



# IRAN

ELECTION CONTESTED,  
REPRESSION COMPOUNDED

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*Cover photo:* Hundreds of thousands of people protesting in Azadi (Freedom) Square in Tehran against the election result, 15 June 2009.

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*Back cover:* Plain-clothed policemen beating a demonstrator with batons in Tehran, 14 June 2009.

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# GLOSSARY

## GENERAL TERMS

**Ahl-e Haq** – Members of a religious group; most of whom live in Iraq and western Iran. Most adherents in Iran are Kurds. It is not an officially-recognized faith under the Iranian Constitution and adherents face discrimination.

**Graduates' Association (Advar-e Tahkim-e Vahdat)** – An organization open to all graduates from Iranian universities which is active on human rights issues.

**Office for the Consolidation of Unity (Daftar-e Tahkim-e Vahdat)** – A student body with branches in all Iranian universities which has been active in calling for reform and greater human rights.

**Rial (IRR)** – Iranian currency; US\$1 = about 9,750 rials.

**Touman** – One touman = 10 rials.

**Velayat-e faqih** – Ayatollah Khomeini's political concept of rule by a religious scholar or scholars which is the basis of political leadership in Iran.

## ABBREVIATIONS

**API** – Kingdom Assembly of Iran (Anjoman-e Padshahi Iran), a group supporting the establishment of a monarchy in Iran.

**CHRD** – Centre for Human Rights Defenders, established in 2002 by Shirin Ebadi and others

**HRA** – Human Rights Activists in Iran, a group of Iranian human rights activists which reports from Iran on human rights violations.

**ICHRI** – International Campaign for Human Rights in Iran

**IFM** – Iran Freedom Movement (Nehzat-e Azadi), a banned political party

**IIPF** – Islamic Iran Participation Front (Jebhe-ye Mosharekat-e Iran-e Eslami), a political party linked to former president Mohammad Khatami.

**IRGC** – Islamic Revolutionary Guards Corps

**MIRO** – Mojahedin of the Islamic Revolution Organization (Sazman-e Mojahedin-e Enghlab-e Eslami)

**NGO** – Non-governmental organization

**PMOI** – People's Mojahedin Organization of Iran (Mojahedin-e Khalq), an opposition group based in Iraq.

**PRMI** – People's Resistance Movement of Iran, formerly known as Jondallah, a Baluch armed group.

**SCDPP** – Student Committee for the Defence of Political Prisoners

## KEY POLITICAL FIGURES

**Ahmadinejad, Mahmoud** – President of Iran since 2005; former Mayor of Tehran.

**Karroubi, Mehdi** – Presidential candidate, former Speaker of Parliament

**Khamenei, Ali** – Iran's Supreme Leader since the death of Ayatollah Khomeini in 1989; former President of Iran (1981-89). He is the Commander-in-Chief of all armed forces.

**Khatami, Mohammad** – Former President of Iran (1997-2005).

**Larijani, Ali** – Speaker of Parliament, brother of Sadegh.

**Larijani, Sadegh** – Head of the Judiciary since August 2009, brother of Ali.

**Mousavi, Mir Hossein** – Presidential candidate, former Prime Minister (1981-89), member of the Expediency Council.

**Rafsanjani, Ali Akbar Hashemi** – Former President of Iran (1989-97), Chair of Assembly of Experts and Chair of Expediency Council.

**Rezaei, Mohsen** – Presidential candidate, former Commander of the Islamic Revolutionary Guards Corps.

## IRAN'S POWER STRUCTURE

**Armed forces** – Iran's regular armed forces (the military) were allocated responsibility for external security after the revolution. Although there is a joint general command with the Revolutionary Guards, and the Supreme Leader is the Commander-in-chief of both, the latter operates independently.

**Assembly of Experts** – Popularly-elected body of 86 clerics which appoints and monitors the performance of the Supreme Leader. Candidates are vetted and approved by the Council of Guardians.

**Basij** – Resistance Mobilization Force, a volunteer paramilitary force under the control of the Revolutionary Guards. Its members are found in schools, universities, state and private institutions, factories and tribes.

**Council of Ministers** – Members of the Council of Ministers (the Cabinet) are chosen by the President and approved by Parliament.

**Council of Guardians** – A body that comprises 12 jurists – six appointed by the Supreme Leader, six by Parliament (from candidates selected by the Head of the Judiciary) – which supervises elections and must approve candidates. It vets and approves legislation for conformity to the Constitution and Islamic law.

**Expediency Council** – An advisory body for the Supreme Leader with powers to resolve disputes over legislation between Parliament and the Council of Guardians. The Supreme Leader appoints its members, and in October 2005 gave the Expediency Council "supervisory" powers over all branches of government.

**Head of the Judiciary** – The Head of the Judiciary, currently Ayatollah Sadegh Larijani, is appointed by and answerable to the Supreme Leader. He appoints and supervises judges.

**Judiciary** – The Judiciary is responsible for drafting judicial legislation, investigating and passing judgement on grievances; supervising the proper enforcement of laws; uncovering crimes; prosecuting, punishing, and chastising criminals and taking "suitable measures" to prevent crime and reform criminals. It runs the prison and coroners' services.

**Parliament (Majles-e Shoura-ye Eslami, or Islamic Consultative Assembly)** – The 290 members of Parliament are elected by direct public vote every four years. Parliament can pass laws but all bills must be vetted and approved by the Council of Guardians.

**President** – The President is elected for four years and may not serve more than two terms consecutively. Under the Constitution he is the second-highest ranking official. The President is head of the executive branch of power and responsible for ensuring the Constitution is implemented. In practice, his powers are circumscribed by the authority of the Supreme Leader.

**Revolutionary Guards** – Also known as the Islamic Revolutionary Guards Corps (IRGC), this body was formed after the 1979 revolution as a parallel armed force to ensure domestic security. The Revolutionary Guards control the volunteer Basij militia. There are now around 125,000 Revolutionary Guards, with air, naval and ground forces. All commanders are appointed by Iran's Supreme Leader and answerable only to him. The Guards also have substantial economic interests in Iran, owning many companies and some public services like hospitals.

**Supreme Leader** – The Supreme Leader is chosen by the clerics who make up the Assembly of Experts. The Supreme Leader, currently Ayatollah Ali Khamenei, appoints the Head of the Judiciary, six members of the Council of Guardians, the commanders of the armed forces, Friday prayer leaders and the Head of state radio and television. He also confirms the President's election. The Supreme Leader, not the President, makes key decisions on security, defence and major foreign policy issues.

# TIMELINE

**12 June** – Presidential election held.

**13 June** – Authorities declare the incumbent President Mahmoud Ahmadinejad the winner with nearly 63 per cent of vote. Mir Hossein Mousavi comes second with 34 per cent and claims election fraud. Thousands of protesters clash with police.

**14 June** – Mir Hossein Mousavi asks the Council of Guardians to annul the results. Plain-clothed forces attack Tehran University dormitory, reportedly killing five students. University premises in Esfahan also attacked.

**15 June** – Up to three million attend mass protests against the election results in Tehran; at least seven people are killed. Protests also held in other cities. Parliamentary Speaker criticizes attack on Tehran University dormitory, blaming the Ministry of the Interior. University premises in Shiraz attacked.

**16 June** – Mass protests continue; authorities ban foreign journalists from the streets. Minister of Intelligence says 76 people who are the main agents behind the unrest have been arrested. They consist mainly of those working on the campaigns of Mir Hossein Mousavi and Mehdi Karroubi and included former government ministers and senior political figures.

**17 June** – Up to half a million people protest in Tehran's 7 Tir Square; Minister of the Interior orders investigation into attack on Tehran University dormitory.

**18 June** – Mass demonstration as people gather in central Tehran to commemorate those who had been killed.

**19 June** – Iran's Supreme Leader declares that Mahmoud Ahmadinejad has won the election fairly, and warns opposition leaders that they will be held responsible for "bloodshed, violence and chaos" if they do not stop the demonstrations.

**20 June** – Security forces violently crack down on demonstrations. Riot police disperse protests in Tehran. Hundreds of people are arrested. Footage of a young woman, Neda Agha Soltan, dying after being shot, apparently by the Basij, is seen around the world. State television says the Council of Guardians will recount up to 10 per cent of the ballots.

**21 June** – Tehran Police Chief reiterates that police will take "severe action against any illegal gathering and riots".

**22 June** – Riot police fire tear gas at around 1,000 protesters in Haft-e Tir Square and other protests in Tehran.

**23 June** – Council of Guardians confirms the election result. Riot police and Basij militia in Tehran prevent planned protests.

**24 June** – Minister of Intelligence says "terrorist" plots to destabilize country during elections have been uncovered.

**26 June** – Ahmad Khatami, a senior cleric and member of the Assembly of Experts, calls for the execution of leading "rioters".

**27 June** – Revolutionary Guards Commander warns again of a "decisive and legal" crackdown by security forces.

**28 June** – Nine local UK embassy staff arrested, accused of promoting the unrest.

**29 June** – President orders Judiciary to investigate death of Neda Agha Soltan.

**9 July** – Protests to mark the anniversary of the 18 Tir student demonstrations in 1999 are dispersed by police using batons and tear gas.

**17 July** – Some two million people, including presidential candidates Mir Hossein Mousavi and Mehdi Karroubi, join the Friday prayers led by former President Rafsanjani in Tehran.



Police use tear gas and make arrests.

**19 July** – Thousands of people demonstrate in Shiraz against the election result.

**21 July** – Clashes erupt in Tehran between anti-government protesters and security forces, including the Basij militia. At least 10 people killed.

**23 July** – Death of Mohsen Rouholamini, son of an advisor to Mohsen Rezaei, held in Kahrizak detention centre.

**25 July** – Global Day of Action protesting at the human rights violations in Iran. Events held in over 105 cities around the world.

**27 July** – Announcement that Supreme Leader has ordered closure of Kahrizak detention centre.

**30 July** – Hundreds of thousands of people hold peaceful demonstrations across Iran. Clashes erupt after hundreds of people gather at the Behesht-e Zahra cemetery in Tehran to mark the 40<sup>th</sup> day of mourning for Neda Agha Soltan. Dozens arrested at Behesht-e Zahra cemetery alone.

**1 August** – A series of “show trials” begins, with around 100 detainees arrested during the protests present in court. Many make apparently coerced “confessions” to what the prosecution allege was a foreign-backed attempt to bring about a “velvet revolution” in Iran.

**5 August** – President Mahmoud Ahmadinejad is inaugurated.

**10 August** – A letter is made public that was written in late July by Mehdi Karroubi to Ayatollah Rafsanjani, former President and currently Chair of the Assembly of Experts and of the Expediency Council, alleging that detainees have been subjected to torture, including rape, and otherwise ill-treated, and demanding an investigation. Ali Larijani, Speaker of Parliament, sets up a Special Parliamentary Committee to investigate allegations of rape in custody and the detention conditions of those held during the post-election unrest.

**12 August** – Speaker Ali Larijani announces that the Special Parliamentary Committee has found the rape allegations to be baseless.

**26 August** – Supreme Leader acknowledges violations and crimes were committed during post-election events, especially at the Kahrizak detention facility, and during the attack on Tehran University dormitory; Member of Special Parliamentary Committee, speaking anonymously, says committee has found proof of rape with batons and bottles.

**29 August** – Ayatollah Sadegh Larijani, Head of the Judiciary, appoints a three-person Judicial Committee to look into allegations of torture and other ill-treatment of detainees. President Mahmoud Ahmadinejad calls on the Judiciary to prosecute his main political rivals for challenging his electoral victory and tarnishing the image of the state.

**5 September** – Three judges reportedly removed from position in relation to Kahrizak detention centre abuses.

**7 September** – Security officials close down the offices of a committee set up by Mehdi Karroubi to collect and collate information about torture and other abuses, seizing testimonies.

**12 September** – The Judicial Committee says it has found no evidence of rape and calls for the prosecution of those who made – or repeat – such allegations.

**15 September** – Eight students in Babol are the first to be sentenced in connection with post-election demonstrations.

**18 September** – Thousands of people use the opportunity of country-wide national Qods Day rallies to protests against the election result and human rights violations. Protesters, some throwing stones, are beaten and at least 35 are arrested in Tehran.

**20 September** – Supreme Leader says “confessions” made in court are valid.

**23 September** – Journalist Ali Reza Eshraghi is first to receive a prison term after a “show trial”.

**29 September** – MP says 104 complaints about abuses in Kahrizak have been lodged with

the Judiciary.

**30 September** – Police chief says 10 policemen arrested so far in relation to Kahrizak abuses.

**7 October** – Police chief admits there were abuses in Kahrizak, but says an investigation found no evidence of rape.

**8 October** – Mohammad-Reza Ali Zamani becomes first person sentenced to death after “show trials”.

**18 October** – US-Iranian academic Kian Tajbakhsh sentenced to 15 years in prison in connection with post-election unrest.

**22 October** – Around 70 people arrested at a prayer ceremony held for detained prisoner of conscience Shahaboddin Tabatabaei.

**28 October** – Iran’s Supreme Leader says it is a crime to cast doubt on the June election. Hossein Rassam, local UK embassy political analyst, sentenced to four years in prison.

**4 November** – Police clash with tens of thousands of supporters of Mir Hossein Mousavi and Mehdi Karroubi in Tehran on the 30th anniversary of the storming of the US embassy. Protests also take place in other cities, including Shiraz, Esfahan and Rasht. One person is killed in Esfahan.

**10 November** – Death in suspicious circumstances of Dr Ramin Pourandarjani, who attended detainees in Kahrizak detention centre as part of his military service.

**13 November** – Member of Special Parliamentary Committee says confidential report on post-election events submitted to Speaker of Parliament.

**15 November** – Reza Kazemi becomes the fifth person sentenced to death. He was convicted of membership of the PMOI and orchestrating the demonstrations.

**18 November** – Judiciary confirms 89 cases heard, of which 81 people have been sentenced to prison terms, five to death, and three have been acquitted.

# 1. INTRODUCTION

The presidential election on 12 June 2009 heralded sweeping repression and the eruption of mass protests on a scale not seen since the revolution that established the Islamic Republic of Iran in 1979. Long-standing patterns of human rights violations, including severe restrictions on the rights to freedom of expression, association and assembly, intensified during the protests, and have continued since, leading to the most severe period of repression since the end of the revolutionary period which culminated in the “prison massacre” of 1988<sup>1</sup>. As a result, the many Iranians who dispute the outcome of the election are living with a heightened fear of arbitrary arrest and detention, torture, unfair trial and even execution.

In common with previous elections, especially in recent years, the months preceding the vote saw increased repression, particularly against members of Iran’s religious and ethnic minorities, students, trade unionists and women’s rights activists.<sup>2</sup>

The lack of freedoms in the lead-up to the poll cast a shadow on the presidential election itself. Until the broadcast of televised debates between presidential candidates, debate was restricted in state media – as was the free exchange of information, both essential conditions for the exercise of the right to vote.<sup>3</sup> Most candidates were disqualified, including all women, leaving just four to contest for the presidency – Mahmoud Ahmadinejad (the incumbent President); Mohsen Rezaei, a former Commander of the Revolutionary Guards; Mir Hossein Mousavi, a former Prime Minister; and Mehdi Karroubi, a cleric and former Speaker of Parliament.<sup>4</sup>

Despite the crackdown, millions of Iranians, especially the young who make up the majority of the population, exercised their right to vote. The live televised debates between the candidates had sparked interest in the election and mobilized many thousands to peaceful rallies, which saw young people dancing in the streets. People also found new ways of exchanging ideas and organizing activities to circumnavigate the restrictions, turning to social networking sites such as Facebook and Twitter, and using SMS messaging.

Women were notably involved. In fact, the question of women’s rights and status featured prominently in the election campaign, reflecting the work of activists, including those in the Women’s Field Network and the One Million Signatures Campaign, a grassroots movement demanding an end to legalized discrimination against women.

The rights of Iran’s diverse ethnic minorities were also high on the political agenda despite continuing tension in some minority areas. Days before the election, the People’s Resistance Movement of Iran (PRMI), formerly known as Jondallah, a Baluch armed group, killed at least 25 worshippers at a mosque in Zahedan in a suicide bombing.

When President Mahmoud Ahmadinejad was declared the winner within hours of the polls closing, the disbelief of many quickly turned into outrage, which burst onto the streets. Two of the four candidates were members of ethnic minorities and the fact that, according to official results, they did poorly in their home regions was seen by many in Iran as evidence of electoral fraud. The three defeated candidates themselves alleged widespread fraud.

The Iranian authorities responded by blocking satellite transmissions and access to the Internet, banning foreign journalists from covering demonstrations in the streets, cutting phone lines and closing down other telecommunications such as SMS messaging.

At the same time, the authorities acted to remove prominent opposition supporters from the public sphere. Scores – if not hundreds – of supporters of the candidates standing against President Mahmoud Ahmadinejad, including key members of election campaign teams in towns and cities across the country, were harassed, arrested and detained. Journalists were rounded up, and newspapers and websites were shut down or occupied by security forces.

In general, the first days of protests were largely tolerated. After a week of growing unrest, however, Iran's Supreme Leader and other powerful figures in the Establishment seemed to lose patience and effectively gave the green light to security forces, including the volunteer Basij militia, to use violence and mass arbitrary arrests. The grim consequences were seen around the world in footage taken of the dying moments of a young woman, Neda Agha Soltan, who was shot during a peaceful demonstration in Tehran – apparently by a member of the Basij.

Still the protests continued, leading to more deaths and injuries, and more arrests. According to officials, a total of 36 people were killed including, they said, at least eight Basij members. Opposition and other sources put the figure of those killed by the authorities at over 70 and believe the true total could be much higher. The filming, on mobile phones, of violence by the security forces and other forms of citizen journalism using the Internet challenged and often contradicted official statements denying or minimizing human rights violations and exposed the state's failure to stop the abuses and bring the perpetrators to justice.

At least 4,000 people were arrested during the post-election unrest, possibly many more.<sup>5</sup> The majority were detained in Tehran, but arrests were recorded in other cities, such as Shiraz, Mashhad, Esfahan and Babol, as well as Ahvaz, Tabriz and Zahedan which have large minority populations. Most of those detained were released within days but many hundreds were held incommunicado for weeks, effectively victims of enforced disappearances. Possibly as many as 200 remained in jail at the time of writing in mid-November 2009, including some who were arrested after the unrest died down.

Also singled out for arrest were foreign nationals, dual nationals and those with ties to other countries, particularly the USA and UK. The authorities accused those states, as well as two opposition groups in exile, of plotting a “velvet revolution” to overthrow the state.<sup>6</sup>

Well over 100 of those swept up in the post-election arrests were paraded on state television in a series of mass “show trials” that began on 1 August 2009. Some were shown “confessing” and apologizing. Among them were leading political figures, including former

government ministers, and journalists. Most, if not all, were deprived of legal representation and many were accused of vaguely-worded charges that do not amount to recognizably criminal offences. At the time of writing, five had been sentenced to death and over 80 to terms of imprisonment after proceedings that were a travesty of justice.

By the time of President Mahmoud Ahmadinejad's inauguration on 5 August, at least 112 people had been executed, according to Amnesty International's records, since the election – a sharp rise in the rate of executions that sent a chilling message to dissidents in Iran. Almost half were executed in three mass executions in Karaj and Zahedan between 4 July and 5 August, accused of drug trafficking or armed opposition against the state.

As detainees began to be released or were finally allowed visits, appalling accounts of torture and other ill-treatment emerged. Conditions were especially harsh at Kahrizak detention centre, in the outskirts of Tehran. As the details of abuse began to come to light, the authorities announced that they would close the centre down. When the son of an advisor to one of the defeated presidential candidates died during his transfer out of the centre after he had been tortured there, the issue became even more charged. In November, Dr Ramin Pourandarjani, a young doctor who had treated inmates at Kahrizak and had reportedly been forced to certify the death of at least one torture victim as resulting from meningitis, died in suspicious circumstances.

Particularly disturbing were the numerous graphic accounts by women and men that they had been raped in custody, often with the use of an instrument such as a bottle or baton. In August a letter written by Mehdi Karroubi, one of the defeated presidential candidates, to Ayatollah Ali Akbar Hashemi Rafsanjani, former President of Iran and now Chair of the Expediency Council and the Assembly of Experts, detailing such cases and demanding an inquiry, was made public. The authorities then established two bodies to look into the handling of the post-election crisis, including the treatment of detainees – a Special Parliamentary Committee and a three-person Judicial Committee. The full details of the mandate and powers of both bodies were not disclosed, and the parliamentary committee's findings were not made public. Members of both bodies quickly made statements dismissing the allegations of human rights violations by state agents, reinforcing the climate of impunity enjoyed by security forces, prison guards, police and Basij militia.

This report examines the patterns of abuse before, during and since the June election, giving where possible details of individual cases and testimonies of victims who have spoken to Amnesty International and others. In many cases, the exact timings and details are difficult to verify because of conflicting or vague reports by state media and officials.

As this report shows, the authorities have resorted to exceptionally high levels of violence and arbitrary measures to stifle protest and dissent both during and since the post-election protests. It shows too that the courts have not been an instrument of justice to hold police, security forces and other state officials to account for violations of human rights, or to protect the rights to freedom of expression, assembly, association and religion guaranteed by the Iranian Constitution and international human rights law. Instead, they have acted as part of a repressive state machinery to allow the security forces to act with impunity.



The onus is on the Supreme Leader and the government to open a new page and address the widespread human rights violations that occurred during the unrest in an open, transparent and accountable manner. It is up to the Judiciary and law enforcement authorities, under the overall direction of Iran's Supreme Leader, to ensure that the truth about the post-election events is uncovered, justice is done and that such violations are never repeated.

Amnesty International ends this report with a series of recommendations to the Iranian authorities. Among other things, it is calling on them to:

- Facilitate, as a matter of urgency, visits to Iran by the UN Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions to allow independent international scrutiny of the human rights situation so that their assessments and recommendations contribute to ensuring that those responsible for ordering or committing violations are held to account.
- Release all prisoners of conscience: those imprisoned in Iran because of their political, religious or other conscientiously-held beliefs, their ethnic origin, their language, their national or social origin, their sexual orientation or other status who have not used or advocated violence or hatred.
- Review the cases of all prisoners arrested for political reasons during the election period, including those sentenced after the unfair "show trials". Release those who have not yet been tried unless they are to be charged with recognizably criminal offences and given a prompt and fair trial.
- Reform key areas of the administration of justice to ensure that the Basij are not used for policing and to clarify precisely which bodies have the power of arrest.
- End unlawful killings by security forces by ensuring all bodies responsible for law enforcement adhere to international standards on the use of force and firearms.
- Ensure that no one is arbitrarily arrested or detained and that evidence obtained under torture and other ill-treatment is not admissible in court.
- Repeal laws which criminalize the legitimate exercise of the rights to freedom of expression, association and assembly and bring them in line with international standards.
- Introduce an immediate moratorium on executions and end the cruel, inhuman and degrading punishment of flogging.

