

# ISLAMIC REPUBLIC OF IRAN

## NGO STATUS REPORT ON IRAN'S COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

### *FOR CONSIDERATION IN THE DRAFTING OF THE LIST OF ISSUES AT THE HUMAN RIGHTS COMMITTEE'S 100<sup>TH</sup> SESSION*

Iran Human Rights Documentation Center



<http://www.iranhrdc.org/>

**Islamic Republic of Iran**

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# **Report on the Human Rights Situation in the Islamic Republic of Iran**

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**Report by the Iran Human Rights Documentation Center  
in Response to the Third Periodic Report of the Islamic Republic of Iran  
on the International Covenant on Civil and Political Rights,  
received on October 27, 2009**

**Introduction**

The Iran Human Rights Documentation Center (IHRDC) is an independent, non-partisan, non-profit organization located in New Haven, Connecticut, U.S.A. Its mission is to (1) establish a comprehensive and objective historical record of the human rights situation in Iran since the 1979 revolution, and on the basis of that record, establish responsibility for patterns of human rights abuses; (2) make the record available in an archive that is accessible to the public for research and educational purposes; (3) promote accountability, respect for human rights and the rule of law in Iran; and (4) encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

IHRDC has two basic programs: (1) a human rights investigation, analysis and reporting program, and (2) a large document database (the *Aadel* Collection) that is available to persons in Iran and worldwide on the Center's website at [www.iranhrdc.org](http://www.iranhrdc.org). The human rights reports, published in English and Persian, are the result of extensive primary research, including interviews of witnesses located worldwide. The *Aadel* Collection includes documentary evidence, Iranian source materials, and Iranian and international laws and legal Articles, United Nations materials, and lengthy written and video witness statements.

The information in this report is taken from IHRDC's human rights reports, legal commentaries, witness statements and press releases published in English and Persian on the Center's website.

# THE STATUS OF THE ISLAMIC REPUBLIC OF IRAN'S COMPLIANCE WITH THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ("ICCPR")

## Equal Rights of Men and Women (Article 3)

### *The HRC's 1993 Concluding Observations and the State Party's 2009 Report*

1. In 1993, the Human Rights Committee (the "Committee" or "HRC") called on the Islamic Republic of Iran ("Iran," "State party" or "IRI") to address the "persistence and extent of discrimination against women."<sup>1</sup> The State party responded that "[t]he strategy and policy of the IRI with respect to women and men is to prevent violence against and oppression of women."<sup>2</sup> The State party states that "if local traditions and practices in any way violate the rights of women or are contrary to good morals, they are forbidden."<sup>3</sup> The State party asserts the necessity of all women to wear the *hijab* and notes that "gender equity ... does not entail equality in all places."<sup>4</sup>

### *Legal Discrimination against Women*

2. Women are treated unequally under Iranian law.
  - The legal marriage age is 13 for women and 15 for men. Men may be simultaneously married to up to four permanent wives and to an infinite number of temporary wives.<sup>5</sup>
  - Men have absolute rights to divorce while women may initiate divorce only if they meet certain conditions, some of which must have been agreed to in the marriage contract.
  - Mothers may have custody rights over children until they reach the age of seven, but after age seven, fathers have automatic custody. Mothers automatically lose their custody rights if they remarry.
  - Mothers can never be awarded guardianship rights when their children's father dies.
  - Women do not have equitable inheritance rights as wives, mothers, sisters or daughters. Even when a wife is the sole survivor to her husband's estate, she may not inherit more than a quarter of the estate. If she is not the sole survivor, she is limited to an eighth of the estate.
  - Only Iranian fathers may pass on their citizenship to their children.<sup>6</sup>

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<sup>1</sup> U.N. Human Rights Comm., Concluding Observations on Iran (Islamic Republic of), U.N. Doc. CCPR/C/79/Add.25 (1993), ¶ 13 [hereinafter, Concluding Observations].

<sup>2</sup> U.N. Human Rights Comm., *Third Periodic Report of Iran (Islamic Republic of)*, (Oct. 27, 2009), 165 [hereinafter, Third Periodic Report of Iran].

<sup>3</sup> *Id.* ¶¶ 125, 176.

<sup>4</sup> *Id.* ¶¶ 165, 176.

<sup>5</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN 11* (2010), available at <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Women's%20Rights.pdf>.

- A woman’s testimony is regularly discounted as worth half that of a man.
- Under some circumstances, reliance only on the testimony of women (regardless of the number) can constitute a false accusation.
- In the case of murder or injury, the law specifies an amount known as *diyeh* – blood money – to be paid to victims or their families; the amount to be paid for a Muslim woman is half that of a Muslim man.
- The age of criminal responsibility is 9 lunar years for girls and 15 lunar years for boys.<sup>7</sup>
- Men are immune from punishment for murdering adulterous wives and their lovers. Women convicted of adultery may be stoned to death.
- Fathers and paternal grandfathers who kill their children or grandchildren are only subject to payment of blood money and punishment in the discretion of the court.<sup>8</sup>

### **Freedom of Movement (Article 12)**

#### ***The HRC’s 1993 Concluding Observations and the State Party’s 2009 Report***

3. In 1993, the HRC noted that Iran’s “legal provisions allowing for the possibility of banishing individuals, preventing them from residing in the place of their choice, or compelling them to reside in a given locality” violate Article 12 of the ICCPR.<sup>9</sup> In its 2009 report, Iran failed to discuss these restrictions on movement.<sup>10</sup> As the HRC noted in *Lichtensztejn v. Uruguay*, a state may not arbitrarily interfere with citizens’ freedom of movement in retaliation for their political activities.<sup>11</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 11-12.

<sup>9</sup> Concluding Observations, *supra* note 1, ¶ 14. For example, Article 183 of the Islamic Penal Code of Iran defines *maharib* as “anyone who pulls weapons with the intention to intimidate, create fear, deny freedom to the public and disrupt public security.” Article 190 states that one of the associated penalties is *Nafy-i balad* [exile]. IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COVERT TERROR: IRAN’S PARALLEL INTELLIGENCE APPARATUS 8 n.23 (April 2009), available at <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Covert%20Terror-Iran's-Parallel-Intelligence-Apparatus.pdf>.

<sup>10</sup> See Third Periodic Report of Iran, *supra* note 2, ¶¶ 158-163.

<sup>11</sup> *Lichtensztejn v. Uruguay* (Comm’n No. 77/1980 (Mar. 31, 1983), 8.2, U.N. Doc. CCPR/C/18/D/77/1980), available at <http://www1.umn.edu/humanrts/undocs/newscans/77-1980.html> (finding State’s refusal to reissue claimant’s passport “without any substantive reasons” when claimant had been critical of the State’s policies violated claimant’s freedom of movement).

### *Freedom to Move and Live Throughout the State*

4. Iran limits the freedom of movement of political activists and others it deems threats to the State party.
  - In 2003, police and plainclothes agents beat journalist and human rights activist Ensafali Hedayat and threatened to cut off his testicles if he failed to leave Tabriz within six months.<sup>12</sup>
  - In February 2005, the Ministry of Intelligence ordered that Arash Sigarchi be exiled to southern Iran to limit his ability to flee the country.<sup>13</sup>
  - Following the June 2009 presidential election, a court sentenced Ahmad Zeidabadi, Secretary-General of *Tahkim-e Vahdat* (a student organization), to five years exile in a city in northwestern Iran.<sup>14</sup>
5. Iran also interferes with individuals' freedom of movement by subjecting former detainees to frequent and arbitrary arrests, and requiring them to check in at a court or office.
  - After authorities released women's rights activist Fariba Davoodi Mohajer in March 2001, they continued to monitor her activities and randomly stopped, interrogated, and summoned her to appear in court.<sup>15</sup>
  - State party agents continued to harass and invade the privacy of women's rights activist Mahboubeh Abbasgholizadeh after releasing her from custody in December 2009. Interrogators constantly called and threatened her, forcing her to take the SIM card out of her phone. At the end of December 2009, Abbasgholizadeh went into hiding at a friend's house, but agents searched the home and took her laptop.<sup>16</sup>
  - A few weeks after her arrest, beating, and release without being charged in January 2010, Tania Ahmadi Kaliji received a court summons to report to court.<sup>17</sup>

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<sup>12</sup> COVERT TERROR, *supra* note 9, at 22, 70. Witness Statement of Ensafali Hedayat, prepared by IHRDC and approved by witness (Nov. 24, 2008) ¶ 21, *available at* <http://iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/EHWS.pdf>.

<sup>13</sup> Witness Statement of Arash Sigarchi, prepared by IHRDC and approved by witness (Oct. 23, 2008) ¶ 54, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Arash%20Sigarchi.pdf>.

<sup>14</sup> VIOLENT AFTERMATH: THE 2009 ELECTION AND THE SUPPRESSION OF DISSENT IN IRAN 87 (Feb. 2010), *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Violent%20Aftermath.pdf>.

<sup>15</sup> Witness Statement of Fariba Davoodi Mohajer prepared by IHRDC and approved by witness (Feb. 26, 2009) ¶¶ 47, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/FDMWS.pdf>.

<sup>16</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 24.

<sup>17</sup> *Id.* at 25.

### *Freedom to Leave the State*

6. Iran interferes with individuals' freedom of movement by arbitrarily preventing them from leaving the State.
  - On May 7, 2009, State party authorities prevented two prominent women's rights activists from travelling to Guatemala, where they were scheduled to speak at a conference about the role of women in democracies. The women, Narges Mohammadi and Soraya Azizpanah, were stopped at Imam Khomeini Airport and ordered to report to Tehran's Revolutionary Court within 72 hours. They were not given an explanation.<sup>18</sup>
  - Four days after the June 11, 2009 election, Greek journalist Iason Athanasiadis was arrested and detained as he was leaving the country through Tehran's airport.<sup>19</sup>
  - Aida Sadaat, journalist and women's rights activist, was prohibited from leaving Iran after signing an open letter in August 2009 criticizing the government's reaction to post-election protests.<sup>20</sup>
  - Zhina Modares Gorji, a women's rights activist in Sanandaj, was on her way to Dubai on November 13, 2009 when she was stopped in the airport. She passed through the Passport Control Desk and received an exit stamp, but was paged over the airport speaker. A plainclothes agent confiscated her passport and ordered her to report to the Revolutionary Court in Sanandaj.<sup>21</sup>
  - On March 8, 2010, authorities prevented Simin Behbahani, Iran's national poet and veteran women's rights activist, from leaving Imam Khomeini Airport and confiscated her passport. Commentators believe that Behbahani's travel ban was in retaliation for comments she made to the international media shortly after Neda Agha-Soltan's June 2009 death.<sup>22</sup>
  - Mansoureh Behkish, a member of the Mothers for Peace and the Mourning Mothers, was prevented from traveling to Italy to visit her children on March 17, 2010. Passport agents confiscated her passport without explanation.<sup>23</sup> The Mourning Mothers (*Madaran-i Azadar*) is a civil society group formed by mothers (and their supporters) who lost their children and spouses in state-sanctioned violence following Iran's disputed June 2009 presidential election. The Mourning Mothers hold vigils for their loved ones.<sup>24</sup>

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<sup>18</sup> *Id.* at 16.

<sup>19</sup> VIOLENT AFTERMATH, *supra* note 14, at 69.

<sup>20</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 39.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 40.

<sup>24</sup> *Id.* at 17, note 123.

## **Right to Privacy (Article 17)**

### ***The HRC's 1993 Concluding Observations and the State Party's 2009 Report***

7. In its 1993 Concluding Observations, the HRC encouraged Iran to “undertake necessary steps to ensure that the rights enunciated in [Article] 17 ... can be exercised without any limitations or restrictions other than those provided for in the Covenant.”<sup>25</sup>
8. In its 2009 Report, the State party quoted Article 22 of the Islamic Republic's Constitution: “The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.” It also quoted provisions from other domestic laws prohibiting arbitrary interference with individuals' privacy.<sup>26</sup>

### ***Interference with Baha'is' Property and Institutions***

9. In 1998, State party authorities raided more than 500 homes where Baha'i youth were receiving instruction. Authorities seized books, computers, records and other materials unconnected with any crime.<sup>27</sup> Authorities continued to shut down classrooms in 2001 and 2002. In addition to violating Iranian law prohibiting arbitrary searches, these raids violated Article 17.<sup>28</sup>

### ***Unwarranted Surveillance***

10. The HRC has commented that “[s]urveillance, whether electronic or otherwise, interceptions of telephonic, telegraphic and other forms of communication, wire-tapping and recording of conversations should be prohibited.”<sup>29</sup>
11. The State party uses extensive surveillance to gather personal information about its citizens.
  - In 2006, the Ministry of the Interior instructed political security deputies across Iran to “carefully monitor and manage [Baha'i] social activities,” claiming that Baha'is were linked with “Zionist organizations against the government.”<sup>30</sup>
  - “Soraya,” a Christian convert, realized authorities were monitoring her conversations after she made a phone call asking for help regarding her brother, also a Christian convert, who disappeared in 1997. After she hung up, she received a text message

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<sup>25</sup> Concluding Observations, *supra* note 1, ¶ 23.

<sup>26</sup> Third Periodic Report of Iran, *supra* note 2, ¶¶ 432, 437-449.

<sup>27</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, A FAITH DENIED: THE PERSECUTION OF THE BAHÁ'Í OF IRAN (December 2006) at 50, available at [http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/A-Faith-Denied\\_Dec06.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/A-Faith-Denied_Dec06.pdf).

<sup>28</sup> “Searches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment.” General Comment No. 16, *Article 17: Right to Privacy*, ¶ 8, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I), available at <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.

<sup>29</sup> *Id.*

<sup>30</sup> A FAITH DENIED, *supra* note 27, at 52.

accusing her of working with terrorist organizations. Later, her interrogators informed her that they had been monitoring her phone.<sup>31</sup>

- In February 2001, Fariba Davoodi Mohajer, a women's rights activist, was in the middle of an interrogation when she realized that, based on her interrogators' questions, government agents must have been monitoring her actions for months.<sup>32</sup>
12. The State party monitored individuals without cause following the 2009 presidential election, violating their rights to privacy.
- When Tania Ahmadi Kaliji, a women's rights activist, was interrogated in September 2009, she determined from the interrogators' questions that they had been monitoring her email and telephone communications.<sup>33</sup>
  - In November 2009, Saye Sky, a lesbian hip-hop artist critical of the government, discovered that State party agents had been eavesdropping on her for months.<sup>34</sup>
  - After being interrogated in November 2009, women's rights activist Aida Saadat was frequently harassed by interrogators who called her mobile phone five or six times a day and called her family members to inquire about her activities.<sup>35</sup>

### *Arbitrary Searches and Seizures*

13. The HRC has commented that “[s]earches of a person's home should be restricted to a search for necessary evidence and should not be allowed to amount to harassment.”<sup>36</sup> The State party agents violate Article 17 of the ICCPR when they conduct extensive arbitrary searches of homes, hoping to find something to condemn the accused.
- In July 1999, Ministry of Intelligence agents violently searched student activist Kourosh Sehati's residence without a warrant.<sup>37</sup>

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<sup>31</sup> Witness Statement of Soraya [pseudonym] prepared by IHRDC and approved by witness (April 12, 2010), ¶¶ 11-13, 25, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Soraya%20-%20EN.pdf>.

<sup>32</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶ 22.

<sup>33</sup> Witness Statement Tania Ahmadi Kaliji prepared by IHRDC and approved by witness (April 20, 2010) ¶ 25, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Tania%20Ahmadi%20Kaliji%20-%20EN.pdf>.

