



# FROM PROTEST TO PRISON

IRAN ONE YEAR AFTER  
THE ELECTION

**AMNESTY**  
INTERNATIONAL



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*Cover photo:* Demonstration in Tehran following the disputed 12 June 2009 presidential election. © Javad Montazeri

*Back cover photo:* A mass “show trial” in Tehran’s Revolutionary Court, 25 August 2009; defendants are dressed in grey. © AP/PA Photo/Fars News Agency, Hasan Ghaedi

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# 1. INTRODUCTION

## “The prisoner’s worst nightmare is the thought of being forgotten.”

Maziar Bahari, Iranian-Canadian journalist, after his release from four months of detention in Evin Prison<sup>1</sup>

One year on from the disputed presidential election of June 2009, Iranians who want to criticize the Government or protest against mounting human rights violations face an ever-tightening gag as the authorities and the shadowy intelligence services – shaken to the core by the events which followed – consolidate their grip on the country and intensify the repression already in place for years. Iranians have moved from protest to prison, as the authorities resort to locking up hundreds of people in a vain attempt to silence voices peacefully expressing a dissenting view to the narrative which the authorities wish to provide of the election and its aftermath.

Thousands of people – over 5,000 according to official statements, although the true figure is almost certainly higher – have been arrested during mass demonstrations which first erupted on 13 June 2009, the day after the election. Demonstrations took place steadily throughout June until mid-July 2009 in spite of the authorities’ determination to quell protests, then continued more sporadically on days of national importance, whenever public demonstrations were permitted.<sup>2</sup> At the time of writing, demonstrations which took place during the religious festival of Ashoura, which fell on 27 December 2009, were the last mass demonstrations to occur since the election, when over 1,000 people were arrested, according to official figures. Attempts to hold further demonstrations on 11 February 2010, the anniversary of the founding of the Islamic Republic were prevented by the heavy presence of security forces. Most of those arrested have been released, although some have returned to prison to begin serving prison sentences, but may also spend short periods free on “temporary leave”. These “revolving prison doors” make it difficult to give precise numbers of those held at any one time.

Those who demonstrated against the Government were met by security forces wielding batons, using tear gas and sometimes firing live rounds.<sup>3</sup> Hundreds of others have been arrested at their homes or workplaces, usually by unidentified plain clothes officials bearing generic arrest warrants. Some have been detained in conditions amounting to cruel, inhuman and degrading treatment. Many have been tortured, including by beatings, rape and solitary confinement in small spaces for long periods. Hundreds have been sentenced after grossly unfair trials to lengthy prison sentences, while many others are still held without charge or trial. Some have been sentenced to death.

At the same time, the Iranian authorities have passed new laws to restrict people writing on websites and established new security bodies to monitor web content. They have criminalized contact with over 60 foreign institutions, media organizations and NGOs – a move which can only be construed as an attempt to isolate Iranians and prevent news, including on human rights violations, from leaving the country.<sup>4</sup> They have continued to close down newspapers that are deemed to cross the ever-shifting “red line” of what they consider to be acceptable. Websites and email services have been filtered or blocked and the police have warned that

SMS messages are monitored.<sup>5</sup> They have fired many university professors and staff on the grounds that they do not have sufficient “belief” in the Islamic Republic. Renewed efforts to implement “morality” codes concerning dress and gender segregation are underway which particularly impede women’s ability to function freely in society. They have issued numerous threatening statements and executed political prisoners to make it absolutely clear that those who express any form of dissent – whether by speaking out or writing or attending demonstrations – will face the harshest penalties.

“I hope your daughters grow up to get married – mine grew up to be thrown into jail”. So said the mother of Shiva Nazar Ahari, one of the detainees whose case is highlighted in this report, to Amnesty International – poignantly illustrating the journey taken by an increasing number of Iranians, from political and civil activism and street demonstrations to the cells of Evin Prison and beyond. This report describes that journey in detail, showing how ordinary an experience arrest and detention has become. Iranians in large numbers are being imprisoned for peacefully exercising their rights. Not only should they not be incarcerated in the first place, but while held they are further abused and victimized. The report clearly demonstrates that the vast majority of international standards related to the protection of detainees, as set out in the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, are ignored. Judicial guarantees in Iranian law are also routinely flouted.

Over the past year, Iran has faced mounting international criticism of its human rights record both by individual states and within international fora such as the United Nations General Assembly and the Human Rights Council, where Iran’s record was considered in the framework of the Universal Periodic Review (UPR) in February 2010. While accepting generic recommendations at the conclusion of the process, other specific recommendations were rejected, which had they been adopted and implemented could have significantly improved the situation for detainees and prisoners in Iran. Consolidated international pressure on Iran in the run up to the election in May for membership of the Human Rights Council appears to have led to the withdrawal of Iran’s candidacy at the last minute.

At times, the reality of the situation for prisoners in Iran has been on the lips of the world, such as the campaign for the release of renowned film director Ja’far Panahi which culminated in his empty chair on the jury for the Cannes Film Festival. However, his welcome release should not obscure the fact that hundreds of others remain held – for similar reasons – who have no one to speak so eloquently for them.

This report is an attempt to address that fact and to ensure that the worst nightmare of released detainee Maziar Bahari does not become a reality for those still held. It focuses on the situation of detainees and prisoners in Iran – most of whom are prisoners of conscience<sup>6</sup> who should be released forthwith – while recognizing that many other egregious human rights violations in Iran deserve attention in their own right. It looks at the people targeted for arrest, who are drawn from a widening circle of the population, how arrests are made, where detainees are held, the conditions of detention, and the pressures placed on detainees to make “confessions” that are then used as the main evidence against them in trials which are fundamentally flawed and are often summary, particularly in the provinces away from the glare of publicity in Tehran.

The report analyses the vaguely worded legislation used to charge those arrested with “offences” that do not meet the requirements for clarity and precision in criminal law outlined in international law. It looks at the political pressures exerted on judges to convict people, and the politically motivated use of the death penalty to send a warning to anyone considering open defiance of the authorities.

The report ends with two essential calls on the Iranian authorities to immediately and unconditionally release all prisoners of conscience and to ensure that all other political prisoners are tried promptly and fairly, without recourse to the death penalty, in proceedings which fully meet international fair trial standards.

Despite Iran's assertion in its report submitted to the United Nations in the framework of the UPR in February 2010 that it co-operates with NGOs, Amnesty International has not been permitted to visit Iran for fact-finding purposes or to hold Government talks since 1979. The organization again sought access to Iran in November 2009, and was unable to even meet the Ambassador of Iran in London. Amnesty International delegates also sought a meeting with the Iranian delegation presenting Iran's human rights record at the UN for the Universal Periodic Review of Iran in February 2010, but were rebuffed.

This report is therefore based on interviews with family members of those held; their lawyers and friends; those who have been released, including some interviewed face-to-face in Turkey in March 2010; statements by the Iranian authorities; media reports, both official and from the opposition; and reports by local and international NGOs concerned with human rights. Amnesty International's lack of access to Iran has affected the ability of the organization to verify directly all violations brought to its attention. However, it believes the wide range of information below illustrates the plight of the hundreds of people detained without charge or trial, or sentenced to lengthy prison terms, flogging or death after unfair trials simply for expressing their dissenting views.

The report follows an earlier report issued by Amnesty International in December 2009, *Iran: Election contested, repression compounded*, which documented human rights violations before, during and after the election up to mid-November 2009.<sup>7</sup> Amnesty International hopes that this report too will help break the wall of silence which the Iranian authorities are trying to erect, and will contribute to an eventual improvement in the human rights situation for all in Iran. Alongside the publication of this report, the organization is launching a year-long campaign, which will focus on the situation of a number of prisoners of conscience and political prisoners to highlight the plight of the hundreds still held.

Amnesty International wishes to thank all those who contributed to this report, and to pay tribute to those who have allowed their stories to be told, in the hope that others may not suffer in the same way. In particular, the families and friends of detainees and prisoners who – at no small risk to themselves – have continued to speak out to ensure their loved ones are not forgotten, deserve our admiration. It has only been possible to mention a small proportion of those who are still suffering, but this is not to downplay the suffering of others – and we encourage all who have such information to come forward and speak out, so that no one is forgotten and so that the international community cannot turn a blind eye to the human rights violations which continue unabated in Iran.

## 2. WHO ARE THE PRISONERS?

**“Silence has usually harmed, rather than helped, political prisoners.”**

Roxana Saberi, former prisoner of conscience, *The Washington Post*, 13 May 2010

All those arrested, detained and imprisoned in the fallout after the election have one thing in common: they are perceived as challenging the authorities' legitimacy and in some way offering an alternative view of events to that presented by the authorities.

The vast majority of the well-over 5,000 arrested since June 2009 have been ordinary citizens – women and men, workers and the unemployed, students and professionals – who went out into the streets to protest against the announced election result, or against human rights violations that occurred. Most were released after days or weeks, but some were held for months. Some still languish in the harsh conditions prevalent in most of Iran's prisons, particularly in the provinces. These are the “nameless” prisoners (*gomnam*) – the lesser-known people whose cases have not garnered much media attention.<sup>8</sup>

In addition to these prisoners, there have been sweeping arrests before and after demonstrations which since July have taken place only on days of national importance when public demonstrations are generally held, such as Qods Day, the last Friday of Ramadan, the anniversary of the seizure of the US Embassy on 4 November 1979, National Students' Day on 7 December, and the religious festival of Ashoura (the 10th day of the Islamic month of Moharram which fell on 27 December in 2009).

Those targeted for arrest have included political and human rights activists, journalists, women's rights defenders and students. As time has progressed, new groups have been brought into the fold of suspicion, including clerics, academics, former political prisoners and their relatives, people with family links to banned groups, members of Iran's ethnic and religious minorities – particularly the Baha'is, but also other minorities such as Christians, Dervishes, Azerbaijanis, Sunni Muslims (who are mostly Baluch and Kurds), and lawyers who have defended political detainees.

Amnesty International has been unable to compile and maintain complete lists of all those currently detained or imprisoned. This is due to the secrecy surrounding arrests, including pressures placed on families not to report arrests; the difficulty of obtaining information from Iran, where the security services monitor phone calls, email and other internet-based forms of communication; and the “revolving doors” of prisons and detention centres, whereby people are detained for relatively short periods, sometimes repeatedly, or prisoners are released pending appeal or “temporarily” for weeks or months. However, a small number of individuals whose cases have been brought to the organization's attention are highlighted below to illustrate the pattern of violations against those held.



## POLITICAL ACTIVISTS

**"These two parties [the Islamic Iran Participation Front and the Mojahedin of the Islamic Revolution Organization] played an important role in [post-] poll seditions, thus the system, to prove its power, should act firmly with the transgressors."**

Ruhollah Hosseini, Head of the Domestic Policy and Councils' Affairs Committee of the Majles, in April 2010 following the banning of two parties<sup>9</sup>

While the two main opposition leaders – unsuccessful presidential candidates Mir Hossein Mousavi and Mehdi Karroubi – remained at liberty at the time of writing, they have faced threats of arrest, and their movements and whom they meet are closely monitored.<sup>10</sup> Mehdi Karroubi's car has been attacked, one of his sons was banned from leaving the country, and another was arrested and beaten during a rally held on the anniversary of the establishment of the Islamic Republic on 11 February. Mir Hossein Mousavi's nephew was killed in the Ashoura demonstrations, and his personal bodyguard was arrested in mid-May 2009.

However, many senior members of political parties such as the Islamic Iran Participation Front (IIPF), a political party linked to former President Mohammad Khatami, and the Mojahedin of the Islamic Revolution Organization (MIRO), which endorsed Mir Hossein Mousavi's candidacy in the 2009 presidential election, were arrested in the days after the election. The two parties have since been banned.<sup>11</sup> Arrests have continued – for example, former parliamentarian **Mohsen Armin**, a spokesperson and senior member of MIRO, was arrested from his home on 16 May 2010.

Other parties whose members have been targeted for arrest include the Servants of Construction (SOC), which is close to former President and Chair of the Expediency Council Ayatollah Akbar Hashemi Rafsanjani; the National Trust party, headed by Mehdi Karroubi which was closed down in August 2009; and the banned but tolerated Freedom Movement, led by Ebrahim Yazdi. Many were later sentenced to prison terms, but some had been freed on bail pending appeal or for "temporary prison leave" at the time of writing. They include **Azar Mansouri**, a senior member of the IIPF, as well as **Abdollah Ramazanzadeh**, the party's Deputy Chairman, sentenced to three years and six years in prison respectively and both released on bail. Others currently at liberty are **Mohammad Atrianfar**, a journalist and member of the SOC who was sentenced to six years' imprisonment in November 2009, but released on bail pending an appeal.

The liberty of those released conditionally is precarious. **Mohsen Mirdamadi**, for example, the Chairperson of the IIPF, was returned to prison on 26 May 2010 after his release on bail two months earlier in March. He was sentenced in April to six years in prison. **Behzad Nabavi**, a former Deputy Minister, parliamentarian and founding member of MIRO, returned to prison in late May 2010 to continue serving a five-year prison term after having been released temporarily on 16 March 2010. **Hengameh Shahidi**, a journalist and member of the National Trust party who acted as an adviser on women's issues to defeated presidential candidate Mehdi Karroubi during his election campaign, began serving a six-year prison sentence on 25 February 2010 after an appeal court upheld the conviction on charges related to her political and journalistic activities. Hengameh Shahidi, who is in poor health, had been arrested on 30 June 2009 and released on bail in November.

Others have never been released and remain imprisoned. Among them is **Farid Taheri**, a member of the Freedom Movement, arrested in January 2010 and sentenced to three years in prison in April 2010 for "gathering and colluding with intent to harm state security", "propaganda against the system and "disturbing public order".

Members of smaller political parties have also been targeted. **Heshmatollah Tabarzadi**, aged 53, leader of the banned Democratic Front of Iran, was arrested on 27 December 2009 at his home in Tehran after the Ashoura protests. He has been held since then without charge or trial or access to a lawyer. His arrest may be linked to some of his articles and interviews which appeared before and during the Ashoura unrest.

Some activists have been arrested several times. **Emad Bahavar**, Head of the Youth Wing of the Freedom Movement, which was active during the presidential campaign, has been arrested four times since the start of 2009 apparently in connection with the election, including the campaign beforehand. Most recently he was arrested in March 2010 when he was summoned to court only days after being released. He was mentioned in the second mass “show trial” of August 2009, during which the Freedom Movement was accused of being part of the “soft revolution” which the authorities claimed was aimed at overthrowing the Islamic Republic. Held without charge or trial, he was said to be under pressure to make a televised “confession” at the time of writing.

Many other members of political parties, especially from provincial branches, have been arrested in the months following the election – such as **Dr. Hossein Raisian**, a university Professor and member of the Qazvin branch of the IIPF, who was arrested in May 2010. Officials later said that he had been arrested on suspicion of an illicit relationship, but Dr Raisian later reportedly told his wife that these accusations were untrue and were politically motivated. For the majority, even when reports of their arrests have surfaced, their fates remain largely unknown, highlighting the extra layer of secrecy surrounding those detained in the provinces.

## STUDENTS AND GRADUATES

Members of the student body, the Office of the Consolidation of Unity (Daftar-e Tahkim-e Vahdat, OCU), and the Graduates' Association (Advar-e Tahkim-e Vahdat) have been targeted for arrest. Both organizations have been prominent in promoting human rights, reporting on human rights violations and calling for political reform in recent years.

Members of the OCU Central Committee currently held include **Bahareh Hedayat**, also Chair of the OCU's Women's Committee, and **Milad Asadi**. In May 2010 they were sentenced to nine and a half years and seven years in prison respectively. Bahareh Hedayat's husband, Amin Ahmadian described how their trials were held behind closed doors without their lawyers being present and added:

*"This ruling has no legal basis and has been issued on a political basis. On the threshold of the anniversary of the elections and the attack on the Tehran University dormitories, I think they wanted to issue heavy sentences for two distinguished student activists".<sup>12</sup>*

**Morteza Samyari**, aged 24, another member of the Central Committee, was released on bail in February 2010, pending an appeal. Arrested on 4 January 2010, he was sentenced to six years in prison after he was convicted of “propaganda against the system” and “gathering and colluding with the intent to act against national security”, following a “show trial” that began on 30 January 2010 (see Chapter 5). **Mehdi Arabshahi**, Secretary of the OCU, arrested after the Ashoura demonstrations on 27 December, was released on bail on 11 March 2010 and has yet to be tried.

Student leader **Majid Tavakkoli** was beaten and arrested on 7 December 2009 after making a speech at a student demonstration in Tehran. His lawyer was not permitted to attend his trial, which took place in January 2010, after which he was sentenced to eight-and a half years in prison. He was also issued a five-year ban on any involvement in political activities and on

leaving the country. In May 2010 he went on hunger strike to protest at his transfer to solitary confinement until he was moved back to a general ward.

The day after his arrest, the Fars News Agency, which is close to the Revolutionary Guards and the Judiciary, published pictures of Majid Tavakkoli wearing women's clothing, and said he had been wearing them at the time of his arrest in order to escape detection. Student sources have denied that he was wearing the clothes at the time, but suggested he was forced to wear them afterwards to humiliate him.

After Majid Tavakkoli was pictured wearing women's clothes, many Iranian men took pictures of themselves with head coverings, many of them holding signs saying "We are Majid", and posted them on the internet as part of a solidarity campaign calling for his release.<sup>13</sup>

The Graduates' Association, comprised mainly of former students who had been active in the OCU while studying and which in recent years has promoted reform and greater respect for human rights, said in May 2010 that over half of its members had been arrested since the election.

They include **Ahmad Zeidabadi**, a journalist and Secretary-General of the Graduates' Association, who was arrested on 21 June 2009 and held incommunicado in Evin Prison until his appearance on 8 August 2009 at the second session of a mass "show trial". He was sentenced to six years' imprisonment in November 2009, five years of internal exile in the city of Gonabad, and a lifetime ban on all social and political activities. At the end of January 2010, he was transferred to Raja'i Shahr Prison in Karaj, near Tehran, where most non-political prisoners are housed. Even though his family posted bail, he has not been freed.

Another senior member of the Association, **Abdollah Momeni**, who also appeared in a "show trial" in August, was sentenced to six years' imprisonment in November 2009, and a previously suspended sentence of two years' imprisonment was also implemented. In May 2010, this was reduced to four years and eleven months on appeal. Also in May, **Kohzad Esma'ili**, the Head of the organization's Gilan branch, had his three-year sentence upheld on appeal. Others have been released on bail, including **Salman Sima**, but some have been banned from leaving the country, such as **Hasan Asadi Zeidabadi** and **Mohammad Sadeghi**. Both had been arrested in November 2009.

Hundreds of students who have participated in demonstrations in the streets or on university campuses have been arrested and some have been sentenced to prison terms. For example, Amnesty International obtained court documents relating to the trial of eight students, all members of the Islamic Society in the Babol Noshirvani University of Technology, northern Iran. They were found guilty in September 2009 of acting against the Islamic Republic by "participating in an illegal gathering", "encouraging people to riot" and "propaganda against the state". In February 2010, a court of appeal upheld the sentences of **Iman Sedighi**, **Mohsen Barzegar** and **Nima Nahavi** to 10 months in prison. **Mohsen Esma'ilzadeh** had his 91-day prison sentence for "insulting the Supreme Leader" upheld. Five others were sentenced to 10 months' suspended imprisonment and a one-year ban on studying. At the time of writing, Iman Sedighi, Mohsen Barzegar, Nima Nahavi and Mohsen Esma'ilzadeh were all serving their sentences in Mati Kalay Prison in Babol.

## JOURNALISTS

**“This year, we bloggers and journalists are celebrating World Press Freedom Day in prison. We have been jailed and given unjust sentences for wanting to inform, for writing articles, for carrying out interviews and for participating in the debate about freedom and democracy. Purely and simply for doing our duty as journalists.”**

Open letter from 20 detained journalists for World Press Freedom Day 2010<sup>14</sup>

Journalists have been particularly targeted, perhaps because it is in the very nature of their work to uncover the truth and comment on events. Well over 100 journalists, many of whom worked for publications perceived by the authorities as “reformist”, are believed to have been arrested, and over 50<sup>15</sup> of them remain detained or imprisoned or on temporary leave at risk of return to prison at the time of writing. There are frequent reports of further arrests, in addition to the banning of publications – over 20 since the election – which has left an estimated 3,000 people without work.<sup>16</sup>

Some of those sentenced are free on bail pending appeal or on “temporary” release, such as **Saeed Laylaz**, sentenced to six years. Like others, some journalists released temporarily have experienced the fragility of their freedom: **Bahman Ahmadi Amou’i**, whose seven year and four month sentence was reduced to five years on appeal, returned to prison in late May 2010 after 72 days. Others have never been released and are serving heavy prison sentences, such as **Masoud Bastani**, a journalist for *Jomhouriyat*, who was arrested in July 2009. He is serving a six-year prison sentence in harsh conditions at Raja’i Shahr Prison, in Karaj, near Tehran. **Mehdi Mahmoudian**, a journalist who first revealed abuses at the Kahrizak Detention Centre<sup>17</sup> and was arrested on 16 September, was sentenced to five years in prison in May.