## ABOUT THIS REPORT

Despite repeated requests, Amnesty International has not been permitted by the Iranian authorities to visit Iran in order to investigate human rights at first hand since the time of the Islamic Revolution in 1979. The Geneva office of Amnesty International has had infrequent meetings in recent years with Iranian diplomats in Geneva. Amnesty International representatives in Poland and Norway had brief contacts with Iranian diplomats in 2009, when they expressed concerns about the use of the death penalty and the organization's representatives in the Netherlands and Germany met Iranian diplomats in those countries in May and August 2009 to raise human rights concerns. However, Iran's embassy in London has failed consistently over more than five years to respond to numerous communications and requests from Amnesty International, including requests for meetings and to permit Amnesty International observers to attend trials in Iran, including the "show trials" of 2009. Most recently, Amnesty International sought a meeting with Iran's ambassador in November 2009 but again, to date, there has been no response.

Amnesty International's monitoring of human rights in Iran is based on extensive research using both public and other sources. This report covers developments in Iran up until mid-November 2009. Public sources include newspapers and other publications in Iran, including those produced online; international newspapers and news agencies, international news broadcasters' Persian and other services; other Persian-language news sources based outside Iran and a wide range of blogs. Various Iranian media, including television, radio and official and semi-official news agencies have carried statements by the authorities and other accounts that have been taken into consideration in the preparation of this report.

Amnesty International's other sources include civil society groups, including non-governmental organizations (NGOs) and professional associations in Iran; student and labour associations; ethnic and religious minority activists; lawyers; journalists; trade unionists and others, as well as human rights activists and defenders. They also include victims of human rights violations and their relatives and other witnesses. Many of these sources must remain anonymous, understandably, due to fears that they could be targeted for arrest or repression if their identities were to be disclosed.

Many have told Amnesty International of the risks they face, as well as the intimidation and pressure they are confronted with at the hands of the authorities. Some consider that the risks are now too great for them to speak to the international media or even to human rights bodies outside – or even within – Iran. Some have advised Amnesty International not to contact them due to fear that their communications are being monitored. Intermittent interruptions in communications, such as those experienced in the weeks following the election, made the work of every human rights activist more challenging and more risky.

While monitoring the election-related repression in Iran, Amnesty International set up email addresses<sup>7</sup> to allow those who wished to communicate their experiences to the organization to do so quickly and readily. Some of those who contacted Amnesty International through this means were able to provide detailed data relating to arrests and detention and the authorities' use of excessive force against demonstrators and others.

Many of those who filled in these forms were also interviewed in person, if they were able to travel outside Iran, or by phone when it was determined that this could be done without exposing the interviewees to serious risk. Some of their testimonies are reflected in this report. They form a fundamental part of the assessments made in this report, both complementing and contradicting news reports, official statements and various reports and statements made by UN human rights bodies and other organizations since the election. Amnesty International believes the assessment in this report is shared by the international community, as reflected in the resolution on Iran passed by the UN General Assembly's Third Committee in November.

Amnesty International wishes to thank all those who contributed information to this report, which it is hoped will, eventually, help towards an improvement in the human rights situation in Iran. It has only been possible to mention in this report the cases of a small fraction of those who suffered, but this is not intended to downplay the suffering of others not mentioned. The organization hopes this report serves not only to remember all those whose human rights were violated during the 2009 unrest, but also contributes towards their efforts to obtain redress for their sufferings.

## 2. BACKGROUND

### RUN-UP TO THE ELECTION

The weeks preceding the polls, despite intensified repression by state authorities, witnessed a lively election campaign, including live televised debates between the four approved candidates. Inspired by this, the Iranian public took greater interest in the campaign than had been expected. The campaign drew millions of people into the debate and many thousands onto the streets to hear candidates speak at rallies. What became known as the Green Movement – the colour of those supporting Mir Hossein Mousavi, and by extension, social and political reform – was born.

In the same period, however, repression significantly increased against people expressing support for social and political reform; against those seen by the intelligence and security services as disloyal to the system. Among those particularly targeted were students, women's rights activists, lawyers, advocates for greater rights for Iran's ethnic minorities and unrecognized religious minorities, such as the Baha'is and the Ahl-e Haq.

Many people were arrested and vaguely-worded legislation was invoked to silence debate. Charges used included “acting against state security”, “spreading lies”, “propaganda against the system”, “creating unease in the public mind”, “insulting the holy sanctities” and “defamation of state officials”. For example, **Mehdi Mo'tamedi Mehr**, a member of the Committee to Defend Free, Healthy and Fair Elections and a member of the Iran Freedom Movement, a banned political party, was arrested on 19 April after he had been telephoned by a Ministry of Intelligence official and told that publication of a statement entitled *Civil society institution as election observers: an assurance toward free, healthy and fair elections* by the committee would be an act against national security. The statement was published anyway, and he was detained until his release on 6 June.<sup>8</sup> On 29 April, security forces prevented other members of the committee from holding a meeting in the “Raad” Legal Institute which belongs to Mohammad Ali Dadkhah (see Chapter 4 below), a prominent lawyer and member of the High Oversight Council of the Centre for Human Rights Defenders (CHRD).

**Emad Bahavar**, head of the youth wing of the Iran Freedom Movement who was campaigning for Mir Hossein Mousavi, was arrested on 27 May on charges of “propaganda against the system” and held for four days before he was released on bail.<sup>9</sup>

Such practices violate Iran's obligations under Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which Iran has ratified. These provisions relate to freedom of thought, conscience and religion, expression, assembly and association respectively. They also violate many constitutional provisions.

### UNREST IN THE PROVINCE OF SISTAN-BALUCHISTAN

In the weeks before the election, unrest intensified in Sistan-Baluchistan province, where Iran's Baluch minority, who are mainly Sunni Muslims, suffer routine discrimination and serious violations of their economic, social and cultural rights. The repression was particularly intense following a suicide bombing by a member of

the PRMI on 28 May 2009 at a Shi'a mosque, which killed at least 25 people. Amnesty International condemned this attack.

Up to 10 others died in rioting which broke out after the bombing, and dozens, possibly hundreds, were arrested. Within two days, three men had been executed in public; the authorities said they had “confessed” to the attack. It later emerged that they had been in jail at the time of the bombing; the Iranian authorities then said they had “confessed” to providing the explosives following “intensive interrogation”.<sup>10</sup>

On 8 June, just days before the election and following large pro-Mir Hossein Mousavi rallies in Tehran and elsewhere, the Head of the Revolutionary Guards Political Office accused Mir Hossein Mousavi’s supporters of being part of a “velvet revolution” in Iran, which, he warned, “would not be successful”.<sup>11</sup>

The combination of the lively pre-election debate and the growing repression meant that when President Mahmoud Ahmadinejad, against many peoples’ expectations, was declared the outright winner, millions of people felt compelled to protest.

## IRAN’S ELECTION RULES

For Iran’s 10<sup>th</sup> presidential election since the 1979 Islamic Revolution, 475 people registered as candidates, of whom 42 were women.<sup>12</sup> On 20 May, the Council of Guardians, which screens all candidates, approved four men – the incumbent President Mahmoud Ahmadinejad, Mohsen Rezaei, Mir Hossein Mousavi (backed by former President Mohammad Khatami) and Mehdi Karroubi. All the women nominees were excluded, apparently on grounds of their gender. Many of the other men who were disqualified were likely to have been excluded on discriminatory grounds or for their political views.

A candidate who gains more than half of the vote in the first round is elected outright. If no candidate gains more than half, the two candidates with the most votes contest a second round within a week.

Under Articles 110 and 115 of the Constitution of the Islamic Republic of Iran, the President is elected for four years and may not serve more than two terms consecutively. The conditions set out in the Constitution are discriminatory: they stipulate that candidates must be Iranian, 18 years old, have a proven track record in administration, be trustworthy and pious, and believe in the fundamental principles of the Islamic Republic of Iran and the official *mazhab* (school of Islamic thought – which is Shi’a Islam) of the country. It also stipulates that they must be “*rejal*”, derived from an Arabic word meaning “men”, although many Iranians believe this word should be interpreted more widely in Persian as meaning “statespeople”.<sup>13</sup>

These requirements conflict with other constitutional provisions. Article 19 states that the ethnic group or tribe, colour, race, language and other such status of anyone does not bestow on them any privilege, and that all enjoy equal rights. Articles 20 and 21 state that men and women equally enjoy the protection of the law and enjoy all human, political, economic, social and cultural rights, although the enjoyment of these rights are qualified by the requirement that it must be “in conformity with Islamic criteria”. Article 23 bans the investigation of anyone’s beliefs and states that “no one may be molested or taken to task simply for holding a certain belief”.



## POST-ELECTION PROTESTS AND REPRESSION

In the hours following the closure of the polls, the Ministry of the Interior was said to have confidentially informed Mir Hossein Mousavi that he had won. As Mir Hossein Mousavi was preparing for a press conference, his office was raided by security forces, apparently on the basis of a verbal order issued by Tehran's provincial Prosecutor, Said Mortazavi. At least three of Mir Hossein Mousavi's advisors were arrested. Mir Hossein Mousavi issued a statement saying that he would "not surrender to this dangerous charade".<sup>14</sup>

On 13 June the Interior Ministry announced that President Mahmoud Ahmadinejad had won nearly 63 per cent of the vote, which many considered to be an unexpectedly wide margin of victory. The announcement prompted almost instant demonstrations in Tehran and other cities across Iran. Most of the demonstrations were peaceful but in some cases violence erupted, including stone-throwing and acts of arson by protesters. The police and security forces, including the Basij militia, used excessive force, including beating and clubbing protesters with truncheons to disperse demonstrations.

## ATTACKS ON UNIVERSITY PREMISES

*"In the university dormitory event, a major violation took place, for which a special investigation has been opened so that violators are punished regardless of their institutional affiliations."* Ayatollah Ali Khamenei, 26 August 2009<sup>15</sup>

*"The attack on [Tehran] University dorm and certain mistreatments in detention centers were foul deeds... [however, these acts] ...were parts of the enemy's plot and were carried out by 'coup' elements."* President Mahmoud Ahmadinejad, 28 August 2009<sup>16</sup>

*"During the attack against the University Dormitory, no Basij forces [were] present. There were only a number of plainclothes and arbitrary forces involved in the incident. After those committing offence in the incident are identified, they will be dealt with according to the law."* Major-General Mohammad Ali Ja'fari, 29 August 2009<sup>17</sup>

In the weeks following the election, the Iranian authorities frequently made contradictory statements regarding human rights violations and issued warnings – as exemplified by the attacks on Tehran University dormitory, which were reminiscent of attacks following student demonstrations in 1999.

During the night of 14 June, up to five students were reported to have been killed and others seriously injured when unidentified plain-clothed forces stormed Tehran University dormitory, although the university authorities later denied anyone had died.<sup>18</sup> The attack – which many believe was carried out by the Basij militia and police special forces – was condemned by many, including the Speaker of Parliament, who announced that Parliament would look into the matter and publicly blamed the Ministry of the Interior. Some 110 members of the university's teaching staff resigned in protest the following day. A similar attack on university premises took place in Esfahan the same night and in Shiraz on the following day.<sup>19</sup> On 17 June the Minister of the Interior said he had ordered an investigation, but the results had not been made public at the time of writing.

On 18 June, several universities, including those in Tehran, Shiraz and Tabriz, were closed early for the summer holidays and students in Tehran were told to vacate the dormitories otherwise "officials would not be responsible for their safety".<sup>20</sup>

On 15 June, Mir Hossein Mousavi addressed a rally of up to three million, in Tehran's Freedom Square, despite warnings by state officials that the rally would be considered illegal. The authorities acknowledged up to eight deaths of demonstrators<sup>21</sup>, though doctors who later fled Iran said that there had been 10 dead in Rasoul-e Akram hospital in Tehran alone.<sup>22</sup> Local human rights activists suggested up to 25 were killed.<sup>23</sup> Some were killed after shots were fired from a building used by the Basij, although the authorities later denied that the Basij had killed anyone and said that the deaths were caused by protesters.<sup>24</sup>

Large numbers gathered again the following day, 16 June, despite government threats that they would clamp down on "illegal protests". Still the protests spread, with hundreds of thousands of people taking part in marches in Tehran, Rasht, Babol, Mashhad, Shiraz and Ahvaz, where much of Iran's Arab minority lives. They also spread to Zahedan, inhabited mostly by Iran's Baluch minority. In Oroumiye, a city mainly populated by members of the Kurdish and Azerbaijani minorities, local media reported that two people had been killed and scores – if not hundreds – arrested after a crackdown on around 3,000 protesters in Imam Street.<sup>25</sup>

On 18 June, according to reports, hundreds of thousands – if not millions – of people marched through Tehran wearing black to commemorate protesters killed in previous days. The same day around 200,000 people gathered in Shiraz.

The government responded by initiating what appeared to be an organized campaign to smear and criminalize peaceful protesters and opposition figures. Leading officials said the protests were being instigated and controlled by "foreigners". On 16 June, Mohammad Reza Habibi, the Prosecutor-General of Esfahan, threatened protesters with the death penalty.<sup>26</sup> On 17 June, the Revolutionary Guards' website warned that "those who promote riots and threaten people in Cyberspace" could face "heavy legal action".<sup>27</sup>

On 19 June, a week after the election, official policy hardened. At the Friday noon-prayer in Tehran, which was broadcast live on television to the nation, Iran's Supreme Leader, Ayatollah Ali Khamenei, called for an end to street protests. This effective ban on peaceful demonstrations violated not only Article 21 of the ICCPR<sup>28</sup> but also Iran's Constitution (Article 27).<sup>29</sup>

The Supreme Leader also appeared to give the go-ahead to security forces to use whatever force they felt was necessary to end the demonstrations.<sup>30</sup> Despite several reported deaths of protesters, he did not call on them to use force only if strictly necessary and in accordance with the law, but instead warned people that if they continued to take to the streets, the consequences would lie with them.

His speech ushered in a violent crackdown on protests. In Tehran and many other cities, Revolutionary Guards, special riot police and the Basij were deployed in vast numbers to stop or disperse demonstrations, using live ammunition, tear gas and rubber bullets. Anti-riot police, non-uniformed intelligence officials and Basij on motorbikes charged into crowds of demonstrators, causing terror and many injuries.

State media announced that at least 10 people were killed on 20 June, including Neda Agha Soltan, and 100 injured. It also reported 457 protesters had been arrested. According to the

list of 72 deaths made public in September by the Committee for the Follow up of the Injured and Detained in Recent Events<sup>31</sup>, which had been set up by Mehdi Karroubi and Mir Hossein Mousavi, at least 19 people were killed that day.

On 21 June, the Internet site of the Revolutionary Guard's Cyber Defence Command<sup>32</sup> posted still images of the faces of 26 people, allegedly taken during post-election demonstrations. Although a few were shown with stones or other objects in their hands, most were walking or standing peacefully. Attached was an appeal to Iranians to “identify the rioters”. This body, which is mandated to deal with “cyber crime” and has no powers of arrest, appeared to be using its website to intimidate people from taking part in peaceful protests – which are not cyber crime. It also seemed to be a measure to dissuade people from the kinds of citizen journalism that had been so effective in bringing news about the unrest to the outside world, by photographing or videoing the demonstrations and uploading them onto the Internet. The posting by the Cyber Defence Command also increased the risk that those featured would be arbitrarily arrested, and undermined their right to be presumed innocent until proven guilty.

On 26 June during his Friday prayer sermon, senior cleric Ahmad Khatami, a member of the Assembly of Experts, called on the Judiciary to punish demonstrators “severely and without mercy”. He said that agitation and creating insecurity and terror, among other things, could be considered to be “*moharebeh*”, or enmity against God, an offence which can be punished by death.<sup>33</sup>

## THE RIGHT TO PEACEFUL PROTEST

The Iranian authorities are obliged to maintain law and order and protect the safety of people under their jurisdiction. However, international law requires that any restrictions on the right to freedom of assembly must be in accordance with the law and strictly necessary to preserve national security or public safety, public order, public health or morals or the protection of the rights and freedoms of others. Any such restrictions must be proportionate to a legitimate purpose and without recourse to discrimination including on grounds of political opinion. Even if such a restriction is justifiable under international law, law enforcement must be carried out in accordance with international standards, which prohibits the use of force by law enforcement officials unless strictly necessary and to the extent required for the performance of their duty and to use firearms only when strictly unavoidable in order to protect life (see box in Chapter 5).

By mid-August, the authorities indicated that around 4,000 people had been arrested, of whom 3,700 had been released.<sup>34</sup> Meanwhile, it was widely alleged that shopkeepers whose property was damaged during the unrest were being offered compensation if they lodged written complaints against unspecified supporters of Mir Hossein Mousavi or Mehdi Karroubi. Similarly, many of those injured by security forces who needed hospital treatment were told that they would be transferred to prison and charged unless they made written complaints saying that they had been shot or otherwise injured by supporters of the rival candidates.

The repression has not eased up since the protests died down. In fact, there is every sign that long-standing methods of repression have been consolidated so that anyone who dares speak out is more likely to be detained arbitrarily, tortured or otherwise ill-treated to coerce a “confession” and tried unfairly, and any public demonstrations are more likely to be met by state violence.

On 18 September, for example, opposition supporters, many wearing green, crowded onto the streets for the annual Qods Day rallies, shouting slogans against the government and human rights violations. They clashed with security forces, which had warned the day before that anyone seeking disorder or to disrupt the rallies would be “decisively confronted”.<sup>35</sup> Police later said that 35 people were arrested in Tehran.

On 22 October, around 70 men and women were arrested during a peaceful prayer service in Tehran held in support of activists detained during the post-election unrest. Most have been released, but at the time of writing, at least five were believed to still be held in Evin Prison, including **Saeed Nour-Mohammadi**, a young member of the Islamic Iran Participation Front (IIPF), **Mohammad Kianoush**, **Esmā’il Sahabeh**, **Mohammad Khorbak**, and **Mahboubeh Haghghi**.

Repression was further stepped up as students and supporters of the Green Movement prepared to mark the 30<sup>th</sup> anniversary of the siege of the US embassy. The authorities made a pre-emptive move by arresting key people on 3 and 4 November. Among those detained were several members of the Graduates’ Association, including human rights defender **Hassan Asadi Zeidabadi**, **Mohammad Sadeghi**, and **Hojat Sharifi** and his wife **Nafiseh Zarekohan**, a journalist. All were believed to be still detained at the time of writing.<sup>36</sup> **Kouhzad Esmaeli**, who was also arrested on 4 November, was released soon after on bail, but then rearrested on 16 November to begin serving a four-month prison sentence. Security forces also attacked student halls of residence and arrested other students, apparently in an effort to deter students from joining the demonstration. Foreign journalists too were arrested, but released later.<sup>37</sup>

## PURGE OF SOCIAL SCIENCES AND HUMANITIES IN UNIVERSITIES

The Iranian authorities appear to have launched a purge of the social sciences in universities. In late August Ayatollah Ali Khamenei made a speech to university administrators in which he described the popularity of the human sciences – which are studied by over two million of the three and a half million university students – as a “worrisome” trend and said that “instruction in these human sciences in the universities will lead to reservations and doubts in religious principles and beliefs.”<sup>38</sup> His speech echoed Saeed Hajjarian’s apparently forced confession at the “show trials” in August (see Chapter 7) when he said “theories of the human sciences contain ideological weapons that can be converted into strategies and tactics and mustered against the country’s official ideology.”

Ayatollah Ali Khamenei’s speech led to calls for an end to the teaching of social sciences in universities. For example, Ayatollah Mohammad Emami-Kashani, a member of the Assembly of Experts, declared in a nationally televised sermon on 4 September that the human sciences should not be taught in the Western style in Iran.<sup>39</sup> Two days later, the Institute for Humanities and Cultural Studies said it had been instructed by the Supreme Council for the Cultural Revolution to revise the human sciences curriculum.<sup>40</sup>

In October, five prominent university professors from Alameh Tabatabai University’s law school were said to have been banned from teaching. Among them was **Dr Mohammed-Reza Bighdeli**, a renowned professor of international law, who is not known to have commented on political affairs.<sup>41</sup>

Such interference with university teaching and harassment of professors breaches Iran's obligations under Article 13 of the International Covenant on Economic, Social and Cultural Rights.<sup>42</sup> The Committee on Economic, Social and Cultural Rights has clarified in its General Comment on this article that the right to education can only be enjoyed if accompanied by the academic freedom of staff, which in turn requires the autonomy of institutions of higher education.<sup>43</sup> In particular, the committee found that:

*"Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction."*<sup>44</sup>

On 4 November itself, the large deployment of plain-clothed forces, Basij and anti-riot forces quickly clashed with the demonstrations of university students and others around the country, including in Tehran, Qazvin, Esfahan, Mashhad, Tabriz, Shiraz, Kerman and Ahvaz. More than 100 people were arrested in Tehran, including women's rights activists **Raheleh Asgarizadeh** and **Vahideh Moulavi**, who were both released on 11 November. In Esfahan, security forces shot dead student **Mehdi Nilforoushzadeh**, reportedly while trying to arrest him; Parliament's National Security Committee said it would investigate the killing.

These incidents are just one indication that the authorities are entrenching the repressive methods employed during the election period. Other worrisome signs are changes in the structure of the security forces themselves. In October, it was announced that the Basij and Revolutionary Guards would shortly be merged to create the Revolutionary Guards Ground Resistance Force. When announcing the merger, the Chief of the Joint Command of the Armed Services, Major-General Sayed Hassan Firouzabadi, stated that "structures in the Guards should change and Basij Organization should deal with other issues such as intellectual matters [*kar-e narm afzari*] and the deepening of Basiji culture in society".<sup>45</sup> Around the same time, Hossein Ta'eb, the Commander of the Basij, who had supported President Mahmoud Ahmadinejad's re-election and had previously held posts in the Ministry of Intelligence and the Office of the Supreme Leader, was reported to have become the Deputy Head of Intelligence of the Revolutionary Guards.

Following this, on 9 November, the Head of the Student Basij announced the formation of 6,000 Basij units in primary schools (which teach children up to the age of 11). This quasi-militarization of the school setting appears to breach Iran's obligations under several articles of the UN Convention of the Rights of the Child, including Articles 3, 19, 29 and 38.<sup>46</sup> In particular, Article 38 states:

*"States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces."*



## 3. FREEDOM OF EXPRESSION SUPPRESSED

As the election approached, the authorities clamped down on free expression. Several newspapers were closed and access to some Internet sites was restricted, including some relating to human rights and others operated by international broadcasters.

In April, the Minister of Intelligence said that his ministry would keep a watchful eye on all Internet sites, weblogs and text messages “to nip in the bud any attempts to disrupt the June election”.<sup>47</sup> Also in April, a Ministry of Culture and Islamic Guidance official said:

*“If Internet websites ... commit any violations, for example by raising the issue of boycotting the elections, seriously discrediting any candidate or spreading rumours about any candidate, they will be blocked until the end of the elections and after the elections are over they will be legally prosecuted.”*<sup>48</sup>

In May, the authorities briefly suspended access to Facebook and Twitter.<sup>49</sup>

When the post-election protests erupted, the authorities further stifled freedom of expression and the exchange of ideas by blocking the distribution of information about the demonstrations. Mobile phone networks were switched off and terrestrial lines were disrupted. Internet sites were blocked or filtered. Access to YouTube, Facebook and other social networking Internet sites was blocked, as was access to a range of online news services.<sup>50</sup>

The movement of foreign journalists was restricted, and some were expelled, including the BBC’s Iran correspondent, who was accused of filing “false news and reports, ignoring impartiality, supporting the insurgents, trampling the rights of the Iranian nation, fanning the unrest and also provoking public opinion”.<sup>51</sup> At the same time, the BBC complained about interference with its satellite transmissions of its Persian television service into Iran, which had been traced to inside Iran.<sup>52</sup>

Other international media workers were arrested, including **Iason Athanasiades**, a journalist with dual Greek-UK nationality and **Maziar Bahari**, with joint Iranian-Canadian nationality.<sup>53</sup>

Iason Athanasiades told Amnesty International that he was released on 5 July after spending a total of 19 days in solitary confinement, during which he had been slapped several times by interrogators. He was rearrested at Tehran airport after being driven to a meeting with an Iranian Colonel and the Greek Ambassador. At the meeting he was pressured to sign a “confession” that he had threatened national security. He refused, and was held overnight but was released the next day and left the country.