<sup>34</sup> Witness Statement of Saye Sky [pseudonym] prepared by IHRDC and approved by witness (July 2, 2010) ¶¶ 39, 41, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Saya%20Sky-%20English.pdf>.

<sup>35</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 27.

<sup>36</sup> General Comment No. 16, *Article 17: Right to Privacy*, *supra* note 28, ¶ 8.

<sup>37</sup> COVERT TERROR, *supra* note 9, at 24; *see also* Witness Statement of Kourosh Sehati, prepared by IHRDC and approved by witness (Dec. 28, 2008) ¶¶ 8-9, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/KSWS.pdf>.

- In February 2001, plainclothes agents tore through women’s rights activist Fariba Davoodi Mohajer’s home for roughly eight hours, taking possessions unrelated to any charges against her.<sup>38</sup>
- State party agents arrested Mohsen Sazegara for his political activities in June 2003, his fourth arrest. The agents searched his home for seven hours, sifting through personal belongings including family photo albums despite his wife’s protests that some of the women pictured were not veiled. They never returned years’ worth of his writings on the history of science.<sup>39</sup>
- In September 2004, law enforcement agents entered Roozbeh Mirebrahimi’s house with an alleged warrant that was handwritten on a folded piece of paper with an official letterhead or seal. Although unable to state what Mirebrahimi has done that was illegal, the agents conducted an extensive search of his house anyway.<sup>40</sup>
- In June 2005, after Kianoosh Sanjari refused to let a man disguised as a postman into his home, several State party agents broke down the door and searched his home.<sup>41</sup>
- On December 21, 2008, Iranian authorities raided the offices of the Defenders of Human Rights Center, founded by veteran lawyer, activist and 2003 Nobel Prize winner Shirin Ebadi.
- In November 2009, State party agents seized Ebadi’s personal belongings and froze her and her husband’s bank accounts. In December 2009, officials identifying themselves as tax inspectors took documents and computers from Ebadi’s law office in Tehran, despite her protests that the materials contained information protected by attorney-client privilege.<sup>42</sup>
- After Nafiseh Azad was arrested on January 30, 2009, police searched her home. Although the warrant explicitly stated that they could only search for and seize property belonging to Azad or relating to the One Million Signatures to Reform Discriminatory Laws against Women (hereinafter “One Million Signatures Campaign”), police seized the property of Azad’s two housemates and fellow women’s rights activists, taking Aida Saadat’s documents, notes, CDs, poetry book and personal planner, and Elnaz Ansari’s laptop.<sup>43</sup>

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<sup>38</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶ 14.

<sup>39</sup> Witness Statement of Mohsen Sazegara, prepared by IHRDC and approved by witness (Nov. 10, 2008) ¶¶ 30-31, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/MSWS.pdf>.

<sup>40</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, FORCED CONFESSIONS: TARGETING IRAN’S CYBER-JOURNALISTS (Sept. 2009) at 9, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Forced%20Confessions%20-%20Targeting%20Iran's%20Cyber-Journalists.pdf>.

<sup>41</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN’S RESPONSE TO THE INTERNET (May 2009) at 37, *available at* <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Forced%20Confessions%20-%20Targeting%20Iran's%20Cyber-Journalists.pdf>.

<sup>42</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 13-14, 20.

<sup>43</sup> *Id.* at 14-15.

- During post-election raids on the dormitories at the University of Tehran in 2009, security forces threw tear gas into the dorms, forced students to lie on the floor, and beat some of the students.<sup>44</sup>
  - Authorities confiscated personal belongings from the home of Kayvan Samimi Behbahani, the editor of the monthly publication *Naameh*, and a member of the central committee of the Society of the Defense of Freedom of the Press, on the night of June 14, 2009.<sup>45</sup>
  - In December 2009, authorities reportedly raided the home of Parvin Fahimi, a member of the Mourning Mothers.<sup>46</sup>
  - On February 8, 2010, intelligence agents arrested Maryam Ghanbari, a lawyer known for representing women's rights activists, at her home in Tehran. They did not show a search warrant or state why they were searching her home, but took her computer.<sup>47</sup>
14. Iranian prison and detention center staff often threaten, harass, detain, and abuse activists' family members as a means of coercing activists into cooperation, violating their rights to family privacy under Article 17 of the ICCPR.
- In July 1999, authorities arrested the brother of student activist Kourosh Sehati because Kourosh was not home when they raided his house.<sup>48</sup>
  - In February 2001, Fariba Davoodi Mohajer's interrogators threatened to arrest her son and torture her husband if she did not give the answers they wanted.<sup>49</sup>
  - In September 2004, journalist Shahram Rafizadeh's interrogators threatened to torture his father in front of him and run down his family in a staged traffic accident. They also alluded to raping Rafizadeh's wife. At one point, Prosecutor Saeed Mortazavi joined Rafizadeh's interrogators and threatened his family.<sup>50</sup>
  - In 2009, State party agents arrested the sister and husband of Shirin Ebadi. Iranian state-run television broadcast tapes of Ebadi's husband in detention making disparaging comments about his wife. He later confirmed that he made the comments under duress.<sup>51</sup>
  - In July 2009, when authorities discovered that journalist Masoud Bastani was not home, they arrested his pregnant wife along with two of her guests. Despite Bastani's

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<sup>44</sup> VIOLENT AFTERMATH, *supra* note 14, at 14.

<sup>45</sup> *Id.* at 63.

<sup>46</sup> *Id.* at 59.

<sup>47</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 29.

<sup>48</sup> Witness Statement of Kourosh Sehati, *supra* note 37, ¶ 9.

<sup>49</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶ 21.

<sup>50</sup> Witness Statement of Shahram Rafizadeh, prepared by IHRDC and approved by witness (Feb. 26, 2009) ¶¶ 33, 48 available at

<http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/SRWS.pdf>.

<sup>51</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 20.

attempts to trade himself for his wife, authorities detained his wife for more than two months.<sup>52</sup>

- In August 2009, authorities detained the brother of social and political activist Ali Kantoori, holding him hostage to ensure that Kantoori appeared for his trial one week later. Kantoori's brother is an athlete who is unaffiliated with political or civic activity.<sup>53</sup>
- After "Soraya," a Christian convert, fled Iran in late 2009, the authorities arrested her husband and held him hostage without legitimate charges. The authorities informed her husband that they would release him only if Soraya returned to Iran.<sup>54</sup>
- On July 24, 2010 the State party raided the offices of Mohammad Mostafaei, a lawyer defending Sakineh Mohammadi whom the courts sentenced to death by stoning. Not finding Mostafaei, authorities arrested instead his wife and brother-in-law. They threatened that Mostafaei's family members would only be released after he was taken into custody.<sup>55</sup>

### **Freedom of Thought, Conscience and Religion (Article 18)**

#### ***The HRC's 1993 Concluding Observations and the State Party's 2009 Report***

15. In its 1993 Concluding Observations, the HRC expressed concern about Iran's limits on freedom of thought. The HRC was also concerned about the State party's rhetoric against Baha'is.<sup>56</sup> Iran's 2009 report to the HRC highlighted Article 23 of the Constitution, which forbids investigation into individuals' beliefs and harassment based on beliefs. It clarified that Article 23 does not grant the right to "propagate" beliefs, or openly and publically perform religious rites. Further, certain opportunities, such as becoming a judge, are foreclosed to non-Muslims.<sup>57</sup>

#### ***Repression of Baha'is***

16. Iran's Constitution does not recognize the Baha'i faith as a legitimate protected religion. Rather, Iran considers Baha'is enemies of the State and accuses them of cooperating with foreign groups and organizations seeking to overthrow the government. Iran denies Baha'is equality under the law, does not recognize marriages between Baha'is, denies

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<sup>52</sup> VIOLENT AFTERMATH, *supra* note 14, at 63.

<sup>53</sup> Witness Statement of Ali Kantoori, prepared by IHRDC and approved by witness (May 5, 2010) ¶¶ 23, 44, available at [http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Ali%20kantouri-final%20\\_June%2025.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Ali%20kantouri-final%20_June%2025.pdf).

<sup>54</sup> Witness Statement of Soraya, *supra* note 31, ¶¶ 49-50.

<sup>55</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 29-30, 38, 45.

<sup>56</sup> Concluding Observations, *supra* note 1, ¶ 15. The Committee noted that it "received no satisfactory answer regarding the destruction of places of worship or cemeteries and the systematic persecution, harassment and discrimination of the Baha'is, which is in clear contradiction with the provisions of the Covenant." *Id.* ¶ 16.

<sup>57</sup> Third Periodic Report of Iran, *supra* note 2, ¶¶ 454, 456, 461.

them education and employment opportunities, and prohibits them from practicing their religious beliefs.<sup>58</sup>

17. In December 2008 and January 2009, authorities arrested three members of the local Baha'i assembly in Semnan, and eight women for allegedly disseminating Baha'i materials with the purpose of converting Muslim men. In January 2009, authorities raided at least ten Baha'i homes in Tehran, seizing personal property and arresting six Baha'is and one Christian. The authorities' baseless charges against the arrestees included "propaganda against the system" and "acting against national security." In Mashad in January 2009, State party agents raided at least ten Baha'is' homes and arrested two Baha'is.<sup>59</sup>
18. In August 2010, seven Baha'i leaders who have been detained since 2008 were sentenced to twenty years imprisonment for allegedly spying and endangering national security.<sup>60</sup>

### ***Discrimination and Persecution of Christian Converts***

19. The State party persecutes individuals who convert from Islam to Christianity in direct violation of Article 18(2) of the ICCPR, which "bars coercion ... to compel believers or non-believers ... to recant their religion or belief or to convert."<sup>61</sup> Although Article 13 of the Iranian Constitution recognizes the Christians as protected religious minorities, the State party commonly charges individuals who converted from Islam with apostasy.<sup>62</sup>
20. The State Party's Penal Code does not provide for the crime of apostasy, but conversion from Islam can result in the death penalty under *Sharia* Law.<sup>63</sup>
21. Article 64 of the Constitution denies Farsi-speaking Christians equal representation under the law, allotting representatives only for Chaldean and Assyrian Christians.<sup>64</sup>
22. Morad Mokhtari converted to Christianity in the late 1980s and was repeatedly summoned to answer questions about his faith and other members of his church. Authorities eventually detained Mokhtari at Dastgerd prison and charged him with the

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<sup>58</sup> A FAITH DENIED, *supra* note 27, at 20, 22-23, 44-46.

<sup>59</sup> Iran Human Rights Documentation Center, *Press Release: IHRDC Condemns Continued Persecution of Iranian Baha'is* (Feb. 2, 2009), available at <http://www.iranhrdc.org/httpdocs/English/pdfs/PressReleases/2009/Press-02-02-2009.pdf>.

<sup>60</sup> Amnesty International, *Sentences against Jailed Iranian Religious Minority Leaders Condemned* (Aug. 10, 2010), available at <http://www.amnesty.org/en/news-and-updates/heavy-sentences-against-jailed-iranian-baha-i-religious-minority-leaders-condemned->

<sup>61</sup> U.N. Human Rights Comm., *General Comment No. 22, Article 18 (Freedom of Thought, Conscience, or Religion)* ¶ 5, U.N. Doc. HRI/GEN/1/Rev.9, available at <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.

<sup>62</sup> See A FAITH DENIED, *supra* note 27, at 4; IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE* 17 n.146 (Sept. 2009), available at <http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Deadly%20Fatwa%20-%20Iran's%201988%20Prison%20Massacre.pdf>.

<sup>63</sup> CTRL+ALT+DELETE, *supra* note 41, at 36.

<sup>64</sup> DEADLY FATWA, *supra* note 62, at 17.

“illegal propagation of Christianity,” though his only “crime” was working as a church accountant.<sup>65</sup>

23. When one school discovered that a male student converted from Islam to Christianity, the school temporarily expelled him. The school only allowed him to return on the condition that he excel in the religion course. The student and his mother fled Iran in 2009 to avoid further discrimination and persecution.<sup>66</sup>

### ***Targeting Political Opponents***

24. The State party continues to harass, silence, cause the disappearance of and kill individuals who express political opinions that do not conform to the State party’s official position or who challenge the government. Detainees continue to report that interrogators focus their questions on their political beliefs.<sup>67</sup>
- In late 2000 and early 2001, Ali Afshari’s interrogators’ questions focused on his opinions about reformists and his fellow students’ views about current events.<sup>68</sup>
  - Following her arrest in February 2001, interrogators asked women’s rights activist Fariba Davoodi Mohajer questions about whether she followed reformist cleric Ayatollah Montazeri and believed in the *Velayat-i Faqih*.<sup>69</sup>
  - Interrogators asked lawyer Shadi Sadr how she voted in the 2009 election and what she thought about the results.<sup>70</sup>

## **Freedom of Expression (Article 19)**

### ***The State Party’s 2009 Report***

25. Article 9 of Iran’s Constitution provides that “no authority has the right to abrogate legitimate freedoms... under the pretext of preserving the independence and territorial integrity of the country.” The State party contends that the Constitution allows for limits on expression that oppose Islamic principles, is against public interests, or violates the rights of others.<sup>71</sup>
26. The State party severely limits freedom of expression through (1) laws limiting press freedom; (2) violent suppression of peaceful political demonstrations; (3) threatening,

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<sup>65</sup> Iran Human Rights Documentation Center, Witness Statement of Morad Mokhtari (Dec. 3, 2009), available in video format at <http://www.iranhrdc.org/httpdocs/English/witnesstestimony.htm>.

<sup>66</sup> Witness Statement of Soraya, *supra* note 31, ¶ 16.

<sup>67</sup> Witness Statement of Amir Atiabi, prepared by IHRDC and approved by witness (June 13, 2009) ¶ 23, available at <http://iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Atiabi%20English%20--%20Final.pdf>.

<sup>68</sup> Witness Statement of Ali Afshari, prepared by IHRDC and approved by witness (Oct. 29, 2008) ¶ 49, available at <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/AAWS.pdf>.

<sup>69</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶ 18.

<sup>70</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 34.

<sup>71</sup> Third Periodic Report of Iran, *supra* note 2, ¶¶ 464, 475.

arresting, torturing, detaining and executing individuals for holding and expressing political beliefs; and (4) limiting internet access, denying its citizens the freedom to seek and disseminate information and opinions. By actively seeking to prevent transmission of information, and criminally prosecuting individuals for these transmissions, Iran violates both its own laws as well as Article 19 of the ICCPR. While Article 19(3) allows states to curtail freedom of expression for certain reasons, these restrictions “may not put in jeopardy the right itself.”<sup>72</sup>

### ***The Press Law and other Laws Restricting Press Freedom***

27. In conjunction with Article 25 of the ICCPR, Article 19 affirms individuals’ right to “wide access to information” that will allow them to participate in the social and political spheres of society.<sup>73</sup>
28. In its 2009 Report, the State Party notes that the Press Law, ratified in 1986 and amended in 2000, allows the press to publish “opinions, constructive criticisms, suggestions and explanations of individuals and government officials for public information while duly observing the Islamic teachings and the best interest of the community.”<sup>74</sup>
29. Publications must enforce Iran’s goals and not conflict with the government’s goals or principles.<sup>75</sup> Individuals may not publish Articles that are “prejudicial to Islamic codes, or promot[e] subjects that may damage the foundation of the Islamic Republic;” that “encourage[e] and instigat[e] individuals and groups to act against the security, dignity and interests” of Iran; “offen[d] the Leader of the Revolution and recognized religious authorities;” or are otherwise “against the Constitution.” These extensive limitations effectively bar expression related to most political philosophies, large portions of Iranian law and many political leaders, in violation of Articles 19 and 25 of the ICCPR.<sup>76</sup>
30. Individuals must obtain a publishing license from the Ministry of Islamic Culture and Guidance. They must also be at least 25 years old, financially stable, “free of moral corruption,” possess a bachelor’s degree, support the Constitution, and not have publicly spoken in favor of the former government.<sup>77</sup>

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<sup>72</sup> U.N. Human Rights Comm., General Comment No. 10: Freedom of expression (Art. 19), ¶ 4, U.N. Doc. HRI/GEN/1/Rev.1 at 11 (1994), *available at* <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.