Still others have yet to be charged or tried, despite having spent months in detention. Many have been held in solitary confinement in prisons where they risk torture or other ill-treatment, including beatings, threats and mock execution. They include veteran journalist **Isa Saharkhiz** who was active in Mehdi Karroubi’s election campaign, and who has been detained without charge or trial for over 11 months. He was transferred to Raja’i Shahr Prison in May, which his family consider to be a form of punishment.

Prominent human rights defender and journalist **Emadeddin Baghi** – the 2009 recipient of the prestigious Martin Ennals Award for human rights defenders – was arrested on 28 December. In November he had been banned from travelling to Geneva to accept the award, the first time in the award’s 18-year history that the recipient was denied the opportunity to receive the award in person. His arrest followed the broadcasting several days previously of an interview he had recorded two years earlier with Grand Ayatollah Montazeri, which was shown on BBC Persian TV to mark the cleric’s death.<sup>18</sup> He was arrested at a time of mass protests in Tehran and other cities to mark Ashoura. He remains held without charge.

**Badrolsadat Mofidi**, Secretary of the now-banned Association of Iranian Journalists, was arrested after the Ashoura demonstrations following an interview she had given a week earlier to the German international broadcaster Deutsche Welle in which she described the crackdown on the press. She remains held without charge or trial at the time of writing.

All three are suffering ill-health in detention and there are fears that the medical care they are receiving is inadequate.

## FILMMAKERS AND OTHER ARTISTS

**“Specific Iranian productions might not receive permission for a foreign premiere... One [filmmaker] was recently warned against any attempt to screen his movie at foreign festivals.”**

Alireza Sajjadpur, Director of the Ministry of Culture and Islamic Guidance's Supervision and Evaluation Office, April 2010<sup>19</sup>

Those involved in culture have not been immune from arrest or harassment, particularly when the authorities fear that the art will be used to present a dissenting voice to the world. Screenplays must be vetted by the Ministry of Culture and Islamic Guidance to receive a production licence and then a screening licence for both domestic and foreign showings. In May 2010, a Ministry of Culture official said that Iranians must also obtain permission before co-operating in foreign productions.<sup>20</sup>

Celebrated movie director **Ja'far Panahi** was released on 25 May 2010 after almost three months in detention without charge or trial, after his plight was highlighted at the Cannes Film Festival. **Mohammad Nourizad**, a director as well as a journalist, was on hunger strike at the time of writing after he was beaten in prison. He was arrested in December 2009 and sentenced to three and a half years' imprisonment and 50 lashes for “insulting the authorities” and “propaganda against the state” for articles published on his blog criticizing the Supreme Leader and the Head of the Judiciary. His sentence was upheld on appeal in late May, shortly after he described being pulled from his cell without warning and beaten – possibly in reprisal for a letter to the Supreme Leader which he wrote in April 2010, criticizing his treatment and imprisonment.<sup>21</sup>

**Mohammad Ali Shirzadi**, a documentary filmmaker, was held without charge or trial at the time of writing. His arrest in December is believed to be linked to an interview he filmed between prominent human rights defender Emadeddin Baghi and Grand Ayatollah Montazeri. Since his arrest, Mohammad Ali Shirzadi has had around three family visits and no access to his lawyer.

Other artists detained include **Mehraneh Atashi**, an internationally-renowned photographer who was arrested with her husband **Majid Ghaffari** in January. They were released on bail in March 2010. Some have been harassed, including 82-year-old poet **Simin Behbahani** who was banned from travelling to France in March where she was due to speak at an International Women's Day event.

## RIGHTS DEFENDERS

**“As far as we understand from our daughter's writings and activities, she has not done anything except some human rights activities. In her attempts to realize this goal, she does her best to defend every religion and ideology. Is it a crime to defend human rights?”**

Shiva Nazar Ahari's parents in a letter to the Ministry of Intelligence after her arrest in December 2009

The Iranian authorities have been keen to discredit human rights activists, including citizen journalists who have been at the forefront of gathering information about human rights violations, including testimonies from families and occasionally from released prisoners. In an apparent attempt to provide scapegoats for their distorted version of events, the authorities have accused some human rights NGOs of being in contact with, or supplying information to, banned groups, particularly the People's Mojahedin Organization of Iran (PMOI) and have carried out waves of arrests of human rights activists.

For example, at least eight members of the Committee of Human Rights Reporters (CHRR) have been arbitrarily arrested since the end of November 2009. Two of them – **Shiva Nazar Ahari** and **Kouhyar Goudarzi** – were still detained in May 2010. Their trials had begun, but had not been concluded. Others arrested and later released include **Saeed Kalanaki**, **Saeed**

**Jalalifar, Saeed Haeri, Parisa Kakayi, Mehrdad Rahimi and Navid Khanjani.** Some members have fled the country for their own safety. In January 2010 the Tehran Prosecutor accused the group of having links to the PMOI, and said that “any collaboration with the [CHRR] is a crime”. The CHRR vehemently denies having such links.

Another human rights organization, Human Rights Activists in Iran (HRAI), has also been targeted. In early March 2010, a wave of arrests of individuals who are or have been associated with the organization was carried out. Many of those arrested remained held at the time of writing. On 17 March 2010, the Tehran Prosecutor’s Office said that 30 people had been arrested in connection with alleged US Central Intelligence Agency (CIA) “cyber networks” that were aimed at destabilizing Iran, and said that HRAI was part of this. On 26 March 2010, the HRAI published a list of 41 of its members and associates who it said had been arrested. It said “the only crime of these activists is their philanthropy and their work toward helping humanity”.<sup>22</sup> They include **Mahboubeh Karami** (who is also a member of the One Million Signatures Campaign – see below) and **Abdolreza Ahmadi** from Tehran; **Mohammad Reza Lotfi Yazdi** from Mashhad; **Mojtaba Bayat** from Qom; **Tahmineh Momeni** from Sari; **Sepehr Soufi** from Kish Island; **Somayeh Ojaghlou** from Esfahan; and **Mojtaba Gahestouni** from Ahvaz; and **Saleh Shalmashi** from Sanandaj. Some of them have since been released.

**Abolfazl Abedini Nasr**, a 28-year-old journalist and human rights activist from Ramhormuz, Khuzestan province, who was formerly a Press Officer for the HRAI, has been particularly harshly treated. He was first arrested in late June 2009 and was held for four months in Sepidar Prison, in Ahvaz, near Iran’s border with Iraq, until he was released on bail on 26 October 2009. On 3 March 2010, during a wave of arrests of human rights activists, he was rearrested at his home in Ramhormuz. During his arrest he was beaten by security officials. Four days after this arrest, he was taken to Evin Prison, where he is also reported to have been beaten.

After his rearrest, Abolfazl Abedini Nasr’s lawyer was informed on 29 March 2010 that his client had been sentenced to 11 years in prison in connection with his earlier arrest in June 2009. This consisted of five years’ imprisonment for “membership of an illegal organization”, in relation to his involvement with the HRAI, one year’s imprisonment for “propaganda against the system” for talking to foreign media and five years for “contacts with enemy states”. The “contact with enemy states” may be related to claims that the authorities made in March 2010 that the HRAI was set up by the CIA as part of alleged attempts to orchestrate a “soft revolution” in Iran. His sentence was confirmed on appeal in May 2010. He suffers from a heart defect which requires regular medication and check-ups.

**Sayed Ziaoddin Nabavi** is a member of the Council to Defend the Right to Education, a body set up in 2009 by students barred from further study because of their political activities or on account of their being Baha’is. He was arrested in June 2009, along with his cousin **Atefeh Nabavi** who was later sentenced to four years in prison. Sayed Ziaoddin Nabavi was sentenced to 15 years’ imprisonment and 74 lashes in January 2010, which was reduced to 10 years on appeal in late May. He says that he was beaten, kicked, insulted and humiliated during his interrogation. His particularly heavy sentence appears in part to be linked to the fact that he has family members based in PMOI-run camps in Iraq. He denies having any personal links to the PMOI.

Members of other human rights organizations have also been arrested, and some tried and sentenced. **Ali Bikas**, a member of the Student Committee for the Defence of Political Prisoners (SCDPP) and an activist for the rights of the Iranian Azerbaijani minority, is serving a seven-year prison term in Evin Prison. Another member of the SCDPP, **Naseh Faridi**, was sentenced to six years in prison and 74 lashes in January. He is currently free on bail pending an appeal. Another board member of the SCDPP, lawyer **Mohammad Olyaeifard** is also

imprisoned (see section on lawyers below). **Kaveh Ghasemi Kermanshahi**, spokesperson for the Human Rights Organization of Kurdistan<sup>23</sup> and a member of the One Million Signatures Campaign which campaigns for greater respect for women's rights, was arrested in February 2010 in Kermanshah, western Iran. He was released on bail on 23 May 2010.

Children's rights activists have not been spared either: for example, **Maryam Zia**, Director of the Association for the Endeavour for a World Deserving of Children, was arrested on 31 December 2009. She was eventually released on bail in March 2010 after she had gone on hunger strike in protest at her continued detention. Women campaigning for redress for human rights violations have also been targeted: members of the Mourning Mothers, a group of mothers whose children were killed in the post-election demonstrations and their supporters, have been arrested on several occasions. Members of the group meet silently in parks on Saturdays to register their protests. Over 30 were arrested in January, although most were released within days.<sup>24</sup>

Women's rights defenders too have faced the authorities' ire. Although immediately after the election there was a lull in arrests of women's rights activists, the women's movement was named in the general indictment read at the first "show trial" as being part of the "velvet revolution" and arrests resumed in October. **Shadi Sadr**, a prominent lawyer and women's rights defender who was detained for a week in July 2009, was sentenced in her absence to six years in prison and 74 lashes along with **Mahboubeh Abbasgholizadeh**, another women's rights defender, who was sentenced to two-and-a-half years' imprisonment and 30 lashes.<sup>25</sup> Both were convicted in relation to a peaceful gathering in 2007 – a move widely interpreted as intended to discourage people from protesting on the anniversary of the election.

Among those particularly targeted have been supporters of the One Million Signatures Campaign (also known as the Campaign for Equality), a women's rights initiative launched in 2006. Its volunteers are collecting a million signatures of Iranians demanding an end to legal discrimination against women in Iran, such as exclusion from key areas of the state, including standing for the presidency, and in the areas of marriage, divorce, child custody and inheritance. Even though the Campaign for Equality conducts its activities in full compliance with the law, the authorities have impeded its work and repressed its activists. They have blocked access to the campaign's main website at least 23 times, frequently denied the group permission to hold public meetings, prevented activists from travelling abroad or summoned them for interrogation, and apparently been behind threatening phone calls.

More than a dozen members of the Campaign for Equality have been arrested since October 2009. They include **Rahaleh Asgarizadeh** and **Vahideh Molavi**, arrested during protests in Tehran on 4 November 2009, and two men, **Mohsen Parizad Moghaddam** and **Ali Mashmooli**, arrested in Esfahan, central Iran, on the same day. All were later released.

**Mehrnoush Etemadi** was arrested at home in Esfahan on 23 November 2009 and was released on bail in December. Accusations made against her included "membership of the One Million Signatures Campaign". **Hayedeh Tabesh** was arrested on 5 December 2009, also in Esfahan. Both were released on bail on 8 December. Hayedeh Tabesh had previously been banned from travel abroad because she had been invited to a training event in South Africa, even though she did not participate in the event.

Other Campaign members arrested after Ashoura include **Atiyeh Yousefi**, held for about two weeks in the northern city of Rasht; **Somayeh Rashidi**, arrested in December and held for 68 days; and **Mansoureh Shojaee**, held for almost a month in Tehran. Mansoureh Shojaee has been banned from travel for the past three years.

Others were arrested in the run-up to the anniversary of the Islamic Revolution in February 2010. They include **Maziar Samiee**, a student and Campaign for Equality activist. He was held for two weeks in February 2010. **Mahsa Jazini**, a journalist for *Iran Daily* and an activist in the Campaign for Equality, was arrested on 7 February 2010 in Esfahan and released on bail on 1 March. She was told at the time of her arrest that the reason for her detention was that she was a feminist. **Noushin Ja'fari**, another journalist, was also held for about a month after her arrest in early February 2010.

**Dorsa Sobhani**, a Campaign for Equality member in Sari, near the northern Caspian Sea coast, was arrested on 7 March 2010 and held until 21 April. A member of the Baha'i minority, she had been banned from continuing her university studies on account of her faith, and afterwards joined the Council to Defend the Right to Education. **Somayeh Farid**, a Campaign activist who is also a member of the Graduates' Association, was arrested in Tehran on 16 March 2010 when she went to inquire about her husband who had been arrested. She was released on bail after almost two weeks.

## LAWYERS

**"Given that my sister has always defended legal rights of students and political activists, it is most upsetting that she is now deprived of her own legal rights."**

Hossein Mirzaei, the brother of Forough Mirzaei, during her detention in January 2010<sup>26</sup>

The Iranian authorities appear to be taking measures to limit the access of Iranians to high-quality, independent legal representation. In addition to measures to limit the independence of the Iranian Bar Association, such as barring candidates from standing for election to senior positions on discriminatory grounds, including their imputed political opinions, several lawyers have also been arrested, apparently on account of their work or their political beliefs.

**Mohammad Olyaeifard**, who has defended cases of juvenile offenders as well as imprisoned journalists and trade unionists (he is the lawyer of Abolfazl Abedini Nasr mentioned above), was arrested on 1 May 2010 to begin serving a one-year jail term imposed for "propaganda against the system". His lawyers have not been informed of his sentence, in violation of Iranian law. Before his arrest, Mohammad Olyaeifard said that he had been convicted on 7 February 2010 because of an interview critical of the Judiciary he gave to Voice of America's Persian Service shortly after his client, juvenile offender Behnoud Shojaee, was hanged in October 2009 for a murder he committed when he was 17 years old. Executions of those under the age of 18 at the time of their alleged offence are strictly prohibited under international law.

Other lawyers arrested include **Vahid Taleai**, a member of Mir Hossein Mousavi's legal team. He was arrested on 4 or 5 May 2010 and held for over two weeks. **Forough Mirzaei** was arrested on 2 January 2010 along with her husband, journalist Roozbeh Karimi. She was released on bail on 9 February, but Roozbeh Karimi remained held until the end of February.

Some arrested earlier and released on bail continue to face the possibility of charge and trial, which could result in loss of their licence to practise. They include **Mohammad Ali Dadkhah**, a well-known human rights lawyer and member of the Centre for Human Rights Defenders, who was arrested in July 2009 and held for one month. The prosecutor in one of the "show trials" in August 2009 alleged that "[guns], bullets, drugs, documents revealing ties with foreign countries for the purpose of creating chaos and documents ... revealing orders for riots and protests" were found in Mohammad Ali Dadkhah's office. After a trial session in December 2009, his case was referred for a retrial on the grounds of flaws in the investigation.<sup>27</sup> The Iranian authorities have a history of bringing what appear to be politically-motivated criminal charges against human rights lawyers – for example, Nasser Zarafshan served five years' in prison after he was convicted in March 2002 on similar charges.<sup>28</sup>



## CLERICS

Members of Iran's clerical establishment have also been targeted. Some reformist clerics, particularly those close to the late Grand Ayatollah Montazeri, have been detained.

**Ayatollah Mohammad Taghi Khalaji**, a supporter of Grand Ayatollah Montazeri, was arrested on 12 January 2010 at his home in Qom. Since the disputed presidential election in June 2009, he had made several speeches critical of the authorities, including their use of violence against peaceful protesters for which he received warnings from the authorities. He had also called for a peaceful resolution of the tension between the Government and Opposition. He was released on bail on 1 February 2010.

**Seyyed Ahmadreza Ahmadpour**, a reformist cleric in Qom and member of the Central Committee of the IIPF, was sentenced to one year's imprisonment and defrocked by the Special Court for the Clergy in March 2010. He had been arrested during the Ashoura protests and released on 10 January.

Qom Mofid University Law School teacher **Hojjatoleslam Mostafa Mir Ahmadizadeh**, also close to Grand Ayatollah Montazeri was held between 26 February and 17 March 2010 and was not known to have been tried at the time of writing.

**Ahmad Qabel**, a reformist cleric, was arrested from a bus on 20 December 2009 while on his way to participate in Grand Ayatollah Montazeri's funeral. In mid-March 2010, he contacted his family and told them that he had been transferred to the quarantine section of Vakilabad Prison in Mashhad after 70 days of detention. He also said that he had appeared before a Revolutionary Court, to which he had been taken in chains, as the authorities in Mashhad refused to recognize his religious credentials. He said that his passport and house had been confiscated.<sup>29</sup>

## PEOPLE LINKED TO MEMBERS OF BANNED GROUPS

**"Elements such as the hypocrites [PMOI], the monarchists, religious and ethnic terrorists, Baha'is, homosexuals, feminist groups, nationalists and Marxists are participating in this [seditious] current."**

Minister of Intelligence Hojjatoleslam Heidar Moslehi, December 2009<sup>30</sup>

The Iranian authorities have sought to blame banned groups for the unrest, particularly the PMOI which is based in Iraq. Other groups blamed include left-wing groups, sometimes identified as "neo-communist", and monarchist groups, particularly the Kingdom Assembly of Iran and the associated Tondar group.<sup>31</sup> To find scapegoats and to validate their claims of a "soft revolution" orchestrated from abroad, they have turned to former political prisoners and to those whose relatives are members of banned groups, particularly the PMOI, whom they call the "hypocrites" (*monafeqin*). They have arrested targeted people and charged them with links to such groups.

Arrests of people the authorities claim are linked to the PMOI took place in September and December 2009, around demonstrations on Qods Day and Ashoura. On 27 January, a Deputy Intelligence Minister said that among the more than 1,000 people arrested on Ashoura were 20 members of the PMOI, who would face charges of *moharebeh* (enmity against God). Those arrested in September include **Ja'far Kazemi** and **Mohammad Ali Haj Aghaei**, both later sentenced to death, and **Zahra Jabbari**, sentenced to four years' imprisonment in May 2010. **Monireh Rabi'i** was arrested in October 2009 and has been sentenced to five years in exile. Most, if not all, have relatives in the PMOI-run Camp Ashraf in Iraq.

**Ahmad Daneshpour Moghaddam, Mohsen Daneshpour Moghaddam, Mottahareh Bahrami Haghighi, Rayhaneh Hajebrahim Dabbagh** and **Hadi Ghaemi** were all arrested after Ashoura and

sentenced to death after a “show trial” in January 2010 where they were convicted of *moharebeh*. Ahmad Daneshpour Moghaddam and his father Mohsen had their death sentences confirmed on appeal, although the sentences of the other three were commuted.

Two other men alleged to have links to the PMOI and to have been involved in organizing the Ashoura unrest are also facing execution – teacher **Abdolreza Ghanbari**, who was among 16 people who appeared in a “show trial” in January and February; and **Ali Saremi**, who has been in detention since 2007.

Former political prisoners and their relatives have also been arrested. **Zohreh Tonekaboni**, aged 62 and a member of Mothers for Peace,<sup>32</sup> was arrested on 28 December 2009 and held for over a month. A former prisoner of conscience for whom Amnesty International campaigned when she was imprisoned in the 1980s,<sup>33</sup> she is also the widow of a prisoner killed during the 1988 “prison massacre”. Her friend, historian **Mahin Fahimi**, a co-member of Mothers for Peace, was arrested the same day with four others. Mahin Fahimi’s son **Omid Montazeri** (see below) was arrested the next day. Mahin Fahimi’s husband, Hamid Montazeri was a victim of the 1988 “prison massacre”.<sup>34</sup> Mahin Fahimi is also the aunt of Sohrab Arabi, unlawfully killed during the June/July 2009 demonstrations whose death has never been investigated.<sup>35</sup>

On 27 January 2010, a Deputy Minister of Intelligence alleged that about 30 people detained in connection with the Ashoura demonstrations had links to left-wing groups, naming the People’s Fedaiyan Organization of Iran, both its Majority and Minority factions, or had neo-communist sympathies, in relation to which he named Mothers for Peace, which campaigns against possible military intervention in Iran over its nuclear programme, seeks “viable solutions” to the region’s instability and campaigns against the arrest, detention and harassment of ordinary Iranians. The families of Zohreh Tonekaboni and Mahin Fahimi both strongly deny that they currently have any such links or that Mothers for Peace has any political affiliations.