Maziar Bahari was arrested from his mother’s home on 21 June by plain-clothed officials he later learned were from the intelligence division of the Revolutionary Guards. He has said he was beaten during his detention, and he appeared “confessing” in the “show trials”. He was

released on bail on 17 October and allowed to leave Iran to be with his wife who was about to give birth.<sup>54</sup>

The repression of the Iranian media intensified. On 17 June, for example, the Ministry of Culture and Islamic Guidance ordered two opposition dailies, *Aftab e Yazd* and *Hayat-e No*, not to publish. Dozens of journalists were arrested.<sup>55</sup> The entire journalistic staff of *Kalameh Sabz* newspaper, established by Mir Hossein Mousavi earlier in 2009, was arrested. Some of the journalists arrested remained held without trial at the time of writing, including **Saeed Laylaz** who writes for *Sarmayeh* and who was arrested on 17 June and **Bahman Ahmadi Amouie**, arrested on 20 June along with his wife, journalist **Zhila Bani Yaghoub** who was released on bail in August.<sup>56</sup> Others were sentenced to prison terms after appearing in the “show trials”.

Even after the protests had died down, restrictions on freedom of expression continued to be imposed. More journalists were arrested. For instance, **Fariba Pajouh**, a correspondent for Radio France International’s Persian service, who was arrested on 22 August. At the time of writing, she remained in Evin Prison, having spent much of the time in solitary confinement, without charge and without access to a lawyer. Her family repeatedly said she had told them in visits and phone calls that she was under intense pressure to “confess” to “immoral acts”. Some of the time she was held in a cell with **Hengameh Shahidi**, a journalist and member of the National Trust Party, who was an advisor to Mehdi Karroubi during his election campaign, and who was held between 30 June and 1 November.

Journalists in other cities were not immune. Two Kurdish journalists – **Hassan Sheikh Aghaei**, a reporter and cartoonist who had been involved in campaigning activities for Mir Hossein Mousavi, and **Ahmad Bahari**, editor of the monthly *Mahabad*, were arrested in Mahabad on 18 and 22 July respectively. They were freed on bail in late August.<sup>57</sup>

In September, the reformist news website *Entekhab* closed down in protest at the blocking of its site at least 11 times by the authorities. In October, the authorities banned at least three newspapers – *Farhang-e Ashti*, *Arman-e Ravabet-e Omomi* and *Tahlil-e Rooz*.<sup>58</sup> On 2 November, the Press Supervisory Board<sup>59</sup> banned a leading business daily, *Sarmayeh*, which had criticized government economic policies<sup>60</sup>

In November, the Chief of Police<sup>61</sup> announced the formation of a special unit to monitor “Internet crimes”, including political offences,<sup>62</sup> after partial responsibility for supervising the Internet was passed to the police from the Ministry of Intelligence.<sup>63</sup> Commander Omidi, the Head of the police department for Internet crimes said the police were one of a 12-member committee working under the supervision of a prosecutor.<sup>64</sup>

Such actions blatantly breach Article 19 of the ICCPR, which states that the right to freedom of expression includes the “freedom to seek, receive and impart information of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any media.” This right is subject to certain restrictions which must be provided by law and must be strictly necessary to preserve national security or public safety, public order, public health or morals or the protection of the rights and freedoms of others. Any such restrictions must be proportionate to a legitimate purpose, may not put in jeopardy the right itself, and must be without recourse to discrimination including on grounds of political opinion.”<sup>65</sup>

## 4. STIFLING DISSENT – ARBITRARY ARRESTS AND DETENTIONS

At least 4,000 opposition supporters, probably many more, were arbitrarily arrested during the unrest that swept Iran after the election. Most have since been released, but possibly as many as 200 remained behind bars at the time of writing. Those arrested included many senior political figures associated with the campaign teams of presidential candidates Mir Hossein Mousavi and Mehdi Karroubi, as well as journalists, students, human rights defenders, women's rights activists and lawyers.<sup>66</sup>

Arrests are often carried out by plain-clothed individuals with no identification and sometimes no formal training. Iran's Code of Criminal Procedures<sup>67</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, which is facilitated by flawed provisions in the Penal Code. The lack of transparency and oversight mechanisms also allows the various forces, particularly the Basij militia, to commit human rights violations with impunity.

**Shiva Nazar Ahari** (see below), a human rights defender arrested on 14 June, said of her arrest by Intelligence Ministry officials:

*"They showed me a photocopied piece of paper that read: 'Since the election, some people want to create chaos and unrest. It is asked that quick action is taken... to identify the organizers and the collaborators.' It was pretty strange for me. I asked, 'How is this related to me?' They explained it was a general warrant. Then they brought me to the car."<sup>68</sup>*

During the election period, a large number of arrests appear to have been made by plain-clothed officials who failed to show or did not have identification, and who did not present written or verbal reasons for the arrest.

In dozens of cases known to Amnesty International, people who were arbitrarily arrested, including by the Basij, were ill-treated before being taken to a detention facility. Arrests by Basij personnel were not questioned or followed up by the police, in part because of the status enjoyed by the Basij – its commander is the Head of the Revolutionary Guards and appointed by Iran's Supreme Leader.

Ali Kheradnejad (see Chapter 6 below) told Amnesty International in November:

*"I noticed that none of the police had any name tags [etiket] on their uniforms. As I spent*

*my military service in the police, I knew that this is a crime. I asked one of them why he wasn't wearing the etiket. Someone behind me pushed me and told me rudely not to worry, that it wasn't any of my business."*

A few metres further on, he was attacked by two people wielding batons, and a third sprayed pepper-spray in his eyes, after which he was arrested. *"Now I wonder if they arrested me because I had asked the policeman why he had no identification."*

## ARBITRARY ARREST IN INTERNATIONAL LAW

Arbitrary arrest and detention is prohibited under international law. Article 9(1) of the ICCPR 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." 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 has stated that in no circumstances can the declaration of states of emergency be used as justification for acting in violation of 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>69</sup>

Virtually all of those arrested were held incommunicado without access to their lawyer or families, and without charge, for varying lengths of time, often in conditions amounting to enforced disappearance.<sup>70</sup> Their families were often not notified of the arrest.<sup>71</sup> Such practices violate international human rights law and standards, including Article 9 of the ICCPR which states that "no one shall be subject to arbitrary arrest or detention".

Families were intentionally kept in the dark about the time and place of possible visits, and sometimes were denied visits at the prison after having been told to come for a visit that day, adding to the misery and emotional strain of the families. Often, vast sums of money were demanded for bail, preventing many families from securing the release of their relatives.

Some detainees were reportedly not released even after the bail had been paid. This happened to **Mohammad Ghouchani**, a journalist and editor of the daily *Etemad-e Melli*. He was arrested on 20 June at his home by Ministry of Intelligence personnel. He was held in Section 209 of Evin Prison without charge, despite a release order issued after the required bail amount was paid by his family on 23 August. He was finally released in the early hours of 30 October, when he was dropped off without explanation outside a taxi company in Tehran.

The first time some families found out anything about their arrested relative was when the detainee appeared on television in a "show trial" from August onwards (see Chapter 7). For the family of **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, this meant they were kept in the dark from the moment of his arrest in mid-June to his appearance in court on 1 August, apart from one brief phone call to a friend that he was being held in Section 209 of Evin Prison.<sup>72</sup> He was effectively a victim of enforced disappearance for over a month.

At no point have the Iranian authorities released a list of the names of all those arrested in the election period and their whereabouts – and indeed, different authorities gave different figures for the number of detainees, highlighting the difficulty of following up arrests made by all the different security agencies. The authorities have indicated that most detainees have been or will be charged with a range of vaguely-worded offences relating to state security. At least 81 have already been sentenced to prison terms of between six months and 15 years, and five have been sentenced to death.

Among those still held at the time of writing were many prisoners of conscience. These prisoners, some of whose cases are detailed below, should be released immediately and unconditionally. The other detainees should be released too unless they are to be promptly charged with a recognizably criminal offence and given a fair trial.

### TARGETED POST-ELECTION ARRESTS

From the moment the protests began, the security forces targeted for arrest prominent opposition figures, intellectuals and journalists in a clear attempt to silence dissent. Hundreds of ordinary people who took to the streets to voice their views or concerns about the election were also caught up in the arrests.

Among those arrested on 13 June was **Mohammad Reza Khatami**, a leading member of the IIPF and brother of former President Khatami. He was released shortly afterwards. **Mohsen Mirdamadi**, another leading IIPF member; and **Behzad Nabavi**, founder of the reformist Mojahedin of the Islamic Revolution Organization (MIRO), a political body aligned with former President Khatami, were also arrested. Both remained in detention at the time of writing.

The following day, three journalists who have, for many years advocated social and political reform – **Hoda Saber**, **Reza Alijani** and **Taghi Rahmani** – were arrested and held for two days. They were soon followed by dozens of other journalists, all of them prisoners of conscience. Among them were 20 of the 25 staff of *Kalameh Sabz* newspaper, established by Mir Hossein Mousavi earlier in the year, who were arrested at their office in Haft Tir Square in Tehran on 22 June.

On 15 June, **Leya Farzadi**, a woman doctor; **Jalil Sharabiyani**, a surgeon; **Ghaffar Farzadi**, a leading member of the Iran Freedom Movement (IFM) and a lecturer at Tabriz University; and **Rahim Yavari**, an IFM activist, were among at least 24 political activists, students and health professionals arrested following a peaceful demonstration in Abresan Square in Tabriz. They are believed to have been released after about a week in detention.<sup>73</sup>

Students were particularly targeted. Some 133 were reportedly arrested, many of whom were beaten and otherwise tortured during a brutal attack on a university dormitory in Tehran on 14 June.<sup>74</sup> Universities premises in Esfahan were also attacked on the same night. On 15 June, security forces entered dormitory at Tabriz University and arrested 10 students who had allegedly been involved in demonstrations. The next day activist and student leader **Amir Mardani** was among hundreds of people arrested. In Shiraz in the south, security forces used tear gas as they forced their way into a university library and arrested around 100 students. In the northern town of Babol, armed Basij and plain-clothed forces were said to have surrounded Babol University and targeted students in dormitories. In Mashhad in the north-

east, security forces were reported to have attacked and arrested students. In Zahedan in the south-east, two students were arrested.

By the end of the first week following the election, Amnesty International had recorded the names of around 200 politicians, journalists, academics, students and human rights defenders who had been arrested, some only briefly, across Iran. By mid-August, over 700 names had been collected, although this was undoubtedly only a fraction of the real total.<sup>75</sup>

They included eight prominent political leaders, all prisoners of conscience: **Mohammad Ali Abtahi**, a cleric and an advisor to former President Khatami; **Mohsen Aminzadeh**, a leading member of the IIPF; **Saeed Hajjarian**, a journalist who has required a wheelchair since an assassination attempt in 2000 and who is an advisor to former President Khatami; **Behzad Nabavi** (see above), a founding member of the MIRO, a political body aligned with former President Khatami; **Dr Abdollah Ramazanzadeh**, Deputy Leader of the IIPF and a former Spokesperson for President Khatami's government; **Mostafa Tajzadeh**, Deputy Minister of Interior in former President Khatami's government; **Mohammad Atrianfar**, also a Deputy Minister of Interior and presidential advisor in former President Khatami's government and **Mohammad Tavassoli**, a senior member of the IFM.

**Dr Ebrahim Yazdi**, the Islamic Republic of Iran's first Minister of Foreign Affairs and leading member of the IFM, was arrested on 17 June at Pars hospital where he was being treated. He was later released and returned to hospital.<sup>76</sup>

Among those still held at the time of writing is **Dr Mohammad Maleki**, a 76-year-old retired scholar and prisoner of conscience. He was arrested at his home on 22 August by five intelligence officials, who searched his home and confiscated some belongings. Despite his poor health – he has cancer, heart problems, diabetes and is unable to walk unaided – he was taken to Evin Prison, where prisoners are often denied adequate health care. He is being held without charge and his initial two-month detention order was renewed on 22 October without explanation. The officials who arrested him told his wife that he was being investigated for stirring up unrest and for alleged links to the People's Mojahedin Organization of Iran (PMOI), a banned opposition group based abroad – a common accusation levelled at those arrested. Before the election, on 25 May, Dr Mohammad Maleki had helped to set up a new organization, Solidarity for Democracy and Human Rights in Iran.<sup>77</sup>

**Morteza Alviri**, a former Mayor of Tehran and an advisor to Mehdi Karroubi during the election, who was part of the Committee for the Follow up of the Injured and Detained in Recent Events was released on bail on 31 October after almost eight weeks in detention.<sup>78</sup>

## TARGETING OF PEOPLE WITH LINKS TO FOREIGN COUNTRIES

**“Britain has certainly been involved in the recent riots and crises in the country and the role played by its embassy and the BBC's crisis operation room is too evident to be denied.” Esma'il Ahmadi-Moghaddam, Chief of Police, 9 July 2009<sup>79</sup>**

After the first few days of protests, the government publicly accused the US and UK governments of being behind the unrest, which they said was part of a plan to bring about a “velvet” or “soft” revolution to overthrow the government. In addition to a crackdown on

foreign journalists (see Chapter 3), people with links to the USA, UK and other countries were targeted for arrest.

All nine local staff at the UK embassy were arrested on 27 June. All were released by 19 August, but **Hossein Rassam**, the embassy's chief political analyst "confessed" under duress during one of the "show trials" to "acting against state security". He was sentenced to four years in prison. His case is currently under appeal.<sup>80</sup>

**Kian Tajbakhsh**, a social scientist who has joint US-Iranian nationality, was arrested on 9 July. Held in solitary confinement for much of the time since his arrest, he appeared in a "show trial" for espionage, cooperation with an enemy government, and acting against national security. He was sentenced to 15 years' imprisonment in October, the heaviest prison sentence issued so far.<sup>81</sup>

At least four others have charges pending against them. A French embassy worker, **Nazok Afshar**, who has dual French-Iranian nationality, was released on 11 August, after having appeared in a "show trial" session. The French authorities only learned of her arrest when they saw her on television during the trial session.

**Clothilde Reiss**, a French national, was arrested on 1 July at Tehran airport on her way to France. She was released on bail on 16 August after she "confessed" in one of the "show trials" to "acting against national security" by taking part in demonstrations in Esfahan where she was teaching, collecting news and information, and sending pictures of the demonstrations to a friend in Tehran. After this trial session, the Iranian Ambassador to France accused her of espionage, a claim which the French government rejected. In September, President Mahmoud Ahmadinejad suggested her fate might depend on the release of several Iranians held in France. Her trial was continuing in November.<sup>82</sup>

**Bijan Khajepour Khoei**, a business consultant, effectively disappeared for about a month after he arrived at Tehran airport on 27 June after a trip to Vienna and London. His family had no information as to his whereabouts, other than a few short, inconclusive phone calls, until they were allowed to visit him in Evin Prison. He was released on bail on 30 September.

**Majid Zamani**, who had studied in the USA and worked for the World Bank before returning to public service in Iran in 2007, was arrested on 23 June. He was held for five months, until his release on bail in November. He was initially accused of acting against national security, insulting the President and collecting information with the intention of providing it to foreigners, with his studies in the USA and his employment at the World Bank used as part of the evidence against him. These charges were dropped before his release, but he still faces a charge of "disturbing public order".

In addition to these at least one Belgian and one German were arrested. At the time of writing, the Belgian continues to be held without trial.

## HARASSMENT OF RELATIVES

Harassment of the relatives of prominent clerics, political leaders and journalists quickly became an integral part of the government's campaign to clamp down on dissent. This long-standing pattern of abuse was particularly intense in the immediate post-election period, but has continued subsequently.

**Shahpour Kazemi**, aged 62, the brother-in-law of Mir Hossein Mousavi was arrested in Tehran shortly after the election and remained in detention without trial at the time of writing. His sister, Zahra Rahnavard, said that he was detained to put pressure on her and her husband, to openly accept the outcome of the 12 June 2009 presidential election. Held in solitary confinement in Evin Prison for over 60 days, in October he told his mother he had been transferred to an apartment in an unknown location in Tehran. His eldest son, Shahin, was also arrested in August, in a further attempt to pressure the family.<sup>83</sup>

**Faezeh Hashemi Rafsanjani**, the daughter of Ayatollah Ali Akbar Hashemi Rafsanjani, was detained briefly along with four other female members of her family at a demonstration in Tehran on 20 June. Officials later said that she had been taken into custody “for her own protection”, but she later denied this, saying she had been arrested on the street by officials who said they had an arrest warrant for her. She said in her interrogations she was accused of organizing and participating in the demonstrations, which she denied.<sup>84</sup>

On 17 September, **Mehdi Mirdamadi**, the son of Mohsen Mirdamadi – the Secretary-General of the IIPF – was arrested at his home and detained for almost three weeks.<sup>85</sup> At the time of writing, Mohsen Mirdamadi himself remained held since his arrest in June.

Three grandsons of Ayatollah Montazeri, a prominent dissident cleric, were arrested on 15 September, along with the son of another prominent cleric, Ayatollah Hossein Mousavi Tabrizi. He is the Secretary of the Association of Teachers and Researchers of the Qom Theological Centre which has issued statements denouncing the arrests, “show trials” and torture. Children of two other clerics who are both also members of the association, were arrested the same day. Despite not being clerics themselves, all were detained on the order of the Special Court for the Clergy.<sup>86</sup> One of Ayatollah Montazeri’s grandsons was released on 16 September; all the others are believed to have been released on bail on 18 September, after the Qods Day rallies had taken place.

**Sayed Mehdi Mousavinejad**, aged 27, a religious sciences student in Qom and the brother-in-law of Mohammad Ali Abtahi, former President Khatami’s Chief of Staff, was detained briefly on 17 September after security officials ransacked his home, destroying his personal possessions. He was later released on bail.<sup>87</sup> Mohammad Ali Abtahi’s son-in-law was also briefly arrested: plain-clothed officials reportedly told his 11-year-old daughter, Farideh: “Tell your mummy not to talk...”

**Mehdi Shirzad** and **Hossein Naiemipour**, the children of two prominent members of the IIPF who were active in Mir Hossein Mousavi’s campaign, were arrested in September shortly before the Qods Day rallies and held until 9 November.

Other relatives of political figures harassed include Mehdi Shirzad’s wife, **Sarah Azimi**, who was briefly detained after she took part in a prayer ceremony for Shahaboddin Tabatabaei on 22 October. Also among the 70 or so people arrested were **Nasrin Akbari** and **Mohadeseh Mohaymani**, wife and daughter respectively of Mohammad Hashem Mohaymani, a Ministry of Interior official in the former government of President Khatami. They were released soon afterwards, but several others remained in detention at the time of writing.



Security officials have also harassed family members of those who have made allegations of abuse. After testifying before the Committee for the Follow up of the Injured and Detained in Recent Events, established by presidential candidates Mir Hossein Mousavi and Mehdi Karroubi to investigate cases of human rights violations (see Chapter 8 below), **Ebrahim Sharifi's** home was surrounded by armed security officials, many on motorbikes, who shouted threatening slogans.

## ONGOING PATTERNS OF ARREST

Students, who began to mount weekly protests in the relative safety of their university grounds after the new academic year began in September, as well as political opponents of the government, continue to be targeted for arrest, as do other groups of people seen to challenge the authorities.

**"My colleagues have been rounded up because of their work to promote justice and the rule of law, and to defend the human rights of people in Iran...They are now languishing in jail like so many others in my country because they stand up for universal values – the rights to freedom of opinion and expression and to register one's protest peacefully without fear of arrest or attack by strong-arm forces like the Basij." Shirin Ebadi, 2003 Nobel Peace Prize Laureate, 28 July 2009<sup>88</sup>**

Human rights defenders, who were targeted for arbitrary arrest during the post-election unrest, face harassment and persecution, as they have done for years. Lawyer and human rights defender **Abdolfattah Soltani** was arrested at his office without an arrest warrant on 16 June by four plain-clothed security officials.<sup>89</sup> He is a member of the Centre for Human Rights Defenders, founded in 2002 by prominent lawyers, included Shirin Ebadi, and forcibly closed in December 2008. The Centre was mentioned in the indictment read at the first "show trial" (see Chapter 7 below), which alleged the CDHR had "played an important role in the post-election chaos". He was released on bail on 26 August<sup>90</sup> and was banned in October from travelling to Germany to collect a human rights award.<sup>91</sup>

**Mohammad Mostafaei**, a lawyer and human rights defender, was arrested in Tehran on 25 June by plain-clothed security officials and told he was accused of "conspiring against state security" and "propaganda against the system". He was released from Section 209 of Evin Prison on 1 July after the payment of one billion rials (approximately US\$102,000). He is well known for campaigning against the execution of juvenile offenders.<sup>92</sup>

Human rights lawyer **Mohammad Ali Dadkhah**, also a member of the CHR, was arrested on 8 July 2009 and taken from his office in Tehran, along with several colleagues. Some of his colleagues were released shortly afterwards, but Mohammad Ali Dadkhah was held in Evin Prison until his release on bail on 14 September, although his whereabouts were unknown for at least three weeks. At the first of the "show trials" it was alleged that weapons, ammunition and "documents revealing communication with foreign countries for the purpose of creating chaos" were found in his house.<sup>93</sup>

Human rights defender **Shadi Sadr**, a lawyer and journalist, was arbitrarily arrested on 17 July, apparently because of her human rights activities after the election. She was walking with a group of women's rights activists along a busy road when unidentified plain-clothed men pulled her into a car. She was beaten with batons before being taken to an unknown

location. She was released after 11 days in custody on bail of 50 million toumans (US\$50,000). Although not on trial, she was mentioned in the general indictment read at the first “show trial” as part of the women’s movement that was involved in the alleged “velvet revolution”(see Chapter 7 below).<sup>94</sup>

**Shiva Nazar Ahari**, a woman journalist, blogger and member of the Committee of Human Rights Reporters and other human rights groups, was arrested at her workplace on 14 June in Tehran. The security forces had searched her house the previous night in her absence and confiscated some of her personal possessions. She was released on bail on 23 September.<sup>95</sup> In an interview with the Committee of Human Rights Reporters after her release, she said that when she was arrested,

*“The charges that I was informed of on June 15th, was threatening the national security by being affiliated with the PMOI and organizing mass protests; or as they called them, the unrest. Now, which one of these actually fit into my background and my work is a question they have yet to answer. But apparently, this time around, these charges were common and were similarly faced by most people. That’s when I found out that in their eyes everyone is affiliated with the PMOI, until proven otherwise. The idea that I am not affiliated with the PMOI is one that the officials cannot comprehend.*

*“But during the interrogations, more charges were brought out. For example, working against national security by being a member of illegal groups, by giving interviews to foreign media, and creating chaos by organizing mass protests and participating in them.”<sup>96</sup>*

**Ali Bikas** (see Chapter 4 above), a journalist, an SCDPP member and an activist for the rights of the Iranian Azerbaijani minority, was arrested in Tehran in mid-June. He remains held in Section 209 of Evin Prison and, according to information received by Amnesty International at the time of writing, has not received a family visit nor been granted access to a lawyer since his arrest.<sup>97</sup>

**Naseh Faridi**, another SCDPP member, was arrested on 15 June and released on bail of 500 million rials (US\$50,000) on around 1 September. He was accused in a court indictment, published by the Fars News Agency on 1 August, of passing information to the PMOI and other activities related to his human rights work, such as speaking to foreign media. Since his release, he is said to have been repeatedly summoned to court, only to be told to return another day and has been contacted by telephone by unknown people, who tell him that if he continues with his human rights activities, then he will face a heavy sentence.<sup>98</sup>

Women’s rights defenders, who have been particularly active in recent years, faced reprisals for their peaceful activities before and during the election, and the pattern of repression persists. The women’s movement was named in the general indictment read at the first “show trial” as being part of the “velvet revolution” (see Chapter 7 below).

