



Violent Aftermath:

The 2009 Election and Suppression of Dissent in Iran



Iran Human Rights Documentation Center

The Iran Human Rights Documentation Center (IHRDC) believes that the development of an accountability movement and a culture of human rights in Iran are crucial to the long-term peace and security of the country and the Middle East region. As numerous examples have illustrated, the removal of an authoritarian regime does not necessarily lead to an improved human rights situation if institutions and civil society are weak, or if a culture of human rights and democratic governance has not been cultivated. By providing Iranians with comprehensive human rights reports, data about past and present human rights violations and information about international human rights standards, particularly the International Covenant on Civil and Political Rights, the IHRDC programs will strengthen Iranians' ability to demand accountability, reform public institutions, and promote transparency and respect for human rights. Encouraging a culture of human rights within Iranian society as a whole will allow political and legal reforms to have real and lasting weight.

The **IHRDC** seeks to:

- Establish a comprehensive and objective historical record of the human rights situation in Iran since the 1979 revolution, and on the basis of this record, establish responsibility for patterns of human rights abuses;
- Make such record available in an archive that is accessible to the public for research and educational purposes;
- Promote accountability, respect for human rights and the rule of law in Iran; and
- Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

Iran Human Rights Documentation Center

129 Church Street

New Haven, Connecticut 06510, USA

Tel: +1-(203)-772-2218

Fax: +1-(203)-772-1782

Email: info@iranhrdc.org

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

Photographs:

The front cover photo shows two *Basij* attacking a female protestor. The portrait is of the current Chief of Police, Esmail Ahmadi-Moqaddam.

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Iran Human Rights Documentation Center, New Haven, Connecticut

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Introduction

On June 13, 2009, the day after the tenth presidential election in the Islamic Republic of Iran, demonstrations erupted in cities across the country. Demonstrators protested what they viewed as widespread fraud—calls of “Where is my vote?” predominated. The Guardian Council had permitted only four men to campaign: Mahmoud Ahmadinejad, the incumbent; Mohsen Rezai, a former head of the Islamic Revolutionary Guard Corps (*Sepah*), considered a conservative; Mir-Hossein Mousavi, a former prime minister of Iran during the war with Iraq, considered a reformist; and Mehdi Karroubi, a former speaker of the *Majlis*, also a reformist.

Mousavi had declared himself the winner late on Election Day. The government immediately announced that Ahmadinejad had won by 62 percent of the vote. The regime also responded by cutting off electronic communication avenues 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 were forbidden from reporting from the streets, and that their visas would not be renewed. Hundreds of domestic journalists and members of the press were arrested and intimidated.

Despite these efforts, demonstrations continued throughout the country on an almost daily basis through the month of June. On at least one occasion, the crowd numbered in the millions. In response, the government confirmed that Ahmadinejad had won and unleashed the *Sepah* (commanded by Mohammad-Ali Jafari) and the *Basij* (headed by Hossein Taeb) upon the crowds. As the crowds became larger and persisted in exercising their rights to peaceful assembly, the security forces became increasingly violent. Demonstrators were attacked, beaten and shot in the streets. Many demonstrators were killed in the street. Thousands were arbitrarily arrested—the Judiciary reported that 4,000 people were arrested in the initial weeks. Daily demonstrations finally slowed after a particularly harsh crackdown on June 20 during which at least thirty people were killed.

However, throughout the summer and continuing into the winter, demonstrators flooded the streets on remembrance days, and the security forces continued to brutally suppress all expressions of dissent. Objection to alleged fraudulent elections gradually developed into broader expressions of dissatisfaction with the government. Over the course of a few months, the protests became less focused on the election and more on the general repressive nature of the regime. On December 27, *Ashura*, reportedly hundreds of demonstrators were arrested.

The Iranian regime also arrested people who were not demonstrating but whom the government charged with fomenting a “velvet revolution.” The exact number of arrests remains unknown, but circumstantial evidence indicates that hundreds were arrested and detained merely for exercising their rights of association. The arrests captured broad segments of civil society, including leaders and members of political opposition and minority groups, members of the political establishment, lawyers, students, and academics. The arrests continued through the winter.

Many arrestees were threatened but released after a few days. However, many others faced torture, rape and sometimes death while in custody. Detainees were, and continue to be, subject to solitary confinement, lengthy interrogations, beatings, rape and other forms of torture. Many were not permitted contact with their families or lawyers, and many were coerced into providing public confessions. Some demonstrators were sent to the Kahrizak detention facility, where they were treated so brutally that the government ordered its closure and transferred detainees to Evin and other prisons. Three Kahrizak detainees died, due to lack of medical care, on the way to or shortly after arrival at Evin Prison. The families of many murdered demonstrators and detainees were denied permission to hold proper burial rites for their loved ones.

On August 1, a series of mass show trials began in Tehran. The first two were broadcast on Iranian television and showed hundreds of disheveled detainees dressed in pajama-like prison garb, looking dazed and confused. Although a list of defendants has never been made public, many were recognizable by the public including former vice-president Mohammad-Ali Abtahi and Dr. Mohsen Mirdamadi, the secretary general of the Islamic Iran Participation Front. The mass show trials bore little resemblance to criminal trials, under Iranian or international law. At each, the prosecution read a political document accusing the detainees and others outside of Iran, including foreign governments, of fomenting a “velvet revolution.” The readings were followed by confessions by select defendants.

Since August, detainees have also appeared on television confessing to crimes involving national security, belonging to terrorist organizations and conspiring with foreign powers. On October 5, the government began announcing sentences. The first four were death sentences handed down to men who had been arrested before the elections. As of December 31, at least a hundred sentences of lengthy prison terms, flogging, or banishment have been announced. However, the identities of many of those detained and tried remain unknown.

This preliminary report that documents and analyzes the Iranian government’s brutal suppression of dissent following the June 12 election. To meet publication deadlines, it ends its coverage on December 31, 2009. However, the Islamic Republic’s suppression efforts continue to escalate, and Iran Human Rights Documentation Center (IHRDC) fully expects that in the coming weeks, months and years, further details will come to light.

This report begins with a brief description of the presidential election, which is followed by a catalogue of the regime’s brutal suppression of the demonstrations. The regime’s refusal to issue demonstration permits to opposition groups, its use of excessive force to suppress the demonstrations, and its murder of demonstrators violated the rights of the demonstrators to freedom of assembly, protection against the use of excessive force by law enforcement, and their right to life under Iranian and international law. The killing of demonstrators was simply murder.

The third section covers the arbitrary arrests of demonstrators and the brutal treatment they suffered while imprisoned in violation of Iranian and international law. Demonstrators were imprisoned without charge, and once imprisoned, were not afforded fundamental due process, including contact with their lawyers and families. Detainees were mistreated, denied medical care, beaten, raped, tortured, and killed. The regime’s failure to inform families of the whereabouts of their loved ones also constituted forced disappearances in violation of international law.

This is followed by a section describing the arrest and imprisonment of large swaths of Iran’s political and civil society. The arrests, interrogations and torture of the non-demonstrators violated Iranian and international law for the same reasons these acts violated the rights of the demonstrators. Political detainees were held for extended periods of time, often in solitary confinement, with minimal access to family or their chosen counsel. Those who were assigned legal counsel were allowed little contact with their chosen lawyers. If it is found that the torture, killings or forced disappearances were widespread, systematic, and with the knowledge of the perpetrators, each also constitutes a crime against humanity.

The last section of this report describes the five mass show trials and the sentencing of both demonstrators and activists. The parading of detainees in mass show trials, and subsequent sentencing of election-related arrestees violated Iranian and international law, both of which require observance of basic due process, including presumption of innocence, and the right to an attorney of one’s choice, and prohibit reliance on forced confessions in criminal proceedings.

The responsibility for this brutal wave of suppression begins at the top of the Iranian regime with the Supreme Leader and flows down through Mahmoud Ahmadinejad, the heads of the law enforcement

organizations, including the *Sepah*, the *Basij* and the police (NAJA), the heads of the Judiciary, and continues down through the ranks to the *Basij* on motorcycles running demonstrators down on the street, sadistic prison guards and other judicial employees. The perpetrators and their superiors are responsible under Iranian and international law.

Much of the material presented in this report is from thirty-two interviews conducted by IHRDC with activists, experts and victims of the government's suppression. Most have chosen to remain anonymous for security reasons. Given the Iranian government's concerted efforts to hide and distort the record, this report also analyzes and compares witness testimony with reports in the official Iranian press and the international press.

1. The Election

On June 12, 2009, Iranians participated in record numbers in the tenth presidential elections held in the Islamic Republic of Iran. A spokesman for the Guardian Council reported that more than 85 percent of the 46.2 million eligible voters participated in the election.¹ Tensions, already high in the days leading up to the election, were heightened as the incumbent, Mahmoud Ahmadinejad, and a reformist candidate, Mir-Hossein Mousavi, both declared victory on election night. Following an announcement by the Election Commission of preliminary results that indicated a victory for the incumbent, the opposition candidates issued statements alleging fraud.

Since the 1979 revolution, the presidential election process in Iran has developed into a system that is tightly controlled by the Guardian Council.² This development has been accompanied by repeated allegations of fraud. However, the breadth of fraud allegations following the 2009 election was unprecedented and led to massive protests by voters. The government brutally suppressed the demonstrations, arrested thousands, killed many, and forced countless prisoners to confess to alleged crimes involving national security and fomenting a “velvet revolution.”

1.1 The Presidential Election Process

In 1989, the Iranian Constitution was amended to eliminate the post of prime minister and to provide that “[a]fter the office of Leadership, the President is the highest official in the country.” The president is responsible for implementing the Constitution and acting as the head of the executive branch.³ He is in charge of the national budget, and chooses special representatives, deputies and ministers from outside of the parliament, including the Minister of the Interior.⁴ In addition, the amended Constitution created the Supreme National Security Council (SNSC) headed by the president, which among other things, is charged with the “coordination in the areas relating to politics, intelligence, social, cultural and economic fields in regard to general defense and security policies.”⁵

Under Article 115 of the Constitution, the president is elected from among religious and political personalities. The president must also possess administrative capacity, resourcefulness, virtue, and piety and must be committed to the fundamental principles of the Islamic Republic and its official religion (Twelver Shi’a Islam).⁶

The Guardian Council is charged under Article 99 of the Constitution with supervision of elections.⁷ In 1991-92, the Council interpreted Article 99 to mean that it had supreme and all-inclusive authority over elections. Thus, the Council had the power to disqualify any candidate it considered unfit.⁸ Though this

¹ *Council: Iran Election Turnout at 85%*, PRESS TV, June 13, 2009, available at <http://www.presstv.com/detail.aspx?id=97990>.

² The Guardian Council is a twelve-member council that is granted extensive powers under the Constitution of Iran. The Council determines whether laws and regulations meet Islamic criteria and are constitutional. Six of its members are appointed directly by the Supreme Leader. Six others are appointed by the *Majlis* from among jurists nominated by the head of the Judiciary who himself is appointed by the Supreme Leader. *See* Qanun-i Assasiyih Jumhuriyih Islamiyih Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] arts. 4 and 91-99 [hereinafter Iranian Const.].

³ *Id.* art. 113.

⁴ *Id.* arts. 124, 126, 127, and 133.

⁵ *Id.* art. 176.

⁶ *Id.* art. 115.

⁷ Article 99 of the Constitution of the Islamic Republic of Iran states: “The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the President of the Republic, the Islamic Consultative Assembly, and the direct recourse to popular opinion and referenda.”

⁸ MEHDI MOSLEM, *FACTIONAL POLITICS IN POST-KHOMEINI IRAN* 181 (2002).

interpretation was considered illegitimate by many scholars at the time, it was supported by the Supreme Leader Ayatollah Seyyed Ali Khamenei.⁹ In an address to the Council, he directed:

If someone speaks and writes in opposition to the views of the *faqih*, he is anti-*Velayat-e Faqih*. [Candidates] must be pure and pious. Although some people are good-natured, it is obvious that they act partisan, and this is not good. As a rule, therefore, it is better if you not select these people. If there is no proof or evidence against them, you can act based on your own knowledge.¹⁰

On July 26, 1995, the conservatively-dominated *Majlis* amended the election law and officially granted the Guardian Council these absolute powers.¹¹ The amendments established that the supervisory powers of the Council are “unequivocal throughout the duration of the election and with regard to all matters.”¹² As a result, the Guardian Council culls the list of candidates allowed to run for president and has final say over the certification of elections.¹³

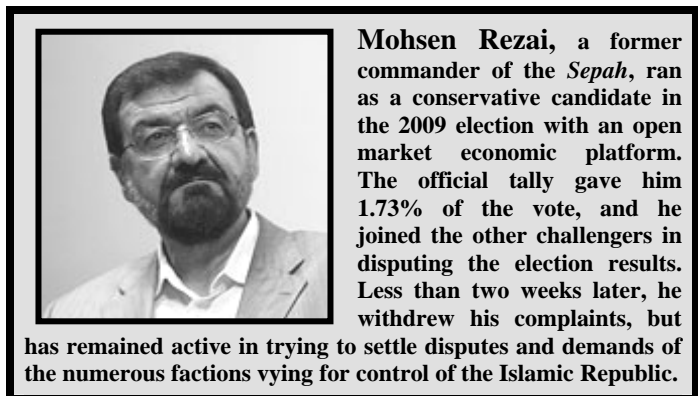
The Guardian Council excludes candidates from running for office based on subjective criteria.¹⁴ Disqualified candidates for both parliamentary and presidential elections have included respected clerics and traditional supporters of the Islamic system.¹⁵ The Council is not required to explain its reasons and its decisions cannot be appealed.¹⁶

1.2 The 2009 Election and Allegations of Fraud

On May 20, 2009, in addition to the incumbent Mahmoud Ahmadinejad, the Guardian Council permitted three of the 475 candidates who registered with the Interior Ministry to campaign and run for president. One, Mohsen Rezai, is considered a staunch conservative, while the other two, Mehdi Karroubi and Mir-Hossein Mousavi, ran as reformists.