**Omid Montazeri**, a 24-year-old law student and journalist who had written for the on-line cultural magazine *Sarpich*, appeared in televised excerpts of the “show trial” of 16 people in January and February 2010 and was accused of fomenting the Ashoura demonstrations as well as having “neo-communist sympathies”. He was sentenced on 27 February 2010 to six years’ imprisonment in a session which his lawyer was not allowed to attend. He was released “temporarily” for 10 days on 5 April 2010, and was not known to have returned to prison at the time of writing.

Other contributors to *Sarpich* and their relatives have also been arrested. **Ardavan Tarakmeh** was arrested on 27 December 2009. Students **Yashar Darolshafa** and **Maziar Samiee** were arrested during the night of 3/4 February. Yashar Darolshafa’s **mother** and **brother** were also arrested, as was Ardavan Tarakmeh’s 25-year-old sister **Bahar**, but they were released two days later. Yashar Darolshafa’s two cousins, **Banafsheh Darolshafayi**, a music instructor, and her sister **Jamileh**, a script-writer and journalist, were both arrested on 5 February. Their father and mother, **Abol Hassan Darolshafayi** and **Safoura Tofangchi**, were arrested a few days later. All were later released by mid-March.

## MEMBERS OF ETHNIC AND RELIGIOUS MINORITIES

Although members of Iran’s ethnic minorities did not participate to the same extent in the post-election demonstrations, they have long been regarded with suspicion by the Iranian authorities and remain so.

Members of the Kurdish minority, such as **Kaveh Ghasemi Kermanshahi** (see above), have continued to be arrested. In January 2010, **Farzad Soltani**, a Kurdish lawyer and supporter of

Mehdi Karroubi, was arrested. In May 2010, four Kurdish political prisoners were among five people executed in an apparent warning to future demonstrators (see Chapter 5, Politically motivated use of the death penalty). The executions were widely condemned and a general strike was called in Kurdish areas. People arrested following the strike included at least five Kurdish students in Marivan, close to the border with northern Iraq – **Aram Veysi, Fu'ad Moradi, Tofigh Partovi, Dana Lanjava'i** and **Saman Zandi**. Spokesperson for the Human Rights Organization of Kurdistan, **Ajlal Qavami**, was also arrested in Sanandaj, the capital of Kordestan province in west Iran, and held for several days.

Members of the Azerbaijani minority have also been targeted, particularly around days of significance to the Azerbaijani community. Football journalist **Abdollah Sadoughi** was arrested in Tabriz, north-west Iran, in January 2010 after publishing a poster supporting the local Traktor Sazi football team. He was released in March after going on hunger strike. In April 2010, scores of Azerbaijanis gathered at Lake Oromieh, north-west Iran, to protest against the environmental damage being caused by continued extraction of the lake's water. When security forces arrived, they reportedly attacked demonstrators and fired tear gas and threw stones to disperse the crowds. They then arrested dozens of people.

**Behboud Gholizadeh** was arrested in Miandoab, north-west Iran, on 21 May 2010. He is Head of the NGO Yashil whose licence had been withdrawn by the authorities after they alleged it had a "separatist" agenda. Teacher and poet **Bahman Nasirzadeh** was arrested the following day in the town of Maku near the Turkish border. Their arrests may have been connected to the approaching anniversary of the "cartoon demonstrations" held in May 2006 to protest against a cartoon published in an Iranian newspaper that many Azerbaijanis found offensive. Both men had been arrested during the 2006 demonstrations.

**"They [some Baha'is] were arrested because they played a role in organizing the Ashoura protests and namely for having sent abroad pictures of the unrest."**

Tehran Prosecutor Abbas Ja'fari Dowlatabadi, 8 January 2010

As has happened at many points of tension during the history of the Islamic Republic of Iran, members of the Baha'i faith – an unrecognized religion in Iran – have been particularly targeted.<sup>36</sup> Although some Baha'is marched alongside their compatriots in the early demonstrations, and were arrested alongside them, attacks against them have increased since the demonstrations on Ashoura. Following these protests, the scale of which seemed to catch the authorities by surprise, officials sought to find scapegoats for what had happened. At least 13 Baha'is were arrested in Tehran on 3 January 2010; most have been released, although one, **Payam Fanaian**, appeared in a "show trial" of 16 people in January and February. He was sentenced to six years in prison, which was reduced to one year on appeal. **Artin Ghanzanfari** was held until 2 April, when he was released on bail, only to be summoned to court again on 10 April, when he was told his release had been a "mistake". He was not able to attend a court hearing on 13 April due to a lung infection.

In total, around 50 Baha'is have been arrested in towns and cities across Iran since the election. In mid-May 2010, at least 31 Baha'is were held, of whom some were arrested before the election. The authorities have announced that the next session of the trial of seven Baha'i leaders – who were responsible for administering the affairs of the Baha'i community in Iran – and who have been detained since March and May 2008, will be held on 12 June 2010 – the very day of the anniversary of the election. Such a significant choice of timing cannot but be interpreted as sending a message to the Iranian public to reinforce the authorities' contention of involvement of the Baha'i community in the post-election events.

**“The circles for promotion of Christianity, Baha’ism, Wahhabism, Sufism... should be eliminated with the efforts of the Law Enforcement Force as per God’s wish. The most significant psychological disease is created by these meetings and circles. They are corrupt and the biggest disrupters of the country’s security.”**

Grand Ayatollah Vahid Khorasani<sup>37</sup> in a meeting with Qom province’s Law Enforcement Force commander, March 2010<sup>38</sup>

Christians, Sufis and Sunni Muslims have also been targeted for arrest in recent months. For example, **Yousef Naderkhani** from Rasht, a member of the Only Jesus Church, was arrested on 13 October 2009 and was believed to still be held at the time of writing. His arrest may have been linked to his protests about mandatory lessons about Islam in schools.

A wave of arrests of Christians began in December 2009. According to Compass Direct News<sup>39</sup> **Hamideh Najafi** was arrested in Mashhad on 16 December, and sentenced to three months’ house arrest. The authorities also threatened to take her sick daughter into foster care. Fifteen others were arrested during Christmas celebrations near Tehran. Days later three others were arrested in Esfahan, and at least seven were arrested in Shiraz, southern Iran.

The **Reverend Wilson Issavi**, the Assyrian leader of the Evangelical Church of Kermanshah, was arrested on 2 February 2010 in Esfahan and held for 54 days. His Church was sealed and he was not allowed to reopen it after his release. In late February, two leaders of a house church in Esfahan – Hamid Shafi’i and his wife Reyhaneh Aghajari were arrested and were believed to still be held at the time of writing.

In May 2010, some 24 Gonabadi Dervishes from the Nematollahi order<sup>40</sup> were sentenced to prison terms and flogging for a demonstration outside a local Judiciary building in Gonabad, north-eastern Iran, in July 2009. The Dervishes had been protesting against the detention of Hossein Zara’i who had allowed a burial to take place in a cemetery used by Dervishes, despite an order banning such burials by the authorities. On 16 May 2010, the *Javan* newspaper, which is close to the Government, said that since the election of President Ahmadinejad in 2005, “different Dervish groups have also strengthened their political activities against the Islamic Republic system in line with their foreign masters’ moves”.

Sunni Muslims (who are mainly members of the Kurdish and Baluch minorities) in Iran have also been arrested or harassed. In mid-May, **Abdol Majid Esma’il Zahi** was summoned to the Special Court for the Clergy in Mashhad, north-eastern Iran for the third time in relation to articles he had posted on his blog. **Sheikh Hafiz Abdol Rashid**, the Sunni Friday Prayer Leader in Zabol, east Iran near the border with Afghanistan, was released on bail after six days in detention by the Special Court for the Clergy in Mashhad (see Chapter 5). He had been summoned there on 11 May 2010 after he made a speech criticizing the destruction of a Sunni seminary by the Iranian authorities two years ago.

## WORKERS AND MEMBERS OF PROFESSIONAL BODIES

Workers and trade unionists are yet another portion of Iranian society which has been targeted for arrest and harassment. At least 11 members of the **Iran Teachers Trade Association** were arrested in November 2009 when celebrating World Teacher’s Day at a union meeting in the home of the Association’s General Secretary. Most were released shortly afterwards. Independent Teachers’ Associations were banned by the Ministry of the Interior in 2007 following huge demonstrations by teachers protesting at their conditions of employment, but have never been formally dissolved by the courts. Other members of local Teachers’ Trade Associations were harassed and briefly detained in the run up to International Labour Day on 1 May and National Teachers’ day on 2 May 2010.

## FAMILY MEMBERS OF PROMINENT FIGURES AND DETAINEES

Some of those arrested appear to have had nothing to do with the demonstrations and unrest other than being relatives or friends of people arrested or wanted by the authorities. The authorities are reported to use the arrests of such people – who are usually held for days or weeks – as a means of putting further pressure on detainees or others. In at least some cases, it appears they are held in circumstances amounting to hostage-taking.

**Noushin Ebadi**, a medical lecturer at the Azad University of Tehran and the sister of Nobel Peace Laureate Shirin Ebadi, was arrested on 28 December and held for almost three weeks, apparently to put pressure on Shirin Ebadi, who is currently abroad, to stop speaking out about human rights violations in Iran.

Two sisters, **Leila** and **Sara Tavassoli**, were arrested on 28 December and 3 January respectively. Their father, **Mohammad Tavassoli**, who was also arrested after Ashoura, is active in the Freedom Movement, and their uncle, **Ebrahim Yazdi**, is the leader of the Freedom Movement. He too was arrested on 28 December but released for medical treatment in February. Sara Tavassoli's husband, **Farid Taheri**, was also arrested. Sara and Leila Tavassoli were later released on bail and Sara Tavassoli was sentenced in late May 2010 to six years' imprisonment and 74 lashes for briefly participating in the Ashoura demonstrations and for visiting Mir Hossein Mousavi and his wife after his nephew was killed during the Ashoura demonstrations.

The fiancée of Qazvin International University student **Arsalan Abadi** who had been arrested after the Ashoura demonstrations, was reportedly arrested in February and held for 17 days in Evin Prison, in an apparent attempt to force him to "confess". Two of his sisters were also detained. An initial charge of *moharebeh* was not accepted by the judge in his trial before Branch 15 of the Revolutionary Court in March. In May he was sentenced to nine and a half years in prison.

### 3. ARBITRARY ARREST AND DETENTION

“They ransacked our house ...and took my child away. For two months, no one gave me any answers wherever I went... [Then] my child called and said, Mother, I am all right. I asked, Where are you? He said, I can't tell you... After that call, I didn't know where to go. They don't give any response. I go to the prison and they don't tell me anything.”

Mother of Ahmad Karimi, sentenced to death after a “show trial”, in an interview with Voice of America, 5 January 2010.<sup>41</sup>

Those arrested during demonstrations by police or members of the Basij militia have usually been taken to police stations for processing. Afterwards, they have often been taken to other detention centres for interrogation, including sections of Evin Prison, and most infamously, the Kahrizak Detention Centre. Following the Ashoura unrest, there were also reports that detainees were held in the Vali Asr (Eshrat abad) Garrison, a Revolutionary Guards' base in Tehran, also known as Prison 59 which had previously been closed.

An unidentified individual gave the following testimony to HRAI in August 2009. While Amnesty International could not directly verify the details, it is consistent with other accounts of detention following mass arrests received by the organization.

*“I was arrested at about 10pm by anti-riot, plain clothes bike squads on one of the side streets of Guisha (Kooye-Nasr). I was beaten and taken to [a] police precinct... along with more than 20 people... the second we were arrested the plain clothes forces attacked us with batons and started beating us for no reason. They said we were rioters and that we had set police cars on fire. I had no clue what they were talking about... I was just crossing the street on my way to a relative's house. I spent 25 days in prison for no reason and without having done anything wrong.”<sup>42</sup>*

Those arrested from home or work were generally arrested by plain clothes security personnel who did not identify themselves, and who generally showed only a generic arrest warrant, often dated from some time before, and even from before the time of the election. Some were arrested in the street.

Iran's Code of Criminal Procedure<sup>43</sup> empowers the police and the non-uniformed Basij and Revolutionary Guards to make arrests. Iran's Supreme National Security Council may also empower other bodies or agencies to do so as well, although the basis and mechanism is not clear in the law and there appears to be no requirement for the authorities to inform the public as to what bodies have been granted arresting and detaining powers. For example, Ministry of Intelligence personnel do not appear in law to have the power of arrest, but under these provisions they may well have been given it.

The lack of transparency of this system gives rise to abuse of the power of arrest, reinforcing the practice of arbitrary arrest and detention that is already facilitated by flawed provisions in the Penal Code and the Code of Criminal Procedure. The lack of transparency and oversight mechanisms allows the various forces to commit human rights violations with impunity.

Well-known journalist **Mashaallah Shamsolvaezin**, spokesperson for the Association of Iranian Journalists and the Committee for the Defence of Press Freedom, was arrested on 28 December 2010 at his home by plain clothes officials. Seeing that they had a printed document that had only the Revolutionary Court header but not any reference to his name or reasons for his arrest, Mashaallah Shamsolvaezin asked for an explanation. The men responded by threatening him: "If you continue to resist we will take you away by force".<sup>44</sup>

**Abdolfattah Soltani**, a well-known human rights lawyer and member of the Centre for Human Rights Defenders, described his arrest in June 2009:

*"On 16 June, four agents entered my office without having a warrant and showed me a court order dated June 10, that is, two days before the election, which had to do with the unrest in streets and had nothing to do with me."*

Environmental activist and interpreter **Mahfarid Mansourian**, aged about 46, was arrested from her home in Tehran in the middle of the night on 7/8 February 2010 by plain clothes officials who did not identify themselves. Mahfarid Mansourian's husband, Ghassem Maleki, said the officials showed her a general arrest warrant which did not specify Mahfarid Mansourian's name, but which allowed them to arrest anyone "suspicious". Her whereabouts were unknown for two days until she telephoned her family and told them she was held in Evin Prison. She was released after two weeks.

Abdollah Ramazanzadeh, Deputy Chairman of the IIPF, said at the fourth session of the "show trial" in August 2009 that he had been arrested on the street in June without an arrest warrant. **Hengameh Shahidi**, an adviser on women's rights to Mehdi Karroubi (see Chapter 2, Political activists), said that she was arrested on 30 June in the lift of a building where a friend had an office. Those who arrested her told her they were security police, but did not show her any identification documents. Officials had visited her house several days previously, but she had not been at home. **Iman Sedighi**, a student in Babol (see Chapter 2, Students) arrested from his apartment on 18 June 2009, told Amnesty International after his release on bail:

*"When they took me to [a Ministry of Intelligence] vehicle, they showed me an envelope and told me: 'here in this envelope is your arrest warrant', but they did not show me the content of the envelope, therefore contrary to their claim, I did not see any warrant."*

Others have been arrested after being summoned to court. **Somayeh Farid**, a women's rights activist, was arrested on 16 March after being summoned by phone by court officials. They told her to go to the Prosecutor's Office in Evin Prison, to collect some items belonging to her husband Hojjat (also known as Siavash) Montazeri, who had been arrested on 5 March. Somayeh Farid and her brother-in-law went to the office, but were told that it was closed. On

the way home, both were arrested. Her brother-in-law was released shortly afterwards, but Somayeh Farid was not released until 28 March, after payment of bail.

A few people have even been detained apparently by sheer coincidence. Mohammad Olyaeifard, a human rights lawyer who has defended juvenile offenders and trade unionists (see Chapter 2, Lawyers), was arrested on 1 May to begin serving a one-year prison term. The sentence had been imposed after he was convicted of “propaganda against the system” for interviews he gave to foreign media after the execution of his client Behnoud Shojaee, a juvenile offender who was hanged for a murder he committed when he was 17 years old.<sup>45</sup> His lawyer Abdolfattah Soltani said:

*“Based on the information I have, [Mohammad Olyaeifard] was supposed to meet Mr Azimi, the judicial assistant of Tehran’s Revolutionary Court. I was supposed to accompany him to the meeting, but I fell ill. I was not able to attend so he went alone. Apparently, as he was going up the stairs to the meeting office, the head of Branch 26 noticed him and informed him of his sentence. From what I have heard from Mr Olyaeifard’s wife, they handcuffed and shackled him and sent him to Evin Prison without announcing his verdict to anyone who is able to defend Olyaeifard. Therefore, the verdict and the sentence were not legally communicated to his lawyers.”<sup>46</sup>*

## DETENTION WITHOUT CHARGE OR TRIAL

The Iranian Constitution states that “charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours”.<sup>47</sup> The Code of Criminal Procedure, which reiterates that 24-hour limit,<sup>48</sup> states that a judge may issue temporary detention orders for cases involving offences concerning national security, thereby allowing authorities to hold detainees without charge beyond the 24-hour period.<sup>49</sup> The Code gives the accused the right to appeal against the detention order within 10 days, and although it states that the detainee’s case must be resolved within a month, it also allows the judge to renew the temporary detention order.<sup>50</sup> The Code sets no limits on how many times this order may be renewed.

The Code of Criminal Procedures says that detainees can petition a judge for release on bail.<sup>51</sup> It requires that the bail or surety is appropriate and proportionate to the crime and punishment in question, as well as the status of the accused and his background.<sup>52</sup>

Despite this, bail is often set extremely and disproportionately high, which may force the family of the detainee to surrender more than one property deed. Many of those arrested since the June 2009 election have stood bail of amounts equivalent to several hundred thousand US dollars. In some cases, detainees and their families are simply unable to meet such high demands, and the individual continues to languish in detention.

Prisoner of conscience **Sayed Ziaoddin Nabavi**, a member of the Council to Defend the Right to Education (see Chapter 2, Rights defenders), is serving a 10-year prison sentence. He remained in jail for several months as his family could not meet the bail demanded of 5,000 million rials (approximately US\$500,000) to secure his release pending his appeal at which his original 15-year sentence was reduced to 10 years.

Even once a bail order has been issued and judges have issued an order for release on bail, in some cases the detainee has not been released, apparently because one or other intelligence body refused to comply with the release order. For example, **Mohammad Ghouchani**, Editor of the newspaper *Etemad-e Melli* who was detained in June 2009, was not released until October



2009, some two months after payment of 1,000 million rials (about US\$100,000) bail. **Kouhyar Goudarzi**, a member of the CHRR, remained detained at the time of writing, despite a bail order of 700 million rials (reduced from an initial 2,000 million rials) having been made by a judge, and his family presenting the required amount, because court officials said that his case file had gone missing.

In other cases, detainees continue to be held even though their temporary arrest warrants have expired. In effect, they are being detained without any legal basis. **Emadeddin Baghi**, a prominent journalist and human rights defender (see Chapter 2, Journalists), was held for two months without a valid detention order after his initial two-month temporary detention order expired in February 2010. Then, in April 2010, he was brought before a judge and charged with a new offence relating to a book he had written 21 years earlier.

## ARBITRARY ARREST AND DETENTION IN INTERNATIONAL LAW

Arbitrary arrest and detention is prohibited under international law. Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) to which Iran is a state party provides: “No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”. It further specifies that “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charge against him”. An essential guarantee enshrined in Article 9 is right for anyone deprived of his liberty to challenge before a court the lawfulness of his detention.

The UN Working Group on Arbitrary Detention has identified three categories of arbitrary detention: those held without any legal basis, those detained solely on account of the exercise of their rights, such as freedom of thought, conscience and religion; opinion and expression; and peaceful assembly and association; and those who did not receive a fair trial resulting in an arbitrary deprivation of freedom.

The Human Rights Committee which oversee the implementation of the ICCPR has specified that States parties may in no circumstances invoke Article 4 [related to public emergencies] of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance ... through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence.<sup>53</sup>

## UNACKNOWLEDGED DETENTION AMOUNTING TO ENFORCED DISAPPEARANCE

**“Secret detention violates the right to personal liberty and the prohibition of arbitrary arrest or detention... Every instance of secret detention is by definition incommunicado detention.”**

Joint study on global practices in relation to secret detention in the context of countering terrorism<sup>54</sup>

**“Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment;”**

UN Commission on Human Rights, Resolution 2005/39, 19 April 2005, para9

## DEFINITION OF ENFORCED DISAPPEARANCE

The International Convention for the Protection of All Persons from Enforced Disappearance defines enforced disappearance in Article 2 as: “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. While the Convention is not yet in force, the definition is accepted as reflecting customary international law.

Despite the legal framework governing pre-trial detention in Iran, it is common for people to be held incommunicado for days, weeks or even months after arrest. Detainees' families are unable to obtain any information concerning their whereabouts, and are shuffled from pillar to post as they try to find out if their relatives are even in the hands of the authorities. Such secrecy – amounting to enforced disappearance – facilitates the use of torture or other ill-treatment, which is often used in an attempt to extract forced “confessions” which validate the authorities' narrative of events and are often used as the main evidence in subsequent trials. Such practices further constitute a violation of Iran's obligations under international law and are in direct breach of international standards related to the protection of detainees and prisoners, including the UN Body of Principles for the Protection of All persons under Any Form of Detention or Imprisonment, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles for the Treatment of Prisoners.