Among those particularly targeted have been supporters of the Campaign for Equality, a women’s rights initiative launched in 2006. Its volunteers are collecting a million signatures 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 regularly blocked access to the campaign's main website, 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. Over 60 activists have been arrested and three activists are currently in custody: **Alieh Aghdam-Doust**, **Ronak Safarzadeh** and **Zeynab Beyezidi**.

**Kaveh Mozaffari**, a journalist and member of the Men's Committee of the Campaign, was in detention during the election, having been arrested at a peaceful rally to celebrate International Labour Day on 1 May. He was released on bail on 24 June, but was rearrested on 9 July while returning from attempting to take his mother-in-law to hospital. He was released on bail on 17 August.

In October, the authorities renewed their harassment of campaign members. At least 10 members received written summons to appear in court, including **Kaveh Mozaffari** and his wife **Jelveh Javaheri** who has been arrested several times and convicted at least twice. Most recently, she was sentenced to six months' imprisonment in October 2009 for "refusing to obey the orders of the police with the intent of disrupting national security" after she was prevented from attending a seminar to mark a day of solidarity with Iranian women in June 2008.

Trade unionists too continue to be targeted for arbitrary arrest and prosecution. Workers are allowed to form Islamic Labour Councils in companies with more than 50 workers, but cannot set up independent trade unions or any other labour organization. Those who have set up independent unions have faced harsh repression.

In April 2009, five leaders of the Haft Tapeh Sugar Cane Company Trade Union were sentenced to between four to six months' imprisonment for "propaganda against the system" in connection with interviews they gave on May Day 2008 to foreign journalists about working conditions at the plant. **Ali Nejati**, **Jalil Ahmadi**, **Fereydoun Nikufar**, **Qorban Alipour** and **Mohammad Haydari Mehr** were imprisoned in November, after their sentences were upheld on appeal.

Their imprisonment brings to seven the number of independent trade unionists currently detained. **Mansour Ossanlu** and **Ebrahim Madadi**, leading members of the Syndicate of Tehran and Suburbs Bus Company, are serving prison sentences of five and three years, respectively, in connection with their trade union activities. Both are prisoners of conscience. Mansour Ossanlu – who was also named in the general indictment read out at the first session of the "show trials" – has been denied medical care in custody despite being ill.

Members of Iran's ethnic and religious minorities also continue to be targeted for arbitrary arrest and other repressive measures – a pattern of abuse seen for decades. Among those targeted are Ahwazi Arabs, Baluchis, Kurds and members of the Azerbaijani minority.

Since the election, many members of minority communities have been arrested, some in connection with the election protests, some for other reasons. For example, **Ammar Goli**, a Kurd, was among dozens of Kurds reportedly arrested in Sanandaj on 12 November during protests at the execution the previous day of **Ehsan Fattahian**. Also a Kurd, Ehsan Fattahian

had initially been sentenced to 10 years' imprisonment for membership of Komala, a left-wing Kurdish opposition group, but this had been increased to the death penalty on appeal. He had been given no chance to appeal against the death sentence. Ehsan Fattahian's execution may have been scheduled in reprisal for a spate of attacks against judges and elected officials in Kordestan province in September, which left three people dead. Amnesty International condemned these attacks.

**Ammar Goli** is the brother of **Yaser Goli**, the Secretary of the Kurdish Students Democratic Union who was arrested on 17 October 2007. In February 2009 Yaser Goli's sentence of 15 years' imprisonment to be served in internal exile for "enmity against God" and "propaganda against the system" for his alleged involvement with a banned Kurdish opposition group was upheld on appeal. His lawyer said afterwards no evidence for such serious charges had been presented. His family has also been harassed for raising concerns publicly about Yaser Goli's arrest and situation in detention.<sup>99</sup>

Only three religious minorities – Christians, Jews and Zoroastrians – are allowed under Iran's Constitution to practise their religious faith. Adherents of unrecognized religious groups such as Baha'is, and the Ahl-e Haq are particularly at risk of discrimination or other human rights abuses. Converts from Islam and evangelical Christians who proselytize, and Sunni Muslims (most of whom are members of Iran's ethnic minorities), also face repression.

For example, following raids on the homes of 12 Baha'is in Tehran on 14 January 2009, six people were arrested. One was released shortly afterwards, but the other five spent around two months in Evin Prison before being released on bail.<sup>100</sup> Seven leaders of the Baha'i community - **Mahvash Sabet, Fariba Kamalabadi Taefi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli and Vahid Tizfahm** - remain in detention in Evin Prison since their arrests in March and May 2008. Their trial – likely to be on charges which can carry the death penalty – has been postponed at least twice and they have not been granted access to lawyers of their choice.<sup>101</sup>

Two Christian converts, **Maryam Rostampour** and **Marzieh Amirizadeh Esmaeilabad**, were released from Evin Prison on 18 November. Detained since March 2009, they had been acquitted of "acting against state security" in October by a Revolutionary Court, but continue to face charges of "proselytizing" and "apostasy" before a General Court. These charges do not exist in the Penal Code, but under Iranian law judges are required to use their knowledge of Islamic law to try cases where no codified law exists. This appears to breach Article 15 of the ICCPR, which prohibits prosecution for offences that were not crimes when committed.<sup>102</sup>

Iranians have lived with the fear of arbitrary arrests and detention for decades. There are worrying signs that this pattern of human rights violation, which casts a shadow over so many other rights and freedoms, is being consolidated by a state determined to crush dissenting voices. The law and the practice of law enforcement officials need to be brought in line with international standards so that people in Iran no longer risk detention, torture, imprisonment and death for peacefully exercising their fundamental freedoms.

## 5. UNLAWFUL KILLINGS AND EXCESSIVE USE OF FORCE

“A” was in Azadi Street walking slowly towards Azadi Square, hand-in-hand with two female cousins.<sup>103</sup> It was late in the morning of 20 June and the demonstration was peaceful. She told Amnesty International that suddenly floods of people ran towards them trying to escape a motorcycle charge, with masked anti-riot police riding pillion beating demonstrators as the bikes were driven recklessly into the crowd.

*“I was struck twice by truncheons, on my neck and head. I doubled over. Others at the scene helped me to the side of the road as I could barely walk. By this time, tear gas lingering in the air was making our faces burn.”*

“A”, speaking to Amnesty International from outside Iran, said she knew that she could not go to a clinic:

*“My sister-in-law is a nurse and she told me that ambulances belonging to the security services had been coming to the hospital and taking away many of those injured, some right in the middle of being cared for by medical staff.”*

Many people who took part in the demonstrations say that plain-clothed and armed personnel, whom they believed to be members of the Basij militia, used excessive force against them, including when the protests were entirely peaceful. Protesters were often greeted with tear gas, baton charges, motorcycle charges, beatings with truncheons, and sometimes live ammunition. Such actions clearly violate Article 22 of the ICCPR, which guarantees the right to peaceful assembly.<sup>104</sup> The police acknowledged in August that 433 complaints had been lodged against police for their “wrongdoings” during the protests, although this figure is unlikely to have included complaints lodged against the Basij.<sup>105</sup>

The authorities have said that 36 people, including Basij personnel<sup>106</sup>, died during the post-election unrest;<sup>107</sup> opposition figures put the figure at 72 as of 5 September.<sup>108</sup> According to the website Norooz, officials showed the families of people who went missing after the protests albums containing photographs of hundreds of corpses in makeshift morgues.<sup>109</sup> Documents of evidence collected by the opposition shown to the UK newspaper *The Times* indicate that at least 200 demonstrators were killed in Tehran and 173 in other cities.<sup>110</sup> Over half of these were killed in the streets. Over 50 others were unaccounted for.

### THE BASIJ

The Basij is a volunteer paramilitary force of men and women that was established by Ayatollah Khomeini in 1979 to advance the aims of the Islamic Revolution, and is part of the Revolutionary Guards. Its main role is to maintain law and order, suppress dissent and promote Islamic codes of behaviour. It is effectively a shadow police force, and members are rarely if ever held to account for their actions. The force’s Head instructs paid commanders who in turn issue orders to the network of volunteers. Over the years the Basij have frequently assaulted protesters.

The Basij are not known to receive training in policing methods that meet international standards for law enforcement. Indeed, Amnesty International received a credible though unconfirmed report from a family member of a Revolutionary Guardsman that the Basij had orders to disperse demonstrations and that they could use “any means necessary”; and that they should act to create confusion, chaos and fear among demonstrators by randomly attacking them with batons or shooting into crowds – behaviour which matches the many descriptions and video footage of Basij actions during the demonstrations. Amnesty International is calling for the Iranian authorities to immediately end the use of the Basij militia in the policing of demonstrations.

Reports also suggested that 44 bodies were buried secretly at night in anonymous graves in Section 302 of Behesht-e Zahra cemetery in Tehran.<sup>111</sup> Following the revelation of the graves, Mahmoud Rezayan, the cemetery Chief, said coroners had certified that the bodies were those of unknown people who died in car accidents or from drug overdoses. However, the documents shown to *The Times* newspaper contain coroners’ statements refuting this.<sup>112</sup>

On 25 August, one of the members of Parliament’s Article 90 Commission, which can hear complaints of individuals against state officials, requested that an official investigation into the “rumours” be launched. Hours afterwards, on hearing that Section 302 was going to be paved over, a delegation of MPs visited the cemetery.<sup>113</sup> The cemetery Chief was removed from his post by order of the Mayor.<sup>114</sup> Several days later Tehran city officials said they would investigate the claims of secret burials<sup>115</sup>, but since then there have been no further announcements.

Such a lack of transparency by the authorities means the true death toll may never be known. Investigations by NGOs and others have been thwarted. As shown below, families have been threatened not to discuss in public the death of their loved one or injuries sustained, and in some cases have been forced to say that their relative died of natural causes. Other people have been shown on television, claiming to be the dead person.

**“Despite all the attacks, the Basij forces never used arms and were only present with self-defense equipment... When they attacked our base, our brothers were attacked for more than three hours by stones and hand grenades of the invaders... But at some point, the base was collapsing. Unfortunately, an innocent mother and a daughter became martyrs. And expert reports show that the angle of the shooting was not from the side of our boys...” Commander Abdollah Eraghi, the Chief of Greater Tehran Revolutionary Guards, 26 August 2009<sup>116</sup>**

Nevertheless, considerable evidence of unlawful killings by the security forces, particularly the Basij, has emerged. In addition to the usual witness testimony, mobile phones were widely used by demonstrators and bystanders to film some of the incidents. Footage of the invasion of dormitory at Tehran University on 14 June shows men dressed in black and armed with sticks and other weapons chasing and attacking students, who later identified them as having been from the Basij.<sup>117</sup> A video taken on 15 June shows a member of the Basij firing from a building used by the Basij towards demonstrators; at least seven people were killed that day. The death of Neda Agha Soltan was also filmed (see below).

It is known that shots were fired at protesters, apparently by the Basij, on 14 June, 15 June, 20 June, 9 July and possibly other dates. On 15 June in Tehran, for example, the Basij opened fire in the Velenjak, Jordan and Darous districts of the capital as a rally was ending. One person was killed and many others were wounded, according to reports. A doctor described what he witnessed on 20 June.<sup>118</sup>

*"I am a medical doctor and saw from inside the ambulance how opposite the Navvab metro station, a couple of Basijis with Kalashnikov and G3 guns were shooting directly at people from the roof of Lolagar mosque. I saw with my own eyes how a young boy's brain was splattered on the black platforms opposite the metro.*

*"I saw... only some meters from me, a young man was hit in the throat by a tear gas bullet that had been fired directly and purposely at him. Blood spurted from his throat and he dropped to the ground and died.*

*"I saw how a girl fell flat on her face on the asphalt after a Basiji had hit her hard and viciously with his chain."*

On 22 June the Office of Tehran's Prosecutor General said it had launched an investigation into the killings during the 20 June demonstrations.<sup>119</sup> Amnesty International is not aware of any findings having been made public.

On 25 June, **Ya'qoub Barvayeh**, a 27-year-old student, was reportedly shot and killed by Basij standing on the top of the Lolagar mosque in Tehran.<sup>120</sup> He died in hospital. The family say they were standing by the body when Basij personnel forcibly removed it; two days later they were told where the body was buried.<sup>121</sup>

Twelve-year-old **Ali Reza Tavassoli** was killed on 30 July at the demonstration to commemorate the 40<sup>th</sup> day of the death of Neda Agha Soltan. After initial reports of his death circulated, his family said he had been killed in a car accident. However, two doctors and a police officer later testified that he died from blows to the head and that the Basij had removed his body from the hospital. His aunt says the authorities gave his impoverished parents around US\$2,000 to lie about their son's death.<sup>122</sup>

## STANDARDS GOVERNING THE USE OF FORCE

The role of the security forces, including the Basij, should have been to protect the rights of people to assemble peacefully and protect the safety of all, including non-participants. A public event can breed hot-spots of violence which may be cordoned off and contained, or which may turn into a riot involving improvised weapons. In all instances, the principles of proportionality and necessity apply.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life.

Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

The use of excessive and sometimes lethal force against protesters and others by security forces in Iran has not stopped since the post-election unrest subsided. In late October, for instance, guards outside the Provincial Governor's office in Oroumiye severely beat **Ahmad Naghizadeh**, a journalist and Spokesperson for the presidential campaign of Mohsen Rezaei. Ahmad Naghizadeh had been trying to take photographs of banners celebrating the appointment of the new Provincial Governor with his mobile phone when he was assaulted.<sup>123</sup>

Governments should ensure that all complaints of unlawful killings are investigated promptly, impartially and effectively by a body that is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. The body of the alleged victim should not be disposed of until an adequate autopsy has been conducted by a suitably qualified doctor who is able to function impartially. Officials suspected of responsibility for unlawful killings should be suspended from active duty during the investigation. Complainants, witnesses, lawyers, judges and others involved in the investigation should be protected from intimidation and reprisals.

Excessive use of lethal force continued through to the demonstrations of 4 November. That day in Esfahan, **Mehdi Nilforoushzadeh**, a local student who had been studying in Armenia, was killed by a bullet right in front of his family outside their house. An MP said the report would be investigated.<sup>124</sup>

## KILLING OF NEDA AGHA SOLTAN

Neda Agha Soltan, aged 27, was shot dead on 20 June in Tehran during a peaceful protest against the election results. Footage of her dying moments recorded on a mobile phone was widely circulated on the Internet and became a symbol of the repression of the post-election unrest.

In Kargar Avenue in the early evening, Neda Agha Soltan and several others, including her music teacher, decided to get out of their car which was stopped in traffic by the peaceful demonstration taking place. As riot police began to disperse the crowds with tear gas and motorcycles, Neda Agha Soltan was shot in the chest while facing east on Khosravi Street.

Dr Arash Hejazi, a medical doctor, came to Neda Agha Soltan's assistance seconds after she was hit and before she fell to the ground. He told Amnesty International that he saw blood gushing out of her chest. He said that the bullet seemed to have hit her just below her collar bone, where it had appeared to pierce the aorta or lung. Despite first aid, she died within a minute. Her body was driven by her companions to nearby Shariati hospital, where her death was confirmed.



Her family were informed of her death and apparently consented to the removal of organs for transplant. This may have been an opportunity for bullets or other forensic evidence relating to her death to be destroyed.<sup>125</sup> No autopsy was done prior to her burial at Behesht-e Zahra cemetery. At the insistence of her parents, her body was returned to them under police surveillance, and she was buried in a section of the cemetery apparently set aside by the authorities for those killed in the unrest.

The case became emblematic of the way the authorities reacted to alleged abuses – by threats, counter-accusations, obfuscation and further abuses: in fact anything but trying to establish the truth and hold perpetrators of crimes to account.

According to Arash Hejazi, a member of the Basij incriminated himself by exclaiming at the scene: “I did not mean to kill her”. The Basij member’s ID card was grabbed by witnesses and an image of it was later posted online.

However, a number of government officials denied that state security forces were involved in Neda Agha Soltan’s death and, in some cases, blamed others. Ayatollah Ahmad Khatami, a representative of the Supreme Leader, stated in Friday prayers at Tehran University on 26 June that the evidence showed that the protesters themselves killed her and did so as a way of making “propaganda” against the system. On one occasion, state television showed a woman claiming to be Neda Agha Soltan saying “I’m alive” and suggested the PMOI had been responsible for the death of the woman filmed.

Not content with blaming the PMOI, officials also sought to blame foreign governments. Iran’s ambassador to Mexico, Mohammad Hassan Ghadiri, suggested that the CIA could have been involved in her death. He implied that the video footage indicated a planned killing, targeting a woman to be effective in accomplishing the goals. He also said that forensic evidence showed she had been shot from behind, not in front, and that the bullet was not “a type you could find in Iran”.<sup>126</sup>

**Neda Soltani**, whose picture was mistakenly identified as that of Neda Agha Soltan, also became caught up in the plot to hide the truth. She told Amnesty International:

*“Ministry of Intelligence officials came to our house on 25 June. I was not in, so they asked my mother to tell me to go to their office at 4pm. I was very afraid and did not know what to do, but in the end I decided it would look more suspicious if I did not go, so I went.*

*“There were various people there – I do not know what any of them are called as they did not use names. Some of them were from the Ministry of Intelligence, and some of them were from TV. They talked to me and told me what they wanted me to say. They forced me to say everything on film. Some of the men were armed, but they did not use their guns against me. They threatened me. They said it would be better for my safety if I did what they wanted me to do...*

*They knew I had given the photo to the Greek Embassy to get a Schengen visa [to attend an academic conference] and they wanted me to say that on film – I think it was so they could say the Greek Embassy was somehow involved in Neda’s death, but I only agreed to say I had given it to “an embassy.”*

*“They gave me a list of things to talk about. I was filmed several times saying the same things. First, I had to introduce myself. Then I had to give the history of the photo. I explained that the photo was taken from Facebook, and emphasized that the photo was for a visa. Then I had to talk about what was happening in Iran. Finally I had to ask officials to take action against Etemad-e Melli newspaper because they had printed my photo and to say that the paper must remove my photo.*

*“They told me that ‘a group’ had planned Neda’s murder – they had said the same thing on TV, that the angles were suspicious and the monafeqin [the authorities’ name for the PMOI] were responsible.”*

People who have spoken out about the killing of Neda Agha Soltan or witnessed it have been intimidated, harassed and prosecuted. On 30 June, the Chief of Police announced that Interpol had been asked to issue an international arrest warrant for Dr Arash Hejazi, although Interpol later denied any such request had been made.<sup>127</sup> Arash Hejazi was accused of poisoning the international atmosphere against the Iranian government and spreading misinformation about the killing by giving his account of the incident to foreign news media. In October, he was granted asylum in the UK, where he had been studying prior to the election. On 12 November, women Basij members demonstrated outside the UK Embassy in Tehran, demanding that Arash Hejazi be extradited to Iran. Zohreh Elahian, a member of the parliamentary National Security and Foreign Policy Committee, who attended the demonstration, claimed that documentary evidence is available indicating that Neda Agha Soltan's murder had been masterminded by foreign elements.<sup>128</sup>

Neda Agha Soltan's family and friends have been paraded on state television saying that she was not shot by the Basij. Her father was in Turkey when she was killed. On his return to Emam Khomeini Airport, he is said to have started to shout and cry that “they killed my daughter.” Nevertheless, he later appeared on state television claiming that she had been killed by the “*monafeqin*”.

Neda Agha Soltan's family were reported to have had to move house a few days after her death and were warned not to allow people to gather for memorial ceremonies. The government was reported to have issued a ban on collective prayers in mosques for Neda Agha Soltan. No wake was allowed – all the local restaurants, halls and mosques were barred from hosting it.

Neda Agha Soltan's former fiancé, Caspian Makan, a photographer, was arrested at his home in north Tehran not long after he told BBC Persian TV on 22 June: “Eyewitnesses and video footage... clearly show that probably Basij paramilitaries... deliberately targeted her”. He told Amnesty International that seven non-uniformed officials had burst into the family home and removed most of his photographs and other property. Following his arrest he was taken directly to Evin Prison, although his whereabouts were not immediately known.

During his interrogation he said he was asked why he took photographs and spoke to Western media and about Neda Agha Soltan. As the days passed he was told that he would be charged with acts against national security and for “condemning Iran”. He was told to publicly deny that Neda Agha Soltan had been killed by a member of the security forces and was forced to write his “last defence”. Although instructed to say that a member of the PMOI

killed Neda Agha Soltan, he told Amnesty International that the interrogators themselves appeared not to believe what they were saying. He was eventually released on a very substantial bail after 65 days in detention, and appeared on television as required by the security forces, but later fled Iran fearing trial and for his own safety.

Since his release, Caspian Makan's father has twice been summoned to court and his brother was detained for four days. Neda Agha Soltan's music teacher, **Hamid Panahi**, was also detained for 48 hours.

On 5 November Neda Agha Soltan's tombstone was destroyed, apparently by government officials. Even that reminder of her killing was, it seems, too much for the authorities to tolerate. Neda Agha Soltan's mother told CNN, "People go and write the word 'martyr' on her grave in red ink and then the authorities go and wipe it off."<sup>129</sup>

## MOURNING MOTHERS – HARRASSED FOR PROTESTING DEATHS

After Neda Agha Soltan's death, a group of women decided to set up a group called Mourning Mothers (Madaran-e Azardar).<sup>130</sup> They decided to meet silently on Saturdays in Laleh Park, Tehran between 7 and 8pm – the day and time of Neda Agha Soltan's death "until the release of all detainees who were arrested for protesting election fraud, and until the end of violence and until the murderers of our children are prosecuted".

Their peaceful protest has not gone by unnoticed by the authorities – their gatherings have been broken up by security forces and several have been arrested. They include **Zeynab Peyghambarzadeh**, a women's rights and student activist who is also a member of the One Million Signatures Campaign. She was arrested at the second gathering on 4 July, held overnight and then released.

## 6. TORTURE AND OTHER ILL-TREATMENT

**Ali Kheradnejad**, aged 31, a graduate of Industrial Management from Yazd University, told Amnesty International that on 9 July he was walking peacefully with others, on a demonstration, near the Vali Asr crossroads when it became clear that the road was blocked by the police. He said that none of those around him was engaged in any sort of violence, but suddenly anti-riot police and Basij rushed into the crowd where he was.