<sup>73</sup> Robert W. Gauthier v. Canada, ¶ 13.4, Communication No. 633/1995, U.N. Doc. CCPR/C/65/D/633/1995 (May 5, 1999).

<sup>74</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 477.

<sup>75</sup> COVERT TERROR, *supra* note 9, at 12-13. These goals are (1) “To enlighten public opinion and increase the level of their knowledge on one or several topics mentioned in Article 1”; (2) “To advance the objectives outlined in the Constitution of the Islamic Republic”; (3) “To endeavor to negate the drawing up of false and divisive lines, or, pitting different groups of the community against each other by practices such as dividing people by race, language, customs, local traditions, etc.”; (4) “To campaign against manifestations of imperialistic culture (such as extravagance, dissipation, love of luxury, spread of morally corrupt practices, etc.) and to propagate and promote genuine Islamic culture and sound ethical principles”; and (5) “To preserve and strengthen the policy of ‘Neither East nor West.’”

<sup>76</sup> *Id.* at 13-14.

<sup>77</sup> *Id.* at 13.

31. The registration requirement is particularly restrictive when applied to internet bloggers. The HRC decided on the limits of registration with respect to leafleting, which, like blogging, is a means of expressing political opinions. The HRC noted that a requirement that individuals distributing leaflets in public squares register with the State violates Article 19(3) of the ICCPR because it creates an unnecessary obstacle that severely restricts the freedom of expression and others' rights to receive information<sup>78</sup>
32. The Preventative Restraint Act of 1960 also unduly curtails Iranians' freedom of expression.<sup>79</sup> Authorities use this law to ban publications for indefinite periods of time under the auspices of preventing the reoccurrence of vaguely defined "serious crimes."<sup>80</sup>
33. Government organs also unilaterally announce rules that further limit freedom of expression. For example, in February 2003, the Supreme National Security Council decreed that members of the press could not speak to a number of foreign media outlets including *Radio Farda*.<sup>81</sup>

### ***Targeting Journalists and Bloggers***

34. The State party interferes with the freedoms of expression of journalists and bloggers through threats, arrests and imprisonment:
  - The 2001 recipient of the Golden Pen Prize for journalism, Omid Memarian began blogging in 2002. Authorities arrested him without a warrant following a raid on his home during which they confiscated his computer and writings.<sup>82</sup>
  - Sina Motalebi, arrested on April 20, 2003, is considered to be one of the first people in the world arrested for the contents of a blog. For five months before his arrest, State party agents repeatedly summoned Motalebi. He was warned against reporting the meetings on his blog.<sup>83</sup>
  - Canadian-Iranian journalist Zahra Kazemi obtained a photography permit from the Ministry of Islamic Culture and Guidance, but was nonetheless arrested on June 23, 2003 for allegedly taking photographs of Evin Prison. Kazemi was interrogated, beaten, and reportedly raped in prison. She died roughly two weeks after her arrest.<sup>84</sup>

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<sup>78</sup> *Id.* at 15.

<sup>79</sup> *Id.* at 16. Article 1 of the Preventative Restraints Act states "Preventative restraints are measures taken by the court to prevent the repetition of the crime (offense or felony) in the case of dangerous criminals. Dangerous criminals are persons whose background and personality, as well as their crime and the manner in which it was committed, make them susceptible to becoming repeat offenders. Irrespective of their legal responsibility, a preventative restraint measure may only be issued by the court when the person has committed the crime." Qanun-i Iqdamat-i Ta'mini [Preventative Restraints Act] 1339 [1960], art. 1.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 17. See also Interview with Roozbeh Mirebrahimi, in FORCED CONFESSIONS, *supra* note 40.

<sup>82</sup> CTRL+ALT+DELETE, *supra* note 41, at 32.

<sup>83</sup> *Id.* at 1, 26.

<sup>84</sup> See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, IMPUNITY IN IRAN: THE DEATH OF PHOTOJOURNALIST ZAHRA KAZEMI 3, 6, 39 (September 2006) available at [http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran\\_Nov06.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran_Nov06.pdf).

- Mojtaba Lotfi, a journalist, was arrested in May 2004 and charged with spreading lies after posting an Article online entitled “Respect for Human Rights in Cases Involving the Clergy.” He was sentenced to three years and ten months’ imprisonment. He was released early, but detained again in October 2008 in retaliation for his online support of Ayatollah Montazeri.<sup>85</sup>
  - On August 28, 2004, Arash Sigarchi, a journalist and editor-in-chief of *Gilan-i Imruz*, was summoned, detained and beaten by intelligence agents in the northern province of Gilan after publishing an Article on his blog discussing the 1988 prison massacre.<sup>86</sup>
  - Kianoosh Sanjari was arrested and detained numerous times - most recently on June 23, 2005 - because of his participation in demonstrations. Though formally charged with threatening national security, his interrogators told him he was actually arrested because of his blog.<sup>87</sup>
  - Acclaimed journalist, poet and women’s rights activist Asieh Amini was arrested in March 2007. She was one of the leading members of *Koneshgaran*, an NGO that provided support to Iranian civil society.<sup>88</sup>
35. The State party arrested and sentenced many journalists, bloggers, and human rights monitors after the 2009 presidential election:
- Women’s rights activist Shiva Nazar Ahari (arrested June 14, 2009, released on September 23, 2009 and re-arrested on December 20, 2009) and her colleagues at the Committee of Human Rights Reporters (CHRR) were tormented by their interrogators for refusing to shut down the CHRR website. In October 2010, she was sentenced to six years in prison for “waging war against God.”<sup>89</sup>
  - Hossein Derakhshan—the founder of one of the first internet blogs in the Farsi language—was sentenced to nineteen and a half years in prison on September 28, 2010 for political offenses including “spreading propaganda against the Islamic Regime” and “starting and moderating vulgar and obscene websites.”<sup>90</sup>
  - Interrogators told lawyer Shadi Sadr that even if she were to write for hard-line state sponsored news outlets, she would be subject to further harassment simply because of who she is.<sup>91</sup>
  - Jila Bani Yaghoub, an internationally-renowned Iranian journalist and women’s rights activist, was arrested in December 2009. Following her release on bail, Yaghoub

<sup>85</sup> CTRL+ALT+DELETE, *supra* note 41, at 37.

<sup>86</sup> *See generally* DEADLY FATWA, *supra* note 62.

<sup>87</sup> *Id.* at 37.

<sup>88</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 25-26.

<sup>89</sup> Iran Human Rights Documentation Center, *Press Release: IHRDC Condemns the Convictions of Shiva Nazar Ahari and Hossein Derakhshan* (Sept. 28, 2010), available at <http://iranhrdc.org/httpdocs/English/pdfs/PressReleases/2010/Press%20Release%20on%20Heavy%20Sentences%20of%20Activists%20Sept%2028%202010.pdf>

<sup>90</sup> *Id.*

<sup>91</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 42.

wrote an open letter to the head of the Iranian judiciary lamenting how her arrest has impacted her freedom of expression:

Around 70 journalists are now in the prisons of the Islamic Republic and many others, like me, are free on bail, lacking any security. We are afraid that anything that we write may be used as evidence of “propaganda against the system” or “conspiracy against national security.” My colleagues and I try to write as little as possible.<sup>92</sup>

### ***Criminalization of Insults***

36. In 2004, the UN Special Rapporteur on the Right to Freedom of Opinion and Expression urged Iran to refrain from punishing the peaceful expression of opinion with prison sentences. However, the State party convicts political opponents, human rights activists, women’s rights activists, minority rights activists, and others who challenge official positions of serious crimes including endangering national security, insulting Islam’s holy figures or the Supreme Leader, creating propaganda against the government, being members of groups dedicated to the overthrow of the government, and spying for foreign governments. The State party’s Penal Code outlaws insulting any state employee.<sup>93</sup>
37. The State party’s criminalization of criticism and insults of the government and government employees is much broader than the HRC’s permitted limitations on freedom of speech under Article 19(3) of the ICCPR. In *Kim v. Republic of Korea*, the HRC observed that the distribution of materials criticizing the government did not threaten national security, even when the distributor was convicted of instigating violence.<sup>94</sup>
38. Even if preventing insults to public officials were a legitimate state interest, the scope of restrictions on expression must be proportional to the value of that interest. In *Rafael Marques de Morias v. Angola*, the Committee explained that prison sentences for insulting symbols of the state are disproportionate to the alleged harm because public figures are necessarily subject to criticism and opposition.<sup>95</sup>

### ***Internet Restrictions***

39. In a January 2002 report, the UN Special Rapporteur on Freedom of Opinion and Expression found that Iran’s filtering of gateways constitutes excessive control of access to the Web. The State party’s justification that immoral websites are incompatible with Islam fails to meet Article 19(3)’s necessity standard.<sup>96</sup>
40. In May 2001, the Supreme Leader ordered the publication of “Overall Policies on Computer-based Information Providing Networks,” mandating that only authorized entities could provide internet access. By November 2001, the Supreme Council for the Cultural Revolution responded with a resolution called “Regulations and Conditions

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<sup>92</sup> *Id.* at 25.

<sup>93</sup> CTRL+ALT+DELETE, *supra* note 41, at 15-16.

<sup>94</sup> *Id.*

<sup>95</sup> *Id.* at 16.

<sup>96</sup> *Id.* at 24.

Related to Computerized Information Networks.” The Regulations ordered that access service providers be placed under state control and that internet service providers (ISPs) remove anti-government and anti-Islamic websites from their servers. The Regulations require ISPs to use filtration technology, and monitor and record internet use of their customers. Individuals applying for ISP licenses cannot be members of anti-revolutionary or illegal groups, and must be Iranian citizens, committed to the Constitution, and members of one of the state-recognized religions.<sup>97</sup>

41. In December 2002, the State party established the Committee Responsible for Determining Unauthorized Sites (CRDUS). The CRDUS both identifies the criteria for identifying illegal websites and reports such websites to the Ministry of Information and Communications Technology, which then censors the sites.<sup>98</sup>
42. In March 2003, authorities blocked dozens of websites because of political or allegedly pornographic content, including United States radio and TV websites, and Persian TV websites. In May 2003, authorities threatened ISPs with legal action if they failed to filter out 15,000 sites. In December, large parts of the Google search engine became inaccessible.<sup>99</sup>
43. Censorship of traditional media and the internet increased before the February 2004 parliamentary elections. The Judiciary ordered the blocking of news sites *Emrooz* and *Rooydad*, both of which represented reformist political associations. The Ministry of ICT noted that some blocking occurred outside the established legal framework.<sup>100</sup>
44. Within a few days in 2004, authorities arrested Asghar Vatankhah, responsible for advertising on the *Emrooz* website, and Masood Ghoreishi, a website technician for *Emrooz*. Authorities searched their homes and seized their computers and files.<sup>101</sup>
45. Authorities arrested six members of *Rooydad*'s technical staff: Farid Sani, Arash Naderpour, Mani Javadi, Kiavash Ghadmeli, Mozghan Ghavidel, and Mehdi Derayati. State party agents forced the technicians to relinquish passwords and other important data which authorities then used to monitor and shut down the websites.<sup>102</sup>
46. In early 2005, Iran publicly admitted to using filtering software. The OpenNet Initiative found that this software was designed to over-filter; it blocks sex education sites, sites that deal with sexual identity and preference, women's rights sites, translation sites, and the Voice of America news site.<sup>103</sup>
47. Following Mahmoud Ahmadinejad's election in 2005, officials from Iran's Telecommunications Company admitted that the Judiciary orders them to block approximately one-thousand web pages every month. Though the targeting of websites is the duty of the CRDUS, reports indicate that the Islamic Revolutionary Guard Corps (IRGC) has set up its own cyber-crimes office. In May 2006, the Ministry of ICT

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<sup>97</sup> *Id.* at 9, 17.

<sup>98</sup> *Id.* at 20.

<sup>99</sup> *Id.* at 20.

<sup>100</sup> *Id.* at 21.

<sup>101</sup> *Id.* at 21 and 22.

<sup>102</sup> *Id.* at 22.

<sup>103</sup> *Id.*

announced the formation of an office charged with filtering unlawful content and identifying and tracking “trouble users.”<sup>104</sup>

48. In October 2006, authorities confirmed that ISPs would no longer provide public or private users access at speeds higher than 128kb/s, interfering with individuals’ ability to access information and express opinions.<sup>105</sup>
49. In 2006, the State party blocked the BBC’s Persian language service. In January 2009, authorities targeted news sites including Deutsche Welle, RFI and Al-Arabiya, the literary website *Haftan*, and two sites supportive of Mohammad Baqer Qalibaf, a mayor and a political rival of President Ahmadinejad. In February 2009, two sites promoting the short-lived presidential bid of Mohammad Khatami were blocked.<sup>106</sup>
50. In the months before the June 12, 2009 election, in an apparent effort to limit debate and silence critics, the State party closed newspapers and further restricted access to internet sites.<sup>107</sup>
51. Immediately following the June 12, 2009 election, State party authorities cut off electronic communication within Iran and with the outside world. As the week progressed, cell phone and internet services were regularly shut down and slowed. On June 16, the authorities announced that foreign journalists could not report from the streets and that their visas would not be renewed. Authorities arrested and intimidated hundreds of Iranian members of the press.<sup>108</sup>
52. In August 2009, during the first mass show trial after the election protests, the State party charged several individuals with posting Articles and interviews on the internet that allegedly “creat[ed] anxiety in the public mind” or included “communication with foreign media and channels and dissemination of information and pictures designed to further incite the agitators.”<sup>109</sup> The indictment made the following charges:
  - Mohammad Rassouli allegedly participated in several protests after the elections and captured videos and uploaded them onto the internet. International media organizations later broadcasted these videos.<sup>110</sup>
  - Majid Saeedi allegedly confessed to taking “illegal pictures of the unlawful protests” and sending them to foreign news media.<sup>111</sup>
  - Maziar Bahari allegedly confessed to writing Articles for Newsweek and sending a film of the demonstrations to the UK’s Channel 4.<sup>112</sup>

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 23.

<sup>106</sup> *Id.*

<sup>107</sup> VIOLENT AFTERMATH, *supra* note 14, at 7.

<sup>108</sup> *Id.* at 1.

<sup>109</sup> *Id.* at 79-80.

<sup>110</sup> *Id.* at 79.

<sup>111</sup> *Id.* at 79-80.