**Sourena Hashemi** and **Alireza Firouzi**, both students expelled from Zanjan University for their role in exposing the sexual abuse of a female student in 2008, were arrested after leaving Tehran on 2 January 2010 to visit Tabriz in north-western Iran. Their arrest was not officially acknowledged for over six weeks. Alireza Firouzi is also an activist with HRAI, many of whose members were arrested in the wave of arrests of human rights defenders in March (see Chapter 2, Rights defenders).

During the six weeks, their families were unable to obtain accurate information about their fate. Following their enforced disappearance, emails were sent from their internet accounts apparently written by others, possibly Ministry of Intelligence officials. On 2 February, detainees recently released from Evin Prison who were shown a photograph of Sourena Hashemi said that he was held there until late January but then moved. They had no information about Alireza Firouzi. On 10 February, an official from the Prosecutor's Office showed the two families a handwritten list of some prisoners in Evin Prison said to have been written by the Tehran Prosecutor, Abbas Ja'fari Dowlatabadi, which contained the names of Sourena Hashemi and Alireza Firouzi along with an order to transfer them from solitary confinement to a general ward. The official also said that the Prosecutor had met both men.

However, the following week, when the families met the Prosecutor in person, he denied having written the list or having met the men, although by this time the families had received confirmation from prison officials that the two men were indeed held in Evin Prison. Sourena Hashemi was released on bail on 4 April 2010. Alireza Firouzi was released on bail on 12 May 2010. His mother's house had been searched and his mother interrogated during the arrests of human rights defenders in March, while at the same time his uncle, human rights defender **Dr Hesam Firouzi**, was arrested.

## IRAN'S DETENTION CENTRES AND PRISONS

Once arrested, individuals are commonly taken to detention facilities run by the Ministry of Intelligence or the Revolutionary Guards or other intelligence services. The unidentified man who testified to HRAI about his detention described how he was moved from place to place. Initially held in the local police station, the next day he was moved to the Shapour Police Station, then to the security police station and then back to the Shapour Police Station. After that he was taken to Evin Prison where he spent the rest of his 28-day detention in wards 1 and 7.

*“I was never charged or had access to a lawyer. They released me when all the bruises had disappeared from my legs and my arms. My nose was broken and the bruises around my eyes had improved slightly. I was released on bail till my court date and was charged with causing riot and destroying public property without any evidence to support the charges.”*

**Shahpour Kazemi**, the brother-in-law of Mir Hossein Mousavi, was arrested in June 2009. According to Advarnews,<sup>55</sup> he told his mother, in a short telephone conversation in October, made 50 days after his previous phone call from Evin Prison, that he was being held in an apartment in Tehran. He did not know where it was or what agency or organization was responsible for it. It is not clear whether the apartment is part of Evin Prison or is a detention centre run by one of the parallel intelligence bodies outside the control of the Judiciary.<sup>56</sup> Shahpour Kazemi was released on bail in November 2009, pending an appeal against a one-year prison sentence imposed for attending illegal demonstrations. He was rearrested following the Ashoura demonstrations and was released on 14 January 2010.

## LAWS AND STANDARDS GOVERNING PRISONS

A number of international standards are relevant to detention, particularly the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>57</sup>

Iran's Prison Regulations state that "judicial, executive, intelligence, police, or military organs are prohibited from having their own prisons and detention houses"<sup>58</sup> and that the State Prisons and Security and Corrective Measures Organization (State Prisons Organization) – part of the Judiciary – is responsible for overseeing all of Iran's prisons and correctional facilities. Despite this, an unknown number of detention facilities are operated by branches of the security apparatus outside the State Prisons Authority and thus function outside the law and without oversight.

The Judiciary attempted to address this problem in 2005, when the head of the Supervisory and Inspection Committee to safeguard citizens' rights issued a report confirming human rights violations had occurred in the following detention centres, many of which are not in the control of the Prisons Organization:

1. Tehran Criminal Department Detention Centre<sup>59</sup>
2. Army Intelligence Organization Detention Centre
3. Public Places Detention Centre<sup>60</sup>
4. Defence Ministry Intelligence Department Centre, known as 64
5. Police Intelligence Department Centre
6. Raja'i Shahr Prison
7. Revolutionary Guards Security Intelligence Department Centre
8. Revolutionary Guards Intelligence Department Centre
9. Section 209 of Evin Prison
10. Criminal Investigations Detention Centre in Shahr-e Rey
11. Rey Counter-Narcotics Headquarters
12. The Centre at Police Station 160 in Khazaneh
13. Unit 3 of Qezel-Hesar Jail in Karaj
14. Kharvin Correctional Facility at Varamin
15. Varamin and Shahriar Criminal Department detention centres
16. Shahriar Counter-Narcotics Headquarters Detention Centre
17. Tehran Revolutionary Court
18. District 7 Revolutionary Prosecutor's Office

Despite official assurances that these problems were resolved, allegations of human rights violations at some of these detention centres have continued to emerge. In 2007 the-then Head of the Judiciary, Ayatollah Shahrudi, issued a directive that acknowledged the right of intelligence and security agencies – the Ministry of Intelligence and State Security (MOIS) and the Intelligence Departments of the Revolutionary Guards Corps, the police and army – to establish and run their own detention facilities, so long as they fell within the monitoring jurisdiction

of the State Prisons Organization. Under this directive, a “security prison” was to be established in the central prison of each province, and the heads of these facilities were to send a confidential list of detainees to the Head of the Judiciary each month. It is not clear to what extent the State Prisons Organization is able to monitor such facilities in practice.

Once the interrogation of detainees has ended – because they have “confessed” or have refused to do so, and the authorities wish to conclude their case – they are usually transferred to cells or prisons within the regular prison system to await trial. This period awaiting trial can last for months. They may also be released on bail.

If convicted and sentenced to prison, those held may be transferred to different prisons, which may be far from a prisoner’s home, particularly if their sentence includes the additional penalty of the imprisonment to be served in exile.

People held outside Tehran have also been held in parallel detention centres following arrest. **Iman Sedighi** (see Chapter 2, Students) said that he was initially held for about four hours in the Ministry of Intelligence centre in Babol, after which he was transferred to another Ministry centre in the city of Sari. There, he was held incommunicado and in solitary confinement for 10 days and interrogated. Then he was transferred to Babol Prison, where he was held with 17 others. **Kaveh Ghasemi Kermanshahi**, a human rights defender and member of the Kurdish minority (see Chapter 2, Rights defenders), was arrested on 3 February 2010 in Kermanshah and detained in a Ministry of Intelligence detention facility until 23 May.

#### EVIN PRISON

For many people, Evin Prison in north Tehran is synonymous with the arbitrary detention which is now the experience of so many Iranians. Originally established as a detention centre,<sup>61</sup> it is now also holds sentenced prisoners, although detainees are still held there. Constructed in 1971, it comprises various blocks of interconnected buildings erected at different times. It has at least one medical facility, a courtroom and recreation areas. Its total capacity is unknown but is believed to hold thousands of detainees and prisoners after periods of mass arrests. In June 2006, officials stated that 2,575 men and 375 women were held there. Executions frequently take place in the prison.

The prison is divided into sections<sup>62</sup>, sometimes called *Andarzagah* (place of admonition), each composed of “wards”<sup>63</sup> – a corridor with several rooms on each side and sanitary facilities (toilets and showers). In the general wards, the doors of the cells, which generally hold between 20-30 individuals, are usually left open and prisoners intermingle. Other wards have smaller cells, where prisoners are held in solitary confinement or in groups of up to four.

In theory the facility is under the administration of the State Prisons and Security and Corrective Measures Organization. However, responsibility for specific sections of the prison may fall under the Ministry of Intelligence and State Security (MOIS), the Revolutionary Guards, the Special Court for the Clergy and possibly other security agencies.

Section 209, for example, is under the control of the MOIS. Individuals held there are generally political or “security-related” detainees and their presence in Evin Prison may not be recorded by the Prisons’ Organization. As a result, they do not have the protection offered by that body. Reports suggest that only MOIS officials are permitted to go to Section 209; Iranian parliamentarians, among others, have in the past been denied entry. Amnesty International receives frequent reports that torture is carried out in Section 209 and that medical care is delayed or denied. A delegation of UN human rights experts managed to visit the facility briefly in 2003 and termed Section 209 a “prison within a prison”.

Section 2A – also known as Old Section 325 – is said to be under the control of the Revolutionary Guards and is also used to hold political prisoners whose cases are regarded as particularly “sensitive” by the authorities. Torture is also reported there.

Other sections of Evin Prison to which the Judiciary has access include Section 350, where many prisoners are transferred after their interrogation has finished or when they have been sentenced, and Section 240 which is a section of four floors of solitary confinement cells. Section 240 sometimes holds prominent political prisoners, but is also used to detain large numbers of people following mass arrests. It is also a punishment block – prisoners who go on hunger strike (an offence under the Prison Regulations) may be sent there. There is an “Education Building”<sup>64</sup> to which some workshops are attached but which also houses at least two sections of holding cells.<sup>65</sup> The women’s section is separate and comprises at least four sections. There is also a quarantine ward, where prisoners may be held before they are taken to other sections. Both men and women’s sections have a “methadone” ward, where addicted prisoners are held. Political prisoners are sometimes held in these wards, which they say is an attempt to exert extra pressure on them.

Other prisons that can be used to house political prisoners include:

- Adel Abad Prison in Shiraz, southern Iran
- Bandar Abbas Prison in Hormozgan province, southern Iran
- Dastgerd Prison in Esfahan, central Iran
- Dizel Abad Prison in Kermanshah, western Iran
- Karoun Prison in Ahvaz, Khuzestan province, south-western Iran
- Langaroud Prison, Gilan Province, northern Iran
- Maku Prison, West Azerbaijan province, north-western Iran
- Qezel Hesar Prison near Karaj, Tehran province
- Qom Prison, central Iran
- Raja’i Shahr Prison, also known as Gohardasht, in Karaj
- Sanandaj Prison, in Kordestan province, western Iran
- Sepidar Prison in Ahvaz
- Vakilabad Prison in Mashhad, north-eastern Iran
- Zahedan Prison in Zahedan, Sistan-Baluchistan province, south-eastern Iran

Numerous other unofficial detention centres, under the control of the MOIS or Revolutionary Guards, are believed to exist in Tehran and elsewhere in Iran. They are not registered as prisons. Some of these, such as Prison 59, said to have been located in the Vali Asr (also known as Eshratyabad) Garrison – a Revolutionary Guards’ base in Sarbaaz Street, Tehran, have reportedly been closed. However, some may be reopened in periods of mass arrests, such as during the Ashoura demonstrations. Most if not all towns and cities have an office of the MOIS and Amnesty International receives regular reports that detainees are held in such buildings when first arrested.

The Kahrizak Detention Centre – run by the police – was reportedly closed in 2009 on the order of the Supreme Leader following several deaths in custody there and allegations of torture. Following the closure, on 4 August, the Police Chief said that the police were building a standard detention facility to replace Kahrizak, which would be open within a month. Reports in May 2010 suggest that a new facility has been opened there under another name – Soroush

111.

## ACCESS TO FAMILY MEMBERS AND LEGAL REPRESENTATIVES

Access to family members and a legal representative are key elements in the protection of detainees from torture and other ill-treatment, and to provide the necessary safeguards to ensure a trial is fair. The UN Working Group on Arbitrary Detention has considered secret detention a violation of the right to fair trial.<sup>66</sup> A joint study on secret detention by various human rights mechanisms concluded that:

*"[c]ertain practices inherent in secret detention, such as the use of secrecy and insecurity caused by denial of contact to the outside world and the family's lack of knowledge of the whereabouts and fate of the detainee to exert pressure to confess to a crime, also infringe the right not to be compelled to testify against oneself or to confess guilt derived from the principle of presumption of innocence.<sup>67</sup> Secret detention is furthermore conducive to confessions obtained under torture and other forms of ill-treatment."<sup>68</sup>*

Commonly, families' first contact with their detained relative comes via a telephone, days or weeks after arrest. These are usually extremely short – one or two minutes – and often the detainee is not permitted to say where he or she is being held. Family members often then spend a considerable amount of time and money searching for official confirmation of their relative's whereabouts and the status of their case. They are shuttled back and forth between prisons, MOIS offices, prosecutors' offices and court officials, frequently being given contradictory information. Once their relative's whereabouts has been confirmed, families have to continue their efforts to find out the latest information on the legal status of the detainee and the progress of the case through the judicial system.

**"When I went to Branch 26, they told me that I had to file a new inquiry to confirm that the file is there. When I went to file an inquiry, they told me that the first file is in Branch 2 and there is no new information about it. The new file, dated 20 December 2009, was sent to Branch 15 of the Revolutionary Courts, but I was told at that branch that Shiva had objected to her arrest orders and after reviewing her objection, her case file was forwarded, but they wouldn't tell me where."**

Shahrzad Kariman, mother of Shiva Nazar Ahari, to the International Campaign for Human Rights in Iran, April 2010

Family visits are routinely denied in the early stages of arrest and interrogation. The prospect of a visit may be used as further inducement to "confess"; denial of visits may be used as punishment for perceived wrongdoing by detainees and prisoners. The family of film director Ja'far Panahi (see Chapter 2, Filmmakers and other artists) was not allowed to see him for over four weeks following his arrest on 1 March 2010, and when they did they found him "very pale, thin, and weak". He was not permitted to see them again until after he went on hunger strike to protest against being beaten and threatened with the arrest of his family. His demands were to meet his family, have access to his lawyer and be freed pending trial. He was eventually freed on bail on 25 May.

Lawyers are also routinely denied access to their clients. Despite the constitutional and legal requirement for courts to conduct hearings in the presence of a defence lawyer, in practice many defendants are denied this right. They are either not granted any lawyer at all, or their chosen legal representatives discover that a court-appointed lawyer was present and did not present an adequately prepared defence.

For example, the lawyer of **Arash Rahmanipour** said that she was barred from attending all sessions of his trial and was threatened with arrest when she tried to enter the courtroom. He was one of two men executed on 28 January 2009 for alleged involvement in the post-election

unrest. The lawyer also said that she was not informed of his execution in advance, as is required by law, and that when she spoke out about the case, her cell phone was cut off.<sup>69</sup>

Judges have the discretion to bar defendants' access to lawyers in "sensitive cases".<sup>70</sup> However, this possibility has become the norm. In some cases detainees are pressed to waive their right to a lawyer in court by their interrogators, under threats that their sentences will be heavier if they insist on their right. Thus defendants are routinely barred from access to a lawyer during the investigative stage of their detention, which can be extended indefinitely.

The law requires courts and prosecutors' offices to respect the right of the accused and defendants to a legal defence and to provide them with the opportunity to be represented by a lawyer and to use the services of experts.<sup>71</sup> This appears to remove the limitations provided under the Code of Criminal Procedures,<sup>72</sup> but in practice prosecutors and courts have ignored this new legislation and have continued to invoke the discretionary provision to deny defendants their right to a lawyer.

Amnesty International is aware of many cases where people have been detained for months in pre-trial detention with no access to a lawyer and only limited access to family members. Their lawyers are only granted access to their clients' files once the investigation has been completed, which may be only days before a trial hearing is scheduled, although applications for delay may be made to allow more time for preparation.

For example, the lawyer of **Kobra Zaghehdoust**<sup>73</sup> described the situation of his client in April 2010 to the CHRR as follows:

*"Unfortunately, after more than nine months, her detention time has been extended once again. Since the judiciary office is located inside Evin prison, lawyers do not have access [to the case] and cannot protest the extension... Appealing a detention renewal is a right recognized in Iran's constitutional law. The charges they have laid against my client are related to her husband, and have nothing to do with her. Moreover, it is not within the jurisdiction of Evin's court to deal with such cases anyway."<sup>74</sup>*

Access to lawyers for detainees held in Evin Prison has become more difficult since the establishment of several Revolutionary Court branches within the prison compound was announced in March 2010. Prominent human rights lawyer Farideh Gheyrat described the situation:

*"The courts established at Evin Prison are courts which were previously located in the Revolutionary Courts. When they were at the Revolutionary Courts, people and lawyers had easier access to them. During the interrogation stage, lawyers are not allowed any involvement with the case, but [inside the Revolutionary Courts] it was possible for the lawyers to go and find information about the cases. But now, after the Ashoura events and even before that during the [post-] elections events, they have set up the courts inside the Evin Prison and with the exception of one or two court branches which remain inside the Revolutionary Courts, all the other courts are now at Evin.*

*"These courts specifically review the cases of those detained. Accessing these courts for us lawyers is not possible at all, as lawyers and others are not allowed inside. As a result, we cannot even have access to what little and incomplete information we used to gain about [our] cases, as this is no longer possible. For example, [there are instances where] the investigations have been completed and the case file has been sent to the Revolutionary Courts, but we have not yet been informed so that we may present our power of attorney documents and there is no way for us to gain such information. Of course, changing the location of a court is within the*

*powers of the Judiciary and we cannot ask why a court has been set up in a particular location, but lack of access for lawyers and public has become problematic for essential follow-ups.”<sup>75</sup>*

The practices of secret and incommunicado detention in conditions amounting to enforced disappearance is in breach of numerous provisions of the ICCPR, including Article 7 on the prohibition of torture and other ill-treatment and Article 9 on the prohibition of arbitrary arrest and detention. Furthermore, the denial or restrictions of access to lawyers described above is in breach of Article 14 of the ICCPR which lay down the right to legal assistance and are an important part of the guarantees for a fair trial (see box in Chapter 5 ,Trials: the final gloss on a system of injustice below).



## 4. TORTURE AND ‘CONFESSIONS’

**“During my arrest, they beat my teenage son, they broke my head and ribs, and I still carry scars.”**

Abdollah Ramazanzadeh, speaking to Parleman news, 2 September 2009<sup>76</sup>

Protesters at the various demonstrations often met extreme violence at the hands of the Basij militia and other security forces deployed onto the street. The Ashoura demonstrations of December 2009 were the bloodiest since the early weeks after the election – the authorities acknowledged at least seven deaths, including the nephew of Mir Hossein Mousavi, but the true total may be higher. A Norwegian student caught up inadvertently in the mayhem of the demonstration and held for several hours by Basij officials told Amnesty International:

*“Three female demonstrators ran towards the bus [I was on]. The bus driver let them on the bus, closed the door and went back to driving. The front... of the bus was smashed in. Basiji forces in civilian dress boarded the bus. They were carrying chains, batons, sticks of different kinds, knives. They started beating up the driver. They also hit metal parts of the bus, making lots of noise, people were screaming, they were hitting randomly. We all bent down. I could only hear screams and I saw the blood on the floor...”*

*“[After they realized I was Norwegian] I was dragged off the bus, pushed up against a wall ... they threw accusations at me, that I was a spy, a journalist working for CNN or BBC, it was a big chaos. I was scared because I saw what they had done on the bus. They had sticks, chains and knives...”*

He described what he witnessed while being held in the middle of the demonstration:

*“A young boy was laid down in front of me. One of the basijis held my head and told me to look. They held his arms and foot and they had a stick or baton and were beating his knees. I saw his eyes and heard the sound of blades ... After this, one of the female demonstrators was saying something ... they forced a baton into her mouth, penetrating her mouth – she was screaming in pain.*

*“At one point there was a small bus on fire, people were trying to get out. When they tried to get out they were shot at. Some of them did not get out.”*

**“All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.”**

Iran’s national report to the Universal Periodic Review of the Human Rights Council, November 2009<sup>77</sup>

The Constitution bans “all affronts to the dignity of detained or imprisoned persons”,<sup>78</sup> and the law states that while a prisoner is being detained, interrogated or investigated, law enforcement officers must not harm them or an accused person, for example by blindfolding them or tying

their limbs.<sup>79</sup> However, torture is only defined and prohibited in law if it is “for the purpose of extracting confession or acquiring information”.<sup>80</sup> In practice, torture and other ill-treatment is routine, both because of the value attached to “confessions” in court, which act as a validation of the official account of events, and because of the culture of impunity enjoyed by officials in Iran. This violates Article 7 of the ICCPR which states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

Well-known detainees, or those with foreign or dual nationality, are less likely to suffer physical torture, but may be placed in solitary confinement, often incommunicado, for long periods, a practice which can cause serious psychological disturbance and can amount to torture or other cruel, inhuman or degrading treatment.