Rezai was once head of the Islamic Revolutionary Guard Corps (*Sepah-e Pasdaran-e Enqelab-e Eslami* or *Sepah*).

However, as an ally of Ayatollah Akbar Hashemi Rafsanjani, Rezai presented a stark contrast to Ahmadinejad in several areas including economic policy. Rafsanjani was the fourth president of the Islamic Republic and is the powerful Chairman of the Expediency Discernment Council.¹⁷



⁹ REZA AFSHARI, HUMAN RIGHTS IN IRAN: THE ABUSE OF CULTURAL RELATIVISM 206 (2001).

¹⁰ MOSLEM, *supra* note 8, at 181 (citing Khamenei).

¹¹ Mehrangiz Kar, Constitutional Obstacles to the Realizations of Human Rights and Democracy in Iran, 73 (unpublished manuscript, on file with Scholars at Risk and Iran Human Rights Documentation Center) [hereinafter Constitutional Obstacles]; Iranian Const., *supra* note 2, art. 99; AFSHARI, *supra* note 9, at 239.

¹² MOSLEM, *supra* note 8, at 234; Qanun-i Intikhabat-i Riyasat-i Jumhuri [Presidential Election Law] 1364 (1985), art. 8.

¹³ Constitutional Obstacles, *supra* note 11, at 73.

¹⁴ See also AFSHARI, *supra* note 9, at 237.

¹⁵ *Id.* at 237.

¹⁶ *Id.* at 239.

¹⁷ Rafsanjani was president of the Islamic Republic of Iran between 1989 and 1997, prior to which he was the speaker of the *Majlis*. His presidency was marked by encounters with opposition groups inside and outside of the country including extra judicial killings of many opposition leaders in Europe and throughout Middle East. Along with some of his ministers, Rafsanjani has been implicated in the 1994 bombing of the Jewish cultural center in Buenos Aires. See generally IRAN HUMAN RIGHTS DOCUMENTATION CENTER, NO SAFE HAVEN: IRAN'S GLOBAL ASSASSINATION CAMPAIGN, (May 2008), available at <http://iranhrdc.org/httpdocs/English/reports.htm>. See also Zindiginamih, *Aba'd-i Ilmi va Siyasi* [Biography, Science and Political

Mehdi Karroubi, the only cleric permitted to campaign, is a steadfast and vocal critic of the Guardian Council and the Judiciary. Now seventy-two years old, Karroubi is a founding member of the Assembly of Combatant Clerics and heads the *Etemad Melli* party. Founded in 1988, the Assembly of Combatant Clerics was approved by Ayatollah Khomeini. Famous clerics later joined, including Mohammad Khatami, Mousavi Khu'iniha and Mohammad-Ali Abtahi. In 2005, Karroubi left the Assembly to form the *Etemad Melli* Party and run for president.¹⁸ He bitterly complained of election fraud after he failed to garner enough votes to make it into the second round of the elections.¹⁹



Mousavi was Prime Minister of Iran from 1981 to 1989. He was later appointed to the Expediency Discernment Council and served as an adviser to both Presidents Rafsanjani and Khatami, but generally remained on the periphery of public life. Upon Mousavi's announcement that he intended to run, former reformist President Mohammad Khatami ended his candidacy and supported Mousavi, whom he considered the stronger challenger to the incumbent, Ahmadinejad. During the official campaign period, from May 20 to June 10, Mousavi campaigned with his wife Zahra Rahnavard, promised to

abolish the "moral police" in Iran,²⁰ and criticized restrictions on the freedom of expression. Much of the reformist movement and opposition coalesced around his candidacy and its campaign color, green.²¹

The 2009 Presidential campaign has been described by witnesses as vibrant and exuberant.²² Days before the election, supporters of all the candidates participated in rallies and marches.²³ Some drove around

Aspects], WEBSITE OF AYATOLLAH HASHEMI RAFSANJANI, available at <http://www.hashemirafsanjani.ir/?type=static&lang=1&id=7>.

¹⁸ See *Darbarihiyeh Jami'yih Rawhaniyat-i Mubariz* [About Society of Combating Clerics], ROHANIAT MOBAREZ, available at <http://www.rohaniatmobarez.com/Portal/Home/ShowPage.aspx?Object=Paper&LayoutID=7c9956bd-93dd-4453-b4fa-4cac96c389c7&ID=48bb9d3a-fddb-48c6-b8fd-554013fdbfaa>; *Rawhaniyat-i Mubriz va Hidayat-i Fikr-i-Siyasiyih Millat-i Iran dar Inqilab-i Islami* [Society of Combatant Clerics and the Political – Ideological Guidance of Iranian Nation during the Revolution], RASEKHOON, available at <http://www.rasekhoon.net/Article/Print-30699.aspx>; A'za [Members], MAJMA ROUHANIYON MUBARIZ, available at <http://rouhaniyon.com/>; *Tarikhchihiyeh Ta'sis-i Hizb* [History of Founding of the Party], ETEMAD MELLI, available at <http://www.etemadmelli.org/?xid=0005020002002100000>.

¹⁹ Fear and allegations of fraud in elections are not new in the Islamic Republic. In 1997, following the presidency of Hashemi Rafsanjani, presidential elections became more contestable, and suspicions of election rigging entered the public dialog. These rumors led in turn to low voter participation and were publically addressed by then-president Rafsanjani: "The administrators of the election procedure must act in a way so that the minds of people will be at ease. ... The results [of the election] are the people's will, even though there may be people who might want to change the votes to get their candidates elected. This action would undermine the faith of the people in the system." The Supreme Leader announced that he would not allow illegal tampering with the vote. MOSLEM, *supra* note 8, at 250. Allegations of fraud were again raised after the 2005 presidential elections when Mehdi Karroubi led in the initial results but failed to qualify for the runoff which took place between Rafsanjani and Ahmadinejad. In a letter to the Supreme Leader, Karroubi claimed that the Guardian Council, in collusion with the *Sepah*, worked to create the election results that they desired. Mohammad Sahimi, *The Sheikh of Reform*, TEHRAN BUREAU, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/the-sheikh-of-the-reforms-mehdi-karroubi.html>.

²⁰ The "moral police" in Iran patrol streets and enforce religious modesty such as the proper wearing of the *hijab*.

²¹ The color green was initially suggested to Mousavi by one of his advisors and later endorsed by Khatami to become the color of his campaign. See *Ramz Gusha-i az Rang-i Sabz-i Mousavi* [Cracking the Code of Mousavi's Green Color], RAVAYAT, Dec. 21, 2009, available at <http://ravayat.ir/shownews.asp?c=0&id=7130>.

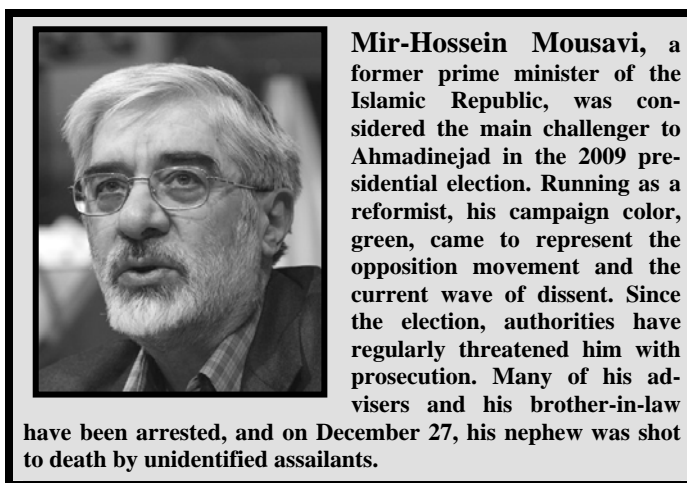
²² IHRDC interview with S.R. (Aug. 29, 2009) (on file with IHRDC).

²³ *Shu'ar-i Mardum Pas az Munazirih dar Khiyabanha, Rayih Ma Nukhust Vazir-i Imam* [People Chant in the Streets After the Debate: Our vote is Imam's Prime Minister], ENTEKHAB NEWS, June 4, 2009, available at <http://www.tikonline.org/portal/index.php?news=5637> (last visited on Oct. 13, 2009).

slowly while chanting and displaying posters or signs supporting their candidate. The crowds were massive but peaceful. Two days before the election, supporters of both conservative and reformist candidates often chanted clever attacks and reprisals back and forth without much animosity. A witness described the jubilant last night of campaigning:

At one point we saw a car where the front seat occupants were Ahmadinejad supporters and the couple in the back supported Mousavi. Each would chant with the crowd they supported and seemed to be having a good time. Traffic was going so slow that we could walk alongside the car and talk to them. They explained that the couple in the back didn't have a car and so they chipped in for the gas and came along to advocate for their candidate.²⁴

However, even before Election Day, the Mousavi and Karroubi campaign offices publically warned of election fraud. On June 9, the campaigns wrote letters to the Guardian Council and released statements warning of irregularities in the preparations for the election by both the Ministry of the Interior and the Guardian Council.²⁵ Among other charges, they reported large discrepancies between the number of voters and the number of ballots printed by the Ministry, and that twice the number of validation stamps had been manufactured and distributed. The reformist campaigns charged that these irregularities could easily be used in nefarious ways by election workers in small towns and villages who would be done early in the day and would therefore have a great deal of time on their hands.²⁶



In addition, in the months before the election, human rights organizations reported waves of arrests and harassment of Iran's student leaders, trade unionists and women's rights activists. In an apparent effort to limit debate and silence critics of the authorities, newspapers were closed, and access to internet sites was restricted.²⁷

The reformist candidates believed that a high turn-out would be an arbiter of their success. Mehdi Karroubi's campaign manager, Qolam Hossein Karbaschi, argued that the incumbent's chances of winning were significantly lower if more than 32 million members of the electorate participated. Mahdi Rahmani, a campaign manager for Mousavi, expressed confidence that "a high turnout would make Mousavi a definite winner."²⁸

²⁴ IHRDC interview with S.R. (Aug. 29, 2009) (on file with IHRDC).

²⁵ *Hushdar-i Kumitihyih Siyanat az Ara Nisbat bih Takhalufat-i Intikhabat-i* [Warning of the Committee for Protection of the Votes regarding Irregularities in the Election], BBC PERSIAN, June 9, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090609_bd_election_fraud_letter.shtml.

²⁶ *Id.*

²⁷ Amnesty International, *Iran: Worsening Repression of Dissent as Election Approaches*, AI Index MDE 13/012/2009, February 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/012/2009/en/6355979b-f779-11dd-8fd7-f57af21896e1/mde130122009en.html>.

²⁸ Ali Akbar Dareini, *Iran Reformists Hope for High Election Turnout*, THE ASSOCIATED PRESS, May 22, 2009, available at <http://abcnews.go.com/International/wireStory?id=7656826>.

1.2.1 Election Results are Announced

Early reports on Election Day indicated that the turnout would be very high. Polling stations were kept open two hours past the scheduled deadline.²⁹ The Ministry of the Interior reported that over 39 million of the 46 million eligible voters in Iran voted, resulting in the highest participation rate (85 percent) in the history of the Islamic Republic.³⁰ The high rate of participation was immediately heralded by the Supreme Leader as proof “that Iran, thanks to the Islamic, revolutionary slogans and values even thirty years after the inception of religious democracy in the country, is more alive and enthusiastic than ever and ensures friends and enemies that it would continue its bright way.”³¹



Late on Election Day, Mousavi held a news conference during which he alleged irregularities in the voting and counting of the votes.³² He claimed, however, that he was the victor in the election with 54 percent of the official tally.³³ He also called on the Supreme Leader to intervene.³⁴ Following Mousavi’s press conference, Iran’s Election Commission Chief, Kamran Daneshjoo, announced in a surprisingly early press briefing that Mahmoud Ahmadinejad had a strong lead in the polls.³⁵

After midnight, jubilant supporters gathered outside Mousavi’s campaign headquarters in Tehran in anticipation of his victory speech. They were confronted by security forces that dispersed the supporters using tear gas.³⁶ However, there were no major confrontations. The security forces did not wear uniforms. Some witnesses were not sure whether they were police officers (NAJA) or members of the *Basij*. Others could not tell whether they were supporters of Ahmadinejad or merely enforcing a ban on street demonstrations during the election.³⁷

²⁹ Thomas Erdbrink, *Iran’s Vote Ends in Confusion, Confrontation*, WASHINGTON POST, June 13, 2009, available at <http://www.sfgate.com/cgi-bin/article/article?f=c/a/2009/06/12/MNSR186K08.DTL> [hereinafter *Confusion and Confrontation*].