<sup>112</sup> *Id.*

- Emad Bahavar was accused of creating campaign commercials for Mousavi’s and Karroubi’s campaigns.<sup>113</sup>
- Mohammad Darmanaki Farahani was accused of a litany of offenses including offending the leaders of the system, directing the chanting of slogans, and inciting public opinion.<sup>114</sup>

## **Freedom of Assembly (Article 21)**

### ***The HRC’s 1993 Concluding Observations and the State Party’s 2009 Report***

53. Article 27 of Iran’s Constitution provides that “[p]ublic gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.” Article 9 of Iran’s Constitution provides that “[n]o individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom.” It also states that “no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.”<sup>115</sup>
54. In its 2009 report, the State party explained that “gatherings would be subject to the concur [sic] of the Interior Ministry and holding the marches is subject to pre notice of the Ministry of Interior.”<sup>116</sup> According to the procedural code of the Article 10 Commission, which regulates political parties and other groups, the Interior Ministry, made up of presidential appointees, is responsible for approving or denying applications for demonstrations and public gatherings. There is no right to appeal. Article 30 of Procedural Code of the Article 10 Commission states:

Request for demonstrations and gatherings must be submitted in writing and in person by the recognized official representative of the group to the Interior Ministry, a week before the date of demonstration or gathering.

Note – It is not necessary to observe the time set by this Article for demonstrations that take place due to unforeseen events. It is up to the Interior Ministry to decide this matter.<sup>117</sup>

55. The Interior Ministry has broad discretion to grant or deny a permit. For example, the Ministry has the latitude to determine whether a gathering will be detrimental to Islamic fundamental principles. This is a concept so vague that the UN Committee on the Rights of the Child (CRC) explicitly noted that such limitations could lead to the denial

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<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.* at 39.

<sup>116</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 523.

<sup>117</sup> VIOLENT AFTERMATH, *supra* note 14, at 39-40.

of the right to assemble and that the Islamic Republic should establish clear criteria to assess what a violation of such Islamic principles might entail.<sup>118</sup>

56. The HRC has recognized that states may require advance notice, but expressed concern that a notification requirement of at least three days may be overly restrictive. It has also made it clear that any permit procedure should include an appeals process.<sup>119</sup>

### ***Crackdown on Post-Election Protests and Demonstrations***

57. Iran failed to meet its obligations to protect individuals' freedom of assembly under Articles 21 and 27 of its Constitution following the June 12, 2009 elections. The government arbitrarily denied its political opponents the right to peaceful assembly and to express their political and other beliefs. In the HRC's concluding observations in a case involving Togo, it criticized a pattern of restrictions strikingly similar to those in Iran: "The Committee is concerned at reports that peaceful demonstrations organized by civil society are regularly prohibited and forcibly dispersed by the authorities, while marches in support of the President of the Republic are regularly organized by the authorities."<sup>120</sup>
58. When street protests broke out immediately after the early Saturday June 13, 2009 announcement that Mahmoud Ahmadinejad was winning the election by a large margin, Interior Minister Sadeq Mahsouli announced that the spontaneous demonstrations were illegal. Authorities denied opposition members' demonstration permits and sent *Basij* and other security forces to break up demonstrations.<sup>121</sup>
59. In Ahvaz, baton-wielding police officers attacked a crowd of two thousand demonstrators. In Shiraz, security forces fired into the air and Fars Province Police General Ali Moayeri authorized his officers to shoot at protestors, warning, "[f]rom now on, we will respond harshly."<sup>122</sup>
60. On June 17, thousands of demonstrators packed the streets of Tehran for the fifth consecutive day. On June 19, Tehran's Governor General, Morteza Tamaddon, made it clear that no permission for opposition rallies would be granted, and the Supreme National Security Council responded to Mousavi's request for permission to demonstrate with threats, asserting that the rallies were "probably affiliated to foreign-related groups."<sup>123</sup>
61. During his Friday sermon on June 19, Supreme Leader Ayatollah Khamenei condoned the use of violence against demonstrators.<sup>124</sup>
62. In anticipation of an extraordinary session called by the Guardian Council on June 20 to consider allegations of vote-rigging, the Association of Combatant Clerics asked for a

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<sup>118</sup> *Id.*

<sup>119</sup> *Id.* at 40-41.

<sup>120</sup> *Id.* at 41.

<sup>121</sup> *Id.* at 11.

<sup>122</sup> *Id.* at 17.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.* at 23.

permit to hold a pro-Mousavi rally. Karroubi's party, *Etemad Melli*, made a similar request. The State party denied all political opponents' requests for permits.<sup>125</sup>

63. At a June 20 protest, "Farideh" observed that State party authorities released a gas among the protesters. At first she thought it was tear gas, but she realized it was some other gas when people around her collapsed and she felt dizzy and nauseous. Later, a doctor examining blisters that appeared on Faridah's body after the attack noted that the symptoms were consistent with exposure to phosphorous gas. At a July 9, 2009 protest Farideh saw police beat a man and throw him into the back seat of their car.<sup>126</sup>
64. Presidential candidates, Mir-Hossein Mousavi and Mehdi Karroubi requested permits to commemorate the death of Neda Agha-Soltan at a memorial service in Tehran on July 30 and the Ministry again denied their requests. Thousands of mourners who attended were deemed guilty of demonstrating and were attacked by security forces. Authorities arrested approximately fifty individuals.<sup>127</sup>
65. On October 16, 2009, the head of the Guardian Council, Ayatollah Ahmad Jannati, told security forces to show no mercy when dealing with arrested protesters. Police General Radan stressed that it was the police's duty to "prevent any disturbance of order in society."<sup>128</sup>
66. On November 4, 2009, thousands of opposition protesters unsuccessfully attempted to assemble in Tehran and join the demonstrators bused in by the government to demonstrate in front of the former U.S. Embassy building. Hundreds gathered in streets and alleys chanting anti-government slogans. Security forces dispersed the protesters with tear gas and batons. Some demonstrators ran into buildings to escape the attacks, but security forces often stormed after them. Authorities arrested 109 demonstrators. The next day, State party agents beat and dispersed detainees' families who gathered outside Vozara Detention Center looking for information about their loved ones.<sup>129</sup>
67. On December 7, 2009, Student Day, students participated in large demonstrations on college campuses. Security forces prohibited individuals from entering campuses and sealed the universities in an effort to prevent demonstrations from spilling into the streets. Police reported the arrests of more than 200 protesters for allegedly resisting security forces and chanting slogans. Mousavi and Karroubi again asked for permits to hold rallies, but the government again denied their requests.<sup>130</sup> On December 8, "more than 200 students who participated in the anti-government rallies during commemoration of the country's annual student day were arrested."
68. The death of Grand Ayatollah Hossein-Ali Montazeri on December 20, 2010 resulted in massive processions in Qom and demonstrations in Tehran, Isfahan and Najafabad.

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<sup>125</sup> *Id.* at 21.

<sup>126</sup> Witness Statement of "Farideh" (pseudonym), prepared by IHRDC and approved by witness (April 18, 2010) ¶¶ 3-5, available at <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Farideh%20-%20EN.pdf>.

<sup>127</sup> VIOLENT AFTERMATH, *supra* note 14, at 30.

<sup>128</sup> *Id.* at 30-31.

<sup>129</sup> *Id.* at 32-34.

<sup>130</sup> *Id.* at 35.

Authorities stopped and arrested some mourners *en route* to Montazari’s funeral, and *Basij* attacked Montazari’s house. On December 23 in Isfahan, the former Friday prayer Imam of the city, Ayatollah Seyyed Jalaeddin Taheri, organized a ceremony marking the third day of mourning for Montazari. Plainclothes forces closed the doors of the mosque, deployed tear gas and pepper spray, and aggressively beat the assembled congregants. Authorities beat and arrested the lecturing cleric, several journalists and fifty others.<sup>131</sup>

69. Ayatollah Montazari’s seventh day of mourning, another important day in the forty-day mourning period, fell on one of the most important religious days for Iranian Shi’as — *Ashura*. On *Tasu’a*, the day before *Ashura*, about fifty members of a vigilante group entered Jamaran Mosque in Tehran and interrupted a sermon by Mohammad Khatami.<sup>132</sup>
70. On *Ashura*, December 27, 2009, protests and clashes occurred in Mashhad, Tabriz, Arak, Babol, Najafabad, Isfahan, Shiraz, Ardebil and Orumieh. Video footage shows *Basij* and riot police beating, shooting, and running over demonstrators. In Isfahan, over 400 demonstrators were arrested during a clash at Hossein-Abad Street. In Tehran, 1,100 people were reportedly arrested. Authorities arrested at least two foreigners in connection with the demonstrations; the Swedish Charge d’Affairs and a German tourist.<sup>133</sup>

## **Freedom of Association (Article 22)**

### ***The HRC’s 1993 Concluding Observations and the State Party’s 2009 Report***

71. In 1993, the Committee expressed concern about severe freedom of association limitations in Iran and encouraged Iran to “undertake necessary steps” to remove these limits.<sup>134</sup> In particular, some HRC members asked the State party to explain “what precise criteria restricted freedom of association” and why Baha’is were not allowed to form trade unions and cooperatives.<sup>135</sup>
72. The State party failed to discuss legal limitations on Baha’is’ freedom of association or other rights in its 2009 report to the HRC. Iran explained that individuals can form certain societies, “provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic.”<sup>136</sup> This ambiguous limitation on the rights recognized in Articles 18 and 22 of the ICCPR is susceptible to manipulation, allowing the State party to forbid peaceful organizations

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<sup>131</sup> VIOLENT AFTERMATH, *supra* note 14, at 36.

<sup>132</sup> *Id.* at 37-38.

<sup>133</sup> *Id.* at 37-39.

<sup>134</sup> Concluding Observations, *supra* note 1, ¶¶ 15, 23.

<sup>135</sup> U.N. Human Rights Comm., *Summary record of the 1252nd meeting: Iran (Islamic Republic of)*, ¶ 17, U.N. Doc. CCPR/C/SR.1252 (1994), available at

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/f650d6a7763ca0ff80256651003d41a2?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/f650d6a7763ca0ff80256651003d41a2?Opendocument)

<sup>136</sup> Third Periodic Report of Iran, *supra* note 2, ¶¶ 525 - 532.

that present no security threat.<sup>137</sup> Iran's Penal and Criminal Procedure Codes also limit the right to freedom of association provided for the Constitution of the IRI.<sup>138</sup>

73. State party Internet filtration systems block websites that address women's rights and sex education,<sup>139</sup> and women's rights activists and defenders are frequently harassed, arrested, and detained.<sup>140</sup>
- Since its founding in 2006, members of the One Million Signatures Campaign have been denied the right to assembly. Officially launched on August 27, 2006, the Campaign aims to obtain the signatures of one million Iranians in support of amendments to the country's civil and penal codes. Witnesses report that authorities arrest and interrogate individuals associated with the Campaign.<sup>141</sup>
  - Authorities detained thirty-three women's rights activists who were standing outside of the Revolutionary Court in March 2007 to protest the detention and trial of innocent activists.<sup>142</sup>
  - In 2008, four women were convicted for subversive activities and anti-government propaganda solely because of their women's rights activism and contributions to newspapers.<sup>143</sup>
74. On January 30, 2009, State party authorities arrested Nafiseh Azad, Bigard Ebrahimi and Shahin Ebrahimi in the mountains north of Tehran while they were collecting signatures for the One Million Signatures Campaign's petition. Bigard Ebrahimi and Shahin Ebrahimi were released the next day on a financial guarantee of 20 million tomans (roughly US \$20,000). Authorities held Azad in Vozara Detention Center in Tehran until February 4, 2009, when she was released on a third party guarantee of 50 million tomans (roughly US\$50,000).<sup>144</sup>
75. Members of the Mourning Mothers, whose activism is the simple manifestation of the right to assemble, are met with beatings and arrests for exercising this right. The official mission statement of the Mourning Mothers, also known as the "Mothers of Laleh," was issued on Tuesday, June 23, 2009. It contained the following pledge:

Until the release of all detained demonstrators who have been arrested for protesting the rigging of the election, the cessation of violence, and until our children's killers receive their punishment, we will gather near the place of martyrdom of our beloved Neda, Amir Abad Street, Laleh Park, next to the water fountain, at 7 p.m. every week and sit in silence and mourn.<sup>145</sup>

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<sup>137</sup> Local and national Baha'i assemblies are examples. *See generally* A FAITH DENIED, *supra* note 27, at 23-25.

<sup>138</sup> *See* COVERT TERROR, *supra* note 9, at 8, note 19.

<sup>139</sup> CTRL+ALT+DELETE, *supra* note 41, at 22.

<sup>140</sup> *See generally*, SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5.

<sup>141</sup> *Id.* at 41-42.

<sup>142</sup> *Id.* at 8-9.

<sup>143</sup> CTRL+ALT+DELETE, *supra* note 41, at 40.

<sup>144</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 14.

<sup>145</sup> *Id.* at 32-33.

## **Freedom from Arbitrary Arrest and Detention (Article 9)**

### ***The HRC's 1993 Concluding Observations and the State Party's 2009 Report***

76. Article 9(1) of the ICCPR mandates that individuals not be subject to arbitrary arrest or detention. Article 9(2) of the ICCPR provides that individuals must be informed of the reason for the arrest when they are arrested. Article 9(3) of the ICCPR mandates that arrestees be brought promptly before a judge, and that they be entitled to a trial within a reasonable time.
77. The Islamic Republic's Constitution provides that "[n]o one may be arrested except by the order and in accordance with the procedure laid down by law."<sup>146</sup> However, the State party regularly arbitrarily arrests and detains individuals that officials consider threatening to the State.
- Authorities detained journalist Siamak Pourzand without a warrant on November 24, 2001. In response to a February 2002 request for information about Pourzand's arrest and continuing detention by the U.N. Commission on Human Rights Working Group on Arbitrary Detention, the State party responded that he was being held in preventive detention. The State party did not inform Pourzand of the official charges against him (if any) at his trial in March 2002.<sup>147</sup>
  - In May 2002, authorities arrested Hassan Zarezadeh Ardeshir, human rights activist, journalist, and former spokesperson for the United Student Front, without an arrest warrant and without informing him of the charges against him.<sup>148</sup>
  - On June 12, 2008, authorities arrested nine women, including women's rights activist Aida Sadaat outside the Rahe Abrisham Gallery in Tehran. The women were organizing a peaceful celebration for women's unity day.<sup>149</sup>

### ***Arbitrary Arrests and Detentions Following the 2009 Presidential Elections***

78. Following the June 12, 2009 election, authorities have arrested numerous opposition members, and political, minority, women and human rights activists, and their defenders, without warrants and without informing them of the reasons for their arrests, in violation of Article 9 of the ICCPR. On June 19, 2009, the U.N. High Commissioner

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<sup>146</sup> Qanun-i Assasiyih Jumhuriyih Islamiyih Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] art. 32.

<sup>147</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, MOCKERY OF JUSTICE: THE FRAMING OF SIAMAK POURZAND, 21, 36 (August 2008) available at [http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Mockery-of-Justice\\_Aug08.pdf](http://www.iranhrdc.org/httpdocs/English/pdfs/Reports/Mockery-of-Justice_Aug08.pdf).

<sup>148</sup> Witness Statement of Hassan Zarezadeh Ardeshir, prepared by IHRDC and approved by witness (Nov. 11, 2008) ¶¶ 7, 32-33, available at <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/HZAWS.pdf>.