*“Amazingly, while the men scattered, the women amongst us stood their ground. I managed to grab hold of one or two truncheons, preventing them from beating me, when – out of nowhere – one of them pepper-sprayed me. That was when the truncheon blows started to come down on my head, from what seemed to be eight or nine people, both uniformed and non-uniformed. I realised only later that a group of women were doing their utmost to pull me out, but they were not successful... After throwing me in [to the van] I felt their fists [of the security officials] pummel the back of my head.”*

Two months later, some of his injuries were still visible, including two lumps on his head. After he fled Iran, he was examined by a medical professional and diagnosed with post-traumatic stress disorder.

In his interview with Amnesty International, Ali Kheradnejad described torture and other ill-treatment of detainees that he had witnessed. He said that when he was in Police Station 148, also called Felestin, he had seen **Amir Javadifar** in a poor state, with his clothes ripped and a bloody forehead. He said that when he learned that he had died, he decided to speak out, whatever the risks.

Amir Javadifar, a 25-year-old student of management at Qazvin Azad University, was arrested on 9 July and clubbed so badly by security forces that he needed hospital treatment before being taken to Evin Prison.<sup>131</sup> Those with him during his detention built a composite picture of what happened to him: he is said to have been badly beaten on his head during the protests and had started to lose his sight. Beatings on his ribs were thought to have initiated internal bleeding, including to his lungs.<sup>132</sup> When moved from the Kahrizak detention facility (see below) to Evin Prison, he was unable to breathe and began to convulse. His breathing then became shallower until it stopped.

His family did not know where he was until they were given his body on or around 26 July. His father said that the body bore signs of beatings and other torture.<sup>133</sup> He also said that when he went to identify the body, the autopsy had already been done and he was told that the cause of death was unknown. Medical reports show Amir Javadifar had been beaten, had broken bones and his toenails had been pulled out.<sup>134</sup> According to his family, Amir Javadifar was passionate about film but had no interest in politics or the demonstrations.

Ali Kheradnejad also described seeing 19-year-old RT (name withheld), a student at the Sharif Technical University in both Police Station 148 and Evin Prison:

*“A young guy was just standing there when a Basiji came up to him and viciously kneed him in the groin, crushing his testicles. The doctor at the police station came, though, and told them that he was in a bad way and that he should be sent to the hospital. The officials refused.”*

When he saw him later in Evin: *“The top of his nose had been broken and his clothes were drenched in blood, but no one came to help him.”*

## DISAPPEARANCE OF TARANEH MOUSAVI

On 28 June, 28-year-old Taraneh Mousavi, along with upwards of 2,000 other demonstrators, went to the Ghoba Mosque, north-central Tehran, where they intended to take part in a commemoration for those killed in the then ongoing unrest, in the context of a pre-arranged commemoration for a prominent figure killed in 1981.

Amnesty International received various reports on the day that the security forces had blocked specific roads around the mosque, and arrested scores of people, interrogating them in situ and generally releasing them.<sup>135</sup> Around 40 were said to have been taken to a secret detention centre in nearby Pasdaran Street, where they were put in a large room. Some were interrogated.

Like many others, Taraneh Mousavi was said to have been left distraught following questioning, although it is not known what was said to her. Some detainees were then taken away, possibly to Evin Prison and others to a police station. Taraneh Mousavi was left behind.

From information collected by Amnesty International, it appears that around five hours after her arrest she disappeared. An anonymous telephone call several days later informed her parents that she had been raped, had tried to commit suicide and had been taken to Emam Khomeini Hospital in Karaj. On arrival at the hospital her parents found that she had not been registered at the hospital. They were told that someone fitting Taraneh Mousavi's description had been seen by a nurse, but that she had been taken away while unconscious. In the following days, unconfirmed reports suggested that Taraneh Mousavi had been tortured at Evin Prison, but it was unclear when this may have been.

Eighteen days after her arrest, on around 16 July, unnamed officials reportedly informed her parents that a burned corpse resembling Taraneh Mousavi's description had been found in the scrubland between Karaj and Qazvin. The family, which was threatened not to talk about their daughter's arrest, went to Qazvin to collect her body. By this point her parents were terrified and would say nothing, not even where they wanted to bury her.

On 17 July, bloggers took up the case of Taraneh Mousavi and raised it with the Committee for the Follow up of the Injured and Detained in Recent Events, established by Mehdi Karroubi and Mir Hossein Mousavi, which was following up violations in the post-election period.<sup>136</sup> It is believed that material relating to her case was seized when this body was forcibly closed in September (see Chapter 8 below).

Around the same time the authorities aired a television clip which announced that Taraneh Mousavi could not be dead as she was living in Canada, a claim repeated subsequently by officials.<sup>137</sup> Mehdi Karroubi accused

the programme of being staged under the guidance of the Basij<sup>138</sup> following which, Hojatoleslam Seyed Hossein Shahmoradi, who has family ties to the woman in Canada, strongly criticized Mehdi Karroubi for revealing information he had given Mehdi Karroubi in confidence which made it clear that the television exposé was false. He said this “created more discord in society”.<sup>139</sup> Taraneh Mousavi’s mother was later removed from her house and reportedly taken by the authorities into “protective custody”.

This and much other evidence made it clear that torture and other ill-treatment of detainees were widespread during the election unrest. Women and men reported being raped in custody including with using an instrument (see below). Evidence of this particular form of rape – which had rarely if ever been reported before by men – accumulated as the months passed by and suggested that sexual abuse of dissidents may have been authorized at some level in the post-election period.

Methods of torture and other ill-treatment reported, in addition to rape, included severe beatings; confinement in tiny spaces; hanging upside down by the feet for long periods; deprivation of light, food and water and denial of medical treatment. The authorities have acknowledged that at least three people died in custody in the election period apparently as a result of torture or ill-treatment, although the true total may be much higher.

Torture and other ill-treatment were facilitated by the routine denial of access to a lawyer for detainees or even any contact with the outside world, and the knowledge by security officials that they can commit such crimes without fear of punishment.

Eighteen-year-old **Mohammad Kamrani** died on or around 16 July in Mehr hospital in Tehran as a result of injuries, including kidney failure, sustained after arrest. He had been arrested on 9 July near Vali Asr Square in Tehran and taken to the Kahrizak detention centre. He was later transferred to Evin Prison. His family only found out he was in Evin Prison when guards called out his name to relatives waiting to see detainees. The Head of the Prison Service later said that, like Mohsen Rouholamini, he had died of meningitis.<sup>140</sup>

On 15 July Mohammad Kamrani’s parents went to the prison as they had been told his release order had been issued. On arrival they were informed that their son had been injured and transferred to Loghman hospital. Mohammad Kamrani was subsequently taken to Mehr hospital, where he died.

**Ramin Qahremani**, aged 30, died on or around 25 July, two days after he was released after 10 days in detention. He apparently died of complications arising from blood clots in the lungs, apparently caused by torture. He told his mother that he had been beaten and suspended from his feet in detention. His body was buried under police supervision.<sup>141</sup>

Many other detainees or their families said torture and other ill-treatment had left them with injuries. **Isa Saharkhiz**, for example, a prominent reformist journalist and commentator, who was arrested on 4 July after having been in hiding since his family home was raided on 20 June, suffered broken ribs after being tortured under interrogation.<sup>142</sup>

A young man who was shot on 6 June during a violent protest and wishes to remain anonymous told Amnesty International that although he did not see anyone being tortured, he did hear screaming and that fellow inmates told him that they had received electric shocks to their genitals.

Many detainees arrested during the election period complained of the conditions of detention and recounted what they had witnessed, which amounted to cruel, inhuman and degrading treatment. They described how they suffered repeated beatings and stifling heat in tiny overcrowded cells without ventilation at a time of year when temperatures regularly exceed 40°C. Others told of hearing the screams of prisoners in the night and of seeing inmates with broken limbs after interrogation sessions. The girlfriend of a detainee who was released said that he had become mentally ill because of his treatment. She told *The Guardian* newspaper: "He was harassed, insulted and tortured. The warders pushed him from stairs while his hands were bound together. He was forced to crawl on the ground like a worm."<sup>143</sup>

**Ahmad Zeidabadi**, a journalist for *Roozonline*, an online publication based in Belgium and spokesperson for the Graduates' Association, was arrested on 21 June. He was held incommunicado until his appearance on 8 August at the second session of the "show trial" (see Chapter 7). His wife was only allowed to visit him in Evin Prison for the first time on 17 August and said that he was in an extremely bad physical and emotional state. She said that Ahmad Zeidabadi told her that he had been held in solitary confinement for 35 days after his arrest in a coffin-like cell only 1.5m long. He had apparently gone on hunger strike for 17 days until doctors convinced him to stop. His wife met him again in mid-September, when he told her that he had been severely beaten during interrogation. In an interview with Radio Farda on 23 September, she said his interrogator told him:

*"We are ordered to crush you, and if you do not cooperate we can do anything we want with you and if you do not write the interrogation papers, we will force you to eat them."*<sup>144</sup>

Ali Kheradnejad described to Amnesty International the poor conditions in Evin Prison and lack of medical care:

*"At Evin, we were all checked over by a medical officer as we were taken in. I was initially sent to Section 240. Once inside I saw one young man whose thumb was broken: a bone at the base of his thumb protruded, but only just, from below the skin. But the same guy also had a bone sticking out just above the knee. Someone had asked for him to be taken to the prison clinic, but we were told that we are 'security detainees' and so we were denied access to the medical facility. He got no treatment for at least the 12 days I was held with him. Others were ill from the food... What appeared to be re-heated meat or rice made people ill. Some were sick, others got diarrhoea, but no one was seen to."*

*"In Ward 240 we were eight in a cell about 2.5m by 3m. There were no sleeping facilities and we had arranged ourselves on the ground, side by side and one alongside the toilet and washing facilities that were in one corner of the room, separated by a plastic curtain that we would pull across. The window was very high up and, at that time of the year, it was very hot and there was no air circulation so some people had managed to break the windows."*

*Later, I was also held in Section 209 with three others. I am sure this cell – at most 3m by 4m – was usually used for keeping detainees in solitary confinement, as when we were put in there, there was no curtain around the toilet and shower. They came that night and put up a curtain.”*

Detainees were also reportedly tortured in Pasargad, a former weapons factory in southwest Tehran, which is used as a detention centre by the Revolutionary Guards. In common with other detention centres run by the various security services, it is outside of any supervision of the judiciary. Journalist Hanif Mazrouie said in July:

*“One of our journalist friends who had been detained a while ago was beaten up in that detention centre [Pasargad]. Trying to get an answer from him, his head was beaten against a table so many times that he passed out.”<sup>145</sup>*

Detainees outside of Tehran were also tortured after their arrest. One young man detained for almost a month in the north, who does not wish to be identified, told Amnesty International he was beaten severely during his arrest at home by intelligence ministry officials, police officers and “some athlete and bodybuilders who [were] rented by [the intelligence] ministry to beat me”. At first he was held in a Ministry of Intelligence detention facility where he was tied to a metal pole and further beaten before being transferred to another city where he was held in solitary confinement and “bothered mentally”.<sup>146</sup>

Other detainees died in custody in unclear circumstances.

## KAHRIZAK DETENTION CENTRE

**“Unfortunately, the gross misconduct of Kahrizak officials [has] resulted in the murder of scores of young people... The Iranian Police Chief is duty bound to provide a clear explanation in this regard.” MP Hamid-Reza Katouzian, 5 August 2009<sup>147</sup>**

**“The inmates who created disorder in the detention centre were manhandled and physically punished by three of the wardens... No prisoner died due to torture... if a prisoner died it was because of a disease.” Brigadier General Esma’il Ahmadi-Moghaddam, Chief of Police, 9 August 2009<sup>148</sup>**

Kahrizak detention centre, in the southern outskirts of Tehran, appears to have been set up as a detention centre for “thugs and hooligans”, under the control of the police, about five years ago.<sup>149</sup> However, in 2007 it was reportedly identified as substandard and illegal by the Judiciary which had recommended its closure, which never happened.<sup>150</sup>

Abuses at Kahrizak detention centre in southern Tehran began to emerge almost immediately after up to 145 people arrested during the 10 July 2009 protests were transferred there because of overcrowding at Evin Prison. The authorities have acknowledged that at least three people held there died.

Detainees have described how they were held in containers in appalling conditions and subjected to torture and other ill-treatment. Some said that in order to inflict greater pain, prison officers wet the prisoners before beating them with electricity cables and batons.



**Mohsen Rouholamini** was 25 years old when he died. The son of Dr Abdolhossein Rouholamini, a renowned scientist and a senior advisor to presidential candidate Mohsen Rezaei, he was arrested on 9 July during a protest and detained in Kahrizak detention centre. On 27 July the General Director of Tehran Prisons told Iran Students News Agency that Mohsen Rouholamini and at least one other detainee had died in custody of meningitis.<sup>151</sup> On 31 August, Mehr News Agency reported that the Coroner's Office had denied that Mohsen Rouholamini died of meningitis, but had found instead that "physical stress, bad living conditions, repeated assault and throwing the body at hard surfaces were the causes of death."<sup>152</sup>

According to reports, Mohsen Rouholamini was being transferred from Kahrizak detention centre to Evin Prison in a bad physical state when his health deteriorated. He was taken to hospital but died shortly after. According to parliamentarian Hamid-Reza Katouzian, Dr Abdolhossein Rouholamini said that his son had been tortured and had severe facial injuries.<sup>153</sup>

In another case, a former detainee told Human Rights Activists in Iran (HRA), a group that reports on human rights violations in Iran, that he was arrested in mid-June by plain-clothed forces and special guard officers, and taken to Meghdad Basij station. He said that the beatings and insults started from the moment of arrest and continued in Meghdad Basij station. Less than 24 hours later he was taken to Kahrizak detention centre where he says he was held for around 58 days in a container. He was only told where he was on the 43<sup>rd</sup> day and allowed to call his family.

*"We were handcuffed and blindfolded and moved by a van to an unknown location... They took us... to a basement. When my blindfold was taken off I realized that I was inside a container. There was one 100w light bulb and an air channel to let the air in. There were 75 of us inside the container..."*

*"In one of the interrogation sessions they showed me footage of my son in one of the streets of Tehran. I was told by the interrogator that they had my son in custody and would rape him if I didn't confess. After seeing the footage I lost control and started screaming. I begged them not to harm my son. I was then beaten by baton until I fainted and was taken back to the container."*

*"All night long we could hear the screams of other detainees who were being pressured to confess."*

*"At times they would take us five at a time and beat us to the point of us fainting. My right ear lobe was torn under torture and there are bruises on my body that were caused by beatings with baton. I have to add that we were beaten by baton at least three times a week and were interrogated on a daily basis. During my 58 days of detention I was interrogated 58 times."<sup>154</sup>*

He went on to say:

*"There was nowhere to sit, and there was blood all over the walls and doors. People would suddenly fall into tears and cry, and would start mourning because someone had died. The*

*cries came from the back of the room but we couldn't move because we were all slammed into each other. Plain-clothed guards came and broke the lamps and began beating people in the dark. They beat everything and everyone in their path. For half an hour they beat everyone. Several people lost consciousness and some even died under the harsh beatings.*

*Then they turned on flashlights and pointed them at our faces, saying they would stick their batons in... if we made any sound."*

*"When released I found out that Kahrizak prison had been announced closed one week prior. They were still holding hundreds of prisoners in Kahrizak at the time of my release. The news of its closure was a pure lie at that time. I am convinced that there are still many innocent people who remain captive in Kahrizak. In addition to the container I was being kept in, there were other similar containers. I am not aware of their numbers, but from the voices we could hear at night there is no doubt in my mind that there were several other secret facilities in Kahrizak."<sup>155</sup>*

On 27 July it was announced that Iran's Supreme Leader had ordered the closure of Kahrizak, stating that it did not ensure detainees' rights. The closure order may have been made up to 10 days earlier<sup>156</sup>, as it appears that when Mohsen Rouholamini died, he was being transferred out of Kahrizak on his way to Evin Prison as a result of the order.

On 15 August the authorities said that disciplinary action had been taken against 12 officers and a judge in relation to abuses there. Some were reportedly arrested and charged; others faced suspension or dismissal from their post. However, on 12 September, the Tehran Military Prosecutor said that seven people were being charged for suspected abuses at Kahrizak, including the head of the detention centre.<sup>157</sup> In late September, Parviz Soruri, head of the Parliamentary Special Committee (see below), said that 104 judicial investigations had been opened in relation to offences committed in Kahrizak, but provided no further details.<sup>158</sup>

On 4 August, the Police Chief said that the police were building a standard detention facility to replace Kahrizak, which would be ready for operation within a month.<sup>159</sup> At the time of writing it was not clear whether Kahrizak – revamped or not – was still being used as a detention centre.

There are also fears that the authorities are targeting people with information about what really happened in Kahrizak. The suspicious death on 10 November of Dr Ramin Pourandarjani (see Chapter 8 below) who had treated detainees at Kahrizak as part of his military service and who had testified to Parliament about conditions there suggests that some in authority are determined to hide the truth at all costs. Amnesty International has called for his death to be investigated promptly and impartially.<sup>160</sup>

## RAPES IN CUSTODY

**“When Government officials use rape, the suffering inflicted might go beyond the suffering caused by classic torture, partly because of the intended and often resulting isolation of the survivor. In some cultures a rape victim may be rejected or formally banished from her community or family. This rejection greatly hinders the psychological recovery of the victim and often condemns her to destitution and extreme poverty.” UN Special Rapporteur on Torture, Manfred Nowak Manfred Nowak<sup>161</sup>**

**Ebrahim Sharifi**, a 24-year-old student from Tehran, was seized by plainclothes security officials on 22 June and held incommunicado for a week before being released. He did not know where he was held, but believes it may have been at the Kahrizak detention centre. He told Amnesty International in November that he was bound and blindfolded, and beaten prior to being raped and otherwise tortured.<sup>162</sup> He endured severe beatings and mock executions. When he tried to file a judicial complaint, intelligence agents allegedly threatened him and his family. The case judge, Mr Moghaddammi, told him, “Maybe you took money [to say this]... [and] if you go through with this, you will surely pay for it in Hell”. Ebrahim Sharifi was forced into hiding and on 13 September the Judicial Committee investigating the post-election events announced that his allegations of rape were fabricated and politically motivated.<sup>163</sup>

He told Radio Free Europe/Radio Liberty:

*“The fourth day, when they said they were going to execute me – it was a mock execution they subjected us to... Someone kicked me in the stomach and I fell on the ground. He kept kicking me in the stomach. Then he told someone: ‘Go and make [him] pregnant’. He kept kicking me. I was throwing up blood and my stomach was injured. He pulled me to another room and tied my hands to the wall.*

*“I think that a person [raped me], but I can't be sure whether it was done by that individual or whether he used something...*

*“I finally could get a letter from the doctor's office because there were still injuries on my back and stomach. I talked to one of my friends and he suggested I should talk to the clergy or Karrubi [sic]. I went to see Karrubi [sic]... He asked me if [the rape] had happened and I answered ‘yes’ and started to cry.”<sup>164</sup>*

Ebrahim Sharifi told Amnesty International that had the testimony he provided to Mehdi Karroubi and Mir Hossein Mousavi's Committee for the Follow up of the Injured and Detained in Recent Events meant that he could have obtained redress and justice for what had happened to him, then he would have remained in Iran to seek justice. Instead the information he provided was confiscated (see Chapter 8 below).

As accounts of torture and other ill-treatment began to emerge from people detained in the post-election unrest, it became clear that rape in custody, often using an instrument, was emerging as a well-defined pattern of human rights violation.

## RAPE AS TORTURE UNDER INTERNATIONAL LAW

Although legal definitions of rape vary between different legal systems, customary international law considers rape to include acts committed by force or threat of force against men or women which involve the insertion of objects – including but not exclusively sexual organs – into the anal or genital openings or the insertion of the sexual organs into other bodily orifices.<sup>165</sup>

It is widely recognized, including by the Special Rapporteur on torture and by regional jurisprudence, that rape constitutes torture when it is carried out by, or at the instigation of, or with the consent or acquiescence of, public officials. International and regional human rights bodies have ruled that rape by officials always amounts to torture, and cannot be considered a “personal” or “private” act and therefore a common criminal act.<sup>166</sup>

In early August the issue hit the headlines after a letter was leaked that had been written in late July by defeated presidential candidate Mehdi Karroubi to Chair of the Assembly of Experts and of the Expediency Council, Ali Akbar Hashemi Rafsanjani detailing cases of rape and demanding an inquiry.<sup>167</sup> Mehdi Karroubi stated that he had received several reports from former military commanders and other senior officials, as well as from former prisoners, that several male and female protesters had been raped in custody. He also posted on his website extracts from testimony allegedly from former prisoners describing other forms of sexual abuse including how other detainees were “forced to go naked, crawling on their hands and knees like animals, with prison guards riding on the backs.” The details are consistent with several testimonies seen by Amnesty International.

On 14 August, in his Friday prayers sermon, Ayatollah Ahmad Khatami called Mehdi Karroubi’s allegations a “total slander against the Islamic system”.<sup>168</sup> The previous day he had demanded that Mehdi Karroubi be prosecuted for libel, punishable by 80 lashes, if he could not prove his allegations.<sup>169</sup>

The accusations of rape – an enormously sensitive subject for public discussion in Iran – have since multiplied and provoked strong reactions among Iranians and government officials, who have done their utmost to ensure that accounts of rape are discredited and not circulated further.

**Maryam Sabri**, aged 21, told Amnesty International in November that she had been raped four times by prison guards after her arrest at Behesht-e Zahra cemetery on 30 July during the 40<sup>th</sup> day commemoration of the death of Neda Agha Soltan.<sup>170</sup> She said that her ordeal began as she was trying to evade tear gas fired into the peaceful demonstration. She was struck in the stomach by an electrified baton, she said, which made her buckle, winded with intense pain in her stomach. She was then carried by several non-uniformed men, apparently members of the Basij, and thrown into a van.

After driving around for an hour or so, she and others were taken out of the vehicle, blindfolded and with their hands bound. She learned later that they were at a place called Se’oul, run by the Ministry of Intelligence but referred to by her as Abu Ghraib.

She told Amnesty International that she was held in solitary confinement in what she believed was an underground and windowless cell that was so small she could not stand up.

She had no way of telling the time. She was interrogated in an adjacent room, each time blindfolded with her hands tied. She was asked who was guiding her and the reasons for her presence at the commemoration. She said her interrogators seemed to know everything about her, and taunted her about the death of her mother. In a subdued voice, she added:

*“For two or three days it was like that. Then they told me to work with them and to take photos for them [but] during the fourth interrogation I was raped... He was like an animal...”*

She said that the rape lasted between 30 minutes and an hour. But it did not end there. “I was raped four times,” she said, “by men with different voices.”

Maryam Sabri was released on 12 August, without charge. She was not given access to legal representation or a health professional. She did not dare return home, and fled Iran. She later learned that the day after her flight she had been banned from travel.

**Ebrahim Mehtari**, 26, who has also spoken out about his rape and other torture in prison, is a student of computing who was previously banned from further education. He told Amnesty International that he was arrested outside the central Tehran offices of MIRO – many leading members of which were by then detained – by intelligence officials of the Revolutionary Guards, who do not normally have the power of arrest, on 20 August 2009. A gun was brandished at him, and he was subjected to an electric shock which knocked him out.

