingenuous ‘Christian’ claimants is set out under the heading ‘risk on return’. Whilst we accept that such returnees will likely be subject to further questioning on arrival, we do not find that it will, in general, take very long or entail ill-treatment. It is the widespread practice of the Iranian authorities to detain a suspected Christian for a short period and require him to sign an undertaking which amongst other things will require him to renounce Christianity and formally accept Islam. There being no reason of conscience for the disingenuous claimant to refuse to do so, he will be released quickly. He may be subject to surveillance but will not, absent any other relevant factors, be exposed to a real risk of persecution thereafter. Whether there are aggravating factors such that a real risk of harm may arise at port will depend on the individual case.

#### *Country Guidance*

141. This country guidance applies to protection claims from Iranians who claim to have converted from Islam to Christianity.
142. Insofar as they relate to non-ethnic Christians, this decision replaces the country guidance decisions in FS and Others (Iran – Christian Converts) Iran CG [2004] UKIAT 00303 and SZ and JM (Christians – FS confirmed) Iran CG [2008] UKAIT 00082 which are no longer to be followed.
143. Decision makers should begin by determining whether the claimant has demonstrated that it is reasonably likely that he or she is a Christian. If that burden is discharged the following considerations apply:
  - i) A convert to Christianity seeking to openly practice that faith in Iran would face a real risk of persecution.

- ii) If the claimant would in fact conceal his faith, decision-makers should consider why. If any part of the claimant's motivation is a fear of such persecution, the appeal should be allowed.
- iii) If the claimant would choose to conceal his faith purely for other reasons (family pressure, social constraints, personal preference etc) then protection should be refused. The evidence demonstrates that private and solitary worship, within the confines of the home, is possible and would not in general entail a real risk of persecution.

144. In cases where the claimant is found to be insincere in his or her claimed conversion, there is not a real risk of persecution 'in-country'. There being no reason for such an individual to associate himself with Christians, there is not a real risk that he would come to the adverse attention of the Iranian authorities. Decision-makers must nevertheless consider the possible risks arising at the 'pinch point' of arrival:

- i) All returning failed asylum seekers are subject to questioning on arrival, and this will include questions about why they claimed asylum;
- ii) A returnee who divulges that he claimed to be a Christian is reasonably likely to be transferred for further questioning;
- iii) The returnee can be expected to sign an undertaking renouncing his claimed Christianity. The questioning will therefore in general be short and will not entail a real risk of ill-treatment;
- iv) If there are any reasons why the detention becomes prolonged, the risk of ill-treatment will correspondingly rise. Factors that could result in prolonged detention must be determined on a case by case basis. They could include but are not limited to:
  - a) Previous adverse contact with the Iranian security services;
  - b) Connection to persons of interest to the Iranian authorities;
  - c) Attendance at a church with perceived connection to Iranian house churches;
  - d) Overt social media content indicating that the individual concerned has actively promoted Christianity.

## **The Appeal of PS**

### *The Accepted Evidence*

145. The Appellant PS arrived in the United Kingdom in January 2013. He claimed asylum but by April of that year the First-tier Tribunal (Judge Shanahan) had dismissed the appeal that had apparently been advanced on two discrete grounds – fear of persecution for imputed political opinion arising out of the Appellant’s inadvertent attendance at a ‘green movement’ protest in 2009, and fear of honour based violence relating from his desire to marry his girlfriend. Judge Shanahan disbelieved both claims and by June 2013 the Appellant was ‘appeal rights exhausted’ and living in the Wigan area.
146. In December 2014 he was arrested for affray and spent approximately five months in prison. He states that he attended chapel whilst in prison and that he was counselled by the chaplain.
147. In mid-May 2015 the Appellant started attending the Coverdale Christian Church in Manchester. Two weeks later he had been baptised. In December 2015 he made a ‘fresh claim’ for asylum based on his claimed conversion.
148. The Respondent refused to grant protection. The haste of the baptism and the Appellant’s lack of knowledge gave rise to a finding that this was not a genuine conversion. The Appellant appealed and in July 2017 his appeal came before the First-tier Tribunal for a second time.
149. The First-tier Tribunal (Judge EMM Smith) accepted that the Appellant had for a period in 2015-2016 attended the Coverdale Christian Church. The Tribunal further accepted the *bona fides* of a Dorodian witness (Pastor Carr-Brown) but found his decision to baptise the Appellant after only knowing him two weeks to be “naïve”. Some months before the hearing the Appellant had been moved away from the area and so had stopped regularly attending church. Pastor Carr-Brown had himself been seriously ill and so had been away from work. No one else from the church came forward to say that the Appellant had maintained connection with the church in this period. There was no evidence before the Tribunal that the Appellant had attended any other church. The Tribunal concluded that the Appellant had become “disengaged”, and that his participation in Christian activities in the period between 2015-2016 had been nothing more than a ‘charade’.