<sup>149</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 27.

for Human Rights expressed concern about the lack of transparency surrounding the detention of post-2009 election protestors.<sup>150</sup>

- Blogger and political activist Somayyeh Tohidloo was arrested without a warrant or an explanation at 3:00 a.m. the day after the 2009 election in her parents' home. After two months, Judge Hossein Haddad publically acknowledged that Tohidloo's release was delayed because of orders from Prosecutor Saeed Mortazavi.<sup>151</sup>
- Kayvan Samimi Behbahani, the editor of the monthly publication *Naameh* and a member of the central committee of the Society for the Defense of Freedom of the Press, was arrested the night of June 14, 2009 at his home. Five months later, his case file still lacked an official arrest warrant.<sup>152</sup>
- Shiva Nazar Ahari, a veteran women's rights activist and founding member of the Committee of Human Rights Reporters, was arrested on June 14, 2009 without a warrant. She was arrested again without a warrant on December 20, 2009, together with Mahboubeh Abbasgholizadeh and Jila Bani Yaghoub, as she was preparing to board a bus headed to Ayatollah Montazeri's funeral in Qom.<sup>153</sup>
- Saeed Hajjarian, a former presidential adviser debilitated from an assassination attempt in 2000, was arrested on June 15, 2009. The prosecution released Hajjarian after holding him for 109 days.<sup>154</sup>
- On June 16, 2009, plainclothes officers arrested Mohammad-Ali Abtahi, an adviser to reformist presidential candidate Mehdi Karroubi. The officers showed no identification or arrest warrant, and did not divulge the reason for his arrest or where they were taking him.<sup>155</sup>
- Jila Bani Yaghoub, an internationally-renowned Iranian journalist and women's rights activist, was arrested on June 20, 2009, along with her husband Bahman Ahmadi Amoe.<sup>156</sup>
- Police broke "Farideh's" car's windows and damaged the hood when they spotted her wearing a green wristband – signifying her protest against the election results – while she was stuck in a traffic jam.<sup>157</sup>
- Authorities arrested Hengameh Shahidi, a women's rights activist and journalist, and a member of the *Etemad-e Melli* Party, on June 30, 2009 in Heravi Square in Tehran. Her lawyer, Mohammad Mostafaei, reported that her case file did not contain an arrest warrant but did include a copy of the letter written by Saeed Mortazavi, then-

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<sup>150</sup> VIOLENT AFTERMATH, *supra* note 14, at 56.

<sup>151</sup> *Id.* at 62.

<sup>152</sup> *Id.* at 63.

<sup>153</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 23.

<sup>154</sup> VIOLENT AFTERMATH, *supra* note 14, at 65, 67.

<sup>155</sup> *Id.* at 68.

<sup>156</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 24.

<sup>157</sup> Witness Statement of "Farideh", *supra* note 126, ¶ 5.

Prosecutor General. Shahidi was initially charged with “participating in illegal gatherings and post election street riots.”<sup>158</sup>

- Kian Tajbakhsh, an Iranian-American social scientist and urban planner, was arrested on July 9, 2009.<sup>159</sup>
- Maryam Sabri was arrested, blindfolded, handcuffed, and taken to an unknown detention center on July 30, 2009 after attending a ceremony to commemorate the fortieth day of mourning for Neda Agha-Soltan.<sup>160</sup>
- Ebrahim Ali Mehtari, a 27-year-old computer science student, was arrested on August 19, 2009 for attending a protest near Enghelab Square in Tehran. He was blindfolded, handcuffed, and taken in an unmarked car to an unknown detention center.<sup>161</sup>
- Tania Ahmadi Kaliji, a blogger and women’s rights activist, took photographs and distributed reports from the post-election demonstrations. In August 2009, State party agents arrested her at her Tehran apartment and seized women’s rights literature.<sup>162</sup>
- On December 5, 2009, authorities arrested more than twenty members of the Mourning Mothers group at one of their weekly gatherings at a park in Tehran. Some members were reportedly released hours later, while others remained in custody.<sup>163</sup>
- Somayeh Rashidi, a women’s rights activist and member of the One Million Signatures Campaign, was arrested on December 19, 2009. She was released from Evin Prison on February 25, 2010.<sup>164</sup>
- Authorities presented no warrant or identification when they detained veteran women’s rights activist Mahboubeh Abbasgholizadeh on December 20, 2009. Authorities arrested Abbasgholizadeh and Nazar Ahari as they prepared to board a bus headed to Ayatollah Montazeri’s funeral in Qom.<sup>165</sup>
- On December 29, 2009, women’s rights activist Mansoureh Shojaee was arrested at her home without a warrant and was not told the reason for her arrest for weeks.<sup>166</sup>
- On January 9, 2010, State party agents arrested 33 members of the Mourning Mothers during a weekly peaceful gathering. Agents took many of the women to the Vozara Detention Center, but nine went to the hospital. In early February 2010, authorities

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<sup>158</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 32.

<sup>159</sup> VIOLENT AFTERMATH, *supra* note 14, at 72-73.

<sup>160</sup> *Id.* at 45-46.

<sup>161</sup> *Id.* at 47.

<sup>162</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 25.

<sup>163</sup> *Id.* at 33.

<sup>164</sup> *Id.* at 31.

<sup>165</sup> *Id.* at 23.

<sup>166</sup> *Id.* at 44.

arrested supporters of the Mourning Mothers in Tehran and held some in solitary confinement in Evin prison's Ward 209.<sup>167</sup>

- On January 2, 2010, Forough Mirzaei, a lawyer who represents many women's rights activists, was arrested with her husband Roozbeh Karimi, a journalist.<sup>168</sup>
- Intelligence agents arrested Maryam Ghanbari, a lawyer known for representing women's rights activists, at her home in Tehran on February 8, 2010. They did not show a warrant or explain why they searched her home, but confiscated her computer nonetheless.<sup>169</sup>
- In June 2010, authorities arrested Narges Mohammadi, deputy head of Shirin Ebadi's Defenders of Human Rights Center at her home. They did not present an arrest warrant or provide a reason for her arrest.<sup>170</sup>
- Nasrin Sotoudeh—a prominent lawyer and human rights activist—was arrested on September 7, 2010 after being summoned for interrogation at Evin prison in Tehran on baseless charges including “cooperation with the Defenders of Human Rights Center”—a group dedicated to defending the rights of women, political prisoners and minorities in Iran.<sup>171</sup>

### ***Excessive Bail and Presumption of Guilt***

79. In 2006 the U.N. Special Rapporteur on Violence Against Women noted that Iran uses bail punitively.<sup>172</sup>
80. Article 9(3) of the ICCPR states that “it shall not be the general rule that persons awaiting trial shall be detained in custody.” The U.N. General Assembly has noted that:

The arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.<sup>173</sup>

81. In its 2009 Report, the State party explained that Article 132 of its Criminal Procedure Code provides that “the type of guarantee depend on the seriousness of the crime and severity of the probable sentence, reasons for the charges, the probability of escape by

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<sup>167</sup> *Id.* at 33.

<sup>168</sup> *Id.* at 29.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.* at 30.

<sup>171</sup> Iran Human Rights Documentation Center, *Press Release: Iran Human Rights Documentation Center Calls for Release of Nasrin Sotoudeh and Houtan Kian* (Oct. 19, 2010), available at <http://iranhrdc.org/httpdocs/English/pdfs/PressReleases/2010/Press%20Release%20on%20Targeting%20of%20Lawyers%20-%20Oct%2019%202010%20.pdf>

<sup>172</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 47.

<sup>173</sup> *Id.* at 47.

the suspect and disappearance of the evidence, past criminal record of the suspect, health condition, age and social standing of the suspect.”[sic]<sup>174</sup>

82. Judge Eskandari set bail for journalist and blogger Arash Sigarchi, arrested in January 2005, at two billion rials (USD \$225,000), a staggering amount. The judge noted that by making bail, Sigarchi would indicate his involvement with a foreign government, and that would be further grounds for his detention.<sup>175</sup>
83. Examples of the State party setting punitive and coercive bail amounts following the June 12, 2009 election include the following:
  - Ahmad Zeidabadi, a respected journalist and Golden Pen of Freedom recipient, was arrested shortly after the election and taken to an undisclosed location. The Judiciary twice increased his bail when his family tried to post bail. Zeidabadi’s release was delayed even after his family paid the increased amounts because the prosecution failed to inform the court that bail had been received.<sup>176</sup>
  - The family of women’s rights activist Mahdiyeh Golrou (arrested April 2010), was unable to pay her \$50,000 bail.<sup>177</sup>
  - The State party set a prohibitively high bail for women’s rights activist, Khadijeh Moghaddam, who was arrested on March 26, 2009 with 11 other members of the One Million Signatures Campaign for Equality.<sup>178</sup>
  - Hengameh Shahidi, a women’s rights activist and journalist arrested on June 30, 2009, was charged with “participating in illegal gatherings and post-election street riots.” Her bail was set at the equivalent of US \$90,000.<sup>179</sup>
  - Shadi Sadr, the prominent women’s rights activist and lawyer, was arrested in the morning of July 17, 2009 while on her way to Tehran University to attend Friday Prayer led by Ayatollah Akbar Hashemi Rafsanjani.<sup>180</sup> After a few days, the authorities told her that she would be released on a 5 million tomans (roughly US \$5,000) financial guarantee. Sadr paid the amount but her release was delayed at the last minute because interrogators accused her of giving false username and password information for one of her email accounts.<sup>181</sup>
  - Shiva Nazar Ahari, a veteran women’s rights activist and founding member of the Committee of Human Rights Reporters, was arrested on June 14, 2009 without a warrant. She was released on September 23, 2009 after posting heavy bail.<sup>182</sup>

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<sup>174</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 224.

<sup>175</sup> CTRL+ALT+DELETE, *supra* note 41, at 39.

<sup>176</sup> VIOLENT AFTERMATH, *supra* note 14, at 64-65.

<sup>177</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 48.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.* at 32.

<sup>180</sup> *Id.* at 20.

<sup>181</sup> *Id.* at 21.

<sup>182</sup> *Id.* at 23.

- Mehrnoosh Etemadi, a One Million Signatures Campaign activist in Isfahan, was arrested at her home on November 23, 2009. She was charged with “action against national security through activism in the One Million Signatures Campaign and through carrying out activities intent on empowering women.” Etemadi was released on December 8, 2009 after posting 50 million tomans bail (roughly US \$50,000).<sup>183</sup>
  - On February 8, 2010, intelligence agents arrested Maryam Ghanbari, a lawyer who represents women rights activists, at her home in Tehran. She never saw a warrant for her arrest, and was released on heavy bail (roughly US \$50,000) nearly three weeks later.<sup>184</sup>
  - Hengameh Shahidi, a women’s rights activist, journalist and a member of the *Etemad-e Melli* Party, was arrested on June 30, 2009 in Heravi Square in Tehran. She was released on November 1, 2010 on 90 million tomans (roughly US \$90,000) bail.<sup>185</sup>
84. The State party commonly demands financial guarantees by third parties, often relatives of arrestees, who designate a portion of their income or property as a guarantee, so that if the arrestee violates the bail terms, the State party will confiscate the guaranteed assets.<sup>186</sup>

### **Right to a Fair Trial (Articles 9 and 14)**

85. Article 14(3) of the ICCPR sets forth the “minimum guarantees” to which criminally charged arrestees are entitled. They include the rights (a) to be informed promptly of the charges against them; (b) to have adequate time in which to prepare a defense and to communicate with counsel of their own choosing; (c); to be tried without undue delay; (d) to be tried in their presence; (e) to examine the witnesses against them; and (g) to not be compelled to testify against themselves or confess guilt. Confessions obtained through “torture or other forms of prohibited treatment” are inadmissible.<sup>187</sup>

### ***The HRC’s 1993 Concluding Observations and the State Party’s 2009 Report***

86. In 1993, the Committee urged the State party to bring its laws into line with Articles 9 and 14 of the ICCPR to guarantee arrestees’ rights to fair hearings, including the right to “assistance of counsel, the right to be brought promptly before a judge, and the right to be tried in public.” The Committee urged the State party to consider abolishing the Revolutionary Courts, “where trials *in camera* tend to be the rule and where apparently no real possibility is provided to the accused to prepare a defence.”<sup>188</sup>
87. In its 2009 Report, the State party stated that under Iranian law, “law enforcement officers cannot detain a person more than 24 hours, except by an order from a competent

<sup>183</sup> *Id.* at 30-31.

<sup>184</sup> *Id.* at 29.

<sup>185</sup> *Id.* at 32.

<sup>186</sup> *Id.* at 47-48.

<sup>187</sup> *Id.* at 44.

<sup>188</sup> Concluding Observations, *supra* note 1, ¶¶ 12, 20.

court.” Article 32 of Iran’s Constitution requires that charges be communicated in writing and explained to the accused “without delay.”<sup>189</sup>

88. The State party also reported that its judiciary is an independent branch of government. Under the Code of Criminal Procedure, “deception and coercion of the accused person are prohibited.” The State party asserts that verdicts are based on evidence and made “in accordance with the Articles of the law and the principles derived from them,” but acknowledges that judges enjoy enormous discretion and can rely on non-law sources. If there is no rule or law on point, the court can rely on “authentic ... *fatwas*.”<sup>190</sup>
89. The State party admitted that it tries and sentences defendants *in absentia*.<sup>191</sup> The State party contends that because it affords individuals the opportunity to request review of the decision, it is in conformity with its obligations under the ICCPR.<sup>192</sup> It states that Iranian law only provides that individuals may request permission to question witnesses from the court.<sup>193</sup>
90. In 2001, the U.N. Special Rapporteur on the Independence of Judges and Lawyers voiced concern regarding a reported statement by the First Deputy of the head of the Judiciary, Hadi Marvi, in which he said that judges have no independence in judgment and must obey the Supreme Leader.<sup>194</sup>
91. Further impeding access to a fair hearing is the fact that many political prisoners are held at detention facilities that operate outside of the jurisdiction of the Judiciary and the State Prison Organization. This allows State agents to detain and torture prisoners outside of the Iranian legal system. These “secret” and illegal centers have included Prison 59, the *Amaken* office of the national police (NAJA); Khatum ul-Anbiya Prison; and Prison Jay.<sup>195</sup>

#### ***Delayed or Non-existent Court Access***

92. Arrestees in Iran are frequently detained and released without ever seeing a judge, while others see a judge only after a substantial delay.<sup>196</sup>
  - In May 2002, Hassan Zarezadeh Ardeshir was arrested and taken to a secret, illegal detention facility. He first saw a judge after two weeks of torture and interrogation and did not have an opportunity to challenge his detention. The judge told Ardeshir his charges, and when Ardeshir refused to cooperate, the judge hit him.<sup>197</sup>

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<sup>189</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 223.

<sup>190</sup> *Id.* ¶¶ 349, 354, 360, 371.

<sup>191</sup> *Id.* ¶ 373.

<sup>192</sup> *Id.* ¶ 323.

<sup>193</sup> *Id.* ¶ 301.

<sup>194</sup> COVERT TERROR, *supra* note 9, at 69.

<sup>195</sup> *Id.*; Witness Statement of Ali Afshari, *supra* note 68, ¶ 6; Witness Statement of Kourosh Sehati, *supra* note 37, ¶ 32.

<sup>196</sup> VIOLENT AFTERMATH, *supra* note 14, at 45-47.

<sup>197</sup> Witness Statement of Hassan Zarezadeh Ardeshir, *supra* note 148, ¶¶ 32, 33.