He told Amnesty International in September and November that he was taken to a place in the east of Tehran resembling a military camp. He was held, alone, in a cell estimated to be 1.3m x 2m, with a lamp constantly ablaze during the hot summer. Writing on the cell walls made it clear that a great many people had been arrested recently. He was regularly taken away – blindfolded – for interrogation. There he was accused of “working with Facebook networks” and on websites belonging to the opposition; of protesting against the result of the election; and of working with MIRO. Interrogators repeatedly demanded, while filming, that he write his “confession” and at times turned off the camera and tortured him:

*“They frequently beat me on the face; I was burned with cigarettes under my eyes, on the neck, head. I was beaten all over the body including arms and legs. They threatened to execute me and they humiliated me...”*

He also described how a punch in the mouth broke one of his teeth and that his torturers inserted a narrow object inside his nostrils and rectum. He eventually signed the “confession” he was told to. It was only on the last day of his detention that he was permitted to see a doctor, when barely conscious.

Five days after his arrest, Ebrahim Mehtari was released. He was driven to a street and dropped off, bleeding and semi-conscious. A forensic medical examination, carried out without knowing who he was, substantiated his torture claims. It found that he had bruises, abrasions and burns on various parts of his body, including around his anus. However, once it became known that his injuries were not the result of a criminal abduction but of torture by state officials, all the documents and evidence disappeared, apart from the copy of the medical report Ebrahim Mehtari had managed to copy and keep (see Appendix 1).

Following Ebrahim Mehtari's meeting with Mehdi Karroubi and members of the Committee for the Follow up of the Injured and Detained in Recent Events, Mehdi Karroubi is said to have written to the Judiciary asking where and by whom Ebrahim Mehtari had been held. The Judiciary reportedly said that it did not know. Ebrahim Mehtari fled Iran not long after.

The authorities refused to investigate Ebrahim Mehtari's allegations and told him and his family that there would be severe consequences if they talked about the torture he had suffered.<sup>171</sup>

## IRAN'S LAW ON RAPE

Rape does not constitute a separate criminal offence in the Iranian Penal Code and is dealt with by the Judiciary under the *zena* (penetrative sexual relations outside marriage) provisions of the Penal Code when dealing with cases of rape of women, and the *lavat* ("sodomy") provisions when dealing with cases of rape of men. Both of these provisions fall under the section of *hodoud* offences in the Penal Code. Under Islamic law, these offences are regarded as crimes against God, rather than crimes against the person, and are treated differently to crimes defined by the state (*ta'zir* crimes) in relation to proof and pardon.

Article 82d of the Penal Code provides for the death penalty for "penetrative sexual relations with force and repugnance" (*zena-ye be 'onf va ekrah*). Article 111 provides for the death penalty for *lavat* "provided both the active and passive parties are mature, sane and consenting". If the instance of *lavat* is shown and accepted by the court to be a violent act carried out by force, the male rape victim would not be liable to execution.

False accusation of *zena* or *lavat*, which is termed *qazf*, is punishable by 80 lashes under Article 140 of the Penal Code. This means that someone who makes an allegation of rape but is unable to prove it could risk prosecution either under the *qazf* provisions, or (if it is proved that penetration has occurred) under the *zena* provisions, although this is mitigated by Article 67 of the Penal Code which states that "if the person [accused of] *zena* claims that he or she has been forced to commit *zena*, the claim will be accepted provided there is no proof to the contrary".

Neither the *zena* nor *lavat* provisions address the act of rape with an object, or acts where a sexual organ is introduced into orifices other than the genitals or anus. Personal injury is usually dealt with by the *qesas* (retribution – or an "eye for an eye") provisions of the Penal Code, whereby premeditated injury results in the offender receiving a similar injury, or paying compensation (*diyeh* or blood money). Article 277 states that if an exactly equivalent injury is not possible, or if it would result in death, then compensation only should be paid.

Article 578 of the Penal Code 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.”*

It would appear that this provision could potentially be used to prosecute officials who rape detainees, but only if their intent was to force the detainee to make a “confession”. It also appears to remove the liability of prosecution for an official who rapes, if he had received an order to do so, although it is possible that a prosecution could be brought under Article 614 of the Penal Code which states that intentional bodily injury, for which retaliation is not appropriate, is punishable by a prison term, in addition to the payment of diyeh if requested by the victim.

Thus there is nothing in the law that specifically defines rape in custody by public officials as being torture. Amnesty International is calling on the Iranian authorities to clarify that rape in custody by officials constitutes torture, and that perpetrators should be prosecuted for such acts under provisions prohibiting torture or bodily injury, such as Articles 578 and 614 of the Penal Code. It should be made clear that both those who commit rape and those who may have ordered them to do so are liable to prosecution.

Rape as a method of torture in Iran, mainly of women, is not a new phenomenon and has been previously reported. For example, in 2002, the UN Special Rapporteur on Violence against women reported that she had raised the issue of sexual torture, particularly in Evin Prison, with the authorities. She said it was reported that “women prisoners are systematically subject to rape by judges and high-ranking officials in prison. It is alleged that there are suites available in the prison for that specific purpose”.<sup>172</sup>

Shadi Sadr, a women’s rights defender, made the same point recently, pointing to several cases. Zahra Kazemi, a Canadian-Iranian photographer arrested in 2003 after taking photographs of a demonstration outside Evin Prison, was reportedly raped in detention, and died shortly after admission to hospital four days later, from a blow to the head. Roya Toloui, a Kurdish woman arrested after mass demonstrations in Iran’s Kurdish areas in 2005, also alleged that she was raped in detention. Dr Zahra Bani Yaghoub was allegedly raped in detention in Hamedan in 2007 before she was found dead in custody.<sup>173</sup>

However, very few men have previously alleged in public that they have been raped in custody – possibly because of the social stigma attached. Mojtaba Saminejad, a blogger arrested in 2004 and imprisoned in 2005, wrote after the news of the rapes broke, that while he was detained, he was threatened with rape by an instrument, and met many other male detainees who had also been raped.<sup>174</sup> In October 2004, while being transferred to Evin Prison, a guard told blogger Omid Memarian: “God willing, they will eventually make a groom out of you.” He has written that he knew that these are things they told prisoners prior to raping them.

The nature of the post-election events appears to have prompted a small number of young men and women who say they were raped to speak out about their experience and to fight against the impunity of those who allegedly tortured them. This would not have been an easy decision given the gross affront to dignity that rape represents in all societies, as well as the heavy personal stigma it carries in Iran.

There is growing evidence that these horrific crimes are not isolated incidents by “rogue” personnel, but may have been encouraged as a deliberate policy to humiliate and break detainees’ will. The documents seen by *The Times* newspaper indicated that 37 young men and women in Tehran alone said they had been raped and that doctors’ reports say that two males, aged 17 and 22, died as a result of severe internal bleeding after being raped. Some of the women rape victims said that their torturers claimed to have “religious sanction” to violate them as they were “morally dirty”.<sup>175</sup>

Ebrahim Sharifi told Amnesty International in November that he had talked to a number of people who had been raped in the post-election period who had since left Iran but who had not publicized their ordeals. He concluded that rape in detention appeared to be organized or systematic. It is not clear how many of the more than 100 cases of abuses said to have been reported to the Special Parliamentary Committee involved allegations of rape.

Although the Speaker of Parliament denied any rape had occurred, on 26 August a member of the Special Parliamentary Committee told the website *Parleman News*, on condition of anonymity, “It has definitely become evident to us that some of the post-election detainees have been raped with batons and bottles”.<sup>176</sup>



## 7. 'SHOW TRIALS' – TRAVESTY OF JUSTICE

**"No judicial system can consider as valid a confession obtained as a result of harsh interrogations or under torture," UN Special Rapporteur on torture, Manfred Nowak, 13 August 2009<sup>177</sup>**

**"These confessions for alleged crimes such as threats against national security and treason must not, under any circumstances, be admitted as evidence by the Revolutionary Court," El Hadji Malick Sow, Vice-Chairperson of the UN Working Group on Arbitrary Detention, 13 August 2009<sup>178</sup>**

**"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." Ayatollah Ali Khamenei, 20 September 2009<sup>179</sup>**

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".

So began the first of a series of televised "show trials" of people arrested in connection with the election and the subsequent protests.<sup>180</sup> It 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 were not even on trial, though present.

Amnesty International wrote to the Head of the Judiciary on 6 August 2009 requesting that the organization be allowed to send an observer to attend the trials. No response had been received at the time of writing.

These grossly unfair trials had all the characteristics of what are commonly referred to as "show trials". The fact that the defendants would be convicted was never in doubt. The trials, broadcast to the nation, featured coerced "confessions", "apologies" and incrimination of others. Rather than bringing people to justice, the purpose of the trials was to validate the authorities' account of the post-election unrest and to make clear the severe consequences of opposing the authorities. While the trials were a mockery of justice, the outcome for the defendants is extremely serious.

On 2 August the then Chief Prosecutor of Tehran, Said Mortazavi, warned that anyone criticizing the trial would risk prosecution. The only media allowed to cover the early sessions was the Fars News Agency, which has close links to the Revolutionary Guards. Later sessions were not televised, after the appointment on 16 August of Ayatollah Sadegh Larijani as the new Head of the Judiciary, who replaced Said Mortazavi with Abbas Ja'fari Dowlatabadi on 29 August.<sup>181</sup>

The long indictment read out in the first session amounted to a wholesale attack on civil society in Iran. Based largely on the alleged testimony of a previously detained, but unidentified “spy”, it accused the defendants of being part of a “velvet revolution” orchestrated by the USA and other countries. It also cited “confessions” of some of the defendants, including Mostafa Tajzadeh, a former Deputy Interior Ministry; and Behzad Nabavi and Mohsen Safayee Farahani, both former members of Parliament.<sup>182</sup>

Bizarrely, among those referred to in the indictment were some people who were not even present, including Nobel Peace Prize winner Shirin Ebadi, women's rights activists Shadi Sadr (see Chapter 4 above), Parvin Ardalan and Noushin Khorasani, as well as imprisoned trade unionist Mansour Ossenlu and civil society activist Sohrab Razzaghi. Human rights groups, both domestic and international, were also alleged to be part of the “velvet revolution” as was the student group, the Office for the Consolidation of Unity, which has been active in campaigning for political reform in recent years. The role of the media – including western media – in publicizing the election unrest also featured prominently.<sup>183</sup>

## 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 judgement 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.

The “show trials” did not meet these standards. Defence lawyers were denied access to their clients' files and were not informed which court would be hearing their cases. Some found out that their clients had been arbitrarily assigned court-appointed lawyers.

Most of the accused had been held incommunicado, some in solitary confinement, although a few had been able to make one or two telephone calls and have short visits by relatives. Those with health problems were denied adequate treatment. Some, according to their appearance in court and statements by their families, had been tortured.

After such treatment, some “confessed” to a variety of offences. **Seyed Mohammad Abtahi** and **Mohammad Atrianfar**, for example, “confessed” in court that they had planned to organize a protest campaign before the election, and that there was no truth to the allegations of election fraud. **Saeed Hajjarian**, political advisor to former President Khatami (see Chapter 3), “confessed” to fomenting unrest and asked for the country’s forgiveness. He appeared abject in court in his wheelchair and someone else spoke on his behalf.

Kian Tajbakhsh, Shahaboddin Tabatabaei, Hedayet Aghaei, Masoud Bastani and Saeed Hajjarian were among those tried at the “show trial” on 25 August.<sup>184</sup> After prolonged ill-treatment and denial of access to their lawyers, they testified against themselves and their colleagues.

On 17 October, **Saeed Hajjarian** was given a five-year suspended sentence for allegedly inciting post-election unrest. He had been held for more than 100 days and released on 30 September. Also on 17 October, **Shahaboddin Tabatabaei**, a senior member of Mir Hossein Mousavi’s election campaign, was sentenced to five years in prison on charges that included “acting against national security”, as was **Hedayet Aghaei**, a leading member of the Kargozaran Party, for “disrupting public order by provoking people to riot” and “acting against national security”.

On 18 October, journalist **Masoud Bastani** was sentenced to six years in prison for “propaganda against the government” and his alleged role in the unrest. **Abdollah Momeni**, Spokesperson for the Graduates’ Association, was sentenced to eight years in prison on 14 November, two years of which related to charges in a previous case. He had appeared at the fifth session of the “show trials” on 14 September, where he was charged with a range of offences relating to national security. His indictment alleged that, among other things, he had confessed to undermining the system by questioning the election to cause unrest, and to contacts with anti-revolutionary foreign media, Amnesty International and Human Rights Watch in order to conduct “propaganda against the system”.<sup>185</sup>

On 20 October, **Kian Tajbakhsh**, a social scientist and urban planner with dual US-Iranian nationality (see Chapter 4 above), was convicted of “espionage”, “cooperation with an enemy government” and “acting against national security” by participating in Gulf 2000, an Internet forum at Columbia University in the USA, and by working for the Open Society Institute, which he had not worked for since 2007.<sup>186</sup> He was sentenced to 15 years in prison. The prosecution produced no supporting evidence and during the trial his court-appointed lawyer called the accusations against his client “untenable”. On 29 October Judiciary officials refused to allow his lawyer to file an appeal on his behalf, a breach of Iranian law, although he was later able to submit it within the 20 days allowed by law.<sup>187</sup> He appears to have been particularly harshly treated on account of his dual nationality and the nature of his academic work.

Earlier, on 10 October, it was announced that two men identified as M.Z. and A.P., believed to be **Mohammad Reza Ali-Zamani** and **Arash Rahmanipour**, both members of the pro-monarchist Kingdom Assembly of Iran (Anjoman-e Padshahi Iran, API), had been sentenced to death. Another man, N.A., believed to be **Naser Abdolhasani**, was also sentenced to death for membership of the PMOI.

Opposition sources said a fourth man, **Hamed Rouhinejad**, who was named in the first indictment of the “show trials”, was sentenced to death for membership of the API. Like the others, he had been arrested before the election and told the HRA that he was tricked into saying he had rioted. Before his trial, he had been detained for 40 days in Section 209 of Evin Prison and threatened with torture and death. The strain brought on a Multiple Sclerosis episode which left him numb down the right side of his body and nearly blind in his right eye. He was not allowed visits or phone calls. In a letter from prison after he was sentenced, Hamed Rouhinejad wrote:

*“I only found out about the election one day after it was over. I had no idea what was going on outside prison. I knew nothing about the massive popular protests that had taken over the country. I was lured and taken to the trial of the people who had protested the election results, without ever having anything to do with it. I only went there because my interrogators had promised me to give back my life in return for my compliance. So I went to court and wrote on paper what they wanted me to and claimed their words as my own actions.”<sup>188</sup>*

Hamed Rouhinejad’s lawyer, Khalil Bahramian, who also represents Ahmad Karimi, another defendant, said about the case:

*“In my view, Mr. Mortazavi, Tehran Prosecutor at the time, tried as always to present a heavily loaded file to the court and misrepresent the case to the public. Both my clients were arrested before the election and had nothing to do with the post election protests. I can say beyond any doubt that neither Ali Zamani nor my two clients had ties to the API or even knew anything about the organization. They were just three young people who, along with Zamani’s child, went to Iraq, hoping to go to a Western country later. Poverty and other problems forced my two clients to return to Iran with the approval and coordination of the Intelligence Ministry. They told the officials about their ordeal without holding back anything.”<sup>189</sup>*

A fifth death sentence – imposed on **Reza Kazemi** who had been arrested on 13 June – was announced on 15 November. The judiciary confirmed on 17 November that five death sentences had been issued so far.

Under Iranian law, individuals may appeal against their conviction and sentence, and the appeal decision must be announced before any sentence is implemented. Judicial officials have indicated that at least some appeals have been heard and final verdicts issued.

The staging of mass “show trials” highlighted the arbitrary nature of the justice system in Iran. It also exposed the fact that in politically sensitive cases, the justice system is an instrument of repression in the hands of the authorities. At the time of writing, in addition to those sentenced to death, more than 80 defendants had been sentenced to imprisonment, some to long terms.

Some of those arrested in connection with the election were tried individually rather than in the “show trials” detailed above, particularly those outside Tehran. Some had been held outside the control of the Judiciary and often said they had been tortured or otherwise ill-treated and denied access to medical care, lawyers and their families. They too faced grossly unfair proceedings as trials before General, Revolutionary and other Special Courts in Iran routinely fail to meet international fair trial standards.

Among those tried away from the “show trials” was **Iman Sedighi**, aged 23. He was one of eight students, all members of the Islamic Society in the Babol Noshirvan University of Technology, who were found guilty in September of acting against the Islamic Republic by “participating in an illegal gathering”, “encouraging people to riot” and “propaganda against the state”.<sup>190</sup> He was given a 10-month prison sentence and banned from studying for five years.

Some of those tried have been sentenced to flogging. For example, on 12 November, according to reports, **Soheyl Navidi-Yekta**, arrested during the election unrest, was sentenced to seven years in prison and 74 lashes by Branch 26 of the Revolutionary Court. The trial was held behind closed doors. He had been charged with “acting against national security”, “propaganda against the system” and “disrupting public order”.<sup>191</sup>

## 8. IMPUNITY

**“Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.”<sup>192</sup>**

### 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>193</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.

The authorities have made many contradictory statements about what actually happened to detainees, indicating an unwillingness to address human rights violations committed by officials. As shown above, the authorities initially denied that killings had occurred, but later admitted to some. They put the death toll much lower than that recorded by the opposition, and said their total included security personnel. However, no official list of the dead has ever been made public.

The authorities initially denied that bodies were buried in secret. They then opened an investigation into the claims, but did not make public its results. They tried to pin the blame for some killings on foreigners and opposition groups, and produced individuals falsely claiming to be people who had been killed.

In the early days of the unrest, the authorities denied that anyone had died in Kahrizak, only to be subsequently forced to recant after the deaths of Mohsen Rouholamini, Ramin Qahremani and Mohammad Kamrani were announced. Even then, they claimed the cause of death was meningitis, not the result of the torture the three had suffered in detention, until forensic reports showed otherwise.

### SUSPICIOUS DEATH OF DR RAMIN POURANDARJANI

There are fears the authorities are targeting those with information about violations. On 10 November, a young doctor named Ramin Pourandarjani was found dead in his room at a medical centre. Iran's Chief of Police said on 18 November that Dr Pourandarjani had committed suicide as a result of depression, as he had been summoned to court and was facing a possible five-year prison term on unknown charges. His family disputed suicide as a cause of death, citing his good spirits during a phone call the night before he died and contradictory information they received from the authorities.

During the unrest following the disputed presidential election, Dr Pourandarjani was serving his required military service at Kahrizak as its resident physician. In this capacity on his weekly visits he would have

treated inmates that had been tortured. Following the order to close Kahrizak, Ramin Pourandarjani was reportedly detained for a week and forced to sign a statement that Mohsen Rouholamini (see Chapter 6 above) had died from meningitis.

After his release, Dr Pourandarjani testified to the Special Parliamentary Committee and apparently met parliamentarians the day before his death. He had allegedly received threats to deter him from revealing the truth about the human rights violations at Kahrizak. He was said to have told friends that he feared for his life. It is not clear why he was facing criminal charges.

The Tehran Prosecutor's office announced on 16 November that an investigation had been opened into Dr Pourandarjani's death.<sup>194</sup> This investigation, which should comply fully with the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, should be completed as a matter of urgency and its findings made public. If anyone is found to have been responsible for Dr Pourandarjani's death, they should be brought to justice promptly and fairly, without recourse to the death penalty.

The authorities have been particularly keen to refute the allegations of rape. On 10 August, Ali Larijani, Speaker of Parliament, appointed a Special Parliamentary Committee to investigate the allegations of rape and the condition of detainees held during the post-election unrest that had been publicized by Mehdi Karroubi. Two days later he announced on behalf of the committee that the rape allegations were baseless and that in "careful reviews of the Kahrizak and Evin Prison detainees, no cases showing abuse or rape were found".<sup>195</sup> On 25 August, Farhad Tajari, a member of the Special Parliamentary Committee, also said that Mehdi Karroubi's allegations of rape of detainees were "baseless".<sup>196</sup> However, the Special Parliamentary Committee has never published its detailed findings: on 13 November, Farhad Tajari said a confidential report had been submitted to the Speaker.<sup>197</sup>

However, on 9 August the Chief of Police, General Esma'il Ahmadi-Moghaddam, acknowledged that prisoners had been abused,<sup>198</sup> and, as noted above, on 26 August a member of the Special Parliamentary Committee told the website *Parleman News*, on condition of anonymity, "It has definitely become evident to us that some of the post-election detainees have been raped with batons and bottles."<sup>199</sup>

On 29 August, Ayatollah Sadegh Larijani, Head of the Judiciary, appointed a three-person Judicial Committee to look into allegations of torture and other ill-treatment of detainees. It comprised Ali Khalafi, the Head of the Judiciary's Office Manager; Gholam Hossein Mohseni-Ejeie, the General Prosecutor who had been Minister of Intelligence at the time of the election; and Ebrahim Raeesi, Deputy Head of the Judiciary.

According to Iranian television, the committee was tasked with carrying out a "fair, firm and swift examination of the cases relating to the post-presidential election incidents, Tehran University Dormitory, and Kahrizak detention centre". The committee was asked to "supervise the process of identifying the main culprits and dealing legally with the offenders, irrespective of their positions". The committee was said to be responsible for supervision of "all examination processes, including the investigations, which are made in the prosecutor office and the trials sessions", and to send reports to the Head of the Judiciary.<sup>200</sup>

Less than two weeks later, on 12 September, Gholam Hossein Mohseni-Ejeie said the committee had found “no evidence of rape in the cases of the individuals claimed by Mr Karroubi”. He also stated that the claims were “fabricated and designed to divert public opinion”, and called for judicial action against those who had lied and slandered, thereby damaging the reputation of the government.<sup>201</sup> The following day, an interview with Gholam Hossein Mohseni-Ejeie was broadcast on television, in which he reiterated that all Mehdi Karroubi’s claims were “categorically untrue and that a political current [was] orchestrating these events following the election events”.<sup>202</sup>

Full details of the mandate and powers of both investigative committees were not disclosed, and the parliamentary committee’s findings were not made public. The speed with which they dismissed the many allegations of serious human rights violations by state agents, often substantiated with compelling video and witness evidence, reinforced the climate of impunity enjoyed by the security forces and highlighted the need for full, independent and thorough investigations into all alleged abuses.

The authorities have taken other steps to smother the truth. Firstly, people who have publicly accused their jailers of rape have been targeted for further human rights violations. It appears they are seen by the authorities not as people who need special care as well as justice and reparations, but rather as a further threat to the state simply for revealing the truth about the crimes they have suffered.

Secondly, on 7 September, just days before the Judicial Committee’s findings on the rape allegations were announced, security forces raided and closed down the offices of the Committee for the Follow up of the Injured and Detained in Recent Events, which was set up following a meeting between Mehdi Karroubi, Mir Hossein Mousavi and former President Khatami, to collect evidence of abuses in detention. Acting on the orders of the Prosecutor General, security officials seized computers, files and other records from the committee’s premises. **Morteza Alviri** (see Chapter 4 above) and **Alireza Beheshti**, advisors to Mehdi Karroubi and Mir Hossein Mousavi respectively, who were working with the committee, were both arrested on 8 September.<sup>203</sup> Alireza Beheshti was released on 12 September and Morteza Alviri was held until 31 October. **Mohammad Reza Moghiseh**, who also worked with the committee, was arrested from home on 14 October and was still detained at the time of writing.<sup>204</sup>

Also on 8 September, judicial officials closed down the office of the Association for the Defence of Prisoners’ Rights, established by human rights activist Emadeddin Baghi, which had also been compiling information about torture and other abuses against detainees.