³⁰ *Natayij-i Naha’i’yih Dahumin Davrihyih Intikhabat-i Riyasat-i Jumhuri [Final Results of the Tenth Presidential Election]*, ISLAMIC REPUBLIC OF IRAN’S MINISTRY OF INTERIOR PORTAL, June 14, 2009, available at <http://moi.ir/Portal/Home/ShowPage.aspx?Object=News&CategoryID=832a711b-95fe-4505-8aa3-38f5e17309c9&LayoutID=dd8aff4-f71b-4c65-9aef-a1b6d0160be3&ID=5e30ab89-e376-434b-813f-8c22255158e1>; 32 million votes cast in elections, PRESS TV, June 12, 2009, available at <http://www.presstv.com/detail.aspx?id=97958>.

³¹ Seyyed Ali Khamenei, *President Elect Is President of All Iranians*, THE OFFICE OF THE SUPREME LEADER SEYYED ALI KHAMENEI, June 13, 2009 available at <http://www.leader.ir/langs/EN/index.php?p=contentShow&id=5566>; *Iran Election: What Iranian Newspapers Say*, THE ATLANTIC, June 15, 2009, available at http://politics.theatlantic.com/2009/06/iran_election_what_iranian_newspapers_say.php.

³² *Latest Results: Landslide Win for Ahmadinejad*, PRESS TV, June 13, 2009 available at <http://www.presstv.com/detail.aspx?id=97967>.

³³ *Id.*

³⁴ Robert F. Worth and Nazila Fathi, *Protests Flare in Tehran as Opposition Disputes Vote*, NEW YORK TIMES, June 14, 2009 available at http://www.nytimes.com/2009/06/14/world/middleeast/14iran.html?_r=1 [hereinafter *Protests Flare*].

³⁵ *Ahmadinejad Leads Mousavi in Preliminary Results*, PRESS TV, June 12, 2009 available at <http://www.presstv.com/detail.aspx?id=97953>.

³⁶ *Confusion and Confrontation*, supra note 36; *Sit-i Sitad-i Mousavi az Barkhurd-i Police ba Havadaran Khabar Dad [Mousavi’s Campaign Website Reported on the Clash of the Police and the Supporters]*, BBC PERSIAN, June 13, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090612_bd_ir88_mousavi_supporters.shtml. A spokesperson claimed that Mousavi was told by military personnel that his victory could not stand. Video File: European Parliament against Ahmadinejad, June 16, 2009, available at <http://www.youtube.com/watch?v=m7fiBxU8wEU>.

³⁷ *Confusion and Confrontation*, supra note 36. On election days, the authorities allow no gatherings or campaigning under article 66 of the Presidential Election Law.

Evidence suggests that a large number of *Basij* were mobilized weeks before June 12.³⁸ The *Basij* militia is a volunteer militia originally created to combat external enemies. According to its commanders, it currently has over thirteen million members.³⁹ Other estimates place the force at 400,000—about 90,000 active-duty *Basij* members who are full-time uniformed personnel and up to 300,000 reservists. Others believe that the *Basij* can mobilize up to one million men, including members of the University *Basij*, Student *Basij*, and the former tribal levies incorporated into the *Basij* (a.k.a. Tribal *Basij*).⁴⁰

Basij members receive little or no law enforcement training. In 2007, its command structure was merged with that of the *Sepah* primarily to enable it to “deal with the threats from internal enemies.”⁴¹ Major General Mohammad-Ali (Aziz) Jafari commands the *Sepah*. Hojjatoleslam Hossein Taeb was the head of the *Basij* until October 4, 2009, when he was appointed head of the *Sepah*'s intelligence unit. Brigadier General Mohammad Reza Naqdi replaced Taeb as head of the *Basij* militia.⁴²

Under Iranian law, the *Basij* have broad discretion as to when they may take action. Militia members may engage in law enforcement whenever a crime is observed and they feel the police are not responding fast enough or properly, or when the police ask for their help.⁴³ Plainclothes *Basij* are often described by witnesses as men with beards or stubble who, though not wearing official uniforms, can still be recognized by their tight collared baggy shirts and loose pants. They are armed with batons, pepper spray, knives and guns.⁴⁴

Early Saturday morning, the Election Commission Chief announced that Ahmadinejad was leading Mousavi by a two to one margin.⁴⁵ By Saturday afternoon, he announced that Ahmadinejad had won with 62.2 percent of the vote and that Mousavi had received just under 34 percent.⁴⁶

The final official election results gave Mahmoud Ahmadinejad 63.62 percent of the vote, followed by Mir-Hossein Mousavi with 33.75 percent, Mohsen Rezai with 1.73 percent, and Mehdi Karroubi with .85

³⁸ IHRDC interview with Maryam Amoozegar. (November 10, 2009) (on file with IHRDC); *Iran: Basij Member Describes Election Abuse*, CHANNEL 4 NEWS, Dec. 16, 2009, available at http://www.channel4.com/news/articles/world/middle_east/iran+basij+member+describes+election+abuse/3466142 [hereinafter *Basij* Interview].

³⁹ According to a former commander of the *Basij*, Brigadier General Mohammad Hejazi, the strength of the force in 2004 was 10.3 million. By 2007, its strength stood at 12.6 million. On November 25, 2008, Taeb told the semi-official Fars news agency that the force numbered 13.6 million, which is about 20 percent of the total population of Iran. Of this number, about 5 million are women and 4.7 million are schoolchildren. *Iran's Basij Force—the Mainstay of Domestic Security*, RADIO FREE EUROPE/RADIO LIBERTY, Dec. 8, 2008, available at http://www.rferl.org/content/Irans_Basij_Force_Mainstay_Of_Domestic_Security/1357081.html.

⁴⁰ Middle-school-aged members of the Student *Basij* are called Seekers (Puyandegan), and high-school members are called the Vanguard (Pishgaman). *Niruyeh Moghavemat Basij, Mobilization Resistance Force*, GLOBALSECURITY.ORG, undated, available at <http://www.globalsecurity.org/intell/world/iran/Basij.htm>.

⁴¹ *Sarlashgar Jafari: Mas'uliyat-i Asliyih Sepah dar Hal-i Hazir Mughabilih ba Tahdidat-i Dakhili Ast [Commander Jafari: Presently Sepah's Primary Duty is to Combat Internal Threats]*, FARS NEWS AGENCY, Sept. 29, 2007, available at <http://www.farsnews.com/newstext.php?nn=8607070416>.

⁴² *Sarlashgar Jafari Farmandihyih Kull-i Sepah-e Pasdaran Shud [Commander Jafari Was Appointed the General Commander of Sepah]*, MEHR NEWS AGENCY, Sept. 1, 2009, available at [http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=544358;Irtiqa'-i Muavinat-i Ittila't-i Sepah bih Sazman-i Ittila't \[Sepah's Intelligence Organization is Promoted to Be the Intelligence Organization\]](http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=544358;Irtiqa'-i Muavinat-i Ittila't-i Sepah bih Sazman-i Ittila't [Sepah's Intelligence Organization is Promoted to Be the Intelligence Organization]), ALEF, Oct. 6, 2009, available at <http://alef.ir/1388/content/view/54822/>; *Sardar Naqdi Ra'is-i Sazman-i Basij-i Mustazafan Shud [Brigadier General Naqdi Was Appointed Head of the Basij of the Dispossessed]*, FARS NEWS AGENCY, Oct. 4, 2009, available at <http://www.farsnews.com/newstext.php?nn=8807121636>.

⁴³ Article 1 of the Law for Judicial Protection of the *Basij* states: “The resistance force of the *Basij* of [*Sepah*], like the Judicial officers, is given permission to take necessary legal actions when encountering evident crimes and in cases of absence of the judicial officer, or their lack of timely action, or their announcement of help, in order to prevent the disappearance of the signs of crime and flight of the accused and to prepare and send a report to the judicial authorities.”

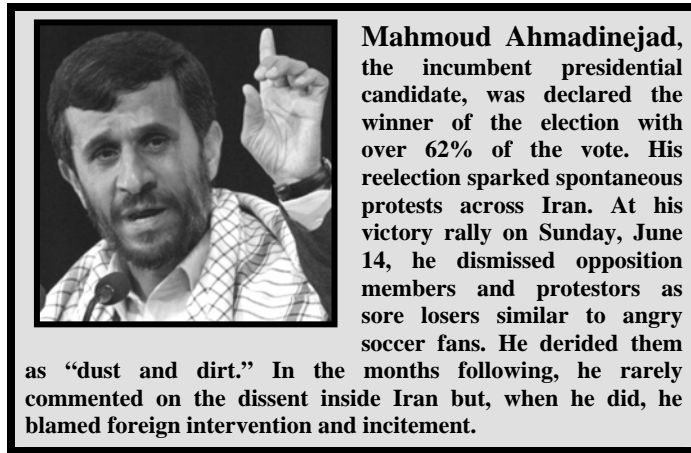
⁴⁴ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC).

⁴⁵ *32 Million Votes Cast in Elections*, PRESS TV, June 12, 2009, available at <http://www.presstv.com/detail.aspx?id=97958>.

⁴⁶ *Protests Flare*, *supra* note 34.

percent. Ahmadinejad's announced margin of victory was the largest since reformist president Mohammad Khatami won reelection with over 60 percent of the vote in 2001.⁴⁷

1.2.2 Fraud Allegations are Lodged



The three losing candidates alleged fraud. A representative of Mehdi Karroubi argued that the Interior Ministry distorted the early vote count by releasing the numbers of rural areas before the counting was complete in Iran's cities.⁴⁸ In a June 14 letter to Ayatollah Ahmad Jannati, the head of the Guardian Council, Mohsen Rezai claimed that experts and evidence suggested that he was the recipient of at least three and a half, and maybe as many as nine, million votes and requested that the council investigate the matter.⁴⁹ Rezai published his letter only after Ahmadinejad claimed in his victory speech

that none of the candidates had made an official complaint to the Guardian Council.⁵⁰

There were reports of irregularities. For example, one witness reported that two weeks before the elections, in a village in Azerbaijan province, representatives of Ahmadinejad distributed money to families equivalent to \$50 per head. They promised the villagers that payments would continue if Ahmadinejad were reelected.⁵¹ In spite of this, support for Mousavi seemed strong and most members of the community believed that he would garner the most votes. However, no one from the village was allowed to witness the closing and sealing of the ballot box.⁵² In a community with only 1,200 eligible voters, the official tally showed 900 votes for Ahmadinejad and 700 votes for Mousavi. One witness explained:

Every village in the area has its own ballot box and there are ballot boxes for the military. ... The closest large town is quite a ways away. No one would travel to vote in this ... [area]. Even if they did, they would not travel to this particular village, which is quite ordinary. Also, in such a small community, 400 visitors would be very noticeable.⁵³

Other observers noted discrepancies between registered populations and votes counted at both district and province levels.⁵⁴ A high number of districts showed more votes than registered voters. A statement by

⁴⁷ The percentage of the electorate participating had consistently fallen through 1997, 2001 and 2005. Some constituencies advocated boycotting the elections in an effort to reduce the legitimacy of the regime. It is also believed that the drop was the result of general apathy in the electorate, which did not believe their votes would have any effect. In the 1997 elections, nearly 80 percent of the electorate participated. In 2001 and 2005, the percentages were 66 and 63 percent respectively. In 2005, the first ever runoff elections were held. Participation in that election fell further to 59 percent. See *Iran Hardliner Sweeps to Victory*, BBC, June 25, 2005, available at http://news.bbc.co.uk/2/hi/middle_east/4621249.stm.

⁴⁸ *Confusion and Confrontation*, supra note 36.

⁴⁹ *Pas Az Israr-i Ra'is Jumphur dar Inkar-i Shikayat-i Mohsen Rezai, Namihyih In Candida bih Jannati dar Ikhtiyar-i Hamvatanan Qarar Girift* [After the President Insisted to Deny that Mohsen Rezai Sent a Letter to Jannati, the Letter Was Made Accessible to the Public], INTERNET WEBSITE OF DR. MOHSEN REZAI, June 14, 2009, available at <http://www.rezaee.ir/fa/pages/?cid=8518>. (Photo of original letter on file with IHRDC).

⁵⁰ *Id.*

⁵¹ IHRDC interview with B.N.N., (Aug. 11, 2009) (on file with IHRDC).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Preliminary Analysis of the Voting Figures in Iran's 2009 Presidential Election*, CHATAM HOUSE, June 21, 2009, available at http://www.chathamhouse.org.uk/files/14234_iranelection0609.pdf.

the Guardian Council acknowledged that there had been irregularities but disputed the high number of places where they occurred. It explained that these discrepancies could be accounted for by the fact that Iranian citizens are allowed to vote outside of their home districts.⁵⁵

2. Demonstrations

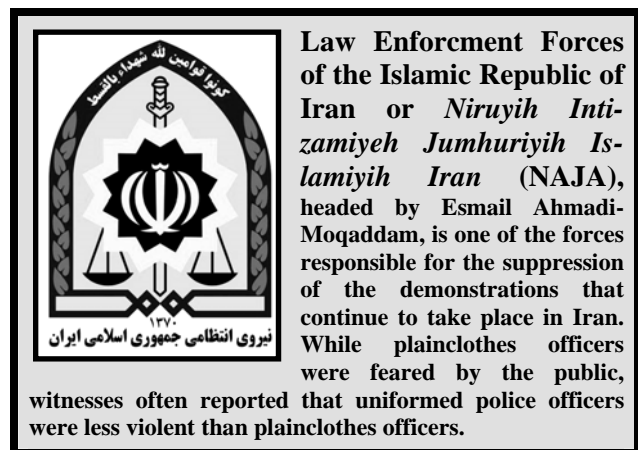
Street protests broke out immediately after the early Saturday announcement by Iran's Election Commission Chief, Kamran Daneshjoo, that Ahmadinejad was winning by a large margin.⁵⁶ The rallies attracted men and women of all ages, and from a variety of socioeconomic segments of the population calling for nullification or a recount. The authorities responded by denying demonstration permits, and by sending in *Basij* and other security forces to break up the demonstrations. The large demonstrations continued regularly until June 20 when several demonstrators were killed. In the months following, demonstrations were generally limited to national remembrance days during which large numbers of people were expected to congregate in public spaces. Hundreds were arrested and several were killed at demonstrations on December 27, the day of *Ashura*, an important religious holiday in Iran. The demonstrations and killings continue as this report goes to press.