- Women’s rights activist Shiva Nazar Ahari was arrested in December 2009 but did not go to trial until September 2010. She was sentenced the following month.<sup>198</sup> Another women’s rights activist, Mehrnoosh Etemadi, was arrested in November 2009. Though she was released after paying her US \$50,000 bail the next month, she still does not have a court date.<sup>199</sup>
- Mahboubeh Karami, a member of the One Million Signatures Campaign, was arrested on March 2, 2010. She was held in Ward 2-A of the Revolutionary Guard prison for 80 days, and then transferred her to Ward 209 in Evin Prison. She was denied bail and her original court date of June 28, 2010 was postponed. She was released on US\$ 500,000 bail on August 18, 2010 after being sentenced to four years in prison.<sup>200</sup>

### ***Trials in Absentia***

- In May 2010, Shadi Sadr, a lawyer and journalist, was sentenced *in absentia* to six years imprisonment and 74 lashes for charges stemming from a March 2007 arrest.<sup>201</sup>
- In May 2010, the State party tried women’s rights activist Mahboubeh Abbasgholizadeh *in absentia* and sentenced her to lashes and a prison term.<sup>202</sup>

### ***Denial of Legal Representation***

93. The State party’s 2009 report mentions opportunities for lawyers to meet with detained clients and be informed of their clients’ locations.<sup>203</sup> However, the State party regularly interferes with detainees’ ability to inform their lawyers of their location or status, let alone meet with them privately.
- Judge Sabir Zafarqandi barred Shirin Ebadi from representing journalist Siamak Pourzand after his arrest in November 2001.<sup>204</sup>
  - The day before journalist Sina Motalebi’s first investigative hearing on April 27, 2003, Judge Zafarqandi refused to accept his lawyer on the grounds that a lawyer was not necessary during the preliminary stages of investigation. The next day, Motalebi told Judge Zafarqandi that he did not want a lawyer after all because his case was still

<sup>198</sup> Iran Human Rights Documentation Center, *Press Release: IHRDC Condemns the Convictions of Shiva Nazar Ahari and Hossein Derakhshan* (Sept. 28, 2010), available at <http://iranhrdc.org/httpdocs/English/pdfs/PressReleases/2010/Press%20Release%20on%20Heavy%20Sentences%20of%20Activists%20Sept%2028%202010.pdf>

<sup>199</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 30-31.

<sup>200</sup> *Id.* at 31-32; Mahboubeh Karami after 6 Months in Detention: I Have Denied All the Charges Brought Against Me, CHANGE FOR EQUALITY, August 30, 2010, available at <http://www.signforchange.info/english/spip.php?Article760>.

<sup>201</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 44.

<sup>202</sup> *Id.* at 37.

<sup>203</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 249.

<sup>204</sup> MOCKERY OF JUSTICE, *supra* note 147, at 22.

in the beginning stages, suggesting that authorities coerced Motalebi into changing his request.<sup>205</sup>

- On May 7, 2009, intelligence agents arrested Fatemeh Masjedi and Maryam Bidgoli, members of the One Million Signatures Campaign, while they were investigating an honor killing in Qom. Authorities denied them access to a lawyer during their twelve days in detention.<sup>206</sup>
  - Following his arrest in September 2004, online journalist Hanif Mazrui was not allowed to speak with a lawyer or his family for two months after he was detained.<sup>207</sup>
  - When women’s rights activist Fariba Davoodi Mohajer - arrested in 2001 - asked for an attorney after interrogators began asking her questions without informing her of the charges against her, they questioned her: “You think you are in the U.S.?”<sup>208</sup>
94. Many Iranians arrested after the June 2009 election were denied timely access to legal assistance.
- Two nights after the 2009 presidential election, State party agents raided the house of Kayvan Samimi Behbahani, editor of the monthly publication *Naameh* and member of the central committee of the Society for the Defense of Freedom of the Press. He was not allowed to see his lawyer for nearly three months, and even then an interrogator sat in on the meeting. After Samimi complained of physical abuse during the meeting, prison staff no longer allowed him to make calls or have visitors.<sup>209</sup>
  - Authorities did not allow lawyer Shadi Sadr to see the case file of or have contact with her client, Shiva Nazar Ahari.<sup>210</sup>
  - Somayeh Rashidi, a women’s rights activist and member of the One Million Signatures Campaign, was arrested on December 19, 2009 and held at Evin Prison until February 25, 2010. She was denied access to counsel while in prison.<sup>211</sup>

### ***Mass Show Trials following the 2009 Presidential Election***

95. Following the 2009 presidential election, the State party held five show trials. Although the sessions were called “trials,” they did not remotely resemble criminal trials as understood in international law. The “trials” consisted of the prosecutor reading a document called a “general indictment,” followed by confessions by selected defendants, often without the assistance of their chosen lawyers. An unknown number of defendants were later accorded individual trials, but many, if not all, were sentenced on the basis of their forced confessions.<sup>212</sup>

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<sup>205</sup> CTRL+ALT+DELETE, *supra* note 41, at 27.

<sup>206</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 15.

<sup>207</sup> CTRL+ALT+DELETE, *supra* note 41, at 29.

<sup>208</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶18.

<sup>209</sup> VIOLENT AFTERMATH, *supra* note 14, at 63.

<sup>210</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT, *supra* note 5, at 44

<sup>211</sup> *Id.* at 31, 44.

<sup>212</sup> VIOLENT AFTERMATH, *supra* note 14, at 74.

## *Coerced Confessions*

96. State party agents often coerce detainees into confessing to crimes long before they appear before a judge. Many coerced confessions are shown on television.
- In February 2001, interrogators attempted to coerce women’s rights activist Fariba Davoodi Mohajer into confessing to conspiring against the State, telling her that she would never see her mother again unless she confessed.<sup>213</sup>
  - On July 24, 2002, Iranian state television broadcast a press conference with a frightened looking Siamak Pourzand in which he denied that he was mistreated in prison. Pourzand was later hospitalized after becoming seriously ill from injuries he sustained while in detention and poor prison conditions. He had a heart attack in 2004.<sup>214</sup>
  - In August 2009, at the third post-election mass trial, Hossein Ezami was surprised to find that his indictment assured the court that he had confessed. In the statement he was allowed to make to the court, he noted that he had not only refused to confess but had denied committing the crime during his interrogation.<sup>215</sup>
  - At the same trial, the prosecution, equipped with only Majid Moqimi’s alleged confession, charged him with destruction of public property, acting against national security and propaganda against the state.<sup>216</sup> Majid had participated in post-election protests.
  - Women’s rights activist Tania Ahmadi Kaliji was drugged while she was detained in 2009. Each time she woke up she saw that her fingers were stained with ink, indicating that she had been forced to sign a confession to unknown allegations while unconscious.<sup>217</sup>
  - On June 21, 2009, authorities arrested Maziar Bahari, a Canadian-Iranian journalist with *Newsweek* magazine, and forced him to confess at a press conference to several crimes he did not commit, including possessing classified documents. He was released after 118 days and recanted his confession.<sup>218</sup>
  - A court spokesman admitted in April 2005 that journalists Shahram Rafizadeh, Roozbeh Mirebrahimi, and Omid Memarian, and newspaper editor Javad Gholam Tamimi confessed as the result of coercion. Nonetheless, in 2009 they were sentenced to fines and flogging.<sup>219</sup>
  - In more than thirty lengthy interrogation sessions during fifty days of detention at Evin Prison, interrogators insulted and abused Hengameh Shahidi, a journalist and

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<sup>213</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶¶ 21, 25.

<sup>214</sup> MOCKERY OF JUSTICE, *supra* note 147, at 29, 37-38.

<sup>215</sup> VIOLENT AFTERMATH, *supra* note 14, at 82.

<sup>216</sup> *Id.* at 83.

<sup>217</sup> Witness Statement Tania Ahmadi Kaliji, *supra* note 33, ¶ 47.

<sup>218</sup> VIOLENT AFTERMATH, *supra* note 14, at 90.

<sup>219</sup> CTRL+ALT+DELETE, *supra* note 41, at 35.

member of the One Million Signatures Campaign, in efforts to compel her to confess to participating in illegal gatherings and spreading propaganda.<sup>220</sup>

97. Prison authorities regularly force detainees to write or sign false statements asserting that they were not ill-treated.
- Javad Gholam Tamimi, editor of a reformist newspaper, was arrested on October 18, 2004, and was coerced into signing a statement denying mistreatment in prison, which was then faxed to the Islamic Republic News Agency directly from Evin Prison.<sup>221</sup>
  - Several detainees held in solitary confinement report that interrogators gave them the option of either staying in solitary confinement or agreeing to confess or recant and consequently being released into a general ward.<sup>222</sup>

### **Freedom from Inhuman Treatment in Detention and Torture (Articles 7 and 10)**

98. Article 7 of the ICCPR prohibits torture or “cruel, inhuman or degrading treatment or punishment.” Article 10 requires that detainees be “treated with humanity and with respect for the inherent dignity of the human person.” Accused persons must be segregated from convicted persons in prisons.

### ***The HRC’s 1993 Concluding Observations and the State Party’s 2009 Report***

99. In 1993 the Committee called on the State party to “ensure the strictest observance” of Articles 7 and 10 of the ICCPR. It urged that all complaints of torture, disappearances, and ill-treatment be investigated and the culprits punished, stating “severe forms of punishment incompatible with the Covenant should be removed from law and practice and the conditions of detention of persons deprived of their liberty should be improved.”<sup>223</sup>
100. The HRC expressed its concern about “the many cases of extrajudicial executions, disappearances, torture and ill-treatment” and noted that lashing and stoning are incompatible with Article 7 of the ICCPR. The Committee urged the State party to cease stoning and flogging, and provide human rights training for public and law enforcement officials.<sup>224</sup>
101. The HRC has also called on reporting states to provide “information on ... the conditions under which contacts are ensured with the outside world (family, lawyer, social and medical services, non-governmental organizations).”<sup>225</sup>

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<sup>220</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 38.

<sup>221</sup> CTRL+ALT+DELETE, *supra* note 41, at 32.

<sup>222</sup> COVERT TERROR, *supra* note 9, at 51.

<sup>223</sup> Concluding Observations, *supra* note 1, ¶ 19.

<sup>224</sup> *Id.* ¶¶ 10, 11, 19.

<sup>225</sup> Human Rights Committee, *General Comment No. 21, Article 10: Humane treatment of persons deprived of their liberty*, ¶ 12, U.N. Doc. HRI/GEN/1/Rev.9.

102. According to the State party's 2009 Report, Iran's Constitution forbids "affronts to the dignity and repute" of detainees and prisoners, and provides for individuals whose rights are violated to seek legal redress.<sup>226</sup>
103. Article 38 of the Iranian Constitution provides that "all forms of torture for the purpose of extracting confessions or acquiring information" are forbidden.<sup>227</sup>

#### ***Unsanitary and Inadequate Prison Conditions***

104. Conditions at Evin Prison in Tehran are often unsanitary and inadequate in violation of Article 10 of the ICCPR:
- In December 2002, due to lack of heat in winter, one student activist developed strep throat and had difficulty breathing while detained at Evin Prison.<sup>228</sup>
  - In 2002, prison staff released a gas (possibly paint thinner) that caused prisoners to become ill, and only opened windows for ventilation after an hour.<sup>229</sup>
  - The quarantine ward, in addition to being filthy, had only two bathrooms for more than 1,000 prisoners.<sup>230</sup>
  - Prisoners have been forced to sleep in hallways and over-capacity cells.<sup>231</sup>
  - A detainee in Evin Prison section 325 reported that prison staff punished prisoners by ignoring requests to be escorted to the bathroom.<sup>232</sup>
105. Detainees at the illegal Prison 59, including student activist Ali Afshari, detained in 2001, described the facility as lacking light, fresh air, and adequate food. Detainees were also forced to remain completely silent.<sup>233</sup>
106. A political activist held at Ghezel Hesar detention center in 2008 noted that there was no heat in winter or air-conditioning in summer, and that lice were a major problem that detainees could not avoid because they could only shower once each week.<sup>234</sup>
107. Authorities sent many 2009 post-election demonstrators to Kahrizak detention center, where some, if not all, were denied bedding, food, water, and access to toilets. Detainees reported being held in dark, cramped cells.<sup>235</sup> Ebrahim Ali Mehtari, a 27-

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<sup>226</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 451.

<sup>227</sup> COVERT TERROR, *supra* note 9, at 60.

<sup>228</sup> Witness Statement of "Mahdis" [pseudonym], prepared by IHRDC and approved by witness (April 19, 2010) ¶ 13, available at <http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Mahdis%20-%20EN.pdf>.

<sup>229</sup> *Id.* at ¶ 17.

<sup>230</sup> Witness Statement of Kourosh Sehati, *supra* note 37, ¶ 12.

<sup>231</sup> *Id.*

<sup>232</sup> Witness Statement of Mohsen Sazegara, *supra* note 39 ¶ 20.

<sup>233</sup> COVERT TERROR, *supra* note 9, at 31.

<sup>234</sup> Witness Statement of Ali Kantoori, *supra* note 53, ¶ 33.

<sup>235</sup> VIOLENT AFTERMATH, *supra* note 14, at 49, 58.

year-old student arrested in August 2009 reported that the detention center was covered in blood, vomit, excrement and urine, and that the blanket guards gave him was encrusted with others' blood.<sup>236</sup>

### ***Lack of Access to Medical Care***

108. The State party regularly denies prisoners access to adequate medical care:

- In the summer of 2000, guards denied Kourosh Sehati medical care for his broken leg, even after he volunteered to pay for the treatment.<sup>237</sup>
- Blogger Omidreza Mirsayafi, arrested in 2008 for spreading propaganda, died on March 28, 2009 due to lack of adequate medical care.<sup>238</sup>
- Narges Mohammadi, a women's rights activist, was kept in solitary confinement at Evin Prison in 2010, which aggravated her serious lung condition. She experienced paralysis, lost consciousness several times, and collapsed roughly 14 times as a result of Evin's conditions. In at least one instance, Mohammadi collapsed and fell down seven steps. Rather than giving her medical attention, interrogators brought her to the interrogation room in a wheelchair.<sup>239</sup>
- Lack of adequate medical care is directly responsible for the deaths of at least three protesters held at Kahrizak detention center in 2009.<sup>240</sup> After being assaulted with batons, tear gas, rubber bullets and air guns, guards prevented post-election protesters from receiving medical treatment. Moshen Ruholamini, Amir Javadifar, and eighteen year old Mohammad Kamrani died at Kahrizak.<sup>241</sup>

### ***Lack of Access to Family***

109. Detention center and prison staff frequently prevent political detainees from calling or visiting with their families.<sup>242</sup>

- Authorities deliberately gave the family of Amir Farshad Ebrahimi (arrested in May 2000) the wrong addresses for detention facilities.<sup>243</sup>
- In March 2001, when student activist Koroush Sehati asked a branch of the Revolutionary Court to tell his family where he was being held, a judge responded that the Court would announce that Sehati was alive, but would not disclose his location because his case was security-related.<sup>244</sup>

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<sup>236</sup> *Id.* at 47.

<sup>237</sup> Witness Statement of Kourosh Sehati, *supra* note 37, ¶ 12.

<sup>238</sup> CTRL+ALT+DELETE, *supra* note 41, at 41.

<sup>239</sup> SILENCING THE WOMEN'S RIGHTS MOVEMENT, *supra* note 5, at 30.

<sup>240</sup> VIOLENT AFTERMATH, *supra* note 14, at 57.

<sup>241</sup> *Id.* at 49-50.

<sup>242</sup> U.N. Human Rights Committee, *General Comment No. 21, Article 10 (Humane treatment of persons deprived of their liberty)*, ¶ 12, U.N. Doc. HRI/GEN/1/Rev.9.

<sup>243</sup> COVERT TERROR, *supra* note 9, at 37, 58.