**Vincent Boon Falleur**, a Belgian national detained while travelling in eastern Iran in September 2009, was held for three months in Evin Prison. He told Amnesty International that he was not physically tortured, but that throughout his detention he had been held with the light constantly on and that for 26 days he was held in solitary confinement. He was also prevented from seeing a lawyer or having any consular access, despite his repeated demands for this. He said that in response to his requests for consular access, the prison authorities told him that the Belgian Embassy staff did not want to see him, in violation of Article 16 (2) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

The UN Working Group on Arbitrary Detention noted in its 2004 report on Iran that:

*“[F]or the first time since its establishment, [the Working Group] has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes, as the Group noted during its truncated visit to sector 209 of Evin Prison. This is not a matter of a few punishment cells, as exist in all prisons, but what is a ‘prison within a prison’ fitted out for the systematic, large-scale abuse of solitary confinement, frequently for very long periods.*

*“It appears to be an established fact that the use of this kind of detention has allowed the extraction of ‘confessions’ followed by ‘public repentance’ (on television); besides their degrading nature, such statements are manifestly inadmissible as evidence.”*

The Working Group also concluded that “such absolute solitary confinement, when it is of a long duration, can be likened to inhuman treatment within the meaning of the Convention Against Torture.”

The practices identified by the Working Group in 2004 have become even more widespread since the June 2009 election.

**“In interrogation and interviewing techniques the tool of exerting pressure and force should not be used.”**

Chief of Police Esma'il Ahmadi-Moghaddam, February 2010

Such assertions by officials professing that torture is forbidden in Iran are contradicted by the numerous testimonies collected by Amnesty International. Methods of torture and other ill-treatment frequently reported include severe beatings, using hands, feet or cables; electric shocks; confinement in tiny spaces; hanging upside-down by the feet for long periods; rape of both men and women, including with implements; death threats, including mock executions; exposure to constant light; threats to arrest and torture family members; actual arrest of family members; deprivation of light, food and water; and denial of medical treatment.

A Basij official serving at a detention centre was arrested after refusing to condone the torture of detainees after one of the demonstrations. The official was himself then beaten and subjected to mock execution:

*"The first time they took me for interrogation they struck me so hard in my left eye that I couldn't see for a while. After the second day I could see a little, I thought I'd gone blind in my left eye. I still have problems with it, it's never returned to normal..."*

*"They created execution scenarios. They said we're going to kill you and we'll link your death to the protests. We'll say that you were killed during a protest."*

*"There was a table on which I stood for some hours with my hands tied and a rope around my neck. They came a few times and said they'd come to execute me now, or in an hour. I was very worried."*

*"Then they came and pulled the table away. I fell. I thought I was saying goodbye to this world."*

*"It was as if I was fading. When they pulled the table, the rope wasn't attached to anything. I fell backwards, and fainted. When I came to I was wet. They had thrown water over me. I vomited. They took my confession then and I signed."<sup>81</sup>*

Hengameh Shahidi (see Chapter 2, Political activists) said that in addition to being beaten and insulted, she was subjected to a mock execution. She also said she had been left alone for hours in a room with a rope and knives, which she felt was intended to drive her to suicide. It is reported that others were so deeply affected by their experiences that they were driven to attempt to take their own lives.

## RAPE AND OTHER SEXUAL ABUSE

**"...rape is not just a blow to one person; it is a blow to the whole family. A victim of rape is never healed with the passing of time. With every look given by a father, the wounds open again."**

Bahareh Maghami, a victim of rape, April 2010

Some detainees were raped or suffered other forms of sexual abuse. In addition to the testimonies published in Amnesty International's report *Election Contested, repression compounded*, a few other people have since come forward. Bahareh Maghami, now in Germany, wrote the following in an open letter published in April 2010.

*"Those who raped me laughed. There were three of them. All three were dirty and they each had a beard. They had terrible accents and foul mouths. Their curse words were directed toward my entire family. Even though they saw I was a virgin, they accused me of being a whore and forced me to sign a statement that declared I was a prostitute..."*

*"All women are whores to them. But, it was not only women. They did the same to men. They were not human beings... My front teeth broke and my shoulder was displaced; my womanhood was destroyed."<sup>82</sup>*

The former Basij official quoted above described how he was arrested after protesting about the rape of children after one of the demonstrations:

*"We moved towards the containers. We saw one of the kids naked outside. I cast my torch into the open door of the container, I saw a group... this was the container with the underage"*

*children that they had arrested. All those under 14 were in there. With my torch I saw that there were others naked and I saw that the floor was wet.”*

He also described witnessing the rape of a cellmate with a baton.

*“He began screaming and shouting and swearing. No matter how I tried I couldn't calm him. The guards came. One of the guards beat him. His face was bleeding... his clothes were torn off... The guard had a baton... he was sexually violated with it.”*

Others said they were placed in cells with violent convicted criminals who raped or threatened to rape them. **Iman Sedighi** (see Chapter 2, Students and graduates) said:

*“I was in Babol prison for 17 days. In order to harass us, they had transferred a [man] convicted of murder and robbery to our cell just one hour before my friends and I were put in that cell. He... had previously raped 10 other prisoners. He was interested in one of my friends. We were worried and concerned about the safety of my friend and to protect him from any rape attempt made by the murderer we had to stay up during the night on a rota shift of every two hours until morning to make sure he would not attempt to sexually assault or rape any detainees.”*

Women in detention have also frequently reported sexual insults and threats of rape being used against them. **Zahra Kamali**, a student arrested in July 2009, told Amnesty International that her interrogators taunted her with wanting to sleep with other men, and sometimes touched her breasts. She said that a women's rights activist held with her was treated the worst:

*“She told us that her interrogators had attached cables to her nipples and given her electric shocks. She was so ill she would sometimes faint in the cell.”*

## THREATS AGAINST FAMILY MEMBERS

**“On Sunday morning, they took me to an interrogation room and accused me of filming the inside of my cell, which is absolutely false. They then threatened to arrest my entire family and transfer them to Evin Prison, and to send my daughter to an unsafe detention centre in Raja'i Shahr.”**

Ja'far Panahi, in a letter from prison to Abbas Baktiari, director of the Pouya Cultural Centre, May 2010

Threats against family members, especially mothers, wives and daughters, are a potent means of pressuring detainees to comply with their interrogators' demands. Detainees who may have already experienced torture and other ill-treatment are faced with the fear of similar treatment being meted out to their loved ones.

In the one 15-minute meeting **Arash Rahmanipour** had with his lawyer after he was sentenced to death and before his execution, he said he had falsely “confessed” after his pregnant sister was threatened with harm in front of him. They had both been arrested from home at the same time in April 2009. His sister later miscarried after her release from two months in detention. His lawyer said that prior to a court session, which she was not allowed to attend, Arash Rahmanipour's father was also pressured to make his son “confess” to his alleged offences. When he refused, Arash Rahmanipour's father was also threatened with arrest.

**Hengameh Shahidi** (see Chapter 2, Political activists) also said that her interrogators threatened to arrest her sister in order to put pressure on her.

## POOR PRISON CONDITIONS AND DENIAL OF MEDICAL CARE

Many detainees complain of poor prison conditions, with poor hygiene, inedible food and

overcrowding, particularly during times of mass arrest. Access to fresh air and exercise can be extremely limited. Many have complained of being held in extremely small cells – described as being like a “cage” or a “coffin” or a box, which gives them just about enough room to lie down.

**Ja'far Panahi's** wife described her husband's situation in April 2010:

*“In his old cell he had enough space to spend some time daily on exercising, but in his new cell with a cellmate this is no longer possible, as there is only space for two people to sleep in the cell and there is no room for moving around. Also, since he was arrested a month ago, he has not been allowed to go to the prison yard for fresh air.”*

**Ahmad Zeidabadi's** wife said after a visit:

*“Mr Zeidabadi says he was being held in a [coffin-like box]. He had attempted suicide, but he had found nothing to do it with. He had then started screaming, and the prison guards had found he was going insane and they moved him to a solitary confinement cell.”*

Article 102 of the State Prisons Organizations' Procedures Manual requires that all prisoners receive medical tests in the clinic at least once a month. Article 103 states that medical treatment outside the prison is dependent on recommendation by the prison medical staff and requires the authorization of the Prison Governor and the approval of the judge in the case. In practice, however, denial of medical care is frequently reported, even when recommended by prison medical staff, to the extent that it appears to have become an extra method of putting pressure on detainees to “confess” or to punish them further. This violates Article 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>83</sup>

**Hasan Arab Baferani**, aged 36, a member of Mir Hossein Mousavi's campaign team in Esfahan, was arrested twice. The first time was at a demonstration in Esfahan on 20 June 2009, after which he disappeared for a week. He told Amnesty International in March:

*“When I was taken away I was beaten by several plain clothes officials who piled about 10 of us into a bus and handcuffed our wrists to a railing. We were blindfolded but we could tell that when we arrived we were being taken underground. When we were taken out I told them that I was a diabetic and insulin-dependent; that I needed water and to control my food intake so that my sugar levels remained in check. But for a week I did not get any insulin; no doctor arrived and instead what I got were two interrogators.”*

He was arrested a second time on 14 January 2009, 10 days after the resignation of his brother-in-law, an Iranian diplomat in Norway. His wife, **Mahnaz Baferani**, then three-months pregnant, was beaten and pushed by policemen. She fell backwards and suffered a miscarriage.

**Mehdi Mahmoudian**, a member of the IIPF and a journalist who had reported on abuses at the Kahrizak Detention Centre, was arrested in September 2009. In April 2010 his mother Fatemeh Alvandi wrote an open letter to the Prosecutor in his case, describing his health after 200 days in prison as “dangerous” and referring to some 80 letters she had written to the Judiciary which remained “unanswered” or “disappeared”. She said:

*“During several nights in January 2010, while my son's inhumane interrogations continued, Mehdi Mahmoudian was kept in the open prison yard for eight hours in his under-shirt in minus*

*10 degrees Centigrade... The result of this inhumane treatment is that he developed a lung infection and currently his coughs are frightening. During his phone call yesterday, he said that despite his severe respiratory problems, he is not allowed to go to the hospital... All of this is in addition to his other problems such as nose bleeding and kidney problems, which have developed and exacerbated as a result of pressures during his detention and solitary confinement."*

**Emadeddin Baghi** (see Chapter 2, Journalists) suffers from many health problems, some stemming from previous periods of imprisonment. While in custody in 2007-08, he was not allowed to go to the toilet for four days and prison officials delayed urgently needed medical treatment. He was eventually granted medical leave, but he still suffers from kidney, bladder and other problems arising from the treatment he suffered. Since his arrest in December 2009, his health has remained precarious and he is reported to have lost considerable weight. In late March 2010, he was transferred briefly to hospital for respiratory problems, but was returned to prison after a few hours. His wife has complained that the prison authorities are well aware of his medical history, but take no account of it.

### 'CONFESSIONS'

Much of the torture and other ill-treatment reported is aimed at extracting "confessions" from detainees. The aim of such "confessions" seems to be a mixture of validating the authorities' narrative of events and providing a basis for a subsequent conviction in court. In the former cases, detainees may be filmed talking about their "crimes" and reiterating scenarios conforming to those the authorities wish to portray to the outside world. These video recordings may be broadcast on national television outside the framework of any court proceedings, or may be kept in reserve to keep pressure on detainees should they subsequently be released. In other cases, "confessions" are presented in court as the main evidence against an individual. Detainees in "show trials" that have been filmed and shown on television appear to have been coerced to reiterate their "confessions" at the trials.

**"My only defence is that I have made a mistake. I apologize to the public. I had become a puppet for Voice of America (VOA) and I ask the Supreme Leader to forgive me for insulting him."**

Omid Sharifi Dana, at a "show trial" in February 2010

"Confessions" made and broadcast all bear a striking resemblance. Individuals are shown "confessing" to contacts with foreigners, which is often interpreted as espionage, usually for the USA or UK, to having participated in demonstrations, including acts such as stone-throwing or burning small items, and to sending information and pictures about the demonstrations abroad, often to the PMOI. The individuals usually state that they had been "misguided" and express repentance for their alleged "crimes". Such narratives broadly support the contention of a "soft revolution" outlined in the indictments read out at the "show trial" sessions in August and September 2009. The indictments read out in the trials of January and February 2010 place a greater weight on the alleged role of banned groups such as the PMOI and left-wing groups, as well as of the Baha'i community.

There are reports that some people may have been drugged before making confessions. Many people considered that Mohammad Abtahi's conduct and appearance at the "show trial" in August 2009 indicated that he had been drugged beforehand. **Tania Ahmadi**, a doctor who was arrested after the Ashoura demonstrations told Amnesty International:

*"They started to interrogate me, but at one point two or three men forced me to take several white tablets with a powder inside; one of them forced my mouth open as another put in the tablet and poured water down my throat. It disoriented me and I could not control myself. I was in great discomfort as they alternately beat me then laughed. They got me to tell them my*

*parents' phone number in the north and they called. I later learned that when my father heard my disfigured and tortured voice, he had what seemed to be a heart seizure and collapsed.*

*"It was not clear if I was conscious or not: I could no longer tell. I think I awoke some two days later... one of my fingers was marked with the ink they use when you give a fingerprint on an official document."*

**"If an accused person says something about himself in a court, yes it is credible. Those who say that the confession of someone about himself in a court is not valid are talking nonsense; [their justification] is of no value. Any confession in a court, before cameras, before millions of viewers is religiously, and in the eye of the wise people, credible."**

Supreme Leader Ayatollah Ali Khamenei, 20 September 2009<sup>84</sup>

Under Iranian law, forced confessions have no legal validity. Self-incriminating confessions are not valid unless repeated in court in front of a judge. If a defendant denies his or her confession in court, the judge is required to order an investigation. However, as described, the common use of prolonged incommunicado detention facilitates the extracting of "confessions" under duress, and the holding of trials *in camera* often without the presence of a lawyer and sometimes in courts within the same complex where the torture has occurred makes it difficult for defendants to withdraw their "confessions". Even when defendants have alleged torture or other ill-treatment, there are reports that the judge has simply ignored the allegations.

The use of "confessions" extracted under torture and other forms of duress are in breach of Principles 6 and 21 of the UN Body of Principles<sup>85</sup> and violate Articles 7 and 14 (g) of the ICCPR, which prohibit torture and other ill-treatment and protect against self-incrimination respectively.

## 5. TRIALS: THE FINAL GLOSS ON A SYSTEM OF INJUSTICE

“Instead of providing security to the people, the judiciary has turned to intimidation and imprisonment”

Mehdi Karroubi in an open letter to former Head of the Judiciary Ayatollah Mousavi-Ardebili, May 2010<sup>86</sup>

Trials in Iran are the final stage in a process that can result in individuals being deprived of their liberty for years – or even their life – simply for what they have said or because of who they are. Proceedings are grossly flawed, particularly in trials before Revolutionary Courts, where it is impossible for those accused of offences against national security to get a fair trial.

### THE RIGHT TO A FAIR TRIAL

Article 14 of the ICCPR lays down the guarantees for a fair trial:

- Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- The press and public should not normally be excluded from the hearing, except for reasons of public order, national security, the private lives of the individuals or if publicity would harm justice.
- No one should be compelled to testify against themselves or to confess guilt.
- The judgment must be made public except where it concerns minors.
- Everyone shall be presumed innocent until proved guilty.
- Anyone charged with a criminal offence should have adequate time to prepare a defence and to communicate with a lawyer of his or her choice, and be brought to trial without undue delay in the presence of his or her lawyer.
- Everyone has the right to examine witnesses and to have any necessary translation provided.

Revolutionary Courts were established in 1979 to try offences including acting against national security, insulting the founder and the Leader of the Islamic Republic, and drug-smuggling. Their procedures are governed by the Code of Criminal Procedures, which covers both General and Revolutionary Courts. Unlike General Courts, which usually have a panel of up to five judges, Revolutionary Courts are presided over by a single judge.

Saeed Habibi, a member of the CHRR, told Amnesty International about his own experience in a Revolutionary Court:

*“The whole process addressing charges for which I could be imprisoned for three years took 15 minutes. For some five minutes the prosecutor read out the charges as presented in the case file and then the judge said ‘defend yourself’. But there was no reference to a specific event*



*against which to defend myself.*

*"If it said in which meeting I took part; which part of a weblog that I wrote or what statement I had made, then I could have explained what was meant but there was no way of doing that.*

*"I was seated next to my lawyer during this session. The only opportunity he was given to speak during the trial session was after I was told to 'defend myself' by the judge, after the judge left the session. As he left the courtroom he told the court secretary 'if the lawyer writes anything take it away from him'."*

Clerics are tried by the Special Court for the Clergy (SCC). This special court, which also operates its own appeal court branches, was established by a directive of Ayatollah Khomeini, the first Leader of the Islamic Republic. It has no basis in the Constitution, and operates according to its own regulations outside the framework of the Judiciary, under the direct control of the Supreme Leader. Defendants can only be represented by other clerics who have been approved to stand before the SCC and are permitted to defend those who appear before it. Amnesty International has documented cases of clerics who have been unable to find anyone prepared to represent them. The UN Working Group on Arbitrary Detention has found that the SCC is incompatible with Article 20 of the Constitution, which provides for equality of citizens before the law.<sup>87</sup> This institution also operates its own prisons and detention centres.

According to the Constitution, trials should normally be held in open court, except where this would be incompatible with accepted principles of "public decency" or if the parties request that the trial be held in closed session.<sup>88</sup> Under the Code of Criminal Procedure, proceedings may be conducted *in camera* when charges relate to national security or if a public trial would "offend the religious sentiments of the people".<sup>89</sup> As a result, most cases heard before Revolutionary Courts are held behind closed doors. Those trials which the authorities claim are open often appear to be nothing but "show trials", selected extracts of which may be broadcast nationally, apparently as a warning or deterrent to others.

**"Judges should not be upset over some harshness and political expectations affecting their legal procedures because if innocents are penalized due to hasty procedures, [then] we would not have any answer before God."**

Ayatollah Sadegh Larijani, 1 February 2010<sup>90</sup>

Many defendants report that their interrogators announce the sentence they will receive before they are tried, raising concerns that judges are not independent, but are receiving instructions from one or other of the various intelligence services. That judges are indeed being pressured to issue convictions for political reasons is suggested by comments such as the one above.

Nasrin Sotoudeh spoke in April about the case of her client Heshmatollah Tabarzadi (see Chapter 2, Political activists):

*"In an illegal move, this Ministry of Intelligence officer has made a recommendation to the case judge to consider maximum punishment with exile to locations with a bad climate, as well as deprivation of all manners of political, social, and cultural activities for the rest of my client's life... This action is a crime according to law, as a non-judicial agent has made a recommendation to the judge."<sup>91</sup>*

Such pressures on judges seriously compromise the independence of the Judiciary, a cornerstone of the right to a fair trial, and raise fears that far from providing justice for anyone, the entire justice system has become yet another tool in the hands of the repressive authorities.

## LAWS THAT RESTRICT BASIC FREEDOMS

Despite the requirements under Iranian law that detainees should be informed promptly of the charges against them, in practice many defendants do not know what they are to be charged with until they are brought to court for the first time. On occasion, they find they are facing charges other than those their interrogators have told them about.

Defendants are tried under a host of vaguely worded laws that restrict the lawful exercise of freedom of expression, association and assembly and thereby result in the imprisonment of prisoners of conscience. Iran's Penal Code and Press Law, for example, contain numerous articles relating to national security that impinge on fundamental freedoms by prohibiting activities such as demonstrations, public discourse and the formation of groups and associations. These vaguely worded criminal offences breach the principle of legality and legal certainty by being too wide and vague, thus failing to meet requirements for clarity and precision needed in criminal law. In addition, they may not amount to a recognizably criminal offence under international human rights law.

In relation to freedom of association, Articles 183 to 186 of the Penal Code concern the "offence" of *moharebeh va ifsad fil-arz* or "enmity against God and corruption on earth". These terms are defined as follows in the Penal Code: "Any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a *mohareb* and to be corrupt on earth". Among those designated as *mohareb* are "those convicted of membership of or support for an organization that seeks to overthrow the Islamic Republic; and plotting to overthrow the Islamic Republic by procuring arms for this". Elsewhere the law specifies other circumstances where someone may be considered *mohareb*, which include espionage and forming a group to harm state security.

The "crime" of *moharebeh* carries one of four penalties: execution, cross amputation, crucifixion and banishment (usually incommunicado detention in a prison far from the prisoner's home). Judges have wide discretion in interpreting the provision on *moharebeh*. Statements by Iranian judicial and other officials particularly after the Ashoura demonstrations have indicated that demonstrators, particularly those who threw stones or other objects, would be considered as *moharebs* and thus potentially liable to the death penalty.

The Penal Code states that whoever forms or joins a group or association either inside or outside the country, which seeks to "disturb the security of the country" will be sentenced to between two and 10 years' imprisonment.<sup>92</sup> However, there is no definition of "disturb" or "security of the country" in the Code.

In relation to freedom of expression, the Penal Code also deals with national security in a vaguely worded way. Article 500 states that "... anyone who undertakes any form of propaganda against the state... will be sentenced to between three months and one year in prison". What constitutes "propaganda" is not defined.