### *Findings and Disposal*

150. PS does not have a passport. In order to be returned to Iran he will need to obtain an emergency travel document from the embassy in London. The Iranian government will therefore be aware that he is an individual who has been in the United Kingdom without leave. We accept that they will know that he is a

failed asylum seeker. On arrival PS will be questioned. We accept we cannot know what PS will tell them but for the purpose of this appeal we accept that it will come to light that PS claimed asylum on the basis that he has converted to Christianity. PS will be transferred for second-line questioning.

151. The officer conducting that questioning will find out the following information. PS has been out of Iran since 2013; he has claimed asylum on at least two occasions, variously asserting fear as a result of being caught up in the green movement protests, 'honour' based violence and latterly on the basis that he had converted to Christianity; he attended church between May 2015 and sometime in 2016 and was baptised after he had been going to that church for about two weeks; he has no known contact with the authorities prior to leaving Iran; he has no known connection with any persons of interest, nor any adverse social media content to be concerned about. He has no known connection with any organisation which could be connected by the Iranian government to the house church movement. He may be asked to sign an undertaking promising that he will not undertake any Christian activities. There is no reason why PS would refuse. We find that he is likely to be judged to present a negligible risk to the security of Iran. He will be released fairly quickly and we are not satisfied that there is any risk of ill-treatment. PS may be placed under surveillance. Once the authorities are satisfied that he is not attending house church or attempting to contact known Christians he will be of no further interest to the authorities. Accordingly, we find that PS does not face a real risk of persecution upon return to Iran and his appeal is dismissed.



Upper Tribunal Judge Bruce  
20<sup>th</sup> February 2020

APPENDIX A: CORE EVIDENCE

SOURCE	TITLE	DATE
Mrs Anna Enayat	Expert report	10.8.19
	Responses to 'Request for Further Information'	Undated
Article 18, Christian Solidarity Worldwide and Middle East Concern	Universal Periodic Review Submission 34 Session	March 2019
Article 18	Annual Report - Violations of the Rights of Christians in Iran 2018	January 2019
Danish Immigration Service	Iran - House Churches and Converts	23.2.18
	Update on the Situation for Christian Converts in Iran	June 2014
	On Conversion to Christianity	February 2013
Home Office	Country Policy and Information Note on Iran - Christians and Christian Converts v.5.0	May 2019
	Country Policy and Information Note - Iran - Illegal Exit - v. 5.0	February 2019
	Country Information and Guidance Iran - Christians and Christian Converts	December 2015
	Response to an Information Request Iran - Treatment of people who have been baptised'	2.1.19
Landinfo	Iran - Christian converts and house churches (1) - prevalence and conditions for religious practice	27.11.17
	Christian converts and house churches (2) - arrests and prosecutions	27.11.17
United States Department of State	International Religious Freedom Report for 2018	21.6.19
	International Religious Freedom Report for 2017	29.5.18

APPENDIX B: ADDITIONAL MATERIAL

SOURCE	TITLE	DATE
Amnesty International	Iran's 'year of shame' - More than 7,000 arrested in chilling crackdown on dissent during 2018	24.1.19
Statement of Reverend Andy Braunston	Report on Baptism	16.2.19
Church in Chains	'Iran - Eight Christian converts arrested' five others summoned to prison'	10.7.19
Former Muslims United	A Shiite Opinion on Apostasy	Undated; accessed 11.2.19
Irannewsupdate.com,	'Two Men Arrested at Tehran Airport, Charged with Changing their Religion to Christianity'	9.2.14
The Jerusalem Post	'Iran's Regime Arrests 8 Christians, Sending Them to Solitary Confinement'	6.7.19
World Watch Monitor	'Iranian officials interrogate 65-year-old Christian woman for 10 days, day and night'	1.2.19
	Christians held in notorious Evin Prison 'will never be the same'	28.2.18