<sup>244</sup> Witness Statement of Kourosh Sehati, *supra* note 37, ¶ 19.

- The family of journalist and activist Ensafali Hedayat (arrested June 2003) asked authorities at police stations and detention centers where their relative was, but the authorities denied detaining anyone matching Hedayat’s description.<sup>245</sup>
- Following journalist Siamak Pourzand’s arrest in November 2001, authorities failed to tell his family where he was detained or what had happened to him until two weeks after his abduction. The State party has still not publicly disclosed where Pourzand was detained before his transfer to Evin Prison. IHRDC believes he was held at three or more secret prisons.<sup>246</sup>
- For the first two and a half months of his detention in the winter of 2000-2001, Ali Afshari was not allowed to meet with his family. Guards ended his first visit the moment his family asked how he was doing.<sup>247</sup>
- Following her arrest in December 2002, one detainee was only able to inform her family that she was held at Evin Prison ten days after being detained, and only because an interrogator lent her his cell phone.<sup>248</sup>
- In 2009, ailing Mohammad-Ali Abtahi, a former vice president and prominent reformist, was not allowed to see his wife and daughters until forty-three days after his arrest.<sup>249</sup>
- Women’s rights activist Shiva Nazar Ahari was not allowed to speak with her family for roughly two months after she was arrested in December 2009, and even then she was allowed to speak for less than a minute on the phone.<sup>250</sup>
- Forough Mirzaei, a lawyer and human rights activist, was arrested in January 2010 and her family had no news of her whereabouts or condition during her first thirty-five days in detention.<sup>251</sup>
- Mahboubeh Abbasgholizadeh, the veteran women’s rights activist, was not allowed to see her family during her 15 days of detention in March 2007.<sup>252</sup>
- Women’s rights activist Eghdam Doust has not been permitted to see her family since being detained in March 2010.<sup>253</sup>

110. Prison staff also use prisoners’ communications with their family to further isolate prisoners and coerce them into confessing to false allegations.

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<sup>245</sup> COVERT TERROR, *supra* note 9, at 37.

<sup>246</sup> Prison authorities again beat Pourzand after he was revived. MOCKERY OF JUSTICE, *supra* note 147, at 3, 18.

<sup>247</sup> Witness Statement of Ali Afshari, *supra* note 68, ¶ 66.

<sup>248</sup> Witness Statement of Mahdis, *supra* note 228, ¶ 31.

<sup>249</sup> VIOLENT AFTERMATH, *supra* note 14, at 68, 88.

<sup>250</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 24.

<sup>251</sup> *Id.* at 35.

<sup>252</sup> *Id.* at 9.

<sup>253</sup> *Id.* at 14.

- Following her 2001 arrest, women’s rights activist Fariba Davoodi Mohajer was only allowed to contact her family at the command of members of the parallel intelligence apparatus. At their direction and under their supervision, she told her husband that she did not need a lawyer and asked him to stop giving interviews about her situation and seeking help from human rights organizations.<sup>254</sup>
- Interrogators called Tania Ahmadi Kaliji’s father and had him listen to the sounds of them torturing her. The shock of hearing his daughter in pain was so extreme that her father suffered a heart attack.<sup>255</sup>
- On March 26, 2009, authorities arrested twelve women’s rights activists, including members of the One Million Signatures Campaign, while they were attempting to visit family members of political prisoners in Tehran. The agents took them to Evin Prison where they were charged with disrupting public opinion and order.<sup>256</sup>

111. Families of detainees who die in prison are often prevented from pressing charges against prison officials. In order to receive their relative’s body they often must sign a statement absolving the authorities of any culpability in direct violation of their right to redress under Article 2(3) of the ICCPR.<sup>257</sup>

#### *Use of Stoning and Lashings as Torture*

112. The State party continues to use stoning and lashings as legal punishments in violation of Articles 7 and 10 of the ICCPR.
- The Revolutionary Court in Tehran sentenced lawyer and human rights activist Shadi Sadr to 74 lashes along with six years in prison.<sup>258</sup>
  - Sakineh Mohammadi Ashtiani was recently sentenced to death by stoning, and her sentence was only commuted to death by hanging due to international pressure.<sup>259</sup>

#### *Use of Torture and Ill-Treatment as Punishment and Coercion*

113. Detainees frequently report experiencing and witnessing torture in Iranian prisons and detention centers:
- Prior to his release in 1997, Reza Azad, a political activist, was attacked by three or four Evin Prison guards wielding rug cutters. Some of the men held Azad down while the others cut his stomach. He lost consciousness and later awoke in the prison’s clinic while receiving a blood transfusion.<sup>260</sup>

<sup>254</sup> COVERT TERROR, *supra* note 9, at 38.

<sup>255</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 37.

<sup>256</sup> *Id.* at 15.

<sup>257</sup> VIOLENT AFTERMATH, *supra* note 14, at 50.

<sup>258</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 44.

<sup>259</sup> David Montero, *Iran changes Ashtiani stoning sentence for adultery to hanging*, CHRISTIAN SCIENCE MONITOR, Aug. 13, 2010, available at <http://www.csmonitor.com/World/terrorism-security/2010/0813/Iran-changes-Ashtiani-stoning-sentence-for-adultery-to-hanging>.

<sup>260</sup> Witness Statement of Reza Azad, prepared by IHRDC and approved by witness (Aug. 26, 2010)

¶¶ 126-27, available at

- While detained in a secret, illegal government facility in 1999, Amir Farshad Ebrahimi nearly suffocated when his torturers put a bag over his head, and kicked and punched him for roughly half an hour. He was also hung upside down for several hours. He was able to identify one of his attackers as Colonel Akbar Sharafi of the Intelligence Office of the Law Enforcement Forces.<sup>261</sup>
- Following his 2004 arrest, journalist Shahram Rafizadeh was beaten repeatedly by prison guards, causing him to lose consciousness at least once. The guards hit his feet with cables, whipped his entire body when he resisted during interrogations, smashed a washbowl over his head, and punched his face until it went numb.<sup>262</sup>
- Journalist Arash Sigarchi was tortured in various ways at an unknown detention center in 2004. He was hung from a moving ceiling fan, forced to stand outside in freezing weather for three days, and had his feet whipped and toenails extracted. Sigarchi described another form of torture he was subjected to, called “the grilled chicken:” “They tied my wrist between my ankles and put a rod through it. Then they fastened my arms and legs to the rod and suspended me upside down.” In January 2005, he was threatened with execution if he refused to deliver a taped forced confession.<sup>263</sup>
- Ali Kantoori, a human rights activist, was tortured with electric batons and forced to watch prison staff beat his friends when he did not answer questions to his interrogators’ satisfaction.<sup>264</sup>
- Post-2009 election protestors at Kahrizak detention facility in Tehran were beaten, had their hands and feet burned with tar, had their teeth broken, were subjected to mock executions, were raped, and had bones broken and toenails removed. For example, agents broke bones and extracted the toenails of Amir Javadifar.<sup>265</sup>
- At Evin prison in 2009, security forces beat protestor Kayvan Samimi Behbahani so severely that he had to be taken to the prison’s clinic.<sup>266</sup>
- In November 2009, unidentified plainclothes agents used batons to brutally attack women’s rights activist Aida Sadaat. Sadaat had recently informed reformist leader Mehdi Karroubi about eight post-election protesters detained at Kahrizak detention center who had been raped, and this launched an investigation into the center’s administration and staff. The fact that the individuals who attacked Sadaat threatened to condemn her to the same fate as “the other eight,” presumably referring to the eight abused at Kahrizak, indicates that they were State party agents.<sup>267</sup>

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<http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Reza%20Azad.pdf>.

<sup>261</sup> COVERT TERROR, *supra* note 9, at 59.

<sup>262</sup> *Id.* at 57.

<sup>263</sup> Witness Statement of Arash Sigarchi, *supra* note 13, ¶¶ 12-13; CTRL+ALT+DELETE, *supra* note 41, at 39.

<sup>264</sup> Witness Statement of Ali Kantoori, *supra* note 53, ¶¶ 25, 27.

<sup>265</sup> VIOLENT AFTERMATH, *supra* note 14, at 49.

<sup>266</sup> *Id.* at 63.

<sup>267</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 26-28.

### *Rape as Torture*

114. State party interrogators use sexual abuse, including rape, to coerce prisoners to cooperate or as punishment. According to a former member of the *Basij*, rape was a reward for some *Basij* and *Sepah* members.<sup>268</sup>

- One female detainee, “Mahdis,” who was arrested after participating in student movement protests in 2002, was violently raped for three days at Evin. Her interrogator-rapists threatened to kill her family if she told anyone about her abuse, and refused to help her when she bled.<sup>269</sup>
- “Matin Yar,” a young homosexual man, was repeatedly raped by interrogators while detained in 2007.<sup>270</sup>
- Maryam Sabri was raped at least four times by different male interrogators following her July 2009 arrest.<sup>271</sup>
- In 2009, two plainclothes agents showed up at the hospital where women’s rights activist Tania Ahmadi Kaliji worked. They took her to an undisclosed location and interrogated her. A number of men held her down, asked her questions while hitting her with chains and pressing electric batons into her flesh. They alleged that she had ties to leftist groups outside the country and that she was helping plot the overthrow of the Islamic Republic. One of the interrogators fondled her breasts and they threatened to rape her. Two or three times, the interrogators forced her to swallow mysterious pills which she suspects were sedatives because she passed out. When she woke up, she was sore all over and had blood trickling from between her legs. She still does not know whether she was raped.<sup>272</sup>
- An Evin Prison interrogator told journalist Omid Memarian, “God willing, they will eventually make a groom out of you.” Memarian knew this was something interrogators told prisoners about to be raped.<sup>273</sup>
- Interrogators threatened to rape Seyyed Ali Akbar Kheradnejad following his July 9, 2009 arrest for participating in a post-election demonstration.<sup>274</sup>

### *Solitary Confinement as Torture*

115. The HRC has recognized that prolonged solitary confinement may amount to a violation of Article 7 of the ICCPR.<sup>275</sup> In its 2009 Report, the State party asserted that as of 2001,

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<sup>268</sup> *Id.* at 45.

<sup>269</sup> Witness Statement of Mahdis, *supra* note 228, ¶ 26.

<sup>270</sup> Witness Statement of Matin Yar [pseudonym], prepared by IHRDC and approved by witness (October 5, 2010) available at

<http://www.iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/Witness%20Statement%20of%20Matin%20Yar%20-%20EN%20-.pdf>.

<sup>271</sup> VIOLENT AFTERMATH, *supra* note 14, at 46.

<sup>272</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 36-37.

<sup>273</sup> FORCED CONFESSIONS *supra* note 40, at 31.

<sup>274</sup> VIOLENT AFTERMATH, *supra* note 14, at 44.

“solitary confinement has been eliminated as a form of disciplinary punishment,” and that prisoners can be kept in “a single-person cell up to a maximum period of 20 days upon approval of the overseeing judge of the prison.”<sup>276</sup>

116. In 2003 and 2008 the U.N. General Assembly and the Working Group on Arbitrary Detention highlighted the widespread use of solitary confinement in Iran.<sup>277</sup>
117. Former detainees commonly describe solitary confinement cells as closets or coffins; some cells are so tiny that detainees report having to walk backwards because there is no room to turn around.<sup>278</sup> Shiva Nazar Ahari, a women’s rights activist arrested in December 2009, described her solitary confinement cell as “cage-like”; she could barely move her legs or arms.<sup>279</sup>
118. The State party has held many political activists, human rights activists, journalists, and other political prisoners in solitary confinement for more than twenty days at a time.
  - Kourosh Sehati, a former Agricultural Engineering student at Varamin University and member of the United Students Front, spent one month in solitary confinement at Evin Prison in 2000. Sehati was arrested again in 2001, and spent seven to eight months in solitary confinement at a secret detention center.<sup>280</sup>
  - In 2003, law professor and journalist Sholeh Sadi was arrested after publishing online an open letter to Ali Khamenei questioning his clerical legitimacy. She was held in solitary confinement for several weeks at Evin Prison and was only released after consenting to give a taped confession.<sup>281</sup>
  - In 2003, journalist Ensafali Hedayat spent twenty-eight days in solitary confinement.<sup>282</sup> He was arrested again in 2004 and spent seventy-four days in solitary confinement during his sixteen months in prison.
  - In 2003, Moshen Sazegara was held in solitary confinement for fifty-nine days in Section 325 of Evin Prison.<sup>283</sup>
  - In 2004, authorities arrested Shahram Rafizadeh, a writer and editor of a reformist newspaper, and kept him in solitary confinement for seventy-three of these days at an unknown location.<sup>284</sup>
  - In 2004, Hanif Mazrui, a blogger and political activist, spent fifty-nine of the sixty-six days he was in prison in a three-square meter solitary cell.<sup>285</sup>

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<sup>275</sup> Human Rights Committee, *General Comment No. 20, Article 7: Freedom from Torture*, ¶ 6, U.N. Doc. HRI/GEN/1/Rev.9.

<sup>276</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 262.

<sup>277</sup> VIOLENT AFTERMATH, *supra* note 14, at 57.

<sup>278</sup> COVERT TERROR, *supra* note 9, at 50.

<sup>279</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 24.

<sup>280</sup> Witness Statement of Kourosh Sehati, *supra* note 37, ¶¶ 1, 4, 11, 16.

<sup>281</sup> CTRL+ALT+DELETE, *supra* note 41, at 26.

<sup>282</sup> COVERT TERROR, *supra* note 9, at 18.

<sup>283</sup> Witness Statement of Moshen Sazegara, *supra* note 39, ¶¶ 30, 33, 37.

<sup>284</sup> CTRL+ALT+DELETE, *supra* note 41, at 28.

- In 2004, Mojtaba Saminejad, a student who blogged in defense of detained cyber-journalists, was kept in solitary confinement for eighty-eight days.<sup>286</sup>
- Authorities kept Iranian-American scholar Kian Tajbakhsh in solitary detention for almost a month in 2007.<sup>287</sup>
- In 2008, labor and human rights activist Ali Kantoori was held in solitary confinement for twenty-five days.<sup>288</sup>
- Women’s rights activist Hengameh Shahidi was kept in solitary confinement for fifty days in Section 209 of Evin Prison following her June 2009 arrest.<sup>289</sup>

### *Psychological Torture and Forced Confessions*

119. Guards and interrogators psychologically torture prisoners.

- One interrogator at Prison 59 told a new detainee, “[t]his isn’t like the other prisons. ... Do as you’re told or die,” and threatened to arrest and torture the detainee’s family.<sup>290</sup>
- Interrogators deliberately “created an extremely suffocating psychological environment” by accusing the nine-year-old daughter of women’s rights activist Fariba Davoodi Mohajer of “indecent acts,” leaving her alone with a recording that looped “[w]oe to the forgotten captive,” and blaming her for her own mother’s death.<sup>291</sup>
- Journalist Siamak Pourzand was so demoralized after years of interrogations at various secret detention facilities that he attempted suicide, only to be again beaten up by prison staff after he was revived.<sup>292</sup>
- After being detained in May 2009, lawyer Shadi Sadr was subjected to long interrogation sessions during which she was taunted. Shortly before her release in 2009, interrogators blindfolded her and kept her in a room where she could hear the screams and moans of others being beaten. From the voices, she estimated she was in a room with between fifteen and twenty people. The room shook with the loud sounds of weapons, batons, and whips hitting flesh. After forcing Sadr to listen to the beatings for almost an hour, her interrogators took her to a separate room for interrogation.<sup>293</sup>

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<sup>285</sup> *Id.* at 61.