The same day, the authorities closed down the offices of Mehdi Karroubi and his Etemad-e Melli party. **Mohammad Davari**, editor of the party’s online publication, Saham News, was arrested. Despite an order for his release on bail issued two days after his arrest, he remained in detention in Section 209 of Evin Prison and was reportedly tried, including in a session held on 22 November. He was facing charges of “gathering and colluding with the intent to harm national security and propaganda against the system”.

By October, reports suggested that only those alleged to have ill-treated detainees at the Kahrizak detention facility would be prosecuted and that there would be no systematic



attempt to hold the security forces to account for the rapes and other abuses carried out in other detention centres and prisons, or on the streets.

On 13 October, IRNA news agency reported that a legal case had been brought against Mehdi Karroubi over his rape allegations.<sup>205</sup> Since he had made the allegations, most of the alleged victims who gave Mehdi Karroubi their testimonies have fled Iran, fearing for their own and their families' lives.

Amnesty International is calling on the authorities to take immediate and concrete steps to end impunity for human rights violations, including the cases of unlawful killings and rape and other torture highlighted in this report, by launching full, independent and impartial investigations into human rights 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.

## 9. CONCLUSIONS AND RECOMMENDATIONS

**“I provided my testimony to Mehdi Karroubi[’s committee] but they came and stole it all. I would not have fled Iran; I would not stay [here] for more than one hour if I could have got some justice in Iran...” Ebrahim Sharifi<sup>206</sup>**

Iran’s presidential election in June 2009 sparked a mass mobilization of people determined to exercise their fundamental rights of freedom of expression, association and assembly. The mobilization shook the establishment, elements of which then resorted to increased levels of tried and tested means of repression. Arbitrary arrests, unlawful killings, torture and many other abuses were carried out by security forces confident that they could act with impunity.

No part of the state, whether the Parliament or the justice system, local officials or commanders of security forces, proved capable of standing up to the challenges of the post-election unrest. As a result, serious human rights violations have not been properly investigated. Impunity is rampant as the pattern of violations continues unabated. And the victims and their families are left without truth, justice and reparation, including guarantees that the same crimes will not be committed again.

Under the ICCPR, Iran is obliged to recognize and protect a wide range of human rights, including the right to peaceful assembly and freedom of expression and association. It is also obliged to protect the rights of detainees, including the right to be promptly charged, to have access to a lawyer of one’s choosing, to have prompt access to relatives, to be protected from torture and other ill-treatment, and to have a fair trial. Iran has routinely violated all these rights, and did so on a vast scale, during the election unrest and its aftermath.

The cases detailed in this report reveal a clear pattern of systematic gross human rights violations by Iranian security forces condoned or even encouraged by powerful political and religious figures in Iran. The Iranian authorities contend that they enforce the law and do not tolerate abuse. Such an assertion is not credible in the absence of any meaningful action to investigate and end such violations.

### RECOMMENDATIONS

Urgent and substantial action is needed to tackle the types of human rights violations seen for decades in Iran and now being entrenched by a state apparatus that perceives itself to be under threat. It is imperative that there be independent scrutiny of the human rights situation in Iran. Amnesty International is therefore calling on the Iranian authorities to facilitate, as a matter of urgency, visits to Iran by the UN Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions so that their assessments and recommendations contribute to ensuring that those responsible for ordering or committing violations are held to account.

Amnesty International also calls on the various arms of the state to take the following additional measures:

#### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

- Respect the rights to freedom of belief, expression, association and assembly, including by reviewing legislation with a view to repealing or amending all vaguely-worded provisions which can be used to restrict freedom of belief, expression, association and assembly, or which discriminate against women or members of ethnic, religious or other minorities.
- State publicly that Iranian and international law allows people to take part in peaceful demonstrations.
- Ensure that international standards relating to freedom of expression, association and assembly are upheld at universities and other academic institutions, by guaranteeing the autonomy of institutions of higher education and by ending the harassment of teaching staff.

#### ARBITRARY ARRESTS AND DETENTIONS

- Release all prisoners of conscience: those imprisoned in Iran because of their political, religious or other conscientiously-held beliefs, their ethnic origin, their language, their national or social origin, their sexual orientation or other status who have not used or advocated violence or hatred.
- Review the cases of all prisoners held for political reasons, including those convicted after the “show trials”; release those who have not yet been tried unless they are to be tried promptly and fairly on recognizably criminal charges, including with representation by a lawyer of their choice and with the possibility to hear and cross-examine witnesses.<sup>207</sup>
- Ensure that all arrests are conducted in accordance with international human rights standards and by law enforcement officials empowered in law to do so.
- Amend Article 15 of the Code of Criminal Procedures to remove powers of arrest from Basij personnel and ensure that any decision by the National Security Supreme Council relating to the identity of authorities temporarily empowered to arrest is made public.
- Introduce legislation to guarantee that all detainees have the right in law and practice to effective legal representation from the time of arrest.
- Ensure that the rights of all detainees are respected, including by ensuring that they are charged promptly with a recognizably criminal offence or released.

#### UNLAWFUL KILLINGS AND EXCESSIVE USE OF FORCE

- End the use of the Basij to police demonstrations.

- Ensure that any security personnel deployed to police crowds are trained in, and are under orders to use non-lethal methods of crowd control whenever appropriate. International human rights standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, must be rigorously upheld. In particular, ensure that the intentional and lethal use of firearms is not allowed except as a measure of last resort to protect life.
- Require the security forces to incorporate into their training and practice the relevant contents of Amnesty International's 14-point Program for the Prevention of Extrajudicial Executions.<sup>208</sup>
- Introduce laws aimed at strengthening individual accountability of state bodies.

#### TORTURE AND OTHER ILL-TREATMENT

- Establish effective safeguards to ensure that no one is tortured or otherwise ill-treated, including by ensuring that no one is held incommunicado and that all detainees are informed of their rights and are given prompt and regular access to their families, lawyers and medical professionals.
- End the cruel, inhuman and degrading punishment of flogging.
- Take steps to accede to the UN Convention against Torture (CAT), and publicly commit to a ratification timetable.
- As a first step towards ratification, in accordance with provisions in the CAT:
  - Prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment whatever the intent.
  - Ensure that all such acts are recognized as criminal offences, punishable by penalties that reflect the seriousness of the crime, without recourse to the death penalty.
  - Ensure that statements extracted under torture or other ill-treatment cannot be admitted as evidence during legal proceedings, except against a person accused of torture as evidence that the statement was made.
- Introduce a specific provision outside the *zina* and *lavat* provisions criminalizing rape of both men and women, including rape with an instrument, and other sexual violence, which clarifies that rape in custody by officials constitutes torture.
- Establish a judicial commission to collect and publish information on the scale of torture, including rape and other sexual abuse in custody, and introduce effective measures to prevent such crimes.
- Publicly condemn the use of rape by officials, including rape using instruments, of both men and women, and send a clear message to all security forces that rape and other sexual violence in custody constitutes torture and that perpetrators will be brought to justice and face appropriate penalties.

- Develop a system by which victims of sexual violence and other forms of torture are assisted until they are assessed as having no further need of help.

#### DEATH PENALTY

- Introduce an immediate moratorium on executions.
- Take steps to end the use of the death penalty in law and practice.
- In the meantime, ensure that, as a minimum, all trials abide by the international fair trial standards required in all cases but which are particularly essential in cases involving the death penalty.

#### END IMPUNITY

- Launch full, independent and impartial investigations into all allegations of human rights violations, including the allegations of unlawful killings and rape and other torture highlighted in this report, with a view to bringing those responsible to justice in trials that meet international human rights standards and without recourse to the death penalty.
- Ensure that any members of the Iran's security forces suspected of committing human rights violations are suspended from duty pending a full investigation into their conduct. Those against whom there is a case must be brought to justice and given a fair trial.
- Publish in full the methods and findings of the Judicial and Parliamentary Committees that investigated the post-election unrest, stating what actions were taken and ensuring that all members of the committees are available for questioning.
- Clarify what happened to testimony and other material seized on 7 September from the premises of the Association for the Defence of Prisoners' Rights and the Committee for the Follow up of the Injured and Detained in Recent Events. Provide guarantees that those who gave evidence to these bodies that their complaints will be acted upon by parliamentarians, if no one else.
- Publicly reiterate to Iran's security bodies that Article 9 of Iran's Civil Code obliges them to adhere to the provisions of the International Covenant on Civil and Political Rights.
- Ensure that judges order investigations into all allegations of torture and other ill-treatment of defendants, and do not allow coerced "confessions" to be used as evidence against defendants.
- Ensure that all those who suffered human rights violations because they took part in peaceful protests or expressed their non-violent views have access to an effective remedy, including adequate reparations commensurate with the violations suffered.

#### COOPERATION WITH INTERNATIONAL HUMAN RIGHTS BODIES

- Implement the recommendations of the Working Group on Arbitrary Detentions and the UN Special Rapporteurs on freedom of expression, and violence against women made following their visits to Iran in 2003 and 2005 respectively.

# ENDNOTES

Please note all links valid as of 4 December 2009.

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<sup>1</sup> Starting in August 1988, just after the end of the Iran-Iraq war, and continuing until shortly before the tenth anniversary of the Islamic revolution in February 1989, the Iranian authorities carried out a massive wave of executions of political prisoners – the largest since those carried out in the first and second years after the Iranian revolution in 1979. In all between 4,500 and 5,000 prisoners are believed to have been killed, including women.

<sup>2</sup> See Amnesty International, *Iran: Worsening Repression of dissent as election approaches*, MDE 13/012/2009, February 2009, <http://www.amnesty.org/en/library/info/MDE13/012/2009/en>

<sup>3</sup> See Human Rights Committee General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25): 12/07/96. CCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments).

<sup>4</sup> See Amnesty International, *Iran: Ensure Free Presidential Election*, MDE 13/046/2009, <http://www.amnesty.org/en/library/info/MDE13/046/2009/en/>

<sup>5</sup> Alireza Jamshidi, Spokesperson of the Judiciary at a press conference on 11 August 2009, <http://www.presstv.com/classic/Detail.aspx?id=103230&sectionid=351020101>

<sup>6</sup> The US and UK governments denied any involvement.

<sup>7</sup> [iran.alerts@googlemail.com](mailto:iran.alerts@googlemail.com) and [iranalert@amnesty.org](mailto:iranalert@amnesty.org)

<sup>8</sup> [http://www.nehzateazadi.net/bayanieh/88/88\\_b\\_2101.htm](http://www.nehzateazadi.net/bayanieh/88/88_b_2101.htm) and [http://www.radiofarda.com/content/f3\\_nehzatazadi\\_Iran/1748153.html](http://www.radiofarda.com/content/f3_nehzatazadi_Iran/1748153.html)

<sup>9</sup> [http://www.radiofarda.com/content/f3\\_nehzatazadi\\_Iran/1748153.html](http://www.radiofarda.com/content/f3_nehzatazadi_Iran/1748153.html)

<sup>10</sup> <http://www.amnesty.org/en/news-and-updates/news/iran-presidential-election-amid-unrest-and-ongoing-human-rights-violations-20090605> and <http://www.amnesty.org/en/library/asset/MDE13/053/2009/en/4e086bc7-ca74-4200-ac60-fd6cd1f0b081/mde130532009en.html>

<sup>11</sup> Yadollah Javani, head of the Revolutionary Guards' political office, in comments posted on the Revolutionary Guards' website, Issue No 402, 8 June 2009, p8, downloaded from <http://www.sobhesadegh.ir/>

<sup>12</sup> Amnesty International urged the Council of Guardians to ensure that they did not exclude anyone solely on the grounds of their race, colour, sex, language, religion, social origin or political or other opinion. In particular, it called on the Council to ensure that women were not barred simply because of their gender, as had happened in 2005 when all 89 women who registered were disqualified.

<sup>13</sup> On 11 April Dr Abbas Ali Kadkhodaei, the Spokesman of the Council of Guardians, stated that there is “no legal restraint” to the candidacy of women although earlier, the government spokesman Gholam Hossein Elham had stated that only men can run for the Presidency <http://www.tehrantimes.com/PDF/10563/10563-12.pdf>

<sup>14</sup> See for example his statement in *Kalemeh Sabz*, an image of which can be seen at

<http://windowsoniran.files.wordpress.com/2009/06/i-will-not-surrender-1.jpg>

<sup>15</sup> Speech of Leader to students and others, carried by Vision of the Islamic Republic of Iran, Network 1, 26 August 2009

<sup>16</sup> Ahmadinejad says detainee abuse was 'enemy plot'

<http://presstv.ir/detail.aspx?id=104682&sectionid=351020101>

<sup>17</sup> <http://www.farsnews.net/newstext.php?nn=8806070900>

<sup>18</sup> Farhad Rahbar, Tehran University Chancellor, speaking to Voice of Islamic Republic of Iran Channel 1 on 18 June 2009.

<sup>19</sup> See [http://www.bbc.co.uk/persian/iran/2009/06/090615\\_ba-ir88-uni-unrest.shtml](http://www.bbc.co.uk/persian/iran/2009/06/090615_ba-ir88-uni-unrest.shtml)

[http://www.bbc.co.uk/persian/iran/2009/06/090614\\_si\\_bd\\_ir88\\_kooyedaneshgah.shtml](http://www.bbc.co.uk/persian/iran/2009/06/090614_si_bd_ir88_kooyedaneshgah.shtml)

<sup>20</sup> <http://news.gooya.com/politics/archives/2009/06/089450.php>

<sup>21</sup> Iranian radio acknowledged seven deaths, but according to AFP, the emergency services had information concerning eight deaths. AFP, 16 June 2009

<http://www.google.com/hostednews/afp/article/ALeqM5hP9dwL4yZk9JoIWtLhvjKa2kYDEA>

<sup>22</sup> <http://www.lefigaro.fr/international/2009/07/06/01003-20090706ARTFIG00225-des-medecins-iraniens-temoignent-de-la-repression-.php>

<sup>23</sup> [http://hra-](http://hra-iran.net/index.php?option=com_content&view=article&id=1276:464&catid=103:107&Itemid=261)

[iran.net/index.php?option=com\\_content&view=article&id=1276:464&catid=103:107&Itemid=261](iran.net/index.php?option=com_content&view=article&id=1276:464&catid=103:107&Itemid=261)

<sup>24</sup> Commander of Tehran IRGC force, Abdollah Eraghi, in an interview with IRNA,

<http://www2.irna.ir/fa/news/view/menu-156/8807113497112922.htm>

<sup>25</sup> [http://www.savalansesi.com/2009/06/blog-post\\_14.html](http://www.savalansesi.com/2009/06/blog-post_14.html)

<sup>26</sup> Vision of the Islamic Republic of Iran, Esfahan Provincial TV, 16 June 2009.

<sup>27</sup> <http://www.gerdab.ir/fa/pages/?cid=396>

<sup>28</sup> Article 21 of the ICCPR states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others". <http://www.un-documents.net/iccpr.htm>

<sup>29</sup> Article 27 of the Constitution states: "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam."

[http://www.servat.unibe.ch/law/icl/ir00000\\_.html](http://www.servat.unibe.ch/law/icl/ir00000_.html)

<sup>30</sup> See <http://www.amnesty.org/en/library/asset/MDE13/060/2009/en/ac245529-1ed6-40a7-bdbe-9e0543805b47/mde130602009en.html> and <http://www.amnesty.org/en/news-and-updates/news/iran-supreme-leader-condones-violent-police-crackdown-on-protesters-20090619>

<sup>31</sup> <http://english.mowjcamp.com/article/id/26442>

<sup>32</sup> <http://www.gerdab.ir>

<sup>33</sup> Voice of the Islamic Republic of Iran, Tehran, 26 June 2009.

<sup>34</sup> See <http://www.presstv.com/classic/Detail.aspx?id=103230&sectionid=351020101>

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- <sup>35</sup> The Revolutionary Guards said in a 17 September statement, "We are warning people and the movements who want to help the Zionist regime that if you seek any disruption or disorder during the glorious Quds Day rally, you will be decisively confronted by the courageous children of Iran." See for example <http://www.farsnews.net/newstext.php?nn=8707020560>
- <sup>36</sup> See <http://www.amnesty.org/en/news-and-updates/iranian-security-forces-condemned-after-clampdown-protesters-20091105> and <http://www.iranhumanrights.org/2009/11/purge/>
- <sup>37</sup> See <http://www.rsf.org/Press-freedom-violations-recounted.html>
- <sup>38</sup> Vision of the Islamic Republic of Iran Network 1, Tehran, 30 August 2009.
- <sup>39</sup> See <http://news.gooya.com/politics/archives/2009/09/093141.php>
- <sup>40</sup> See IRNA article <http://www.iranculture.org/news/view.php?gid=1&id=12541178>
- <sup>41</sup> "A new wave of purges of social science academicians", 4 October 2009, accessed on 6 October 2009 at <http://www.iranian.com/main/news/2009/10/05/new-wave-purges-social-science-academicians-iranian-universities>
- <sup>42</sup> Article 13(1) of the International Covenant on Economic, Social and Cultural Rights states: "The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace".
- <sup>43</sup> Autonomy is defined as being "that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities".
- <sup>44</sup> General Comment on Article 13, ICESCR, para 39.
- <sup>45</sup> Iranian Labour News Agency (ILNA) 11 October 2009 <http://www.ilna.ir/newstext.aspx?ID=82535>
- <sup>46</sup> Article 3 (1) of the Convention on the Rights of the Child states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." Article 19 states that "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child." Article 29 1(b) states that "the education of the child shall be directed to ....the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations".
- <sup>47</sup> Press TV in English 16 April 2009, <http://www.presstv.ir/classic/detail.aspx?id=91616&sectionid=351020101>
- <sup>48</sup> Statement of Alireza Malekian, the Deputy Minister of culture and Islamic guidance in charge of press and information dissemination, <http://www.mardomsalari.com/Template1/Article.aspx?AID=7801#52120>
- <sup>49</sup> See <http://www.amnesty.org/en/news-and-updates/news/iran-presidential-election-amid-unrest-and->



ongoing-human-rights-violations-20090605

<sup>50</sup> AFP, 13 June 2009

<sup>51</sup> BBC correspondent ordered to leave Tehran, Press TV 21 June 2009, <http://www.presstv.ir/detail/98678.htm?sectionid=351020101>

<sup>52</sup> See [http://www.bbc.co.uk/blogs/theeditors/2009/06/stop\\_the\\_blocking\\_now.html](http://www.bbc.co.uk/blogs/theeditors/2009/06/stop_the_blocking_now.html)

<sup>53</sup> See <http://www.amnesty.org/en/library/info/MDE13/062/2009/en>

<sup>54</sup> See <http://www.newsweek.com/id/223862/page/10>

<sup>55</sup> See <http://www.amnesty.org/en/news-and-updates/news/iran-Journalists-detained-as+news-restrictions-tighten-20090626>

<sup>56</sup> See <http://www.amnesty.org/en/library/info/MDE13/092/2009>

<sup>57</sup> See <http://www.rsf.org/Press-freedom-violations-recounted.html>

<sup>58</sup> <http://www.irna.ir/View/FullStory?NewsId=717710>

<sup>59</sup> The Press Supervisory Board operates under the Ministry of Culture and Islamic Guidance (MICG), and has the power to revoke licenses, ban publications, and refer complaints to a special Press Court.

<sup>60</sup> See <http://www.ilna.ir/newsText.aspx?ID=87044>

<sup>61</sup> ILNA, 13 November 2009.

<sup>62</sup> See <http://www.amnesty.org/en/news-and-updates/news/iranian-web-crime-unit-designed-silence-dissent-20091116>

<sup>63</sup> See for example, <http://www.akhbar-rooz.com/news.jsp?essayId=25038>

<sup>64</sup> <http://www.ilna.ir/newsText.aspx?ID=89192>

<sup>65</sup> See Human Rights Committee, General Comment 10: Freedom of expression, 29 June 1983, para 4.

<sup>66</sup> The UK-based newspaper *The Guardian* has compiled a list of over 1,000 people said to have died or been detained during the unrest, see: <http://www.guardian.co.uk/news/datablog/2009/nov/04/iran-dead-detained-protests-elections>

<sup>67</sup> See Article 15.4 and 15.5.

<sup>68</sup> See <http://www.schrr.net/spip.php?article6350>

<sup>69</sup> General Comment 29: States of Emergency, CCPR/C/21/Rev.1/Add.11, 31 August 2001, para 11.

<sup>70</sup> 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.”

<sup>71</sup> Lists of some of those detained in Tehran who had been “processed” were eventually posted outside the main Tehran court house. See: <http://www.amnesty.org/en/news-and-updates/news/list-iranian->

detainees-20090713

<sup>72</sup> Communications from Student Committee for the Defence of Political Prisoners to Amnesty International.

<sup>73</sup> See <http://www.adapp.info/monthly-report-adapp-june-2009>

<sup>74</sup> See <http://www.guardian.co.uk/world/2009/jul/12/iran-tehran-university-students-police>

<sup>75</sup> See <http://www.amnesty.org/en/news-and-updates/page/arrests-in-iran>.

<sup>76</sup> See <http://www-secure.amnesty.org/en/library/info/MDE13/058/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/068/2009/en>

<sup>77</sup> See [http://www.jebhemelli.net/htdocs/Articles\\_in\\_English/2009/KazemzadehM\\_Solidarity.htm](http://www.jebhemelli.net/htdocs/Articles_in_English/2009/KazemzadehM_Solidarity.htm)

<sup>78</sup> See <http://www.jamejamonline.ir/newstext.aspx?newsnum=100921448618>.

<sup>79</sup> Fars News Agency website, 9 July 2009 <http://www.farsnews.net/newstext.php?nn=8804180457>

<sup>80</sup> See <http://www.amnesty.org/en/news-and-updates/ayatollah-must-retract-iran-election-comments-20091029>

<sup>81</sup> See <http://www.amnesty.org/en/news-and-updates/news/iran-must-overturn-sentences-issued-post-election-show-trial-20091021> and <http://www.amnesty.org/en/news-and-updates/ayatollah-must-retract-iran-election-comments-20091029>

<sup>82</sup> For further information, see <http://www.amnesty.org/en/library/info/MDE13/073/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/084/2009/en>

<sup>83</sup> See

[http://www.facebook.com/posted.php?id=79757303129&share\\_id=150455629450#div\\_story\\_150455629450\\_150455629450](http://www.facebook.com/posted.php?id=79757303129&share_id=150455629450#div_story_150455629450_150455629450)

<sup>84</sup> See <http://www.javanefarda.com/News.aspx?ID=1570> and <http://www.khabaronline.ir/news.aspx?id=16311>

<sup>85</sup> See <http://www.mowjcamp.com/article/id/42586>

<sup>86</sup> The Special Court for the Clergy, which tries cases of clerics, is not part of the Judiciary, and its head is appointed directly by the Supreme Leader. Only clerics appointed to the court may act as defence lawyers, and it can, in common with other courts in Iran, impose the death penalty for certain crimes.