In Tehran, cell phone services were cut⁵⁷ and anti-riot security forces took to the streets during the hours following the election. They remained for weeks.⁵⁸ Throughout the summer and into the winter, the government unleashed additional security forces in an effort to quell public demonstrations against government policies. The forces included the regular police, anti-riot police under the command of the *Sepah*, the *Basij*, and plainclothes forces that could belong to any law enforcement branch including the intelligence ministry, but were mostly identified as *Basij*. Witnesses saw security forces engage in brutal acts of violence. For example, one witness said:

In 7th Tir Square on Karimkhan Bridge, I saw them rush past on a motorcycle and throw a [box] cutter at people. It injured a lady and a young boy. The boy's nose and the side of his face were cut and the lady was injured on her upper arm.⁵⁹

Another witness recounted:

While NAJA's regular forces did not resort to much violence, the anti-riot police (which are a part of the NAJA but operate under the command of Tehran's *Sepah* units) used severe force to prevent people from mobilizing. They used powerful tear gas, rubber bullets (which were often fired in the air) and attacks into



⁵⁵ *Guardian Council: Over 100% Voted in 50 Cities*, PRESS TV, June 21, 2009, available at <http://www.presstv.ir/detail.aspx?id=98711§ionid=351020101>.

⁵⁶ *Protests Flare*, supra note 34; *Khordad-i Khunin: Guzarish-i Tafsiliiyeh Naqz-i Huquq-i Bashar dar Iran Pas az Intikhabat [Bloody Khordad [May-June]: Detailed Report of the Violations of Human rights in Iran after the Election]*, July 5, 2009, HUMAN RIGHTS ACTIVISTS NEWS AGENCY, available at <http://www.hra-news.org/news/1416.aspx>, that mentions widespread protests starting on June 13 and spreading throughout the country.

⁵⁷ *Qat'-i Khutut-i Tilifun-i Hamrah dar Tehran [Cell Phone Lines Cut Off in Tehran]*, AFTAB, June 13, 2009, available at <http://aftabnews.ir/vdofced1.w6dx0agiiw.html>.

⁵⁸ IHRDC interview with J.B. (Nov. 18, 2009) (on file with IHRDC).

⁵⁹ IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC).

crowds by [individuals on] motorcycles. They showed little mercy when confronting demonstrators and beating them. Of course, they had received training for these operations. Alongside these forces were plainclothes agents, who [were usually prone] to even more violence, especially against women. These plainclothes agents were mostly employed by the *Basij*, and they act without any regard for [the rule of law]. Sometimes ten of them would brutally attack one person.⁶⁰

The Iranian government's brutal suppression of demonstrators violated the demonstrators' rights under Iranian and international law to peacefully assemble. Its killing of demonstrators violated their fundamental rights to life and constituted homicide. If the killings were widespread and systematic, they constituted crimes against humanity, rendering the perpetrators and their superiors criminally liable under international law.⁶¹

2.1 Saturday, June 13: Demonstrations are Sparked

An estimated ten thousand protesters thronged the streets of Tehran on Saturday. The protests in Tehran reportedly began in Vanak Square, but groups of demonstrators took different routes through the city. Demonstrators chanted "death to the dictator," "death to the coup d'état," called for a new election, and demanded that Ahmadinejad resign.⁶²

Many demonstrators took to the streets to defend their votes. The precarious state of the economy, the high voter turnout, and suspicions of fraud made Ahmadinejad's win—and especially his margin of victory—very suspect.

I was defending my vote. ... I went and chose between these four people. I stood in line for three hours and I know many others who did the same. So, I was answering this affront against me. In no way whatsoever do I accept Mousavi as some kind of opposition leader. ... I went and voted, and the next morning I woke up to find that my vote was not counted. Not my vote, nor anybody else's. There was fraud, [and] I was protesting this fraud.⁶³

Both Mousavi and Karroubi published statements demanding the nullification of the elections, and urged the population to remain calm. They did not attend the demonstrations on Saturday.⁶⁴ The Interior Minister, Sadeq Mahsouli, announced that the spontaneous demonstrations were illegal, thereby justifying the arrest and prosecution of protestors.⁶⁵

By nightfall, protestors had set fire to trashcans, motorcycles and even buses while members of the *Basij* attacked the crowds with belts, batons, cables and rubber hoses.⁶⁶

When people first came into the street they were angry. They were angry because they felt they had been lied to. They knew whom they had voted for, and they knew what had happened. They were made angrier still when officials denied the obvious. ... They came into the streets to express

⁶⁰ IHRDC interview with J.B. (Nov. 18, 2009) (on file with IHRDC).

⁶¹ Rome Statute of the International Criminal Court, art. 7, Jul. 17, 1998, 2187 U.N.T.S. 90 [hereinafter Rome Statute] available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

⁶² *Tazahurat-i Chand Hizar Nafari dar Tehran Idamih Darad [Demonstration of Several Thousands in Tehran Continues]*, GOOYA NEWS, June 13, 2009, available at <http://news.gooya.com/politics/archives/2009/06/089091.php>.

⁶³ IHRDC interview with J.Q. (July 21, 2009) (on file with IHRDC).

⁶⁴ *Protests Flare*, supra note 34.

⁶⁵ *Vazir-i Kishvar dar Sitad-i Intikhabat: Barayih Tajamu'at Mujaviz Sadir Nakardim [Interior Minister at the Election Office: We Have Not Issued Permits for the Gatherings]*, ISNA, June 13, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1355761>.

⁶⁶ *Fazayih Amniyatiyih Hakim bar Shahr-i NaAram-i Tehran [Military Atmosphere Governs the Restless City of Tehran]*, ADVAR NEWS, June 13, 2009, available at <http://www.advarnews.biz/politic/9132.aspx>.

their anger, by chanting slogans, burning things in the street, breaking things, just like everywhere else in the world.⁶⁷

Clad in black body armor and riding motorcycles, the *Basij* randomly damaged private property and stole from demonstrators.⁶⁸ There are reports that they confiscated cell phones and photographic equipment, and at least one *Basij* stole sunglasses from demonstrators.

On [June 13], around five in the afternoon, a group of these [security] kids were being pounded [after they charged the crowd on motorcycles]. My husband went and brought one up [to our offices]. He was brutally beaten. His whole face was covered in blood. ... We gave him some water and tea, changed his clothes and washed his face. We told him that if he went out with his own clothes the people would tear him to pieces. ... In his pockets were several mobile phones he had stolen from people and several sunglasses [which we scolded him for].

... We asked him how much he was getting and what his situation was. He said: “We are supposed to get 50,000 Tomans [US\$ 50] a day for these days. We were put on alert two months ago about the post-election days. They guessed it would become a tumultuous situation. We were ready. We are special forces, [but] we are not allowed to shoot people. However, they have said that if it continues, we will be given permission to shoot people. They told us to be prepared twenty-four hours before the election.”⁶⁹

On Saturday night, people began shouting “God is great” from their rooftops at night, a strategy used in the 1979 revolution against the Shah.⁷⁰ The shouting continues.

2.2 Sunday, June 14: Students are Arrested and Killed in Dormitories

The demonstrations continued into Sunday in many of Iran’s larger cities.⁷¹ In Tehran, Ahmadinejad held a victory rally in Valiasr Square, where thousands of his supporters came to celebrate his victory.⁷² He disparaged those disputing the outcome of the election as “dust and dirt.”⁷³ Only a few blocks away, small groups of protestors continued their struggle against security forces. The tear gas used against them could be felt at Valiasr Square during Ahmadinejad’s speech. The beaten and bloodied protestors running away from the security forces nearby were also spotted just outside the barricades surrounding the square.⁷⁴

⁶⁷ IHRDC interview with P.Q. (July 21, 2009) (on file with IHRDC).

⁶⁸ IHRDC interview with Maryam Amoozegar (Nov. 10, 2009) (on file with IHRDC).

⁶⁹ *Id.*

⁷⁰ *Ruzshumar-i Peiknet az Kuditayih 22 Khordad – 3* [Chronology of Peiknet of the June 12 Coup – 3], PEIKNET, Nov. 18, 2009, available at <http://www.peiknet.com/1388/05aban/27/page/31Ruzshomar.htm>. In the midst of the Islamic Revolution, during the Moharram of 1978 and specially the days of Tasu’a and Ashura [December 10 and 11], people chanted ‘Allah’u akbar’ (God is great) from rooftops as a way of expressing their opposition to the Pahlavi regime. DAVID MENASHRI, IRAN, A DECADE OF WAR AND REVOLUTION 60 (1990).

⁷¹ See Video File: Demonstrations in Tehran, Isfahan, Tabriz, Rasht, Shiraz, Qazvin, June 15, 2009, available at http://www.youtube.com/watch?v=bkfYX-o_3vg&feature=related.

⁷² Robert F. Worth and Nazila Fathi, *Unrest Deepens as Critics Are Detained*, NEW YORK TIMES, June 15, 2009, available at http://www.nytimes.com/2009/06/15/world/middleeast/15iran.html?_r=1&pag.

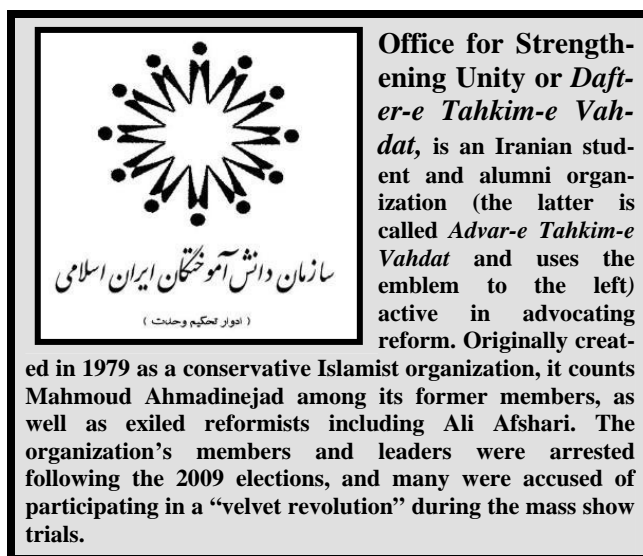
⁷³ *Ahmadinejad defends ‘dust and pebbles’ remark*, PRESS TV, June 19, 2009, available at <http://www.presstv.ir/detail/98502.htm?sectionid=351020101>. Robert F. Worth and Nazila Fathi, *Defiance Grows as Iran’s Leader Sets Vote Review*, NEW YORK TIMES, June 16, 2009, available at, http://www.nytimes.com/2009/06/16/world/middleeast/16iran.html?_r=1.

⁷⁴ Robert F. Worth and Nazila Fathi, *Unrest Deepens as Critics Are Detained*, NEW YORK TIMES, June 15, 2009, available at http://www.nytimes.com/2009/06/15/world/middleeast/15iran.html?_r=1&pag.

The stepped-up security during the day on Sunday substantially reduced the number of protestors on the streets.⁷⁵ However, by nightfall, people converged on Vanak Square and again faced *Basij* forces that inflicted bloody wounds and whipped protestors with chains.⁷⁶ The security forces chased protestors into homes and followed student demonstrators into the university dormitories.

Many students were beaten and arrested outside of the main gate to the University of Tehran.⁷⁷ Those in the dorms believed the university campus provided a sanctuary because after the violent crackdown of the student riots in 1999, Iran's Supreme National Security Council (SNSC) had decreed that security forces were only allowed to enter campus after receiving permission from the University's Board of Trustees and the Dean.⁷⁸

On Sunday night, security forces broke open gates and doors on the campus. Witnesses describe vicious attacks by forces in riot gear who did not distinguish between students who had protested from those who had not:



The police threw tear gas into the dorms, beat us, broke the windows and forced us to lie on the ground ... I had not even been protesting, but one of them jumped on me, sat on my back and beat me. And then while pretending to search me for guns and knives, he abused me sexually. They were threatening to hang us and rape us.⁷⁹

Early Monday morning, the authorities arrested over a hundred students under a cloud of tear gas while beating and shooting them with pellet guns.⁸⁰ The assailants were equipped with riot gear including shields and batons and witnesses identified them as members of the *Basij*.⁸¹ Fatemeh Barati, Mobina Ehterami, Mohsen Imani, Kasra Sharafi, and Kambiz Sho'a'i were reportedly beaten to death with batons and

electric shock prods.⁸² Their names were confirmed by *Tahkim-e Vahdat* a politically active student and alumni organization.⁸³ Members of this organization were arrested before and after the election.⁸⁴ In

⁷⁵ Nahid Siamdoust, *Tehran's Rallying Cry: 'We Are the People of Iran'*, TIME, June 15, 2009, available at <http://www.time.com/time/printout/0,8816,1904764,00.html> [hereinafter Siamdoust Article].