Article 698, which criminalizes "causing unease in the public mind or in the mind of official authorities", "false rumours" or writing about "acts which are not true", even if it is a quotation, by written or oral means, has also been used to prosecute people for expressing their opinions. People convicted of this "offence" face imprisonment for between two months and two years and up to 74 lashes.

The Penal Code Article 513. and Press Law Articles 6 and 26. address "insults" to Islam. Such "offences" can be punished by death or a prison term of between one and five years. The Penal Code provides for imprisonment for six months to two years for "insults" to the Leader,<sup>93</sup> and for three to six months for "insults" to the Head of the Judiciary, the President and the

Speaker, as well as to Ministers, Deputy Ministers, MPs, judges and various other state bodies.<sup>94</sup>

These provisions have been used to detain, try and convict journalists, students, human rights and women's rights defenders, lawyers, intellectuals and social commentators who have done no more than express their conscientiously held beliefs in writing or in public statements.

In relation to freedom of assembly, the Penal Code states that two or more people who "gather and collude" to commit or facilitate an act against the internal or external security of the nation will be imprisoned for between two and five years, unless their "offence" is so serious that it amounts to *moharebeh*.<sup>95</sup> The Code also provides for between three and six months' imprisonment and up to 74 lashes for "causing disorder and disturbing the peace" – a charge often brought against those who participate in demonstrations not authorized by the authorities.<sup>96</sup> They are sometimes charged with "resisting government officials",<sup>97</sup> which carries the penalty of imprisonment for three months to three years, depending on whether or not weapons are used to resist.

In addition, new laws have been introduced bringing new areas of society under the thumb of these repressive measures, such as a new law on "cyber security" passed in July 2009. In December 2009, the Ministry of Culture and Islamic Guidance said it was preparing guidelines to supervise websites, after an amendment to the Press Law had been passed.<sup>98</sup>

### 'SHOW TRIALS' – A TRAVESTY OF JUSTICE

Several sessions of "show trials" have taken place since the election, in August and September 2009, and January and February 2010. In a grotesque parody of justice, dozens of people dressed in prison pyjamas, looking haggard and thin, were brought into the Revolutionary Court in Tehran on 1 August and collectively accused of having "participated in riots, acting against national security, disturbing public order, vandalizing public and government property and having ties with counter-revolutionary groups". Among them were former government ministers, leading members of opposition political parties, journalists and Iranian staff of European embassies. Some were not even on trial – they seemed to be there simply to be forced to listen to other people's contrite "confessions" and abject "apologies".

The first August "show trial" started without warning for the defendants' lawyers and families, and involved about 100 detainees who were brought to court. Four more sessions involved a further 50 or so defendants. The exact number has never been clarified, as no comprehensive list of defendants has been provided by the authorities, some defendants appeared in more than one session and some, although present in the court, were not on trial.

Further trials took place in January and February 2010. Five people not named at the time were tried for *moharebeh* on 18 January, accused of orchestrating the Ashoura demonstrations and of having links to the PMOI. Most, if not all had relatives who are members of the PMOI based in Iraq. Father and son **Ahmad** and **Mohsen Daneshpour Moghaddam**, their wife and mother **Motahareh (Simin) Bahrami**, as well as **Rayhaneh Haj Ebrahim** and **Hadi Gha'emi**, were sentenced to death, although the sentences of the latter three were commuted on appeal. All had been arrested together on 18 or 19 September 2009 following mass demonstrations on Qods Day. A further 16 unnamed defendants were tried on 30 January and 3 February in connection with the Ashoura demonstrations. Five were charged with *moharebeh*, of whom at least two – student **Mohammad Amin Valian** and teacher **Abdolreza Ghanbari** – were sentenced to death, although Mohammad Amin Valian's death sentence was commuted on appeal. Others

have received lengthy prison terms, including **Omid Sharifi Dana** (see Chapter 4, Confessions), initially sentenced to six years, which was reduced to three on appeal.

These grossly unfair trials had the characteristics of what are commonly regarded as political “show trials”. There was never any doubt that the defendants would be convicted. The televised extracts of the trials featured coerced “confessions”, “apologies” and statements incriminating others. The trials were not about justice but served as an attempt by the authorities to validate their official account of the post-election unrest and its origins, and to make clear the severe consequences of expressing dissent and opposition to the authorities.

The trials of those arrested since the elections have been a travesty of justice and the outcomes for the defendants are extremely serious. At least 16 have been condemned to death, many have been sentenced to lengthy prison terms, and some have been sentenced to flogging. Although eight have had their death sentences commuted, two have already been executed – Mohammad Reza Ali-Zamani and Arash Rahmanipour (see below). Both were convicted of vaguely worded charges on the basis of coerced “confessions” to involvement in events that did not take place until after they had been arrested and were already in custody.

### EVIN PRISON'S COURT

On 7 March 2010, the Tehran Prosecutor, Abbas Ja'fari Dowlatabadi, announced that a special branch of the Revolutionary Court had been formed inside Evin Prison. He said it was “based on needs” and “a way to solve problems, expedite investigations, and reduce costs.” This court houses the case files of many political activists and unknown prisoners whose cases are in an indeterminate state.

The newly formed court in Evin Prison has significantly reduced lawyers' ability to defend their clients. Some lawyers have also said that this extra layer of hindrance is allowing intelligence officials to exert even more pressure on judges to pass a particular sentence than has been the case in previous years, although many prisoners have said the judges in their cases needed little encouragement to pass heavy sentences.

Nasrin Sotoudeh, a lawyer and women's rights activist, told the International Campaign for Human Rights in Iran in April 2010 that “judges are now housed in an environment that is entirely under the oversight of the Ministry of Intelligence”. She added:

*“During preliminary investigations, which are the most difficult time during a suspect's prison term, case judges only receive information from intelligence officers, and neither the suspect's lawyer nor his or her family can provide any information to the judges... This has in fact made providing defence for the suspect impossible”.*<sup>99</sup>

Mina Ja'fari, lawyer to several detainees arrested in the context of post-election unrest, also said that the new court is illegal:

*“The formation of this court is a clear violation of the Iranian Constitution and suspects' rights... It is quite clear that according to legal requirements and especially citizens' basic rights and according to Article 34 [which provides for the right to seek justice before a competent court], forming the Evin Court is against the law.”*<sup>100</sup>

Another lawyer, Farideh Gheyrat, echoed the concerns:

*“We lawyers have no access to Evin Court at all, as lawyers and others are not allowed inside. As a result, we cannot even have access to what little and incomplete information we were normally allowed to incorporate into [our] cases, as this is no longer possible.”*<sup>101</sup>

## POLITICALLY MOTIVATED USE OF THE DEATH PENALTY

On 28 January, Tehran's Prosecutor announced that **Mohammad Reza Ali-Zamani** and **Arash Rahmanipour** had been hanged that morning. Their executions took place without warning – their lawyers had not been informed 48 hours in advance, as is required under Iranian law.

Mohammad Reza Ali-Zamani and Arash Rahmanipour were tried unfairly in the mass “show trials” of August 2009. They were convicted of *moharebeh* by Tehran's Revolutionary Court in October 2009 in connection with their alleged membership of Anjoman-e Padeshahi-e Iran (API), a banned group which advocates the restoration of an Iranian monarchy. They were also convicted of “harming national internal security”. Mohammad Reza Ali-Zamani was accused of illegally visiting Iraq where he was alleged to have met US military officials.

Arash Rahmanipour's lawyer said after his election that her client had played no role in the election protests and was forced to confess in a “show trial” after members of his family were threatened (see Chapter 4, Threats against family members).

Their executions took place just two weeks before the anniversary of the Islamic Revolution on 11 February, a day when further mass protests were widely expected. Their deaths highlight how the justice system is used as a lethal instrument of repression by the Iranian authorities, who were clearly warning those who might wish to exercise their right to peacefully demonstrate against the government not to go out in the street and protest.

**“The gentlemen do not have a shred of evidence... We can go to a group of impartial and honest Iranian judges who have had experience judging cases in courts. If they can present the smallest reasoning against Farzad, I would be willing to give up law forever and to endure whatever punishment... in the present courts, especially in Revolutionary Courts, people are presumed to be guilty and they must prove that they aren't.”**

Khalil Bahramian, lawyer of Farzad Kamangar, May 2010<sup>102</sup>

This was not the last time that the Iranian authorities were to use executions as a political tool. On 9 May 2010, a similar announcement was carried on the Islamic Republic News Agency, a state-run news organization, that four men and one woman had been executed that morning. Four of them – **Farzad Kamangar**, **Ali Heydarian**, **Farhad Vakili** and **Shirin Alam-Holi** – were members of Iran's Kurdish minority and were hanged along with **Mehdi Eslamian**. All five had been convicted of *moharebeh* for “terrorist attacks” in connection with their alleged membership of, or activities on behalf of, banned groups.

**“The sudden execution of five of the citizens of this country without giving any clear explanations regarding their charges, prosecution procedure and trials to the people, is just similar to the unjust trend that in the recent months have led to the surprising sentences for many caring women, men and citizens of our country. When the Judiciary shifts its position from supporting the oppressed toward supporting authorities and those in power, it is hard to stop people from judging that the Judiciary sentences are unjust.”**

Mir Hossein Mousavi, May 2010<sup>103</sup>

Farzad Kamangar, Ali Heydarian and Farhad Vakili were arrested in 2006 and later sentenced to death for alleged membership and activities for the Kurdistan Workers' Party (PKK) a Turkish armed opposition group that has been fighting the Turkish government.

Shirin Alam-Holi, the woman who was executed, was accused of belonging to another Kurdish group, the Party for a Free Life in Kurdistan (known by its Kurdish acronym PJAK), an Iranian armed group that is banned in Iran. The fifth person executed, Mehdi Eslamian, was accused

of providing financial assistance to his brother, who was executed in early 2009 for allegedly bombing a mosque in Shiraz in April 2008.

At least three of them – and probably all – had been tortured while in detention, apparently to extract forced “confessions”. Mehdi Eslamian is reported to have been flogged and beaten; he was denied medical attention for injuries sustained in custody and forced to “confess”.

Farzad Kamangar, a teacher, had been held for seven months prior to being allowed to meet his family. According to a letter he wrote, circulated on the internet in April 2008, he was repeatedly tortured following his arrest in May 2006. He was whipped, held in a freezing room and guards played “football” with his body, pummeling him as he was “passed” between guards.

In a letter from prison, Shirin Alam-Holi said she had had nightmares because of what her interrogators did to her. She was repeatedly beaten, including on the soles of her feet, and kicked in the stomach, causing internal bleeding. When she went on hunger strike, she was force fed through nasal tubes which she ripped out in protest, damaging her nose. She said she had made a videotaped “confession” after she was hospitalized and given an injection.

The executions shocked many in Iran and were widely seen as an attempt to send a chilling message to those who might be considering protesting on the anniversary of the election, only weeks away. Iranians from many walks of life protested against this unjust loss of life, and some have paid the price. Majid Tavakkoli (see Chapter 2, Students and graduates) wrote a moving letter from prison remembering Farzad Kamangar and the other two Kurds with whom he had been held, and was placed in solitary confinement apparently as punishment. Mir Hossein Mousavi, whose condemnation is highlighted above, was threatened with prosecution for his statement by Abbas Ja’fari Dowlatabadi, the Tehran Prosecutor, when he said on 15 May:

*“He [Mousavi] has no right to question the sentences of the courts that have been confirmed and to express a view about them that would please the enemies of the Islamic system... This man’s views and the support that he has provided [for those who have been executed] are tantamount to spreading lies, and expressing such views is an offence... regarding [his] trial we have left it to an appropriate time... The reason for this delay is that the time for it has not yet arrived... When the right time comes we shall act, exactly as one picks a fruit that is ripe.”<sup>104</sup>*

Following the executions, the authorities refused to give the bodies of the four executed Kurds back to their families, who went to Tehran to protest. Shirin Alam-Holi’s mother, sister, uncle, nephew and grandfather were all briefly arrested and released on bail, and the authorities banned mourners from their house in Maku. Farzad Kamangar’s family in Kamyaran were warned not to talk to the media, and their phone line was cut. Khalil Bahramin, the lawyer for Farzad Kamangar and Shirin Alam-Holi was summoned for questioning after he strenuously criticized the executions.

Others were arrested in the aftermath of the executions. A general strike was called in Kurdish areas on 13 May to protest against the executions; on the same day, **Ajlal Qavami**, the spokesperson for the Human Rights Organization of Kurdistan, was arrested and detained for several days, possibly in connection with interviews he gave regarding the strike.

At least six other people – all accused of links to the PMOI – are facing execution in connection with the post-election unrest at the time of writing. In addition to Ahmad and Mohsen Daneshpour Moghaddam and Abdolreza Ghanbari, who appeared in “show trials” in January and February 2010 (see above), Ja’far Kazemi, Mohammad Ali Haj Aghaei and Ali Saremi were all sentenced in unfair trials held *in camera*.

On 15 May, the Tehran Prosecutor also said:

*“At the moment, we have three death sentences that have been confirmed, which refer to Mohammad Ali Saremi, Ja'far Kazemi, and someone known as Mohammad Ali Haj Aqhaei. All three are among the supporters of the Hypocrites and their links with the Hypocrites are clear and definite. These three who have organizational affiliation [to the Mojahedin] were arrested in Shahrivar 1388 [September 2009].”<sup>105</sup>*

**“My husband has not requested a pardon. He has not done anything for them to execute him. How is it possible to receive a death sentence for visiting the grave of a friend at a cemetery? He did not have a weapon nor did he kill anyone to request a pardon.”**

The wife of Ali Saremi, May 2010<sup>106</sup>

Ali Saremi, who has spent 23 years in prison for his political activities both before and after the 1979 Islamic Revolution, denies that he had anything to do with the post-election events. He told Amnesty International from prison on 24 May 2010:

*“I have a son in Ashraf Camp whom I visited 2005. I was arrested following my return to Iran and sentenced to one year ending March 2007 and was eventually released two months later in May 2007.*

*“I was arrested again on 4 September 2007, four days after I attended a ceremony at the Khavaran cemetery for the 19<sup>th</sup> anniversary of the mass execution of [political] prisoners in 1988... They also arrested my wife. She is now out on bail and her trial has been postponed many times due to her relation to me and my situation.*

*“After my arrest I was held in Section 209 of Evin Prison for nine months of which six months were in solitary confinement. During these period I had only a few [three] sessions of interrogation, which involved psychological pressures and insults. They accused me of connection and membership of PMOI which I denied. I was then transferred to Section 350.*

*“I was tried in October 2008 before Branch 15 of the Revolutionary Court, on the charge of moharebeh for membership of PMOI. I again denied this and defended myself as they had no evidence against me to prove the charge. I was sentenced to death in November 2009 and appealed through my lawyer. I only learnt about the confirmation of my sentence via the Tehran Prosecutor's press conference [on 15 May]. Even though I have a lawyer, they do not recognise him. They do not communicate legal proceedings to him and do not notify him.”*

**“I would like to bring it to the attention of everyone around the world and all humanitarians, that the regime is seeking to take me, people like me, or some of the young people and prisoners to the gallows so that it can intimidate and terrify the people with our corpses.”**

Ali Saremi, in an open letter after he was sentenced to death in November 2009<sup>107</sup>

## 6. IMPACT ON FAMILIES

“I am ill, I cannot go to Tehran to visit him... I hope they let him call home at least. As a mother, I need to hear my son’s voice. When Majid is imprisoned, we are all imprisoned. As a mother, my heart is also imprisoned.”

The mother of Majid Tavakkoli, in an interview with Voice of America Persian TV, January 2010<sup>108</sup>

The suffering caused by enforced disappearances, prolonged solitary confinement and other ill-treatment and lengthy prison terms does not stop at the prison gate. Family members of those held also suffer serious problems as a result of the detention of their loved ones. Quite apart from the fear and worry for the well-being of their relative, they face a host of practical problems, which are particularly severe for women.

**“The suffering caused to family members of a secretly detained (namely, disappeared) person may also amount to torture or other form of ill-treatment, and at the same time violates the right to the protection of family life.”**

Joint study on global practices in relation to secret detention in the context of countering terrorism<sup>109</sup>

In a country where women constitute less than a fifth of the salaried labour force<sup>110</sup> and the overall rate of unemployment is high, the detention of a male relative may mean financial hardship, particularly when the detention lasts for months or even years. The person held may be the main breadwinner for the family, and transport costs to visit courts and prisons to uncover information about an imprisoned relative, or to see them once sentenced, can place extra strain on a family’s resources. This can be particularly severe if the imprisoned individual is sentenced to serve their term in exile, hundreds of kilometres away from the family home.

Mahdieh Ajdadi, the 11-year-old sister of **Akbar Ajdadi**, sentenced to 28 months in prison after his arrest during a demonstration on 15 June 2009, wrote movingly about these problems in an open letter to the prosecutor in his case in April 2010:

*“My brother is a grocery shop worker... Is this fair? My brother would never act against national security, he is innocent. I ask you to please send him back to his family. My father is an illiterate man, and so is my mother... My brother was the only breadwinner in our family. Both my parents have heart problems and their condition has worsened since my brother was arrested.*

*“A few weeks ago we were told that in order for him to come out [of prison] for a few days, we have to give US\$200,000 bail to the court. I have never seen this much money in my life... On Mondays, my parents go to Evin prison in northern Tehran to visit with my brother. When they come back, they are exhausted. My mother says the trip is long, very long. The round-trip fare is expensive too.”<sup>111</sup>*



As shown above, the hefty bail sums often required for conditional release are usually met by the deposition of house deeds – often putting the family home at risk of seizure by the authorities, should the individual not return to prison.

Amnesty International also receives frequent reports of family members being warned or threatened not to talk publicly about the situation of their relative in detention. For example, the family of 61-year-old **Ayatollah Mohammad Taghi Khalaji** (see Chapter 2, Clerics) who was arrested in January 2010, were warned not to contact his son, Mehdi Khalaji, who lives and works in the USA. Some families have had their phone lines cut to prevent them talking to the media, as happened to the family of **Shirin Alam-Holi**, a Kurdish woman executed in May 2010 (see Chapter 5). In some cases, family members are arrested, apparently to increase the pressure on their detained relatives (see Chapter 2).

Despite this, many relatives are not cowed into submission, but speak out to demand that their loved one's rights be respected. They talk to the media, to human rights organizations, including Amnesty International, so bringing international attention to the plight of their relatives. They write open letters to judicial officials, highlighting the injustices suffered by their daughters, sons, mothers and fathers. They have pictures taken of picnics in front of prisons during the Iranian New Year, providing a visual reminder to the world of the absence of their relative from the traditional Haft Sin table.<sup>112</sup> They hold birthday parties for their detained family members who cannot enjoy the cakes lovingly prepared, with messages of support written in icing on the top.

Some relatives have set up new campaigning groups. The Mourning Mothers, for example, gather silently each week to remember the dead of the post-election events and to demand accountability. Their relentless efforts for justice is a thorn in the side of the Iranian authorities who wish to hide the truth of what is happening in prisons across the country under a carpet of silence and near total impunity.

## 7. IMPUNITY

**“How is it that today the courts pass on those who ordered and committed the crimes of Kahrizak prison, university dormitories, Sobhan complex, the days of 15th and 20th of June and Bloody Ashoura... and then suddenly... hang these five individuals with so many unanswered questions?”**

Mir Hossein Mousavi, May 2010<sup>113</sup>

Since Amnesty International’s December 2009 report on Iran, there has been little progress in attempts to bring anyone to account for violations committed by the security forces. Instead, victims of violations and their families have been faced with contradictory statements and obfuscations in the official account of what happened.

In January 2010, a parliamentary Committee formed to investigate the conditions in which detainees were held following the post-election events submitted its final report.<sup>114</sup> The Committee found that abuses had occurred against detainees arrested on 9 July 2009 and taken to an overcrowded Kahrizak. It stated that people were held in a quarantine hall of 70m<sup>2</sup> for four days. It added:

*“The detainees faced harsh conditions with suffocating air during the summer month without proper sanitary facility and ventilation, food and water, and they even faced physical assault and insults from the guards amid 30 dangerous criminals”*

The committee said the affair had “weakened the Islamic System in the international arena” and concluded:

*“[The] Judiciary must find out the real root of the incident and take it to its logical conclusion by taking serious action against all the elements responsible for the bitter incident, which may include judicial officials, government officials and the LEF, without any favours, for the integrity of the Islamic System. It should inform the public opinion about the course of actions and punish the main elements without considering their posts and ranks.”*

Many interpreted this to mean that judicial officials who had authorized the transfer of detainees to Kahrizak should be brought to account, including the controversial former Tehran Prosecutor, Saeed Mortazavi, who had since been moved to another position. However, to date, it appears that no such attempt has been made to hold any senior officials accountable for what happened.