<sup>286</sup> *Id.* at 35.

<sup>287</sup> VIOLENT AFTERMATH, *supra* note 14, at 72.

<sup>288</sup> Witness Statement of Ali Kantoori, *supra* note 53, ¶ 23.

<sup>289</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 38.

<sup>290</sup> Witness Statement of Ali Afshari, *supra* note 68, ¶¶ 47, 55.

<sup>291</sup> Witness Statement of Fariba Davoodi Mohajer, *supra* note 15, ¶¶ 21, 23-24.

<sup>292</sup> MOCKERY OF JUSTICE, *supra* note 147, at 31.

<sup>293</sup> SILENCING THE WOMEN’S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 35-36.

### ***Lack of Redress for Victims of Torture and Ill-Treatment***

120. In 2004 the head of the Judiciary issued a directive – which later became the Citizens Rights Law – to judges and law enforcement and prison officials explicitly prohibiting torture by government agents. Because the directive only reaffirmed provisions of the Constitution and Criminal Code of Procedure, it was likely a response to the numerous reports of arbitrary detention and torture surfacing around that time.<sup>294</sup>
121. However, the State party continues to deny that torture is widespread and government-sanctioned, and attempts to cover up instances of torture. For example, when Moshen Ruholamini died at Kahrizak detention center, Dr. Ramin Pourandarjani attributed his death to substandard conditions and “repeated blows to the head and body with a blunt object.” Shortly thereafter, the doctor was threatened because his report confirmed that prison staff abused detainees, and he died on November 10, 2009. Authorities changed their reports on the twenty-six-year-old doctor’s cause of death, first saying he died in his sleep, then that he committed suicide, and finally that he died from a poisoned salad.<sup>295</sup>
122. Both the Iranian military and a *Majlis* commission investigated the Kahrizak deaths after reports were leaked to opposition (reformist) leaders about prisoner abuse at the facility. Both investigations ultimately determined that the deaths were the result of prisoner abuse. The *Majlis* investigation blamed opposition leaders.<sup>296</sup>

### ***Enforced Disappearances***

123. The HRC has noted that a government’s failure or refusal to notify family members of the location of the body of someone who has been executed violates Article 7 of the ICCPR.<sup>297</sup> In 1993, the HRC expressed concern about the many cases of disappearances in Iran and urged the State party to take steps to prevent disappearances, investigate disappearance claims, and punish those responsible.<sup>298</sup>
124. Following the June 12, 2009 election, Iranian authorities repeatedly withheld bodies of loved ones from family members for days or weeks, prevented them from learning the cause of death, and forbade funerals. The prominent politician Abdulhossein Ruholamini searched for his son for two weeks without success, and only found out where his body was being held after confronting the Minister of Intelligence.<sup>299</sup>
125. In some cases, authorities only returned the bodies of those killed in the 2009 post-election protests on the condition that families not publicize that their relatives died. Authorities also prohibited victims’ families from making the actual cause of death public, and in some cases coercing the families into declaring the death accidental.<sup>300</sup>

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<sup>294</sup> COVERT TERROR, *supra* note 9, at 13-14.

<sup>295</sup> VIOLENT AFTERMATH, *supra* note 14, at 52-53.

<sup>296</sup> *Id.* at 48, 52.

<sup>297</sup> DEADLY FATWA, *supra* note 62, at 58.

<sup>298</sup> Concluding Observations on Iran, *supra* note 1, ¶¶ 10, 19.

<sup>299</sup> VIOLENT AFTERMATH, *supra* note 14, at 50.

<sup>300</sup> *Id.* at 38.

## **Right to Life (Article 6)**

126. Article 6(1) of the ICCPR provides that individuals may not be arbitrarily deprived of their right to life. The HRC considers violations of this right by a State party especially grave.<sup>301</sup> The HRC has advised that Article 6 of the ICCPR prohibits arbitrary killings by security forces.<sup>302</sup>

### ***The HRC's 1993 Concluding Observations and the State Party's 2009 Report***

127. In its 1993 Concluding Observations, the HRC condemned the State party's frequent use of the death penalty, noting that the death penalty, if used at all, should only be applied to the most serious crimes, and not to economic crimes, corruption, adultery, or other non-lethal crimes. The HRC further observed that in many instances in Iran, victims were sentenced to death without basic due process of law. HRC also condemned Iran's use of stoning as one form of the death penalty.<sup>303</sup>

128. In its 2009 Report, the State party noted that Article 22 of Iran's Constitution provides that the "life ... of the individual [is] inviolate, except in cases sanctioned by law." The State party asserts that "[t]here are more stringent legal proceedings for death penalty and the ruling by the court of appeals has to be confirmed by the Supreme Court. For this reason, the death sentence ruling by the lower courts are difficult to get confirmation." The State party further explained that it executes people for a variety of crimes, including certain cases of adultery and drug smuggling. Individuals "[a]cting to overthrow the government by armaments and explosive materials" can also be subject to the death penalty.<sup>304</sup>

### ***Use of the Death Penalty following the 2009 Elections***

129. In October 2009, Mohammad Reza Ali Zamani was sentenced to death after giving a televised forced confession stating that he plotted to carry out acts of terrorism and sabotage on behalf of the Royalist Society. He had been arrested in February 2009 before performing any of the alleged actions, and had confessed during the first mass show trial.<sup>305</sup>

130. Twenty-year-old Arash Rahmanpour confessed to the same crimes as Ali Zamani. His forced confession was also televised.<sup>306</sup>

131. Mohammed-Najjar, Minister of the Interior, threatened to charge all who participated in the protests after *Ashura* with *muharibih* ("waging war against God"), making them eligible for execution should they be found guilty.<sup>307</sup> Actions that challenge cultural, social, or political aspects of the State party government were deemed *muharibih*.<sup>308</sup>

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<sup>301</sup> DEADLY FATWA, *supra* note 62, at 55.

<sup>302</sup> See VIOLENT AFTERMATH, *supra* note 14, at 43-44.

<sup>303</sup> Concluding Observations, *supra* note 1, ¶¶ 8, 11.

<sup>304</sup> Third Periodic Report of Iran, *supra* note 2, ¶¶ 200, 384-85.

<sup>305</sup> VIOLENT AFTERMATH, *supra* note 14, at 86.

<sup>306</sup> *Id.* at 86-87.

<sup>307</sup> *Id.* at 39.

<sup>308</sup> See SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN, *supra* note 5, at 18.

132. The State party accused members of the women's rights movement of being members of the *Mujahedin-e Khalq* (MEK), also a capital offense.<sup>309</sup>

### *Use of Lethal Force against Demonstrators*

133. The total number of those killed after the June 12, 2009 election remains unknown largely due to the fact that government authorities affirmatively prevented families and the public from learning of the whereabouts and fate of many victims. In September 2009, the State party reported that a total of 36 people, including security forces, had been killed. Several organizations attempted to collect and publish lists of those killed in the post-election protests. One list, created by a commission established by Mir-Hossein Mousavi and headed by Alireza Beheshti, son of one of the most prominent leaders of the 1979 revolution, put the number of election violence victims at seventy-two before the *Ashura* demonstrations. The list was mailed to the *Majlis's* Foreign Policy and National Security Commission, which rejected it because it lacked "essential data" such as the ID numbers of the victims. For some observers, the reliability of this list was bolstered by the arrest of Beheshti days after its completion.<sup>310</sup>

134. On Sunday, June 14, 2009, State party agents reportedly used batons and electric shock prods to kill students Fatemeh Barati, Mobina Ehterami, Mohsen Imani, Kasra Sharafi, and Kambiz Sho'a'i. Agents also shot students Iman Namazi and Mostafa Qaniyan that night during the dormitory raid in Tehran.<sup>311</sup>

135. On Monday, June 15, 2009:

- Sohrab Arabi disappeared on June 15 while demonstrating. His family reported that the coronor's office records showed his body arriving on June 19 but they were not give access to it until July 11,<sup>312</sup>
- Naser Amirnejad was shot by the *Basij*;
- Mehdi Karami and Massoud Khosravi were shot to death;
- Davoud Sadri was shot outside the Meqdad *Basij* station near Azadi Square in Tehran;
- Kianoosh Asa, a graduate student in Petroleum Chemistry at Iran University of Science and Technology, is believed to have been shot;<sup>313</sup>
- Eyewitnesses report that Hossein Akhtarzand was thrown by plainclothes security agents from a third floor rooftop in Isfahan; and
- Confirmed deaths were also reported in Mashhad and Kermanshah.<sup>314</sup>

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<sup>309</sup> *Id.* at 37-38.

<sup>310</sup> VIOLENT AFTERMATH, *supra* note 14, at 43-44.

<sup>311</sup> *Id.* at 14-15.

<sup>312</sup> *Id.* at 59.

<sup>313</sup> *Id.* at 19.

<sup>314</sup> *Id.* at 20.

136. On Saturday, June 20, 2009:

- Neda Agha-Soltan was shot in the chest on the street in Tehran. She died before reaching the hospital. Eyewitnesses reported that Agha-Soltan was shot by a member of the *Basij* militia. State party authorities later targeted Dr. Arash Hejazi, who came to her aid on the street.<sup>315</sup>
- Ashkan Sohrabi (20 years old) was shot in the chest on a Tehran street;
- Masoud Hashemzadeh was shot in the chest in Tehran;
- Kaveh Alipour (19 years old) was shot in the head while standing at an intersection in Tehran.<sup>316</sup>

137. The Islamic Republic News Agency reported 37 deaths on *Ashura*, December 27, 2009. Four deaths were reported in Tabriz, and seven in Tehran, according to Tehran's prosecutor. Ali Habibi-Mousavi, nephew of presidential candidate Mir-Hossein Mousavi, was shot in the chest. Reports indicate that his killing was targeted and that the 43-year-old father of two was not participating in the demonstrations.<sup>317</sup>

### **Conclusions and Recommendations**

138. IHRDC strongly condemns the extensive human rights violations committed by the State party, and urges the State party to take the following actions as soon as possible:

139. **To comply with Article 2(3):**

- 1- Ensure that all victims of human rights violations are able to exercise their right to legal remedy with the State party's full support and with the State party's protection against retaliation by State or non-State actors.

140. **To comply with Article 3:**

- 1- Reform laws pertaining to marriage, divorce, and inheritance so that women and men have equal rights.
- 2- Reform laws pertaining to legal testimony so that women's testimony is given as much weight as men's testimony.

141. **To comply with Article 6:**

- 1- Cease all summary executions by State agents and non-State agents over which the State party has authority.

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<sup>315</sup> *Id.* at 25-27.

<sup>316</sup> *Id.* at 24-25.

<sup>317</sup> *Id.* at 37-38.

- 2- Reform the Penal Code so that the death penalty, if applied ever, is applied only to individuals convicted of crimes that result in the loss of life.
- 3- Eliminate stoning as a means of execution.

**142. To comply with Article 7:**

- 1- Cease all torture and ill-treatment in official and unofficial prisons and detention centers, including, but not limited to the following: whipping, beating, punching, sleep deprivation, solitary confinement, rape, sexual abuse, and emotional or psychological torture (particularly in the form of threats against detainees' family members).
- 2- Train prison and detention center staff about detainees' human rights and promptly remove and initiate legal proceedings against those who mistreat detainees.

**143. To comply with Article 9:**

- 1- Immediately cease all arbitrary arrests and detentions, particularly against political opponents, political activists, women, minority and human rights activists, journalists, bloggers, and religious minorities.
- 2- Cease warrantless arrests and immediately inform individuals for the reason of the arrest.
- 3- Ensure that all arrestees are brought promptly before a judge and are not left in detention without being formally charged or receiving a fair trial.

**144. To comply with Article 10:**

- 1- Regularly monitor the conditions of prisons and detention centers and dedicate time and resources to ensure that such facilities are kept sanitary.
- 2- Do not allow prisons and detention centers to operate beyond capacity; ensure that there is sufficient space, bathrooms, and showers for all detainees.
- 3- Ensure that there are sufficient heating and cooling systems in detention facilities and prisons to prevent detainees from becoming sick.
- 4- Do not hold individuals in solitary confinement for more than 20 days, as provided under Iranian law.
- 5- Ensure that all detainees receive prompt and adequate medical attention.
- 6- Ensure that all detainees are able to notify their families and lawyers of their location and condition, and visit privately with their family and lawyers.
- 7- Do not allow prison and detention center staff to compel arrestees to sign confessions or other false statements.

**145. To comply with Article 12:**

- 1- Remove travel bans from all individuals not facing pending criminal charges. In particular, do not prevent individuals from leaving the country in retaliation for their human rights or political activism.

**146. To comply with Article 14:**

- 1- Do not conduct trials of criminal defendants *in absentia*.
- 2- Ensure that every individual charged with a criminal offense is tried fairly in a “competent, independent, and impartial tribunal.” In particular, do not use the courts as a forum to convict political opponents, human rights activists, or others who do not pose a security threat to the State.
- 3- Ensure that accused persons have the opportunity to confront and cross-examine witnesses testifying against them.

**147. To comply with Article 17:**

- 1- Do not allow State agents to conduct raids on individuals’ homes, offices, or other private property without warrants and without presenting a warrant to the property owner.
- 2- Do not allow State agents to conduct searches of private property or seize pieces of private property unless they have probable cause to believe that the search or seizure will aid in the investigation of specific, pre-determined charges.
- 3- Do not allow State agents to arrest, detain, threaten, abuse, or otherwise abuse family members of individuals whom the State is attempting to silence or arrest.
- 4- Do not allow State agents to monitor individuals, e.g. by tapping their phones, without reasonably believing that such surveillance is necessary to charge an individual with a specific crime. In particular, do not allow agents to conduct surveillance in order to collect personal information unconnected with any alleged crime with the sole purpose of using this information to coerce arrestees’ “cooperation” during interrogations.

**148. To comply with Article 18:**

- 1- Amend the Constitution and other relevant laws to recognize the legitimacy of all religions, and the equal rights of members of all religions and converts from Islam to another religion.
- 2- Do not arrest, detain, or otherwise harass individuals solely on the basis of their religious, political, or other beliefs or thoughts.

**149. To comply with Article 19:**

- 1- Cease operation of all national internet filtration. In particular, do not interfere with individuals' ability to host and access websites about women's rights, human rights, and websites providing translation services and information about current events.
- 2- Reform the Press Law and other related laws to remove arbitrary obstacles that prevent individuals from acquiring licenses to operate internet service providers and from seeking and imparting information or ideas on the internet.
- 3- Limit restrictions on individuals' rights to have and express political opinions independently or in concert with others without facing severe and arbitrary penalties. IHRDC looks forward to the enactment of the upcoming bill that will define the difference between political and non-political crimes,<sup>318</sup> and hopes that the bill, and other reforms, will bring Iran into compliance with its obligations under the ICCPR.

**150. To comply with Article 21:**

- 1- Reform the laws which govern the process of obtaining a protest permit, so that individuals seeking a permit to conduct a public demonstration are not arbitrarily denied their right to free assembly solely because of their political or other beliefs.
- 2- Do not authorize State agents to use violence – in particular, bullets and batons – to attack peaceful protestors.
- 3- Do not interfere with individuals' right to assemble in connection with mourning.

**151. To comply with Article 22:**

- 1- Do not arrest individuals strictly because of their affiliation with religious or political organizations.

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<sup>318</sup> Third Periodic Report of Iran, *supra* note 2, ¶ 175.