⁷⁶ *Id.*

⁷⁷ Saeed Kamali Dehqan, *Death in the Dorms: Iranian Students Recall Horror of Police Invasion*, GUARDIAN, July 12, 2009, available at <http://www.guardian.co.uk/world/2009/jul/12/iran-tehran-university-students-police> [hereinafter Death in the Dorms].

⁷⁸ *Yurish-i Police bih Danishgah* [Storming of the University by the Police], ROOZ ONLINE, Jan. 30, 2008, available at <http://www.roozonline.com/persian/archive/news/news/article/2008/january/29//66e5af12d3.html>.

⁷⁹ *Id.*

⁸⁰ *Hamlhiyih Khushunatbar-i Niruhayih Amniyati bih Kuyih Danishgah-i Tehran va Danishgah-i Isfahan* [Violent Attack of the Security Forces to the Tehran University Dormitories and Isfahan University], BBC PERSIAN, June 15, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090614_si_bd_ir88_koovedaneshgah.shtml.

⁸¹ Death in the Dorms, *supra* note 77.

⁸² *Id.*

⁸³ *Id.*; *Itllia'yih Daftar-e Tahkim-e Vahdat Piramun-i bih Khak va Khun Kishidih Shudan-i Kuyih Danishgah-i Tehran* [Announcement of Daftar-e Tahkim-e Vahdat Regarding the Vicious attacks on the Dormitories of Tehran University], ADVAR NEWS, June 17, 2009, available at <http://www.advarnews.biz/university/9154.aspx>.

⁸⁴ See Abbas Hakimzadeh, *Uzv-i Shurayih Markaziyih Daftar-e Tahkim-e Vahdat Azad Shud* [Abbas Hakimzadeh, Member of the Central Cadre of Tahkim-e Vahdat was Released], SAHAM NEWS, July 11, 2009, available at <http://www.etemademelli.ir/published/0/00/51/5151> (last visited Sept. 14, 2009); explains Hakimzadeh was in prison for 135

addition, Iman Namazi and Mostafa Qaniyan were shot that night during the raid on the dormitories in Tehran.⁸⁵ Some bodies of students who had been killed were reportedly buried by Monday night without notification to their families.⁸⁶ Most of those students are thought to have died very early Monday morning.⁸⁷ When families inquired as to the whereabouts of their loved ones' remains, the police and other institutions harassed and threatened them.⁸⁸ Twenty days later, five students were still in the hospital.⁸⁹

Attacks on universities on Sunday were reported from around the country. There were reports of security forces and conservative militias including the *Basij* and *Ansar-i Hizbollah*⁹⁰ storming universities and dorms, and beating and arresting students in Tabriz, Babol, Mashhad⁹¹ and Zahedan.⁹² In Isfahan, attacks occurred the University of Technology.⁹³ Security forces stormed a library in Shiraz University, firing tear gas and beating students.⁹⁴ A hundred students were arrested and a staff member was assaulted.⁹⁵ *Tahkim-e Vahdat* reported the deaths of two students in Shiraz.⁹⁶ The attack in Shiraz was so vicious that the next day, Mohammad Hadi Sadeqi, the chancellor of the university, resigned in protest.⁹⁷ Killings at universities in Isfahan were also reported but remain unconfirmed.⁹⁸

days. *Akharin Vaziyat-i Azayih Shawrayih Markaziyih* Daftar-e Tahkim-e Vahdat [Latest News from the Members of the Central Cadre of the Office for Strengthening Unity], COMMITTEE OF HUMAN RIGHTS REPORTERS, Jan. 8, 2010, available at <http://chrr.us/spip.php?article7796>.

⁸⁵ *Norooz Asamiyih Shahidan-i Ihraz-i Huviyat Shudih ta bih Imruz ra Muntashir Mikunad, Asami va Mushakhasat-i 72 Shahid-i Sabz* [Norooz Published the Names of the Martyrs whose Identity Has Been So far Established, Name and Identity of 72 Green Martyrs], NOROOZ, Sept. 4, 2009, available at <http://norooznews.org/news/13739.php> [hereinafter, Norooz List].

⁸⁶ Death in the Dorms, *supra* note 77.

⁸⁷ Norooz List, *supra* note 85. *Hamlihyih Khushunatbar-i Niruhayih Amniyati bih Kuyih Danishgah-i Tehran va Danishgah-i Isfahan* [Violent Attack of the Security Forces to the Tehran University Dormitories and Isfahan University], BBC PERSIAN, June 15, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090614_si_bd_ir88_kooyedaneshgah.shtml.

⁸⁸ *Dawlat-i Kudita Jinaziyih Shuhadayih Kuy ra Dafn Kard* [Government of the Coup Buried the Bodies of the Martyrs of University Dorms], BAMDAD KHABAR, June 16, 2009, available at http://www.bamdadkhabar.org/2009/06/post_1909/.

⁸⁹ *Rahbar Wants Follow-up to Dorm Attack Probe*, PRESS TV, July 4, 2009, available at <http://www.presstv.ir/detail.aspx?id=99771§ionid=351070101>.

⁹⁰ *Ansar-i Hizbollah*, meaning the followers of Hizbollah (party of God), is "a semi-official, paramilitary organization in Iran that carries out attacks on those it perceives to be violating the precepts of Islam, including women wearing makeup, reformist protestors, and unmarried couples." See *Ansar-i Hizbollah, Followers of the Party of God*, GLOBAL SECURITY, available at <http://www.globalsecurity.org/intell/world/iran/ansar.htm>.

⁹¹ See *Hamlihyih Niruhayih Amniyati bih Danishgahyih Shiraz, Isfahan va Tabriz* [Attack of Security Forces to Shiraz, Isfahan and Tabriz Universities], COMMITTEE OF HUMAN RIGHTS REPORTERS, June 15, 2009, available at <http://www.chrr.us/print.php?articleid=4315>; *Hamlihyih Niruyih Intizami bih Kuyih Danishgah* [The Law Enforcement Forces Attack University Dormitories], AKHBAR-E ROOZ, June 14, 2009, available at <http://www.akhbar-rooz.com/article.jsp?essayId=21505>.

⁹² Amnesty, *Arrest and Killings Rise as Election Protest Grip Iran*, June 17, 2009, available at <http://www.amnesty.org/en/news-and-updates/news/arrests-and-killings-rise-election-protests-grip-iran-20090617>.

⁹³ *Gustarish-i NaArami dar Danishgahyih Iran* [Unrest Spreads in Iran's Universities], BBC PERSIAN, June 15, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090615_ba-ir88-uni-unrest.shtml; *Hamlihyih Niruhayih Amniyati bih Danishgahyih Shiraz, Isfahan va Tabriz* [Attack of Security Forces to Shiraz, Isfahan and Tabriz Universities], COMMITTEE OF HUMAN RIGHTS REPORTERS, June 15, 2009, available at <http://www.chrr.us/print.php?articleid=4315>.

⁹⁴ Robert Tait, *Unrest in Iran Spreads to the Provinces as Students Clash with Security Forces*, GUARDIAN, June 16, 2009, available at <http://www.guardian.co.uk/world/2009/jun/16/iran-shiraz-university-chancellor-resignation> [Unrest Spreads].

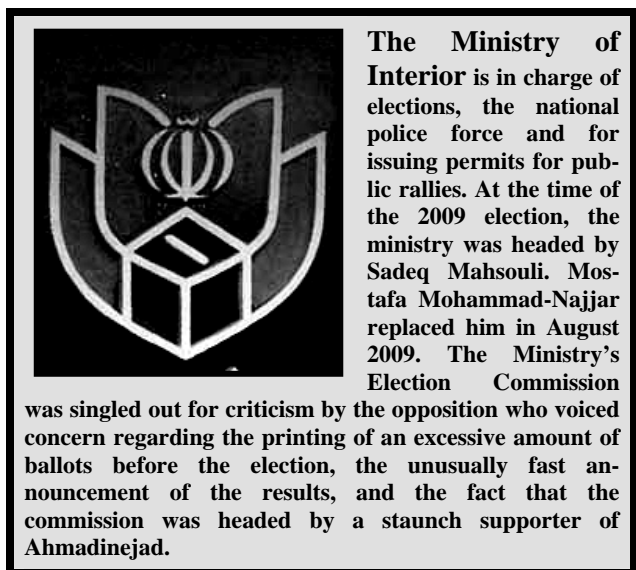
⁹⁵ *Id.*

⁹⁶ *Itlia'iyih Daftar-e Tahkim-e Vahdat Piramun-i bih Khak va Khun Kishidih Shudan-i Kuyih Danishgah-i Tehran* [Announcement of Daftar Tahkim-e Vahdat Regarding the Vicious attacks on the Dormitories of Tehran University], ADVAR NEWS, June 17, 2009, available at <http://www.advarnews.biz/university/9154.aspx>.

⁹⁷ Robert Tait, *Unrest in Iran Spreads to the Provinces as Students Clash with Security Forces*, GUARDIAN, June 16, 2009, available at <http://www.guardian.co.uk/world/2009/jun/16/iran-shiraz-university-chancellor-resignation>. A witness to the events in Shiraz claimed on Mousavi's website that this resignation was a ruse to calm the vitriol at Shiraz University after the attacks, and that the Chancellor had himself invited the security forces. *Nivishtih Hayih Shahid-i Ayniyih Zarb va Shatm 25 Khordad-i Danishgah-i Shiraz* [Writings of the Eye Witness of the Beatings of 25th of Khordad at Shiraz University], MOWJ-E SABZ-E AZADI, Aug. 24, 2009, available at <http://www.mowjcamp.com/article/id/21534> (last visited Nov. 4, 2009).

⁹⁸ In contrast, the Chancellor of Tehran University, Farhad Rahbar, blamed vandals and thugs, vaguely denied the nature of the attacks, and hinted at having given permission to security forces to enter the University. ISNA, *Rahbari: No Student was Harmed*, June 16, 2009, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-1357051&Lang=P>. Rahbar later denied having given any security forces permission, though his statements were so contradictory that he confused even Iranian lawmaker Mohsen

Gunshots were heard in several other parts of Tehran as well.⁹⁹ One witness recounted how security forces riding motorcycles fired on demonstrators with high-caliber weapons: “It wasn’t like the films where there is just a small hole—the shooting was blowing off hands, limbs. It was terrible, terrible.”¹⁰⁰



On Monday, Iran’s conservative speaker of the *Majlis*, Ali Larijani, questioned the attacks, asking: “What does it mean that in the middle of the night students are attacked in their dormitory?”¹⁰¹ Larijani blamed the Interior Minister, Sadeq Mahsouli, and demanded an investigation.¹⁰² Tehran’s Governor-General, Morteza Tamaddon, later announced an investigation by the SNSC, but claimed that the assailants were not all members of the *Basij*. “We have found clues that some individual saboteurs attended rallies who will be introduced to the Iranian people later.”¹⁰³ A parliamentary commission investigating the post-election incidents made similar comments regarding “plain-clothed men who were not on a mission from the responsible authorities within the regime.”¹⁰⁴

Little seems to have come of the investigation into the attacks on Tehran University, and lawmakers and administrators failed to address the widespread attacks on students in other towns in Iran. The similarity of the attacks and their proximity in time appears to indicate that they were planned and coordinated at a high level.

2.3 Monday, June 15: Millions Take to the Streets

On Sunday and the days that followed, Mousavi, Karroubi and others requested permits for demonstrations that were denied by the Interior Ministry.¹⁰⁵ Although the opposition candidates cancelled demonstrations, demonstrators often went forward without permits.¹⁰⁶

Kouhkan. *Rahbari Wants Follow-up to Dorm Attack Probe*, Press TV, July 4, 2009 available at <http://www.presstv.ir/detail.aspx?id=99771§ionid=351070101>.

⁹⁹ Martin Fletcher, *Hardliners Open Fire on Defiant Protestors as Tension Grips Tehran*, TIMES ONLINE, June 16, 2009, available at http://www.timesonline.co.uk/tol/news/world/middle_east/article6505842.ece.

¹⁰⁰ *Id.*

¹⁰¹ Parisa Hafezi, *Iran Speaker Condemns Attack on University Students*, REUTERS, June 16, 2009, available at <http://www.reuters.com/article/worldNews/idUSTRE55F2ZC20090616>.

¹⁰² *Iran Probes Attack on Tehran University Dorm*, PRESS TV, September 8, 2009, available at <http://www.presstv.ir/detail.aspx?id=105614§ionid=351020101>.

¹⁰³ *Id.*

¹⁰⁴ *Namayandigan-i Mardum dar Khaniyih Millat Havadis-i Ruzhayih Akhir ra Barrisi Kardand: Parvandihyih NaAramihayih Akhir dar Majlis* [People’s Representatives in the Majlis Investigated the Recent Events: Report of the Recent Unrest in the Majlis], EBTEKAR NEWSPAPER, June 18, 2009, available at <http://www.ebtekarnews.com/Ebtekar/News.aspx?NID=50689>.

¹⁰⁵ *In Iran, Mousavi Seeks Permission for Rallies*, PRESS TV, June 14, 2009, available at <http://www.presstv.ir/detail.aspx?id=98106§ionid=351020101>.