The committee also denied that any rapes had occurred and said that Kahrizak was the only place where abuses had occurred. Its recommendations included calling for better systems of supervision and monitoring of detention centres, for detainees' families to be informed of their arrest more quickly, and for trial proceedings to be faster.

Two days later, Chief of Police Esma'il Ahmadi-Moghaddam announced that a camera monitoring system was to be set up in prisons and would be operational by March 2011. He said that the system would "prevent the ill-treatment of detainees and help us standardize the conduct of our staff", and allow jails across the country to be placed under the constant supervision of a monitoring centre in Tehran.

## COMBATING IMPUNITY

Impunity refers to "the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims".<sup>115</sup> Human rights law imposes an obligation on states to prevent human rights violations and to combat impunity by promptly, impartially and independently investigating allegations of violations, and bringing those reasonably believed to be responsible to justice. States must also grant reparations for the violations suffered.

Only the deaths in Kahrizak Detention Centre prompted any meaningful action. In March 2010, 12 unnamed people went on trial before a military court in Tehran. They had been charged in December 2009 with offences in connection with abuses in Kahrizak. Three of them had been charged with murder. Other charges included "ordering and participating in beating, injuring, and insulting claimants"; violations of the law for respecting legitimate freedoms; poor management and supervision in Kahrizak which led to fatal damage and injuries; and "ordering and participating in false reports about the... cause of death for three of the arrested in Kahrizak".<sup>116</sup> In late April 2010, newspaper reports suggested that the three charged with murder (two officials and one inmate) had been sentenced to *qesas* (retribution). However, there has been no official announcement as to whether the trial has reached a conclusion, and if so, what the verdicts are for all 12 individuals.

These minor attempts to deal with the serious violations that took place raise the fear that they are a face-saving exercise by a system of injustice that cannot bring itself to admit to any wrong-doing.

The lack of transparency about investigations is all the more worrying in light of reports about pressures brought to bear on victims to withdraw their complaints. In February 2010, the Abdurrahman Boroumand Foundation published a testimony of a former Kahrizak inmate identified as Said, who said:

*"When we were released, officials from the military court summoned us. They said they wanted to console us. They asked us to file complaints against those who had beaten us in Kahrizak... Maybe 90 or 100 of us filed complaints.*

*"During that month, several times, people came from the Revolutionary Guards, [the Ministry of Intelligence], and the Information and Security Police. They took us with them to convince us to withdraw our complaints. The military court told us not to listen to them and not to withdraw our complaints. They came for me five or six times. They handcuffed me... A couple of times they talked to me in the car. Sometimes, they beat me up... Finally, they got everyone to withdraw their complaints..."<sup>117</sup>*

In addition, there have been contradictory reports from officials into the suspicious death of **Ramin Pourandarjani**, a doctor who served at Kahrizak during his military service and who witnessed abuses.<sup>118</sup> The authorities eventually concluded – after first claiming he had had a heart attack and then that he had committed suicide – that Ramin Pourandarjani had died after eating poisoned food which had been brought to his room. However, no official account of how this food came to be poisoned or who was responsible was given.

His father told Rooz online in March that the last official notification he had received was the coroner's report:

*"We filed a complaint and demand that the murderer be identified and prosecuted, and we will follow up on our complaint... The coroner's office has said that Ramin was poisoned to death, but the coroner's report is very ambiguous and we cannot accept this theory. They must explain how he was poisoned and who poisoned him."*<sup>119</sup>

The apparent reluctance of the authorities to investigate violations has continued in relation to further allegations of abuses. For example, in January 2010, it was announced that the cases of 17 individuals killed "in different ways" in Tehran during post-election events had been sent to Tehran Province General Court for investigation after their families submitted complaints to the Tehran Prosecutor. However, the report said that those responsible had not yet been identified, and the files had been sent to the court "for the payment of compensation".<sup>120</sup>

Hajar Rostami-Motlagh, the mother of Neda Agha-Soltan, expressed her concerns about the lack of accountability in March:

*"We don't expect to reach a result because 8-9 months have passed. If our complaints were going to be processed they would have been processed by now... The officials have said many things about Neda so far, and say something new every day. Their contradictory statements ... show what in reality took place... I want my daughter's murderer to be identified. They must identify and put that person on trial."*<sup>121</sup>

Another case demonstrates the apparent lack of willingness of the authorities to address violations. In January 2010, the death of Ramin Qahremani, previously documented by Amnesty International,<sup>122</sup> was linked specifically to his time in Kahrizak. In February, however, MP Parviz Sorouri said that the cause of his death was not known and the case required further forensic reports, which the parliamentary fact-finding Committee would look at and then present their conclusions to the Judiciary.<sup>123</sup> At the time of writing, no conclusion was known to have been reached, almost 10 months after Ramin Qahremani's death.

Such cases indicate that there is no political will to investigate properly human rights violations by officials and other agents of the state. Amnesty International is calling on the authorities to take immediate and concrete steps to end impunity for human rights violations, including those highlighted in this report, by launching full, independent and impartial investigations into the violations. These investigations should be conducted with a view to bringing those responsible to justice in trials that meet international human rights standards and without recourse to the death penalty. As an immediate measure, the Iranian authorities should urgently facilitate the visits to Iran by the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions.

## 8. LIFE IN EXILE

While this report aims to highlight the plight of political prisoners and detainees, including prisoners of conscience, it should not be forgotten that this is not the end of the story for many people who have been arrested in Iran.

Some of those released have left the country, fearing re-arrest and the torture and other ill-treatment that may go with it. Others have gone into hiding to avoid being arrested in the first place, and have then fled Iran. For all of these individuals, the future appears to be a life in exile.

According to official statistics, asylum applications from Iranians increased significantly in the weeks and months after the June 2009 election.<sup>124</sup> Some made it to countries in Europe or North America, but many first claim asylum in Turkey or Northern Iraq, both across the border from Iran.

Those who are able to do so, leave legally, sometimes by paying a bribe to officials. One woman described to Amnesty International how, fearing arrest in the post-election turmoil, she left Iran in July 2009:

*“A friend found a connection for me with someone at the airport in Tehran. They asked for 20 million tomans [approximately US\$20,000]. We negotiated and managed to lower the amount to 15 million tomans. I went to the airport. It was difficult to get out. I was stopped at passport control – the officer asked me many questions and looked very suspicious but eventually he stamped my passport and I got on the plane and flew to Turkey.”*

Another asylum-seeker from Tehran told Amnesty International that he had cycled from Tehran to Tabriz, fearing arrest. He had then taken a train to the border town of Van, where he bribed an official to let him cross into Turkey, despite being banned from leaving the country. He then cycled from Van to Ankara where he claimed asylum.

Others, because they fear arrest at the border or because they have been banned from leaving the country, contrary to international law,<sup>125</sup> make the long and difficult border-crossing over the mountains, sometimes helped by Kurdish people smugglers.

**Sepehr Atefi**, a member of the CHRR, went into hiding in January 2010 after a family friend told him that he was on the Ministry of Intelligence list of those wanted for links to the PMOI and “the communists”.<sup>126</sup> He disposed of “incriminating” possessions such as his SIM card and computer, and made his way to Khoy, a town in the extreme north-western tip of Iran. From there Kurdish people smugglers arranged for him and Hesam Misaghi, another CHRR member, to travel by horse, through the snowbound mountains, into Turkey.

Even after they have reached another country, they often do not feel safe. Many say they have received warning phone calls or have been confronted by unknown Iranians in the street who threaten them. For example, Iranians demonstrating against human rights violations in Iran who had stood outside Amnesty International’s International Secretariat in 2009, told Amnesty International that unidentified Iranians attended the demonstration and warned them that they were being watched. Some have also received indirect threats from Iranians via relatives. Amnesty International activists who participated in a demonstration outside the Iranian Embassy in London could see that the demonstration was being filmed from the Embassy windows, which could potentially allow the Iranian authorities to identify those who demonstrated.

*Newsweek* journalist **Maziar Bahari**, who was detained for four months after the election and left the country following his release, recounted to Amnesty International how, on 17 April 2010, one of his relatives in Iran received a threatening phone call. The person on the line said: *"I'm calling from the court... Tell Maziar that he shouldn't think we don't have access to him because he is not in Iran... The situation is getting dangerous now. Anything can happen without advance notice"*. According to Maziar Bahari, he had been contacted previously by intermediaries who warned him against speaking out, but this was the first time his relatives had been approached.

Nobel Peace Laureate **Shirin Ebadi** has received numerous death threats over the years, which she says have increased in number. Out of the country at the time of the election, she has not felt safe enough to return since. Her Nobel Prize medal and a bank account were seized by the authorities in November 2009. The medal was later returned, but the authorities have confiscated all her assets alleging that she has not paid tax on her Nobel Prize, despite the fact that under Iranian law, such awards are exempt from taxation. Her husband and brother have been repeatedly summoned by Intelligence Ministry officials who have ordered them to silence her. They told her husband that they could track her down wherever she was in the world, effectively threatening her with death.<sup>127</sup> Her sister was held for almost three weeks to pressure Shirin Ebadi to end her outspoken criticism of the authorities.

Others have received even more direct threats. **Abolfazl Fateh**, former Head of Mir Hossein Mousavi's Information Committee, has reportedly received death threats from individuals claiming to be working for the Iranian Ministry of Intelligence. Currently a student in the UK, individuals who came to his home when he was not there told his wife to tell him, *"If you make a single wrong move and attempt to carry out any activity for Mirhossein [Mousavi], we will eliminate you and announce that the Monafeqin [the authorities' name for the PMOI] have killed you"*.<sup>128</sup>

Those in Turkey feel particularly unsafe, given the proximity of Iran, the visa-free transit to Turkey for Iranian nationals, and the security agreements between the governments of Turkey and Iran. Iranians seeking asylum in Turkey have reported to Amnesty International that unknown Iranians have called them on the mobile telephones they obtained in Turkey, warning them about their conduct and threatening reprisals against family members still in Iran. Two days after giving an interview to the BBC, rape survivor **Maryam Sabri** was assaulted in Kayseri.<sup>129</sup> She believes the attack was by Iranian officials, although the Turkish police reportedly failed to find a political motive to the attack. Other asylum-seekers, such as **Ebrahim Mehtari**, also a rape survivor, have received threatening contacts. He told Amnesty International that an unknown man had approached him in the hotel lobby in Ankara where he was staying and said in Persian, *"Don't think we don't know where you are"*.

An Amnesty International researcher walking with asylum-seekers in the cities of Nevsehir and Nigde in central Turkey in March 2010 witnessed the fear such conditions cause. When a car with Iranian number plates passed by, the asylum-seekers immediately expressed concern and sought to remove themselves from the street, despite no evidence that the car belonged to anyone other than a tourist.

The threats of harm or death are particularly worrisome in light of the history of apparent governmental involvement in the extrajudicial executions of political opponents both in Iran and abroad in the 1980s and 1990s, although these have reduced in number since what became known as the "serial murders" of writers and others in the 1990s were exposed in the late 1990s.<sup>130</sup>

They are also of particular concern given the continuing attacks against prominent political leaders inside Iran. For example, the car of **Mehdi Karroubi** was attacked in Qazvin in January 2010 by people said to belong to the Basij militia. A former Government Minister, **Ahmad Motamedi**, was stabbed in Amir Kabir University where he worked on 3 May 2010. Former Vice-President **Mohammad Abtahi**, currently free on bail pending an appeal against his six-year prison sentence, was attacked on 20 May, allegedly by plain clothes agents using cables and knives.

The Iranian authorities should investigate all such attacks and threats and bring to justice anyone found to be responsible. Any order by officials to other officials or state actors to harm or kill perceived political opponents must be rescinded.<sup>131</sup>

Asylum-seekers who speak publicly about their experiences in Iran also attract the attention of the Turkish intelligence services. At least two journalists and one human rights activist seeking asylum in Turkey told Amnesty International in March that they had been repeatedly summoned by a Persian-speaking Turkish official to meet him, usually in a cafe, only to be warned against giving interviews to the media that would “complicate things” with their claim for asylum.<sup>132</sup>

Amnesty International believes that the events over the past year means that some Iranians who left Iran to study or work or for other non-political reasons, but who have publicly expressed dissatisfaction with events in Iran, may face increased risks should they return to Iran. Some may have become refugees *sur place* and would qualify for refugee or subsidiary protection status if they seek asylum.

Amnesty International therefore urges all governments considering asylum applications to ensure that access to a fair and effective asylum procedure remains open to all Iranians who may wish to apply, even if they do so after a visa expiry. Any forcible returns should be in accordance with due process of law and include procedural safeguards, including the ability to challenge individually the decision to deport; access to competent interpretation services and legal counsel; and access to a review, ideally a judicial review, of a negative decision.

## 9. CONCLUSION AND RECOMMENDATIONS

Since the election of President Ahmadinejad in 2005, Amnesty International has made many detailed recommendations to successive Iranian governments, but serious violations continue and the circle of repression ever widens.

People in Iran continue to be arbitrarily arrested, often without warrant, by state officials who fail to identify themselves. Many are held for weeks or even months – often in solitary confinement – in detention centres outside of the control of the Judiciary in prolonged incommunicado detention without access to families or lawyers, in conditions amounting to enforced disappearances. Unlawful killings, and the all too frequent reports of torture and other ill-treatment by state actors who enjoy near total impunity, are still not being investigated. Hundreds of political prisoners, sentenced after unfair trials, are held across Iran; many of them are prisoners of conscience. Thousands of others in Iran are suffering restrictions on their rights to expression, association and assembly laid down in the Universal Declaration of Human Rights.

In making this report public, Amnesty International hopes to confront the Iranian authorities with the widespread abuses they are denying. The report makes no new recommendations to the Iranian government. Specific recommendations related to the right to freedom of expression, association and assembly as well as to safeguards to protect detainees would be meaningless in the face of the outrageous denial by the Iranian authorities that violations have occurred in Iran. Amnesty International can only call for an immediate end to the abuses, in particular for the release of prisoners of conscience, fair and prompt trials on recognizably criminal charges without recourse to the death penalty for political prisoners, and the commutation of all death sentences.

The organization is also calling on the international community not to allow political considerations, including concerns over Iran's nuclear enrichment programme, to stand in the way of a concerted and robust response towards the failure of the Iranian authorities to address human rights concerns and their obstruction of international scrutiny, including by UN human rights mechanisms.

Specifically, Amnesty International is drawing the attention of both the Iranian authorities and the international community to recommendations it has made to the Iranian authorities in the following reports and statements:

- *Iran: Election contested, repression compounded* (Index: MDE 13/132/2009), 10 December 2009
- Iran: Ensure free presidential election* (Index: MDE 13/046/2009), 15 May 2009
- *Iran: Human Rights in the spotlight on the 30th Anniversary of the Islamic Revolution* (Index: MDE 13/010/2009), 5 February 2009
- *Iran: Worsening repression of dissent as election approaches* (Index: MDE 13/012/2009), 1 February 2009
- *Iran: Human rights abuses against the Kurdish minority* (Index: MDE 13/088/2008), 30



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- *Iran: Women's rights defenders defy repression* (Index: MDE 13/018/2008), 28 February 2008
- *Iran: End Executions by Stoning* (Index: MDE 13/001/2008), 15 January 2008
- *Iran: Human Rights Abuses against the Baluchi Minority* (Index: MDE 13/104/2007), 17 September 2007
- *Iran: The last executioner of children* (Index: MDE 13/059/2007), 27 June 2007
- *Iran: Defending Minority Rights: The Ahwazi Arabs* (Index: MDE 13/056/2006), 16 May 2006
- *Iran: New government fails to address dire human rights situation* (Index: MDE 13/010/2006), 16 February 2006

# ENDNOTES

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<sup>1</sup> "118 Days, 12 Hours, 54 Minutes", *Newsweek*, November 2009

<sup>2</sup> For example, there were protests on Qods Day, 18 September, which is a day of support for Palestinians. Demonstrations also took place on 4 November 2009, the anniversary of the 1979 seizure of the American Embassy; on 7 December, National Student Day; on 21 December 2009 in Qom at the funeral of a senior cleric critical of the authorities; and on Ashoura, which in 2009 fell on 27 December.

<sup>3</sup> The authorities acknowledged at least 40 deaths during demonstrations, including Ashoura, but opposition sources have claimed that over 80 died. In the absence of any independent scrutiny, and the attempts to hide the truth, the true figure is unlikely to ever be known.

<sup>4</sup> On 5 January 2010, contact with more than 60 foreign institutions, including human rights and media organizations, was banned, leaving anyone making such contacts at risk of prosecution. See <http://www.amnesty.org/en/news-and-updates/news/iranians-further-isolated-contacts-ban-20100106>

<sup>5</sup> See "Iran Police Chief Warns Opposition Against SMS, E-Mail Communication", *Radio Free Europe Radio Liberty*, 15 January 2010, [http://www.rferl.org/content/Iran\\_Police\\_Chief\\_Warns\\_Opposition\\_Against\\_SMS\\_Email\\_Communication/1930884.html](http://www.rferl.org/content/Iran_Police_Chief_Warns_Opposition_Against_SMS_Email_Communication/1930884.html)

<sup>6</sup> A prisoner of conscience is a person who has not used violence or advocated violence or hatred and is imprisoned or placed under other physical restriction (for example, house arrest) because of their political, religious or other conscientiously held beliefs, ethnic origin, sex, colour, language, national or social origin, economic status, birth, sexual orientation or other status. Amnesty International calls for their immediate and unconditional release. Political prisoners may be held for similar reasons, but have used or advocated violence or hatred. Amnesty International considers that such prisoners should be tried according to international fair trial standards.

<sup>7</sup> Index MDE 13/0123/2009; available in English, Arabic, Persian, French and Spanish at <http://www.amnesty.org/en/library/info/MDE13/123/2009/en>

<sup>8</sup> In March 2010, a group of bloggers launched a campaign to highlight the cases of the "nameless" prisoners. Since then, websites carrying information about human rights violations in Iran have been making an effort to publicize news of the "nameless" on a regular basis.

<sup>9</sup> See "Reactions to revocation of Participation and Mojahedin Organization licences", *Aftab-e Yazd*, 21 April 2010, p 16

<sup>10</sup> "Iranian Opposition Leader Defiant Despite Government Crackdown", *Der Spiegel*, 26 April 2010, <http://www.spiegel.de/international/world/0,1518,691198-2,00.html>

<sup>11</sup> On 15 March 2010, the judiciary banned the activities of the IIPF and closed its offices. On 19 April 2010, the Article 10 Committee of the Majles revoked the licences of the IIPF and the MIRO, alleging they had violated Article 16 of the Law on Political Organizations. Under this article, political organizations are prohibited from "slander, libel and spreading of rumours", "violating national unity", "efforts to create or exacerbate conflicts between people" and "violation of Islamic Republic's Islamic principles".

<sup>12</sup> See International Campaign for Human rights in Iran, "*Draconian Prison Sentences Doled Out for Activists*", 20 May 2010, <http://www.iranhumanrights.org/2010/05/hedayat-asadi-sentenced/>

<sup>13</sup> See

[http://www.facebook.com/event.php?eid=198929939029#/photo\\_search.php?oid=198929939029&view=all](http://www.facebook.com/event.php?eid=198929939029#/photo_search.php?oid=198929939029&view=all)

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<sup>14</sup> See **Reporters Without Borders, Press freedom violations recounted in real time (from 1st January 2010),**

<http://en.rsf.org/iran-press-freedom-violations-recounted-29-03-2010,36143>. The original may be read at Free-journalists.com, 30 April 2010, [http://www.free-journalists.com/2010/04/blog-post\\_3696.html](http://www.free-journalists.com/2010/04/blog-post_3696.html)

<sup>15</sup> See Committee to Protect Journalists, *Iran remains worst jailer of journalists*, 6 May 2010, <http://cpj.org/2010/05/iran-remains-worlds-worst-jailer-of-journalists.php> and Reporters Without Borders, *Press freedom violations recounted in real time (from 1st January 2010)*, 2 June 2010, <http://en.rsf.org/iran-press-freedom-violations-recounted-02-05-2010,36143.html>

<sup>16</sup> See Reporters Without Borders, *Imprisoned Journalists in Great Danger*, 11 May 2010, <http://en.rsf.org/iran-imprisoned-journalists-in-great-11-05-2010,37443.html>

<sup>17</sup> The Kahrizak Detention Centre, in the southern outskirts of Tehran, which was run by the police, became synonymous with the torture and other ill-treatment meted out to detainees in the summer of 2009. At least four people died after being held there and the centre was closed down on the order of the Supreme Leader.