<sup>87</sup> See <http://english.mowjcamp.com/article/id/32812>

<sup>88</sup> See <http://www.amnesty.org/en/library/info/MDE13/079/2009/en>

<sup>89</sup> See <http://www.amnesty.org/en/library/info/MDE13/059/2009>

<sup>90</sup> See <http://www.amnesty.org/en/library/info/MDE13/090/2009/en>

<sup>91</sup> See <http://www.amnesty.org/en/news-and-updates/news/prominent-lawyer-banned-leaving-iran-20091002>

<sup>92</sup> See <http://www.amnesty.org/en/library/info/MDE13/064/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/065/2009/en>

<sup>93</sup> For a full transcript in English of the indictment, see <http://tinyurl.com/y9ne2wh>

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<sup>94</sup> See <http://www.amnesty.org/en/library/info/MDE13/076/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/080/2009/en>

<sup>95</sup> See <http://www.amnesty.org/en/library/info/MDE13/098/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/101/2009/en>

<sup>96</sup> See <http://www.schrr.net/spip.php?article6350>

<sup>97</sup> SCDPP communication to Amnesty International

<sup>98</sup> SCDPP communication to Amnesty International

<sup>99</sup> See <http://parezeran.wordpress.com/2009/02/20/yaser-goli's-15-year-jail-sentence-has-been-upheld-by-the-court-of-appeal-in-kurdistan/>

<sup>100</sup> See Iran: Worsening repression of dissent as election approaches, <http://www.amnesty.org/en/library/info/MDE13/012/2009/en>

<sup>101</sup> See for example <http://www.amnesty.org/en/news-and-updates/news/seven-religious-minority-members-face-execution-in-iran-20090710>

<sup>102</sup> Article 15 (1) of the ICCPR states: "No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby."

<sup>103</sup> Her full name has been withheld for security reasons.

<sup>104</sup> In some cases, the use of live ammunition by security forces may have been legitimate in the face of violent protests, but this can only be determined if independent investigations are held into the incidents.

<sup>105</sup> See <http://www.presstv.ir/detail.aspx?id=103107>

<sup>106</sup> The authorities said in June that eight members of the Basij had died during the protests, but gave no further details. See <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1361451&Lang=P> However, on 30 August, the Head of the Revolutionary Guards said that 20 Basij personnel had been killed in "indiscriminate terror attacks" and that only nine protestors had been killed. See [http://www.bbc.co.uk/persian/iran/2009/08/090829\\_bd\\_jafari\\_guards.shtml](http://www.bbc.co.uk/persian/iran/2009/08/090829_bd_jafari_guards.shtml)

<sup>107</sup> see <http://www.etemaad.ir/Released/88-06-19/150.htm#158703>

<sup>108</sup> See <http://english.mowjcamp.com/article/id/26442>

<sup>109</sup> <http://norooznews.org/news/12948.php>

<sup>110</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September 2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)

<sup>111</sup> See <http://norooznews.org/news/13567.php>

<sup>112</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September 2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)

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- <sup>113</sup> See <http://www.etemaad.ir/Released/88-06-04/150.htm>
- <sup>114</sup> *E'temad* website, 26 August 2009. See [http://zamaaneh.com/news/2009/08/post\\_10242.html](http://zamaaneh.com/news/2009/08/post_10242.html)
- <sup>115</sup> See <http://www.ilna.ir/newstext.aspx?ID=74213>
- <sup>116</sup> See <http://www.asriran.com/fa/pages/?cid=82326>
- <sup>117</sup> See <http://www.guardian.co.uk/world/2009/jul/12/iran-tehran-university-students-police>
- <sup>118</sup> <http://riseoftheiranianpeople.com/2009/07/19/a-doctors-appalling-recollections-of-bloody-saturday/>  
A doctor's appalling recollections of Bloody Saturday
- <sup>119</sup> See <http://www.presstv.ir/detail.aspx?id=98745>
- <sup>120</sup> See <http://english.mowjcamp.com/article/id/26442>
- <sup>121</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September 2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)
- <sup>122</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September 2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)
- <sup>123</sup> See <http://homylafayette.blogspot.com/2009/11/journalist-beaten-after-touching-raw.html> and <http://www.zolfagar.blogfa.com/post-132.aspx>
- <sup>124</sup> See <http://etemademelli.org/?xid=0005020031000000001&id=21088>
- <sup>125</sup> Two doctors who fled Iran told *Le Figaro* that the bodies of demonstrators who had been killed who removed from hospital and "under the pretext of organ donation, all traces of bullets were removed from the bodies." <http://www.lefigaro.fr/international/2009/07/06/01003-20090706ARTFIG00225-des-medecins-iraniens-temoignent-de-la-repression-.php>
- <sup>126</sup> See <http://edition.cnn.com/2009/WORLD/meast/06/25/iran.ambassador/index.html>
- <sup>127</sup> See <http://www.presstv.ir/detail.aspx?id=99571&sectionid=351020101> and <http://www.cbsnews.com/blogs/2009/07/02/world/worldwatch/entry5129152.shtml>
- <sup>128</sup> See <http://www.presstv.ir/detail.aspx?id=110991&sectionid=351020101> and <http://www.resalat-news.com/Fa/?code=9357>
- <sup>129</sup> Interview with Neda Agha Soltan's mother, Hajar Rostami, <http://www.cnn.com/2009/WORLD/meast/11/05/neda.mom.speaks/index.html>
- <sup>130</sup> See their website at <http://www.mournfulmothers.blogfa.com/>
- <sup>131</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September 2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)
- <sup>132</sup> See the information given at: <http://iranbodycount.blogspot.com/>
- <sup>133</sup> Interview with Amir Javadifar's father on <http://www.roozonline.com/english/interview/interview/article/2009/august/04/tell-us-the-reason-for-our-childrens-death.html>
- <sup>134</sup> "'Torture, murder and rape' – Iran's way of breaking the opposition", *The Times*, 18 September

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2009, [http://www.timesonline.co.uk/tol/news/world/middle\\_east/article6839335.ece](http://www.timesonline.co.uk/tol/news/world/middle_east/article6839335.ece)

<sup>135</sup> Two friends from Amirabad, central Tehran, provided their assessment via an intermediary to Amnesty International as at around midday. Several hours later, the two young men were briefly detained, interrogated and then released.

<sup>136</sup> See: <http://zeerzamin.blogspot.com/> and <http://cherikonline.blogspot.com/>

<sup>137</sup> Deputy Police Chief Ahmad Reza Radan said in August "We investigated the issue and found three 'Taraneh Mousavi's. One of them was two-year-old girl and one of the other two was the woman in question. Her family told us she had relocated to another country many years ago." See <http://www.tabnak.ir/fa/pages/?cid=59171>

<sup>138</sup> See <http://www.mowjcamp.com/article/id/18983> An English translation may be read at <http://www.qlineorientalist.com/IranRises/karroubi-taraneh-mousavi/>

<sup>139</sup> Jam-e Jam website, 19 August 2009  
<http://www.jamejamonline.ir/newstext.aspx?newsnum=100915110029>

<sup>140</sup> Sohrab Soleymani, in an interview with ISNA on 27 July 2009. See <http://isna.ir/ISNA/NewsView.aspx?ID=News-1376342>

<sup>141</sup> See <http://norooznews.org/news/13116.php>

<sup>142</sup> Weblog of Issa Saharkhiz's son Mehdi: <http://onlymehdii.wordpress.com/author/onlymehdi/>

<sup>143</sup> See <http://www.guardian.co.uk/world/2009/jul/26/iran-political-prisoners-mohsen-rouholamini>

<sup>144</sup> See [http://www.bbc.co.uk/persian/lg/iran/2009/07/090728\\_nm\\_iran\\_kahrizak.shtml](http://www.bbc.co.uk/persian/lg/iran/2009/07/090728_nm_iran_kahrizak.shtml)

<sup>145</sup> See [http://www.bbc.co.uk/persian/iran/2009/07/090728\\_nm\\_iran\\_kahrizak.shtml](http://www.bbc.co.uk/persian/iran/2009/07/090728_nm_iran_kahrizak.shtml)

<sup>146</sup> Communication to Amnesty International

<sup>147</sup> See <http://www.presstv.com/detail.aspx?id=102955&sectionid=351020101>

<sup>148</sup> See <http://www.etemaad.ir/Released/88-05-19/103.htm#154937> and <http://www.aftabnews.ir/vdcdoj0n.yt0fx6a22y.html>

<sup>149</sup> See [http://www.bbc.co.uk/persian/lg/iran/2009/07/090728\\_nm\\_iran\\_kahrizak.shtml](http://www.bbc.co.uk/persian/lg/iran/2009/07/090728_nm_iran_kahrizak.shtml) and <http://www.roozonline.com/english/news/newsitem/article/2009/august/06//kahrizak-detention-facility-will-be-renovated.html>

<sup>150</sup> See <http://www.abrarnews.com/politic/1388/880514/html/rooydad.htm#s380904>

<sup>151</sup> Sohrab Soleymani, in an interview with ISNA on 27 July 2009. See <http://isna.ir/ISNA/NewsView.aspx?ID=News-1376342>

<sup>152</sup> See <http://www.mehrnews.com/en/NewsDetail.aspx?NewsID=939614>

<sup>153</sup> See <http://www.presstv.ir/detail.aspx?id=101683&sectionid=351020101>

<sup>154</sup> See [http://hra-iran.net/index.php?option=com\\_content&view=article&id=1640:566&catid=66:304&Itemid=293](http://hra-iran.net/index.php?option=com_content&view=article&id=1640:566&catid=66:304&Itemid=293)

<sup>155</sup> As above

<sup>156</sup> See [http://www.bbc.co.uk/persian/lg/iran/2009/07/090728\\_nm\\_iran\\_kahrizak.shtml](http://www.bbc.co.uk/persian/lg/iran/2009/07/090728_nm_iran_kahrizak.shtml)

<sup>157</sup> See <http://www.iran-daily.com/1388/3497/html/national.htm#s403437>

<sup>158</sup> See <http://www.hamshahrionline.ir/News/?id=97533>

<sup>159</sup> See <http://www.presstv.ir/detail.aspx?id=102492&sectionid=351020101> and <http://www.roozonline.com/english/news/newsitem/article/2009/august/06//kahrizak-detention-facility-will-be-renovated.html>

<sup>160</sup> See <http://www.amnesty.org/en/news-and-updates/news/iranian-authorities-must-investigate-death-detention-centre-doctor-20091118>

<sup>161</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, 15 January 2008, para 36, A/HRC/7/3.

<sup>162</sup> Testimony provided by Ebrahim Sharifi to Amnesty International, by telephone, 17 November 2009.

<sup>163</sup> See <http://www.farsnews.com/newstext.php?nn=8806210858>

<sup>164</sup> See

[http://www.rferl.org/content/Iranian\\_Student\\_Told\\_Thank\\_God\\_You\\_Are\\_Still\\_Alive/1828202.html](http://www.rferl.org/content/Iranian_Student_Told_Thank_God_You_Are_Still_Alive/1828202.html)

<sup>165</sup> The Elements of Crimes of the Rome Statute for the International Criminal Court, and international and regional human rights tribunals have developed principles which should govern definitions of rape in domestic laws.(28). Article 7 (1) (g)-1 of the Elements of Crimes specifies the two elements which constitute rape:

“1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.

2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.”

In addition, when such conduct is committed as part of a widespread or systematic attack directed against a civilian population and when the perpetrator knew that the conduct was part of, or intended the conduct to be part of, a widespread or systematic attack directed against a civilian population, rape constitutes a crime against humanity.

See [http://www.icc-cpi.int/NR/rdonlyres/9CAEE830-38CF-41D6-AB0B-68E5F9082543/0/Element\\_of\\_Crimes\\_English.pdf](http://www.icc-cpi.int/NR/rdonlyres/9CAEE830-38CF-41D6-AB0B-68E5F9082543/0/Element_of_Crimes_English.pdf)

<sup>166</sup> See for example the decision of the Committee against Torture which found in *V.L. v. Switzerland* (CAT/C/37/D/262/2005) that “the sexual abuse by the police in this case constitutes torture even though it was perpetrated outside formal detention facilities”, para. 8.10; see also *Mejía v. Perú*, Inter-American Commission on Human Rights, *Annual Report 1995*, OEA/Ser.LN/II.91. Doc. 7. rev., case 10, 970. See also *European Court of Human Rights, Aydin v. Turkey* (57/1996/676/866), 25 September 1997. See judgements on *Prosecutor v. Delalic, et al.*, case No. IT-96-21-T, 16 November 1998 and *Prosecutor v. Furundzija*, case No. IT-95-17/1-T, 10 December 1998. See report of the UN Special Rapporteur on torture, A/HRC/7/3/, 15 January 2008, para 34 – 36.

<sup>167</sup> See <http://www.presstv.com/detail.aspx?id=103404&sectionid=351020101>

<sup>168</sup> See <http://www.presstv.ir/detail.aspx?id=103959&sectionid=351020101>

<sup>169</sup> See <http://www.presstv.ir/detail.aspx?id=103430&sectionid=351020101>

<sup>170</sup> In Iran, the mourning period lasts for 40 days, at the end of which there is a ceremony to commemorate the dead person.

<sup>171</sup> See <http://www.hrw.org/en/news/2009/06/09/iran-stop-covering-sexual-assaults-prison>

<sup>172</sup> See E/CN.4/2002/83/Add.1, 28 January 2002, para. 49

<sup>173</sup> See <http://www.meydaan.com/Showarticle.aspx?arid=894>

<sup>174</sup> See <http://www.madyariran.net/?p=1437>

<sup>175</sup> “‘Torture, murder and rape’ – Iran’s way of breaking the opposition”, *The Times*, 18 September 2009.

<sup>176</sup> See <http://www.parlemannews.ir/index.aspx?n=2937>

<sup>177</sup>

<http://www.unhchr.ch/hurricane/hurricane.nsf/0/32F1022E3AE7B473C1257611004DFC95?opendocument>

<sup>178</sup> As above.

<sup>179</sup> Islamic Republic of Iran News Network, 20 September 2009  
<http://www.irna.ir/View/FullStory?NewsId=689599>

<sup>180</sup> See <http://www.amnesty.org/en/news-and-updates/news/over-100-iranians-face-grossly-unfair-trials-20090804> and <http://www.amnesty.org/en/for-media/press-releases/iran-open-tehran-trial-international-observers-amnesty-international-cha>

<sup>181</sup> See <http://www.presstv.com/detail.aspx?id=104848&sectionid=351020101>

<sup>182</sup> See <http://tinyurl.com/y9ne2wh>

<sup>183</sup> As above.

<sup>184</sup> See <http://aftabnews.ir/vdcc41qo.2bqis8laa2.html>

<sup>185</sup> See <http://www.amnesty.org/en/library/info/MDE13/099/2009/en> and <http://www.amnesty.org/en/library/info/MDE13/100/2009/en>

<sup>186</sup> See <http://www.amnesty.org/en/news-and-updates/ayatollah-must-retract-iran-election-comments-20091029>

<sup>187</sup> See <http://www.noandish.com/com.php?id=34985>

<sup>188</sup> See [http://www.hra-](http://www.hra-iran.org/index.php?option=com_content&view=article&id=1904:45546&catid=66:304&Itemid=293)

[iran.org/index.php?option=com\\_content&view=article&id=1904:45546&catid=66:304&Itemid=293](http://www.hra-iran.org/index.php?option=com_content&view=article&id=1904:45546&catid=66:304&Itemid=293)

<sup>189</sup> See [http://www.hra-iran.org/index.php?option=com\\_content&view=article&id=2067:interview-with-khalil-bahramian-defense-lawyer-for-hamed-rouhinejad-sentenced-to-death-a-ahmad-ka&catid=66:304&Itemid=293](http://www.hra-iran.org/index.php?option=com_content&view=article&id=2067:interview-with-khalil-bahramian-defense-lawyer-for-hamed-rouhinejad-sentenced-to-death-a-ahmad-ka&catid=66:304&Itemid=293)

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<sup>190</sup> The other seven were: Mohsen Barzegar, Ali Taghipour, Hamid-reza Jahan-Tigh, Siavash Saliminejad, Hesam Bagheri, Saeed Hosseinpour and Nima Nahavi. See

<sup>191</sup> See <http://www.kaleme.org/1388/08/22/klm-2986>

<sup>192</sup> 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, Principle 2.

<sup>193</sup> See “Updated Set of principles”, Definitions.

<sup>194</sup> See <http://www.tabnak.ir/fa/pages/?cid=73328>

<sup>195</sup> See <http://alef.ir/1388/content/view/51266/>

<sup>196</sup> See <http://www.irna.ir/View/FullStory?NewsId=650172&IdZone=67>

<sup>197</sup> See <http://www.hamshahrionline.ir/News?id=101205>

<sup>198</sup> See <http://www.iran-daily.com/1388/3468/html/national.htm>

<sup>199</sup> See <http://www.parlemannews.ir/index.aspx?n=2937>

<sup>200</sup> Vision of the Islamic Republic of Iran Network 1, Tehran, 1630 GMT, 29 August 2009.

<sup>201</sup> See <http://www.farsnews.net/newstext.php?nn=8806210858>

<sup>202</sup> Vision of the Islamic Republic of Iran Network 2, Tehran, in Persian 1814 gmt, 13 September 2009.

<sup>203</sup> See <http://english.mowjcamp.com/article/id/28025>

<sup>204</sup> See <http://www.mowjcamp.org/article/id/48200>

<sup>205</sup> See <http://www.iran-newspaper.com/1388/7/21/Iran/4336/Page/2/Index.htm>

<sup>206</sup> Testimony provided by Ebrahim Sharifi to Amnesty International, by telephone, 17 November 2009.

<sup>207</sup> For more information, see: Amnesty International, Fair Trials Manual (POL 30/02/1998), available on: <http://www.amnesty.org/en/library/info/POL30/002/1998/en>

<sup>208</sup> The 14-point programme may be found at <http://www.amnesty.org/en/library/asset/POL35/003/1993/en/3ab8cbac-ecc3-11dd-85fd-99a1fce0c9ec/pol350031993en.html>



# APPENDIX 1: MEDICAL REPORT FOR EBRAHIM MEHTARI

تاریخ: ۱۳۸۸/۰۶/۰۳  
شماره: ۸۸/۰۶/۰۳  
پیوست: ۱/۱۴/م/۷۶۹۸

بسمه تعالی  
اداره کل پزشکی قانونی استان تهران

سازمان پزشکی قانونی کشور

« سال اصلاح الگوی مصرف »

ریاست محترم کلانتری ۱۳۴ شهرک قدس  
باسلام

احتراماً ، عطف به نامه شماره ۰۰۲۹۹/۴۱۷۷ مورخ ۱۳۸۸/۰۶/۰۳ آقای (ابراهیم علی مهتری ) فرزند اسماعیل معاینه شد . ۱- سیاه شدگی و تورم زیر چشم راست ۲- کبودی و تورم زیر چشم چپ ۳- سائیدگی در سمت چپ ناحیه پس سری ۴- خراشیدگی (حارصه) ساعد راست و بازوی راست و چپ ۵- سائیدگی عمیق (دامیه) بطور دور تا دور مچ دست و پای راست و چپ که می تواند در اثر تماس با جسم سخت قابل انعطاف نظیر طناب حادث شده باشد ۶- دو ناحیه جراحی (حارصه) جداگانه خلف ساق پای راست ۷- خراشیدگی (حارصه) گونه چپ ۸- سوختگی درجه دو سطحی مدور در ناحیه مچ دست راست، سر ، ناحیه پس سر گردن ، شانه سمت چپ ، پشت دست راست و چپ جمعاً به میزان دو درصد (۰.۲٪) سطح بدن ۹- کبودی در هر دو طرف باسن و ناحیه خارجی مقعد مشهود است که در اثر اصابت جسم سخت ضایعات (یک تا هفت و ۹) حادث و جسم داغ ضایعات بند ۸ حادث شده اند ضمناً جراحات موازی و متعدد و سطحی در ناحیه خلف ران راست و ناحیه باسن راست و چپ مشهود است که در خصوص نحوه حدوث آن تحقیقات قضائی و انتظامی کمک کننده است ضمناً نامبرده از ناحیه مقعد اظهار تالم می نماید که جهت معاینه بررسی لواط و ... نیاز به معرفی نامه در این خصوص می باشد ضمناً شکستگی در استخوان گونه راست ندارد.م

دکتر فرحناز عظیمی  
رئیس مرکز پزشکی قانونی استان تهران  
اداره کل پزشکی قانونی استان تهران  
مرکز پزشکی قانونی شهر تهران

## ENGLISH TRANSLATION

Judiciary

General Department of Forensic Medicine, Tehran Province

25 August 2009

1/14/m/7698

Respectable Commander of Police Station 134, Shahrak-e Qods

Greetings,

With due respect, referring to Letter No. 100299/4177 dated 24 August 2009, Mr. Ebrahim Ali Mehtari, son of Esmail, was examined.

1. Blackness and swelling under the right eye;
2. Bruise and swelling under the right eye;
3. Abrasion at the left side of the back of the head;
4. Scratch (superficial) on the right forearm, right arm and left arm;
5. Scratch (deep) around the right and left wrists and legs;
6. Two separate wounds (superficial) at the back of the right shin;
7. Abrasion (superficial) of the left cheek;
8. Round superficial second degree burn at the right wrist, head, back of the neck, left shoulder, back of the right and left hands, totalling 2% of the whole body's surface;
9. Bruises are visible on both sides of the hips and outer area of the anus caused by the hard object that caused the abrasions (1 to 7 and 9) and the hot object that caused the wounds under No. 8.

Furthermore, there are several parallel superficial wounds around the back of the right thigh and right and left hips, to find the reason for occurrence of which, it would be helpful to conduct judicial and police investigation.

In addition, the above-named says he has pain at his anus. To examine him for sodomy etc, a specific letter to that effect is required. He has not suffered a rupture at his right cheekbone.

Signed and sealed: Head of West Tehran Forensic Medicine Centre



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## IRAN

### ELECTION CONTESTED, REPRESSION COMPOUNDED

Iran's presidential election in June 2009 heralded sweeping repression and the eruption of mass protests on a scale not seen since the revolution that established the Islamic Republic of Iran in 1979.

Before the election, the rights to freedom of expression, association and assembly were severely restricted and politicians, journalists, students and many others were targeted for arrest. During the widespread unrest that followed the contested election result, thousands of people were arbitrarily arrested, dozens were killed on the streets or died in detention, and many said they were tortured or otherwise ill-treated. Particularly disturbing were publicized testimonies by women and – for the first time – men that they had been raped in custody, often with the use of an instrument such as a bottle or baton. Around 140 of those detained were subsequently paraded on state television in a series of grossly unfair mass “show trials”.

This report includes cases and moving testimonies of individuals whose rights were abused. It shows that the willingness of the authorities to resort to violence and arbitrary measures to stifle protest and dissent has continued long after the post-election protests subsided. Particularly at risk are political and religious dissidents, members of Iran's religious and ethnic minority communities, students, trade unionists, human rights defenders and women's rights activists.

The report concludes with a series of recommendations to the Iranian authorities aimed at ending the impunity enjoyed by the security forces, particularly the volunteer Basij militia, and ensuring greater protection for human rights.

Amnesty International  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
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