¹⁰⁶ *Mousavi Denied Permit for Post-Vote Victims Mourning*, PRESS TV, July 28, 2009, available at <http://www.presstv.ir/detail.aspx?id=101842§ionid=351020101>.

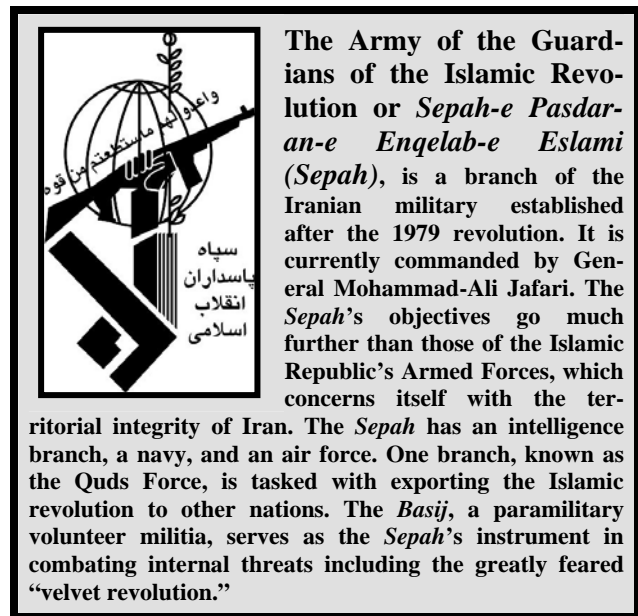
Mousavi and Karroubi applied for a permit for a rally at Azadi Square on Monday, June 15, and asked people to stay calm. Their application was denied and the rally was officially canceled, but as the day progressed, significant numbers of demonstrators filled the streets of Tehran and other larger Iranian cities. In Tehran, protestors marched silently from Enqelab Square (Revolution Square) to Azadi Square (Freedom Square) where an estimated hundreds of thousands—maybe millions—of protestors¹⁰⁷ demanded nullification of the election and a recount.¹⁰⁸ One witness recounted:

All the people were protesting in silence and asking for their demands. They had one hand on their nose and another up, showing the peace sign. I walked up to Behboodi St. There were so many people there that I couldn't go any further ... several times I wanted to leave but decided not to and tried to go further. A few times I saw a small crowd chanting. But the [main] crowd was so well organized on its own that everybody would just say "Shush!" And the crowd would go quiet. I get emotional just talking about it right now.¹⁰⁹

Mousavi and Karroubi joined the demonstrators at Azadi Square.¹¹⁰ Mousavi, in his first public appearance since the election, gave a speech demanding respect for the people's votes.¹¹¹

During most of the day, the response of the security forces to the large number of street protestors appeared to have been generally mild.¹¹² In spite of an official ban on demonstrations,¹¹³ security forces were ordered to observe the events and not attack demonstrators. Mostly seen on the sidelines, they sat on stoops next to their riot gear, as the sea of protestors flowed past. The protests were given limited coverage by the national media in Iran.¹¹⁴

Speculation varied among protestors and commentators about the regime's reasons for its non-confrontational policy. Some believed that by allowing unhampered protests, speeches, and some news coverage of the events, the regime sought to avoid the street clashes that were widespread on Saturday and Sunday.¹¹⁵ Others noted the number of protestors and surmised that any attack by the security forces would have been too risky during the day.¹¹⁶



¹⁰⁷ Mousavi: *Umidvar bih Shawrayih Nigahban Nistam* [Mousavi: I have No Hope in the Guardian Council], BBC PERSIAN, June 15, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090615_ba-ir88-mousavi-gathering.shtml; *Tazahurat-i Milliuniyih Mardum dar Khiyaban-i Inqilab va Azadi* [Demonstrations of Millions of People in Enghelab and Azadi Streets], ADVAR NEWS, June 15, 2009, available at <http://www.advarnews.us/politic/9146.aspx>.

¹⁰⁸ Siamdust Article, *supra* note 75.

¹⁰⁹ IHRDC interview with H.S. (Dec. 4, 2009) (on file with IHRDC).

¹¹⁰ *Rahpayma'iyih Hamiyani Mousavi Barguzar Shud* [Mousavi's Supporters Had their Demonstration], FARS NEWS AGENCY, June 15, 2009, available at <http://www.farsnews.net/newstext.php?nn=8803250654>.

¹¹¹ *Sukhanan-i Mir-Hossein dar Rahpayma'iyih 25 Khordad* [Speech of Mir-Hossein at June 15 Demonstration], Khabgard, June 16, 2009, available at <http://www.khabgard.com/?id=-1534175924>.

¹¹² Robert F. Worth and Nazila Fathi, *Defiance Grows as Iran's Leader Sets Vote Review*, NEW YORK TIMES, June 16, 2009, available at http://www.nytimes.com/2009/06/16/world/middleeast/16iran.html?_r=1.

¹¹³ *Rahpayma'iyih Hamiyani Mousavi Barguzar Shud* [Mousavi's Supporters Had their Demonstration], FARS NEWS AGENCY, June 15, 2009, available at <http://www.farsnews.net/newstext.php?nn=8803250654>.

¹¹⁴ Siamdust Article, *supra* note 75. *Protestors Rally for Mousavi in Election Dispute*, ASSOCIATE PRESS, June 15, 2009, available at <http://www.msnbc.msn.com/id/31365097/> [hereinafter Rally for Mousavi].

¹¹⁵ Rally for Mousavi, *supra* note 114.

¹¹⁶ *Guzarishha-i az Tazahurat-i Dushanbih 25 Khordad* [Reports from the Demonstration of Monday, 25th of Khordad [June 15]], PEYK-E IRAN, June 17, 2009, available at <http://www.peykeiran.com/Content.aspx?ID=2345>.

Protests were met with much greater resistance in other cities. In Ahvaz, a crowd of two thousand demonstrators was attacked by baton-wielding police officers.¹¹⁷ In Shiraz, security forces fired into the air and Fars Province Police General Ali Moayeri authorized his officers to shoot at protestors and warned: “From now on, we will respond harshly.”¹¹⁸

Violence also broke out in Tehran as the sun began to set and the crowds thinned.¹¹⁹ The *Sepah* and the *Basij* clashed with young demonstrators who would not disperse. One demonstrator remembered:

During the struggles, the youth threw stones at them and their motorcycles. The security forces’ fear of the young men was surprising to me. People shouted slogans from rooftops in support of the youth and the guards threw tear gas to the roofs. They tried to get inside one of the houses that gave refuge to the youth. ... [The] presence of the plainclothes and the *Basij* in camouflage and ordinary clothes was very evident. They were the most violent and were mostly young; there were even kids between 14 and 16.¹²⁰

Witnesses report that the *Basij* forces tried to provoke demonstrators, sometimes successfully, into taking violent action. Another witness said:

[After the demonstration, on our way home,] the *Basij* would come and insult people and start fights. They would come and instigate the guys. In Azadi Street close to Enghelab [Street], a group of them had come amongst the people and insulted the wife of a man who was there and started a fight. They were *Basij*, plainclothes, with batons at their belt.¹²¹

In one of the most publicized clashes, a security officer opened fire on a crowd of demonstrators outside the *Basij* compound near Azadi Square.¹²² Iran state news agency, IRIB, reported that thugs had attacked a military post as people were leaving the illegal rally:

Towards the end of yesterday’s (Monday) illegal demonstrations from which many participants were peacefully returning, several thugs [or hooligans] attacked public/government buildings and private residences in a systematic and coordinated effort which created chaos and caused great damage to public property on Azadi Street. ... The rioters, some of whom were armed, attacked a military depot with the intention of occupying the facility and disarming its guards. As a result of ensuing gunfire, seven compatriots were unfortunately killed and several others injured.¹²³

Video footage shows young men throwing rocks and a fire set by protestors.¹²⁴ However, the chaos and fear experienced by the demonstrators is palpable in the several available videos of the incident. There is

¹¹⁷ Rally for Mousavi, *supra* note 114.

¹¹⁸ *Idamiyih I'tirizat dar Tehran va Shahrhayih Digar* [Protests Continue in Tehran and Other Cities], DEUTSCHE WELLE, June 16, 2009, available at <http://www.dw-world.de/dw/article/0..4330212.00.html>; *Protestors Rally for Mousavi in Election Dispute*, ASSOCIATE PRESS, June 15, 2009, available at <http://www.msnbc.msn.com/id/31365097/>.

¹¹⁹ In June 2009, the use of force seemed to increase in the evenings. At one of the later demonstrations, a witness reported being warned about staying out too late, though the warning was unhelpful: “The [police] forces were saying that they won’t hit people until 8 pm, but when we left the mosque at seven, the guards had started beating people.” IHRDC interview with M.M.T. (Dec. 24, 2009) (on file with IHRDC).

¹²⁰ IHRDC interview with M.M.T. (Dec. 24, 2009) (on file with IHRDC).

¹²¹ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC).

¹²² There are several videos of this incident available online. *See, e.g.*, Video File: Militia Shooting Protestors with Live Bullets, June 16, 2009, available at <http://www.youtube.com/watch?v=IFs0a6-0J5o>; Video File: Shooter at *Basij* Base in Azadi Street, June 15, 2009, available at <http://www.youtube.com/watch?v=aviXWF1c0q0&feature=related>.

¹²³ *Iqtishash-i Sazmandihi Shudih va 7 Kushtih* [Organized Riots and 7 Dead People], IRIB NEWS, June 16, 2009, available at http://www.iribnews.ir/Default.aspx?Page=MainContent&news_num=193088.

¹²⁴ Video File: Militia Shooting Protestors with Live Bullets, June 16, 2009, available at <http://www.youtube.com/watch?v=IFs0a6-0J5o>; Video File: The only video of the Shooter at *Basij* Base in Azadi street, June 15, 2009, available at <http://www.youtube.com/watch?v=aviXWF1c0q0&feature=related>.

no evidence of systematic or coordinated action on the part of the demonstrators, and, although some demonstrators hold rocks, none are armed.¹²⁵ Whether this incident sparked the rest of the violence that night, or was simply one of the earliest and best documented, remains unclear. It is clear, however, that shooting into crowds was considered acceptable by the security forces from Monday night forward.

Video footage shows the *Basij* shooting into the crowds on Monday night.¹²⁶ Naser Amirnejad was one of the protestors shot at the *Basij*.¹²⁷ Close by, Mehdi Karami and Massoud Khosravi were also shot to death.¹²⁸ Davoud Sadri was shot outside the Meqdad *Basij* station near Azadi Square. The 25-year-old electrician was transferred to Rasoul Akram hospital, but died that day from injuries to his heart and spleen. His death was not confirmed for weeks during which time his family was given conflicting information by authorities about how he died, who was responsible, and where his body was located.¹²⁹

The demonstrators were shocked and in disbelief as the security forces began shooting into the crowd. One witness recounted:

The circle was filled with people ... [who] were drinking water or singing or dancing or shouting ... And all of a sudden I heard someone shooting, ... and we all got nervous ... And we saw that some people are running against that noise and coming to push us back, and they would say “no, no don’t come there, go there, they’re killing people, they’re killing people.” [But] people were like, “no, no they would never kill people.”¹³⁰

Kianoosh Asa, a masters student in Petroleum Chemistry at Iran University of Science and Technology is believed to have been shot on Monday. He disappeared that day and his whereabouts remained unknown until June 24 when his family found his body at the medical examiner’s morgue. His brother Kamran Asa pieced together some facts about Kianoosh’s death:

On 25th of Khordad [June 15] around Azadi Square, Kianoosh was shot and wounded in his side. According to eye witness accounts, he was only shot once and could easily move his hands, feet and neck and even turned his neck around. He was taken [by ambulance] ... to a hospital. ... We recognized his body on the 3rd of Tir [June 24]. [It] was taken to the Medical Examiner’s morgue four days after he was wounded, on the 29th of Khordad [June 19]. However, when we recognized his body at the [morgue], in addition to the bullet hole in his waist, he had a bullet hole in his neck. [I am] 90% positive that the cause of death was the bullet in his neck and not the one in his waist.¹³¹

Months later, on National Student Day (December 7), Kamran Asa and his companions were arrested as he tried to place a wreath and his brother’s picture on the university grounds where he had studied.¹³²

¹²⁵ *Id.*

¹²⁶ Video File: *Basij* Attacking People at Azadi Square after the Election, June 16, 2009, available at http://www.youtube.com/watch?v=BeJLbn9Vs_Q.

¹²⁷ *List-i Janbaktigan-i Shinasa-i Shudih bih 78 Nafar Risid [List of the Identified Dead Reached 78 People]*, HRA NEWS, July 28, 2009, available at <http://www.hra-news.org/news/2610.aspx>.

¹²⁸ *Id.*

¹²⁹ Nader Karami, *Basij Shooter Killed Davoud Sadri*, ROOZ ONLINE, August 1, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/august/01//Basiji-shooter-killed-davoud-sadri.html>.

¹³⁰ IHRDC interview with witness M. (Aug. 17, 2009) (on file with IHRDC).

¹³¹ *Madaram Hichvaqt Marg-i Kianoosh ra Bavar Nimikunad [My Mother Will Never Believe Kianoosh’s Death]*, RADIO FARDA, Aug. 19, 2009, available at <http://www.radiofarda.com/articleprintview/1802961.html>.

¹³² *My One Son Is Buried and the Other One Is in Prison*, ROOZ ONLINE, Dec. 10, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/december/10/my-one-son-is-buried-and-the-other-is-in-prison.html>.