<sup>18</sup> Grand Ayatollah Montazeri died on 20 December 2009

<sup>19</sup> "Iran won't give certain films permission for foreign premieres: official", *Tehran Times*, 7 April 2010, [http://www.tehrantimes.com/index\\_View.asp?code=216757](http://www.tehrantimes.com/index_View.asp?code=216757)

<sup>20</sup> "Culture Ministry warns Iranian cineastes about cooperation in foreign productions", *Tehran Times*, 16 May 2010, [http://www.tehrantimes.com/index\\_View.asp?code=219583](http://www.tehrantimes.com/index_View.asp?code=219583)

<sup>21</sup> For the text of Mohammad Nourizad's letter from prison, see <http://www.kaleme.com/1389/02/01/klm-17120>. An English translation may be read at <http://www.sidewalklyrics.com/?p=6302>

<sup>22</sup> "The Latest News on the Condition of Human Rights Activists Victimized by the Iranian Security Apparatus", Human Rights Activists News Agency, 26 March 2010, [http://www.en-hrana.org/index.php?option=com\\_content&view=article&id=21:the-latest-news-on-the-condition-of-human-rights-activists-victimized-by-the-iranian-security-apparatus-&catid=2:statements&Itemid=4](http://www.en-hrana.org/index.php?option=com_content&view=article&id=21:the-latest-news-on-the-condition-of-human-rights-activists-victimized-by-the-iranian-security-apparatus-&catid=2:statements&Itemid=4)

<sup>23</sup> The Head of the HROK, Mohammad Sadegh Kaboudvand is currently serving a 10-year prison sentence imposed for his peaceful human rights activities.

<sup>24</sup> Amnesty International, *Iran's 'Mourning Mothers' must be released*, 11 January 2010, <http://www.amnesty.org/en/news-and-updates/news/irans-mourning-mothers-must-be-released-20100111>

<sup>25</sup> Women Living Under Muslim Laws, *Iran: Mahboubeh Abbasgholizadeh sentenced to 2 ½ years in jail and 30 lashes for 'acts against national security'*, <http://www.wluml.org/node/6306>

<sup>26</sup> "Imprisoned Lawyer's Condition Unknown", Human Rights Activists News Agency, 20 January 2010, <http://persian2english.com/?p=4783>

<sup>27</sup> Defenders of Human Rights Centre, **دادگاه رسیدگی به پرونده محمد علی دادخواه برگزار شد**, 13 December 2009, <http://www.humanrights-ir.org/php/view.php?objnr=335>

<sup>28</sup> Nasser Zarafshan, who represented the families of two individuals killed by officials in what became known as the "serial murders", was sentenced to two years for "disseminating confidential information", three years for possession of firearms, and 50 lashes for illegally possessing alcohol in a secret trial before a military court. He repeatedly denied the charges against him. Amnesty International believes the weapons and alcohol were planted in his office to discredit him, and that the case against him was politically motivated and intended to discourage other human rights defenders in Iran from pursuing cases of impunity.

<sup>29</sup> "New Releases, New Arrests in Iran", *Rooh Online*, 11 March 2010,

<http://www.roozonline.com/english/news/newsitem/article/2010/march/11/new-releases-new-arrests-in-iran.html>

<sup>30</sup> "Moslehi told the governor's conference: Eighty foundations, institutions, foreign funds and organisations active in the sedition have been identified", *Siyasat-e Rouz*, 23 December 2009.

<sup>31</sup> Kingdom Assembly of Iran (Anjoman-e Padshahi Iran) is a group supporting the establishment of a monarchy in Iran with Headquarters in London. Tondar is an associated group in the USA, which Iran has blamed for the bombing of a mosque in Shiraz in 2008. Several people have been executed in connection with the mosque bombing.

<sup>32</sup> Mothers for Peace campaigns against possible military intervention in Iran over its nuclear programme, seeks "viable solutions" to the region's instability and campaigns against the arrest, detention and harassment of ordinary Iranians.

<sup>33</sup> See Amnesty International, *Iran: Women Prisoners of Conscience* (Index MDE 13/05/90), May 1990.

<sup>34</sup> Starting in August 1988, just after the end of the Iran/Iraq war, and continuing until shortly before the 10th anniversary of the Islamic revolution in February 1989, the Iranian authorities carried out massive wave of summary executions of political prisoners – the largest since those carried out in the first and second year after the Iranian revolution in 1979. In all between 4,500 and 5,000 prisoners are believed to have been killed, including women. It remains one of the worst human rights violations committed since the establishment of the Islamic Republic.

<sup>35</sup> See Amnesty International, *Arrests and deaths continue in Iran as authorities tighten grip*, 22 July 2009, <http://www.amnesty.org/en/news-and-updates/news/arrests-deaths-continue-iran-authorities-tighten-grip-20090722>

<sup>36</sup> Since the establishment of the Islamic Republic of Iran in 1979, the Baha'i community has been systematically harassed and persecuted. The Baha'i religion is not recognized under the Iranian Constitution and its followers are subject to discriminatory laws and regulations, which violate their right to practice their religion freely.

<sup>37</sup> Grand Ayatollah Vahid Khorasani is one of Iran's most senior clerics. He is also the father-in-law of Ayatollah Sadegh Larijani, the Head of the Judiciary.

<sup>38</sup> See *آیت الله العظمی وحید خراسانی : فقر در مردم غوغا می کند*, Tabnak, <http://www.tabnak.ir/fa/pages/?cid=89954>

<sup>39</sup> Compass Direct News reports on Christians persecuted for their faith around the world.

<sup>40</sup> Gonabadi Dervishes in Iran consider themselves to be Shi'a Muslims. This Sufi order describes Sufism as neither a religion nor a sect, but rather a way of life by which individuals – from any religion – may find God. See, for example, <http://www.sufism.ir/sufischool.php>. This is a website belonging to the Gonabadi Dervish order in Europe, which is headed by Dr. Sayed Mostafa Azmayesh. In Iran, the Head of the Order is Dr. Nour Ali Tabandeh, who was forced to leave his home in Bidokht, the main centre of the order in Iran, in May 2007 and take up residency in Tehran. Several prominent clerics in Iran have issued fatwas attacking Sufis. For example Ayatollah Lankarani said in 2006 that Sufis were "misleading Iranian youth" and that "any contact with them was forbidden".

<sup>41</sup> "Mother of young man sentenced to death expresses her anguish", Homylafayette, 6 January 2010, <http://homylafayette.blogspot.com/2010/01/death-sentence-ahmad-karimis-mother.html>

<sup>42</sup> "A Conversation with One of the Detainees of the Past 2 Months : Mock Executions, Prisoners' Suicides and Sleeping On the Asphalt", Tara Niazi, 16 August 2009, [http://taraniazi.com/index.php?option=com\\_content&view=article&id=116:a-conversation-with-one-of-the-detainees-of-the-past-2-months-mock-executions-prisoners-suicides-and-sleeping-on-the-asphalt&catid=48:interviews&Itemid=73](http://taraniazi.com/index.php?option=com_content&view=article&id=116:a-conversation-with-one-of-the-detainees-of-the-past-2-months-mock-executions-prisoners-suicides-and-sleeping-on-the-asphalt&catid=48:interviews&Itemid=73)

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<sup>43</sup> See Article 15.4 and 15.5

<sup>44</sup> Reporters Without Borders, *Press freedom violations recounted in real time (12 June 2009 - 31 Dec 2009)*, 31 December 2009, <http://en.rsf.org/iran-press-freedom-violations-recounted-31-12-2009,33433>

<sup>45</sup> International law strictly prohibits the execution of those under the age of 18 at the time of their alleged crime. See Amnesty International, *Iran: The last executioner of children*.

<sup>46</sup> Interview with Deutsche Welle Persian service, 2 May 2010, <http://www.dw-world.de/dw/article/0,,5530042,00.html>

<sup>47</sup> Article 32.

<sup>48</sup> Article 24.

<sup>49</sup> Article 32.

<sup>50</sup> Article 33.

<sup>51</sup> Article 132.

<sup>52</sup> Article 134. The bail provided is normally a title deed of a property valued substantially above the amount of the bail fixed by the court or cash. The bail is registered and any cash is deposited in a special account of the Ministry of Justice designated for this purpose. The court issues an order to the Deeds and Properties Registration Department, where the owner takes the Deed. The Department enters a ban on transactions in the Deed which can only be cancelled by a new court order.

<sup>53</sup> General Comment 29: States of Emergency (CCPR/C/21/Rev.1/Add.11), 31 August 2001, para11.

<sup>54</sup> A/HRC/13/42, 19 February 2010, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

<sup>55</sup> The website of the Graduates' Association.

<sup>56</sup> شاهپور کاظمی و فرزندش در مکانی نامعلوم زندانی اند, Advar News, <http://advarnews.biz/humanright/9657.aspx>

<sup>57</sup> A/RES/43/173, 9 December 1988, <http://www.un.org/documents/ga/res/43/a43r173.htm>

<sup>58</sup> Article 22.

<sup>59</sup> Agahi-ye Tehran.

<sup>60</sup> Bazdashtgah-e amaken.

<sup>61</sup> Bazdashtgah-e Evin.

<sup>62</sup> band

<sup>63</sup> salon

<sup>64</sup> Amouzesghah.

<sup>65</sup> Andarzagah 1-10

<sup>66</sup> Opinions No. 5/2001 (E/CN.4/2002/77/Add.1), para10 (iii) and 14/2009 (A/HRC/13/30/Add.1).

<sup>67</sup> International Covenant on Civil and Political Rights, Article 14, para2.

<sup>68</sup> Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading

treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/42), 26 January 2010.

<sup>69</sup> "Iran: lawyer haunted by young man's execution", *Los Angeles Times*, 8 February 2010, <http://articles.latimes.com/2010/feb/08/world/la-fg-iran-lawyer8-2010feb08>

<sup>70</sup> A note to Article 128 of the Code of Criminal Procedures states that in "confidential matters or when the judge decides that the presence of another person (including the lawyer) might cause 'corruption' or interrupt the procedure or in crimes against the national security, the presence of the lawyer is dependent on permission of the court".

<sup>71</sup> Article 3 of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights, enacted in 2004.

<sup>72</sup> The note to Article 128, as above.

<sup>73</sup> Kobra Zaghehdoust was arrested with her husband in July 2009 at the Beheshte Zahra cemetery during a memorial for Neda Agha Soltan and others unlawfully killed during the demonstrations in June 2009.

<sup>74</sup> Committee of Human Rights Reporters, *'Unknown' Female Prisoner Kobra Zaghehdoust Detained for Nine Months*, 21 April 2010, <http://persian2english.com/?p=9711>

<sup>75</sup> International Campaign for Human Rights in Iran, "**Farideh Gheirat: Even Baghi's Lawyer Can't Access His File**", 21 April 2010, <http://www.iranhumanrights.org/2010/04/farideh-gheirat-even-baghis-lawyer-cant-access-his-file/>

<sup>76</sup> See <http://www.parlemannews.ir/index.aspx?n=3245>

<sup>77</sup> A/HRC/WG.6/7/IRN/1, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A\\_HRC\\_WG6\\_7\\_IRN\\_1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/A_HRC_WG6_7_IRN_1_E.pdf)

<sup>78</sup> Article 39.

<sup>79</sup> Article 6 of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights.

<sup>80</sup> Article 38 of the Constitution, and Article 578 of the Penal Code, which states: "Any governmental official or employee, whether judicial or non-judicial, who physically tortures or torments an accused person to force him to confess will, in addition to retribution-in-kind or payment of blood money, be sentenced to imprisonment from six months to three years, depending on the case, and if someone has ordered the same, only the person giving the order will be given the said punishment of imprisonment and if the torture and torment results in death, the perpetrator shall be sentenced to the punishment for murder, and someone who ordered the [torture] will have the punishment prescribed for ordering a killing."

<sup>81</sup> "Basij militia member's story: full transcript", Channel 4 News, 17 February 2010, [http://www.channel4.com/news/articles/world/middle\\_east/basij+militia+member+story+full+transcript/3547452](http://www.channel4.com/news/articles/world/middle_east/basij+militia+member+story+full+transcript/3547452)

<sup>82</sup> See **A Letter of Suffering by Bahareh Maghami, A Victim of Prison Rape, April 2010** <http://rowzane.com/fa/annonce-archiev/63-zanan/1785-1389-01-20-21-46-54.html>

<sup>83</sup> Principle 24 states: A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

<sup>84</sup> Islamic Republic of Iran News Network, 20 September 2009,

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<http://www.irna.ir/View/FullStory?NewsId=689599>

<sup>85</sup> Principle 21 (85 E/CN.4/2004/3/Add.2, para 57) states:

*"1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.*

*2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement."*

<sup>86</sup> "Karroubi: The Iranian nation has been humiliated," Rahe sabz, 30 May 2010, <http://www.rahesabz.net/story/15839/>

<sup>87</sup> E/CN.4/2004/3/Add.2, para 57

<sup>88</sup> Article 165.

<sup>89</sup> Article 188.

<sup>90</sup> *Mardom-Salari* website, 1 February 2010.

<sup>91</sup> International Campaign for Human Rights in Iran, *Intelligence Agents Pressure Judiciary for Harsh Sentences*, 9 April 2010, <http://www.iranhumanrights.org/2010/04/tabarzadi/>

<sup>92</sup> Articles 498 and 499.

<sup>93</sup> Article 514.

<sup>94</sup> Article 609.

<sup>95</sup> Article 610.

<sup>96</sup> Article 618.

<sup>97</sup> Article 607.

<sup>98</sup> Vision of the Islamic Republic of Iran Network 1, 9 December 2009.

<sup>99</sup> International Campaign for Human Rights in Iran, *Human Rights Group Demands Closure of Evin Prison Court*, 14 April 2010, <http://www.iranhumanrights.org/2010/04/close-evin-court/>

<sup>100</sup> International Campaign for Human Rights in Iran, *Human Rights Group Demands Closure of Evin Prison Court*, 14 April 2010.

<sup>101</sup> , International Campaign for Human Rights in Iran, *Human Rights Group Demands Closure of Evin Prison Court*, 14 April 2010.

<sup>102</sup> International Campaign for Human Rights in Iran, 12 May 2010, *Farzad Kamangar's Lawyer: There Was No Cause for Execution*, <http://www.iranhumanrights.org/2010/05/farzad-kamangars-lawyer-there-was-no-cause-for-execution/>

<sup>103</sup> See "Mir Hossein Mousavi's reaction to the recent executions," *Kaleme*, 10 May 2010 <http://www.kaleme.com/1389/02/20/klm-19032>

<sup>104</sup> See <http://enduringamerica.com/2010/05/17/iran-document-the-prosecutor-on-the-executions-leaders-of-sedition-15-may/> and <http://www.farsnews.com/newstext.php?nn=8902250640>

<sup>105</sup> See <http://enduringamerica.com/2010/05/17/iran-document-the-prosecutor-on-the-executions-leaders-of-sedition-15-may/> and <http://www.farsnews.com/newstext.php?nn=8902250640>

<sup>106</sup> In an interview with Voice of America TV. See <http://persian2english.com/?p=10889>

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- <sup>107</sup> See “**Political prisoner, Ali Saremi, sentenced to death, warns about a repeat of massacre**”, <http://persian2english.wordpress.com/2010/01/01/political-prisoner-ali-saremi-sentenced-to-death-warns-about-a-repeat-of-massacre/>
- <sup>108</sup> See VOA Interviews Majid Tavakoli's Mother, 19 January 2010, <http://persian2english.com/?p=4626>
- <sup>109</sup> A/HRC/13/42, 19 February 2010 Op.cit.
- <sup>110</sup> See The Middle East Institute, *Where are Iran's working women?*, <http://payvand.com/news/09/feb/1110.html>
- <sup>111</sup> <http://www.rhairan.biz/archives/10947>
- <sup>112</sup> At the Iranian New Year, on 21 March, Iranians prepare a table with seven traditional items beginning with the letter “s” – the Haft Sin.
- <sup>113</sup> See “Mir Hossein Mousavi's reaction to the recent executions,” *Kaleme*, 10 May 2010 <http://www.kaleme.com/1389/02/20/klm-19032>
- <sup>114</sup> See Mardom-e Salari, 11 January 2010, <http://www.mardomsalari.com/Template1/News.aspx?NID=69403>
- <sup>115</sup> See Updated set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), 8 February 2005, Definitions.
- <sup>116</sup> “Full Statement of Iranian Military Court on Kahrizak Detention Centre”, Mohammad Mostafaei Blog, 20 December 2009, <http://persian2english.wordpress.com/2009/12/20/full-statement-of-iranian-military-court-on-kahrizak-detention-centre/>
- <sup>117</sup> “Iran July 2009: A Witness to State Crimes in Kahrizak Detention Center”, Sa'id/ABF translation, Abdorrahman Borumand Foundation, 2 February 2010, <http://www.iranrights.org/english/document-1217.php>
- <sup>118</sup> See **Iranian authorities must investigate death of detention centre doctor**, 18 November 2009, <http://www.amnesty.org/en/news-and-updates/news/iranian-authorities-must-investigate-death-detention-centre-doctor-20091118>
- <sup>119</sup> “Identify and Prosecute my Son's Murderers”, Rooz online, 13 March 2010. <http://www.roozonline.com/english/news/newsitem/article/2010/march/13/identify-and-prosecute-my-sons-murderers.html>
- <sup>120</sup> Mardom-e Salari, 18 January 2010
- <sup>121</sup> “No accountability only threats”, Rooz online, 4 March 2010.
- <sup>122</sup> See Amnesty International, *Iran: Election Contested, Repression Compounded*, (Index MDE 13/123/2009, December 2009
- <sup>123</sup> “Ambiguity over death of person released from Kahrizak: MP”, *Tehran Times*, 20 February 2010, [http://www.tehrantimes.com/index\\_View.asp?code=214456](http://www.tehrantimes.com/index_View.asp?code=214456)
- <sup>124</sup> See for example “Fleeing to Germany: asylum applications from Iran”, *Der Spiegel*, <http://www.spiegel.de/international/world/bild-694367-87854.html>
- <sup>125</sup> Article 12 (1) of the International Covenant on Civil and Political Rights provides for liberty of movement within a country and Article 12 (2) states that “[e]veryone shall be free to leave any country, including his own”.
- <sup>126</sup> Interview with Sepehr Atefi conducted by Amnesty International in March 2010.
- <sup>127</sup> “Britain is appeasing Iran, Nobel laureate Shirin Ebadi says”, *The Times*, 24 September 2009,



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[http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6846763.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6846763.ece)

<sup>128</sup> See <http://www.irangreenvoice.com/article/2010/may/31/3931>

<sup>129</sup> “Woman who fled after Iran's summer unrest tells of 'revenge' attack in Turkey” , *The Guardian*, 17 December 2009, <http://www.guardian.co.uk/world/2009/dec/17/iran-refugee-sabri-turkey>

<sup>130</sup> For further information, see Amnesty International, *Iran: Victims of Human Rights Violations* (Index: MDE 13/10/93), November 1993; *Iran: Official secrecy hides continuing repression* (Index: MDE 13/02/95), May 1995; *Iran: “Mykonos” trial provides further evidence of Iranian policy of unlawful state killings* (Index: MDE 13/15/97), 10 April 1997; and *Iran: alarming pattern of killings and “disappearances”* (Index MDE 13/025/1998), 11 December 1998.

<sup>131</sup> The Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (adopted by the UN Economic and Social Council on 24 May 1989 in resolution 1989/65 and endorsed by the UN General Assembly on 15 December 1989 in resolution 44/162) state in Articles 1 and 4:

*“1. Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. ...Such executions shall not be carried out under any circumstances ... this prohibition shall prevail over decrees issued by governmental authority.*

*“4. Effective protection through judicial or other means shall be guaranteed to individuals or groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.”*

<sup>132</sup> For more information on how asylum-seekers in Turkey are treated see Amnesty International, *Turkey: Stranded: Refugees in Turkey denied protection* (Index: EUR 44/001/2009), 22 April 2009, <http://www.amnesty.org/en/library/asset/EUR44/001/2009/en/0f217291-cae8-4093-bda9-485588e245d8/eur440012009en.pdf>



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## FROM PROTEST TO PRISON IRAN ONE YEAR AFTER THE ELECTION

One year on from the disputed presidential election of June 2009, Iranians who criticize the government or protest against mounting human rights violations face an ever-tightening gag. The authorities and the shadowy intelligence services – shaken to the core by mass demonstrations – have consolidated their grip on the country and intensified the repression in a vain attempt to silence voices which peacefully challenge the official portrayal of the election and its aftermath.

This report poignantly illustrates the journey taken in the past year by many Iranians – from political and civil activism and street demonstrations to the cells of Evin Prison and beyond. At least 5,000 people, probably many more, have been arrested simply for peacefully exercising their rights. Once behind bars, they are further abused, often forced to make “confessions” that are then used to convict them in grossly flawed trials. Hundreds are serving prison terms. Some have been condemned to death and two executed.

The report makes two essential calls on the Iranian authorities – to release all prisoners of conscience and review the cases of other political prisoners tried unfairly; and to allow international scrutiny of its human rights record by granting immediate access to UN human rights experts.

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