

2015-09-04

Fråga-svar

Iran. Förnyelse av hemlandspass

Fråga

- Kan en iransk medborgare få ut ett nytt hemlandspass från iranska ambassaden (i Sverige) om personen i fråga är dömd för brott (ej avtjänat) i Iran? Brottet gäller politisk verksamhet mot den islamiska republiken i Iran samt ärekränkning av ledaren.

Svar

Nedan följer en sammanställning av information/länkar kring förnyelse av hemlandspass. Sammanställningen gör inte anspråk på att vara uttömmande. Refererade dokument bör alltid läsas i sitt sammanhang.

Förnya/ersätta hemlandspass

Enligt en artikel (2015) från BBC Monitoring så har Irans ambassader och konsulat i utlandet fått i uppdrag att utfärda pass eller dess ersättning så snart som sökande lämnar in handlingar som styrker deras iranska nationalitet oberoende av uppehållskort:

A document has been approved to ease the return of Iranians residing abroad without the required documentation to return home
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Iran's embassies and consulates abroad have been instructed to issue passports or its substitution as soon as applicants submit documents proving their Iranian nationality regardless of their residence cards.

På iranska utrikesdepartementets webbplats finns information om vad som gäller vid:

- [förnyelse av pass](#) (Passport Renewal)
- [ersättande av skadat pass](#) (Replacement for Damaged Passport)
- [ersättande av borttappat pass](#) (Replacement for Lost Passport)

På webbplatsen finns även information angående [individer som rest ur landet illegalt](#).

[I en respons \(2011\) från norska Landinfo](#) beskrivs procedurerna vid passansökan hos Irans ambassader.

Brott och rörelsefrihet

Enligt Landinfos respons från 2011 har alla iranier i utlandet rätt till ett pass oavsett om de är eftersökta eller politiskt oppositionella, det är först vid inresa till Iran som ev. straffpåföljder verkställs:

Utstedelse av pass til ettersøkte borgere

Iranske ambassader praktiserer, ifølge en iransk kilde (intervju august 2010), et prinsipp om at alle iranere i utlandet har rett til et pass, uansett vedkommendes status overfor iranske myndigheter. Dette skal være basert på et direktiv fra iransk UD. Dette innebærer at også ettersøkte personer og politisk opposisjonelle i eksil skal få utstedt pass ved behov. Eventuelle straffereaksjoner eller sanksjoner mot vedkommende vil angivelig først bli iverksatt ved innreise til Iran. Flere uavhengige kilder har bekreftet at det er vanlig at iranere som har vært politisk aktive eller bedrevet ulovlig virksomhet i utlandet, blir utsatt for forhør og i noen tilfeller arrestasjon ved ankomst til Iran eller i løpet av oppholdet i landet, gjerne på grunnlag av etterretningsinformasjon som ambassaden har innhentet (Refugee Review Tribunal, 2010). Men det er angivelig ikke ambassadens mandat å sette i verk individuelle sanksjoner mot politisk opposisjonelle.

I en artikel från 2014 rapporterade Iran Times följande:

The Foreign Ministry says about 5 percent of Iranian expatriates will be arrested for crimes upon their arrival at Iranian airports.

It is the first time the government has revealed how many emigres are wanted by the Islamic regime.

Deputy Foreign Minister Hassan Qashqavi said a few weeks ago that the government was compiling a list of all those wanted and would be happy to tell anyone who inquired if they were on the list or free to visit.

Enligt en artikel (2014) på webbplatsen International Campaign for Human Rights in Iran är alla iranier som bor utomlands "fria" att resa till och från Iran, förutom individer involverade i en rättslig process:

Qashqavi said last month that other than individuals "with judicial cases," all Iranians living abroad are "free" to travel back and forth to Iran. He also provided an email address where Iranians could write to inquire about their travel permission status from the Foreign Ministry. In July 2013, Iran's Prosecutor General and Spokesperson for the Iranian Judiciary Gholamhossein Mohseni Ejechi said at a press conference that everyone is allowed to return to Iran, but not

everyone is allowed to leave the country. "If an individual commits a crime and leaves the country, or if he commits a crime against the state abroad, as soon as he returns to the country, he will be arrested by the judicial system." Regarding individuals who were involved in the 2009 post-election events, which Mr. Ejehi referred to as "the 2009 Sedition," he said, "If these individuals return to the country, they will be prosecuted immediately upon arrival."

I en senare artikel (2015) skriver International Campaign for Human Rights in Iran att:

Dozens of Iranian expatriates who have traveled to Iran following assurances by President Hassan Rouhani regarding their safe passage, have been arrested, interrogated, prevented from leaving by having their passports confiscated, and, in many instances, imprisoned upon their return.

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In November 2013, the Deputy Foreign Minister for Consular, Parliamentary and Iranian Expatriate Affairs announced the formation of a committee to help exiled political activists return to Iran. Yet if the arrests over the past year and a half are any indication, it seems the right of safe return—as interpreted by the Iranian authorities—only applies to those who do not express any dissent against the state.

Iranska strafflagen

Nedan följer några utdrag ur den iranska strafflagen (Islamic Penal Code - IPC).

Artikel 500 i strafflagen (bok 5) lyder:

Article 500- Anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations, shall be sentenced to three months to one year of imprisonment.

Artikel 25 i strafflagen (bok 1 & 2 i den gamla IPC) lyder:

Article 25 -Considering the following conditions, the judge may suspend execution of all or part of punishment of all *ta'zir* or deterrent sentences for a period of two to five years:

(a) The convict should not have a record of final conviction to one of the following sentences:

- 1- Final conviction to a *hadd* punishment.
- 2- Final conviction to amputation or mutilation of a limb.

3- Final conviction to more than one year imprisonment for committing a deliberate offence.

4- Final conviction to a fine of more than two million Rials.

5- Previous record of final conviction for two or more deliberate offences irrespective of the extent of the punishments.

(b) Considering the social status and background of the convict and the circumstances led to commission of the offence, the court may not consider the execution of all or part of the punishment as suitable.

Note -In non-*ta'zir* and non-deterrent sentences, suspension of punishment is not allowed, except in cases stipulated by law or *Shari'a*.

Enligt uppgift på IHRDC:s webbplats inkluderar den nya IPC från 2013 huvuddelen av de iranska strafflagarna och ersätter böcker 1-4 i gamla IPC. I artikel 46 i nya IPC (bok 1 & 2) återfinns en liknande ordalydelse som i artikel 25 i gamla IPC (bok 1 & 2):

Article 46- In *ta'zir* crimes of the third to eighth degree, the court can suspend execution of all or part of the punishment from one to five years, subject to the [same] requirements provided for postponement of deliverance of judgment. Also, the public prosecutor or judge in charge of execution of criminal judgments, after execution of one third of the punishment, can ask the court to suspend [execution of the punishment]. Also, the convict, after spending one third of the punishment, subject to legal requirements, can request suspension through the Public Prosecutor or Prosecutor in charge of execution of criminal judgments.

Artikel 34 i nya IPC (bok 1 & 2) fastställer att:

Article 34- A ban from leaving the country for Iranian citizens shall require revocation of the passport and ban from a new application.

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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