At least eight people were killed in the demonstrations in Tehran on Monday.¹³³ Some were shot in streets close to Azadi Square. Others died from head injuries suffered from beatings by baton-wielding security forces.¹³⁴

Sometimes they would even throw their batons towards women and girls. They would chase the protestors until they ran out of breath. Then, they would brutally beat them—whoever they may be: men and woman, old and young. This was to frighten everyone else so they wouldn't come to the streets anymore.¹³⁵

Confirmed deaths were also reported in Isfahan, Mashhad and Kermanshah.¹³⁶ Near Shiraz Gate in Isfahan, Hossein Akhtarzand suffered a terrible death at the hands of plainclothes security agents who chased him and other protestors into a building complex filled with doctors' offices. Akhtarzand climbed to the third floor where he was beaten. Eyewitnesses report that he was thrown from the third floor rooftop. Reportedly, when representatives of the Intelligence Ministry delivered his body to his family, they claimed that he had slipped and fallen during the arrest.¹³⁷ Gruesome pictures of his shattered teeth and bruised body indicate that regardless of whether Akhtarzand slipped and fell down stairs or was thrown off the building, security forces bear the responsibility for his death.

2.4 Tuesday, June 16 through Friday, June 19: Mourning the Dead and Friday Prayers

On Tuesday, June 16, the Ministry of Culture warned foreign news outlets not to participate in or cover rallies and demonstrations. Initially, the official reason was the safety of foreign journalists since the authorities claimed to have “received specific threats against reporters.”¹³⁸ Only a day later, the ban was extended to any news conference by Mousavi, and the Foreign Ministry declared:

In an inappropriate, rushed and impudent act, certain countries have supported the illegal gatherings and the disturbances of a number of opportunists and ... have turned themselves into the mouthpiece for these hooligans, through which they aim at damaging the radiant face of the Islamic Republic.¹³⁹

Foreign journalists were told that they would not be granted extensions on their visas and would have to leave Iran.¹⁴⁰

The Guardian Council announced that the vote would be partially recounted. Mousavi urged restraint in light of threats by the country's Police Chief, General Esmail Ahmadi-Moqaddam, who promised to “quell any unrest.”¹⁴¹

¹³³ Norooz List, *supra* note 85.

¹³⁴ *Id.*

¹³⁵ IHRDC interview with F.A. (Dec. 22, 2009) (on file with IHRDC).

¹³⁶ Norooz List, *supra* note 85.

¹³⁷ *Hossein Akhtarzand, Another Victim of the Post-Election Violence*, IRAN HUMAN RIGHTS VOICE, Aug. 21, 2009, available at <http://www.ihrv.org/inf/?p=2642>.

¹³⁸ Nazila Fathi, *Protestors Defy Iranian Efforts to Cloak Unrest*, NEW YORK TIMES, June 17, 2009, available at <http://www.nytimes.com/2009/06/18/world/middleeast/18iran.html>.

¹³⁹ *Bayaniyihyih Vizarat-i Umur-i Kharijih dar Vakumish bih Risanihhayih Qarbi [Statement of the Ministry of Foreign Affairs in response to the reaction of the Foreign Media]*, KAYHAN, 03/28/1388 [June 18, 2009], available at <http://kayhannews.ir/880328/3.HTM#other300>.

¹⁴⁰ *Iran Bars Foreign Media from Reporting on Streets*, ASSOCIATED PRESS, June 16, 2009, available at <http://www.guardian.co.uk/world/feedarticle/8560894>.

¹⁴¹ *Iran Opposition Keeps up Pressure*, BBC NEWS, June 16, 2009, available at <http://news.bbc.co.uk/2/hi/8103577.stm>.

Yet, the demonstrations continued throughout the week. Despite Police Chief Ahmadi-Moqaddam's threats, witnesses report that uniformed police officers were less likely than *Basij* to use violence when dealing with demonstrators.

The interesting thing was that the National Police Force was with the people. They were not helping them, but they would not hurt them either. The problem was the plain-clothed individuals. ... [And] the buses [that] were filled with military people, commandos and militia and all these *Basij* people. ... People were [most] scared of those people who [wore black from] head-to-toe. They would call them *fada'iyān-i rahbar* [Leader's devotees]. They're just there to kill people. And even if they see you on your balcony saying 'Allah'u akbar,' they would get so mad, they would come to your house and break down [the door] and come up.¹⁴²

Mousavi's spokesperson asked that people refrain from attending a scheduled rally in Tehran on Tuesday because a pro-Ahmadinejad rally was to be held at the same site in front of the state television building.¹⁴³ Although protestors came out anyway, the two opposing crowds remained largely peaceful. Again, the majority of the opposition protestors marched in silence to their destinations in order to avoid being painted as thugs or hooligans.¹⁴⁴ As before, sporadic violence broke out later in the day, and demonstrators were injured and lost their lives.¹⁴⁵

On Wednesday, June 17, thousands of demonstrators packed the streets of Tehran for a fifth straight day.¹⁴⁶ Mousavi and former president Khatami published a joint letter asking Iran's courts to use their powers to deal with the street violence and release protesters who had been arrested:

The use of violence against ordinary people, raiding people's residences just because they chant the sacred phrase of Allah'u akbar (Allah is great), beating up women and men, destroying buildings is not in line with the standards of the Islamic Republic.¹⁴⁷

Though not a direct response to the letter, a warning by the chief prosecutor of Isfahan, Mohammad-Reza Habibi, did not bode well for the reformists' call on the Judiciary to temper the conservatives' zeal:

We warn the few elements controlled by foreigners who try to disrupt domestic security by inciting individuals to destroy and to commit arson that the Islamic penal code for such individuals waging war against God is execution.¹⁴⁸

On Wednesday, Mousavi sent another letter to the SNSC criticizing the use of plainclothes agents and complaining of their use of batons, metal rods and firearms to "attack the lines of demonstrators before the security forces."¹⁴⁹ He then released a statement asking the public to join him in a day of mourning for those who had been injured or killed in the protests:

¹⁴² IHRDC interview with Witness M. (Aug. 17, 2009) (on file with IHRDC).

¹⁴³ *Thousands of Mousavi Supporters Head for TV Building*, REUTERS, June 16, 2009, available at <http://www.reuters.com/article/worldNews/idUSTRE55F54020090616>.

¹⁴⁴ *Iran Opposition Keeps Up Pressure*, BBC, June 16, 2009, available at <http://news.bbc.co.uk/2/hi/8103577.stm>.

¹⁴⁵ Norooz List, *supra* note 85.

¹⁴⁶ Farnaz Fassihi, *Iran Arrests Reformers as Huge Protests Continue*, WALL STREET JOURNAL, June 18, 2009, available at <http://online.wsj.com/article/SB124523854750623001.html>.

¹⁴⁷ *Iranian Protesters Mostly Unfazed by Government Warnings*, CNN, June 17, 2009, available at <http://www.cnn.com/2009/WORLD/meast/06/17/iran.elections.rallies/index.html>.

¹⁴⁸ Sharon Otterman and Alan Cowell, *Protestors Defy Iranian Efforts to Cloak Unrest*, NEW YORK TIMES, June 17, 2009, available at <http://www.nytimes.com/2009/06/18/world/middleeast/18iran.html>.

¹⁴⁹ *Namihiyih Sargushadihiyih Muhandis Mir-Hossein Mousavi bih Shawrayih Amniyat-i Kishvar darbarihiyih Iqdamat-i Qayr-i Qanuniyih Libas Shakhsi-ha* [Open Letter of Mir-Hossein Mousavi to the National Security Council regarding the Illegal Actions of the Plainclothes], COMMITTEE OF HUMAN RIGHTS REPORTERS, June 17, 2009, available at <http://chrr.us/print.php?articleid=4329>; Parisa Hafezi and Hashem Kalantari, *Iran Set for a Day of Mourning after Protest Deaths*, REUTERS, June 17, 2009, available at <http://www.reuters.com/article/idUSTRE55F54520090617>.

In the course of the past days and as a consequence of illegal and violent encounters with (people protesting) against the outcome of the presidential election, a number of our countrymen were wounded or martyred. ... I ask the people to express their solidarity with the families ... by coming together in mosques or taking part in peaceful demonstrations.¹⁵⁰

In response, the next day, demonstrators gathered in Imam Khomeini Square in Tehran in the late afternoon. Their numbers reached into the hundreds of thousands, and covered the whole square and the surrounding streets.¹⁵¹ Dressed in green or black, bearing black candles or black ribbons, demonstrators heeded the call of mourning for the dead, but anticipated further clashes with the authorities.¹⁵²

Anticipating both the impact of the upcoming Friday Prayer and an extraordinary session called by the Guardian Council on Saturday to consider allegations of vote-rigging, the Association of Combatant Clerics asked for a permit to hold a pro-Mousavi rally on Saturday.¹⁵³ Karroubi's party, *Etemad Melli*, made a similar request that day even though the editor of its news outlet, Mohammad Qoochani, had been arrested by Intelligence Ministry agents.¹⁵⁴

On Friday, Tehran's Governor General, Morteza Tamaddon, made it clear that no permission for opposition rallies would be granted,¹⁵⁵ and the SNSC responded to Mousavi's letter with threats:

It is your duty not to incite and invite the public to illegal gatherings; otherwise, you will be responsible for its consequences. ... It is your responsibility to prevent the public from attending such rallies instead of making accusations against the law enforcement. ... We believe this is an organized network which is most probably affiliated to foreign-related groups and deliberately disturbs the peace and security of the public. Of course, we have already ordered the law enforcement forces to deal with the issue.¹⁵⁶

In a sign of disrespect, neither Mousavi nor Karroubi attended the Friday Prayer sermon by the Supreme Leader, and neither sent representatives to the Guardian Council's session on Saturday.¹⁵⁷ Friday Prayer

¹⁵⁰ *Bayaniyihyih Jadid-i Mir-Hossein Mousavi: Panjshanbeh ba Namad-i Sugvari, Tajam'u va Tazahurat Kunid* [New Statement of Mir-Hossein Mousavi: Demonstrate and Gather on Thursday with Symbols of Mourning], HAM MIHAN, June 17, 2009, available at <http://hammihannews.com/news/4779>. Nazila Fathi and Michael Slackman, *As Confrontation Deepens, Iran's Path Is Unclear*, NEW YORK TIMES, June 18, 2009, available at http://www.nytimes.com/2009/06/19/world/middleeast/19iran.html?_r=1.

¹⁵¹ Nazila Fathi and Michael Slackman, *As Confrontation Deepens, Iran's Path Is Unclear*, NEW YORK TIMES, June 18, 2009, available at http://www.nytimes.com/2009/06/19/world/middleeast/19iran.html?_r=1.

¹⁵² *Id.*

¹⁵³ Ian Black and Saeed Kamali Dehghan, *Iran Elections: Guardian Council to Examine Vote-Rigging Claims*, GUARDIAN, June 18, 2009, available at <http://www.guardian.co.uk/world/2009/jun/18/iran-protest-mourning>; *Iran Clerics Schedule Pro-Mousavi Rally*, PRESS TV, June 18, 2009, available at <http://www.presstv.ir/detail/98410.htm?sectionid=351020101>.

¹⁵⁴ *Iran Opposition Rallies again in Tehran*, AGENCE FRANCE-PRESSE, June 18, 2009, available at http://rawstory.com/news/afp/Iran_opposition_rallies_again_in_Te_06182009.html. See also, *Tajamu-i Azim-i Mukhalifan dar Tehran, Laqv-i Tazahurat-i Jum'i* [Colossal Gathering of Opposition in Tehran, Cancelling Friday Demonstration], BBC PERSIAN, June 18, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090618_si_ir88_friday_noprotest.shtml. *Repression Stepped Up Yet Again as Iran Becomes the World's Biggest Prison for Journalists*, REPORTERS WITHOUT BORDERS, June 21, 2009, available at http://www.rsf.org/spip.php?page=article&id_article=33474.

¹⁵⁵ *Iran Council Warns Mousavi Against Rallies*, PRESS TV, June 20, 2009, available at <http://www.presstv.com/detail/98558.htm?sectionid=351020101>.

¹⁵⁶ *Id.*

¹⁵⁷ *Hushdar-i Ayatollah Khamenei dar Murid-i Idamiyih Tazahurat-i Khiyabani* [Warning of Ayatollah Khamenei Regarding Continuing Street Protests], BBC PERSIAN, June 19, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090619_he_ir88_khamenei.shtml; and IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC). Nazila Fathi, *Iran's Top Leader Dashes Hopes for a Compromise*, NEW YORK TIME, June 19, 2009, available at <http://www.nytimes.com/2009/06/20/world/middleeast/20iran.html>; *2 Kandidayih Mu'tariz Namayandih Mu'arifi Nakardand, Shawrayih Nigahban Ra'san Bazshumari Kar* [The Two Contesting Candidates Didn't Introduce their Representatives: Guardian Council Recounted on Its Own], FARIS NEWS AGENCY, July 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8804100052>.

serves as a show of force against enemies and to unify Muslims. The Friday Prayer sermon (*khutbah*) is considered to be part of the prayer and is delivered by the Friday Prayer Imam who must be a brave, intelligent, able and eloquent man. In Iran, attendance at the Friday Prayer presumes unity with the contents of the prayer, including the sermon.¹⁵⁸

Khamenei's Friday Prayer sermon, delivered to tens of thousands of conservative supporters, was a hard-line message that was well-received by the crowd but stunned much of the Iranian population.¹⁵⁹ He warned:

If the political elite want to ... break the law, they will be held responsible for the bloodshed and any form of unrest. ... [the people are allowed to demonstrate], but it is different for terrorists who have infiltrated and hide behind these people. ... If [the opposition] creates covers for them, who will be held responsible? I want both sides to put an end to this. ... The responsibility of the consequences will be shouldered by those who are not putting an end to it. Thinking that you can put pressure on officials by turning out into the streets is wrong.¹⁶⁰



Ayatollah Ali Khamenei is the successor of Ayatollah Ruhollah Khomeini and the current Supreme Leader of Iran. The powers of the Supreme Leader include formulating government policies and overseeing their implementation, commanding and mobilizing the armed forces, declaring war and peace, and resolving differences between the three branches of government. In his June 19, 2009 Friday Prayer sermon, Khamenei warned demonstrators that further dissent would not be tolerated. This was a green light to security forces to use more violent means of suppressing the demonstrations. The next day, Saturday, June 20, was one of the most violent and deadly following the June election.

2.5 Saturday, June 20: Demonstrations are Crushed

Receiving what amounted to a green light from the Supreme Leader on Friday,¹⁶¹ the security forces unleashed ferocious assaults on the demonstrating public on Saturday, June 20. Deputy Commander of the Iranian Police, Brigadier General Ahmad-Reza Radan, issued a stern warning:

I should emphasize that all protests held in the past week were illegal and beginning today any gathering critical of the election would be illegal. ... Police will deal with the protest firmly and with determination. Those who provoke street protests should know that they will be arrested and prosecuted.¹⁶²

¹⁵⁸ See QURAN 62:9-10; *Ahamiyyat-i Namaz-i Jum'i [Importance of Friday Prayer]*, HAWZAH, available at <http://www.hawzah.net/Hawzah/Articles/Articles.aspx?LanguageID=1&id=60488&SubjectID=59952>; *Jaygah va Vijjihayih Namaz-i Jum'i [Importance and Status of Friday Prayer]*, RESALAT, July 27, 2006, available at <http://www.magiran.com/npview.asp?ID=1153718>.

¹⁵⁹ Interview with M. (Aug. 17, 2009) (on file with IHRDC). Nazila Fathi, *Iran's Top Leader Dashes Hopes for a Compromise*, NEW YORK TIME, June 19, 2009, available at <http://www.nytimes.com/2009/06/20/world/middleeast/20iran.html>.

¹⁶⁰ *Bayanat-i Muhimm-i Rahbar-i Mu'azam-i Inqilab dar Khutbihayih Namaz Jum'i Piramun-i Intikhabat [Important Message of the Esteemed Leader of the Revolution in the Friday Sermon regarding the Election]*, JUMHOURI ESLAMI, 03/30/1388 [June 20, 2009], available at <http://www.jomhourieslami.com/1388/13880330/>.

¹⁶¹ Reading into the meaning of the sermon, Amnesty International warned that the Supreme Leader had "given the go ahead for the police to launch violent crackdowns on people who continue to protest the country's election results." Amnesty International, *Iran's Supreme Leader Condones Violent Police Crackdown on Protestors*, June 19, 2009, available at <http://www.amnesty.org/en/news-and-updates/news/iran-supreme-leader-condones-violent-police-crackdown-on-protesters-20090619>.

¹⁶² *Protestors Stage Illegal Rally in Tehran*, PRESS TV, June 20, 2009, available at <http://www.presstv.com/detail.aspx?id=98606§ionid=351020101>.

Again, thousands of protestors refused to remain home, and attended rallies in Tehran and around the country.¹⁶³ In Tehran, demonstrators tried to congregate in Enqelab Square and Azadi Square, but thousands of police, *Basij*, militia and plain-clothed officers blocked access to the squares and to the streets leading to the squares.¹⁶⁴ A witness recounts:

The day after the prayer, I went to the demonstration. The demonstration was supposed to be at Enqelab Avenue, and we saw that all the streets were closed. We saw that every single street that ends in Enqelab [Square had] a bus right in front of it blocking the street. The buses were filled with military people, commandos, and militia and all these *Basij* people. ... We were getting so frustrated.¹⁶⁵

Some demonstrators managed to get into Enqelab Square, however. About three thousand protestors gathered inside the square chanting “Death to the Dictator” and “Death to dictatorship.”¹⁶⁶ Outside, the *Basij* purposefully limited the flow of people and were seen creating chaos:

I was around Enqelab Square. ... The people were simply walking in protest without being too tumultuous. There were a lot of *Basij* and plainclothes officers who had barricaded many of the side streets and were directing the flow of the people. The demonstrators were walking in order ... they weren’t chanting or anything ... the *Basij* themselves came on motorcycles, shooting in the air, terrifying and riling up the demonstrators. Really, it was they themselves who wanted to create chaos. And when people tried to run away into smaller streets they were blocked from doing so. As they grew scared and frustrated, they would throw stones and counterattack the *Basij*.¹⁶⁷

Secret police and plainclothes agents slashed people in the crowd with knives and razors.¹⁶⁸ Over twenty people were fatally shot in Tehran, including bystanders who were shot by security forces who opened fire on the demonstrators.¹⁶⁹ Video footage shows militia members firing from rooftops and windows into crowds of protestors chanting “Allah’u akbar” and “Do not fear. Do not fear. We are all together here.”¹⁷⁰

Twenty-year-old Ashkan Sohrabi was shot in the chest. His mother and sister had attempted to keep him indoors, but he left home with assurances of his return. His sister was quoted as explained:

I tried my best to distract Ashkan with things other than the street, but the crowds on our streets (Azadi) continued to get bigger. People sought refuge in alleys and homes. We heard different chants and the sound of bullets and smell of tear gas were everywhere. I asked Ashkan not to go to the street. But he said his last words to me and left the house: “Don’t worry, I’ll come back.” ... Two hours later they brought the news of his death to us. ... They had shot our Ashkan three times in the chest.¹⁷¹

Kaveh Alipour was killed while walking home from acting class on Saturday. Standing at an intersection in downtown Tehran, the 19-year-old was shot in the head. He was reportedly alone, and his family and

¹⁶³ *Armed Vandals ‘Killed Civilians’ in Tehran*, PRESS TV, June 22, 2009, available at <http://www.presstv.com/detail.aspx?id=98746§ionid=351020101> [hereinafter *Armed Vandals*]. See *Dah Kushtih va Yiksad Zakhmi dar Dargirihayih Diruz-i Tehran [Ten Dead and One Hundred Injured in Tehran’s Clashes Yesterday]*, BBC PERSIAN, 21 June 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090621_ka_ir88_tehran_clashes.shtml.

¹⁶⁴ *Iran Police Clash with Protestors*, BBC, June 20, 2009, available at <http://news.bbc.co.uk/2/hi/8110582.stm>.

¹⁶⁵ IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC).

¹⁶⁶ *Iran Police Clash with Protestors*, BBC, June 20, 2009, available at <http://news.bbc.co.uk/2/hi/8110582.stm>.

¹⁶⁷ IHRDC interview with P.R.Q. (July 21, 2009) (on file with IHRDC).

¹⁶⁸ *Iran Police Clash with Protestors*, BBC, June 20, 2009, available at <http://news.bbc.co.uk/2/hi/8110582.stm>.

¹⁶⁹ Norooz List, *supra* note 85.

¹⁷⁰ Video File: *Shooting of the Basij at the Civilians*, June, 25, 2009, available at <http://www.youtube.com/watch?v=srzMo4Zatcg&feature=Playlist&p=BBE591B85F04F82A&index=43>.

¹⁷¹ Parastu Sepehri, *My Brother Was Only 18*, ROOZ ONLINE, July 1, 2009, available at <http://www.roozonline.com/english/interview/interview/article/2009/july/01/my-brother-was-only-18.html>.

neighbors portrayed him as an apolitical person who had not taken part in the demonstrations. Though they have very little information about the circumstances of his death, they believe that he was simply in the wrong place at the wrong time.¹⁷²

Masoud Hashemzadeh left home to meet friends in his neighborhood. When he did not return home, his brother Milad became worried and went out to bring him back from his friend's home. As Milad approached his destination, he heard gunshots.

I saw that some people had been shot. [There was a clinic] between the intersection where the shooting had occurred and the one I was on, where the wounded were being carried to. When I reached it, I recognized our Masoud from the watch, ring and clothes he was wearing ... It had been maybe two minutes since his shooting, [when] a doctor bent over him and right there announced that Masoud had died.¹⁷³

Masoud had been shot in the chest, and the bullet had punctured his heart and lung before exiting out of his back. He suffered extensive internal bleeding and general blood loss. His death was nearly instantaneous.¹⁷⁴ Milad took his brother's body to their home town in the north of Iran. The authorities prevented him from holding a funeral until an investigation had been completed.¹⁷⁵ He was held overnight for questioning and missed his brother's funeral which went ahead without him.¹⁷⁶

Some of the most disturbing and dramatic video footage captured the death of Neda Agha-Soltan who was shot in the chest and died on the way to the hospital.¹⁷⁷ A former Islamic philosophy student, Agha-Soltan had never been particularly politically active, but like many others, she wanted to protest what she felt was the disregard of her vote.¹⁷⁸ Along with others gathered on the sidewalk, she watched the protestors on Karegar Street, when suddenly, security forces charged up the street on motorcycles wielding batons and throwing canisters of teargas at the demonstrators and onlookers.¹⁷⁹

The crowd panicked and scattered. Agha-Soltan and her companions joined others who ran east on Khosravi Alley towards Salehi Street. After they stopped running, they stood in the street weighing their options. Dr. Arash Hejazi remembers:

We hear[d] a gunshot. Neda was standing one meter away from me. I didn't know her. She was just another person in the crowd. I hear[d] the sound, [and] I asked my friend who was standing beside me: "What was that? Was it a gunshot?" And he said: "No, they say, they are using plastic bullets." ... All of a sudden I turned back and I saw blood gushing out of Neda's chest and she was in a shocked [state], looking at her chest.¹⁸⁰

¹⁷² Farnaz Fassihi, *Son's Death Has Iranian Family Asking Why*, WALL STREET JOURNAL, June 23, 2009, available at <http://online.wsj.com/article/SB124571865270639351.html>.

¹⁷³ BBC interview with Milad Hashemzadeh at *Ittila't-i Tazih dar Murid-i Khushtih Shudan-i Masoud-i Hashemzadeh [New Information Regarding the Death of Masoud Hashemzadeh]*, BBC PERSIAN, July 21, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090721_nm_iran_hashemzadeh.shtml.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Borzou Daragahi, *Family, Friends Mourn 'Neda,' Iranian Woman who Died on Video*, LOS ANGELES TIMES, June 23, 2009, available at <http://www.latimes.com/news/nationworld/world/la-fg-iran-neda23-2009jun23.0.366975.full.story>.

¹⁷⁸ *Id.*

¹⁷⁹ See BBC interview with Arash Hejazi at *Iran Doctor Tells of Neda's Death*, BBC, June 25, 2009, available at <http://news.bbc.co.uk/2/hi/8119713.stm>.

¹⁸⁰ *Id.*

Others in the crowd noticed the wound at the same time. A few began making video recordings with their cell phones as she clutched her chest and fell to the ground.¹⁸¹ While Hamid Panahi, her music teacher who was one of her companions, and Dr. Arash Hejazi tried to help by placing pressure on her wound, someone called for a car to take her to a hospital. The footage shows Agha-Soltan bleeding out of her mouth and nose as she quickly loses consciousness.¹⁸² Dr. Hejazi described her state:



Neda Agha-Soltan

Neda Agha-Soltan died on June 20, after being shot in the chest during a demonstration. She bled to death within minutes. Her death was captured on shaky video footage and posted online. Within hours, she became the most recognized victim of the regime's violent suppression of dissent. Subsequently, her family, her fiancé, Caspian Makan, and witnesses to her murder including Dr. Arash Hejazi, became targets of the regime as it tried to shift blame to the MEK, the U.S., the British government, the BBC, and Hejazi.

I bent over her and I saw the bullet wound then, which was right in the chest below the neck. ... Her aorta and her lung were hit by the bullet. ... I can verify that the bullet came from [the] front ... and there were no exit point [in] her back. I have never seen such a thing. It seemed to have blasted [the] inside [of] her chest. That [much] blood, and later on the blood exiting from her mouth and her nose, [gave me the] impression at the time that it had hit her lung as well.¹⁸³

She was put in a car that lost its way and became ensnarled in traffic, and then switched to another car and driven to Shariati Hospital where she was taken into surgery. She died well before she reached the emergency room.¹⁸⁴

Dr. Hejazi was left behind in Khosravi alley where he watched as Abbas Kargarjavid, a *Basij* who had been riding a motorcycle just moments before, was mobbed and disarmed by the crowd who were shouting that they had caught the killer. They ripped his shirt off, confiscated his ID cards identifying him as a member of the *Basij*, and after some debate of what to do with him, let him go.¹⁸⁵

A couple of minutes later, the people had arrested a person who kept yelling: "I did not intend to kill her." It was precisely this sentence that made everyone suspect that he was guilty. ... Debate broke out about what to do with him. Some suggested to deal with him right there, but a larger number insisted that "we are not like them. We can't kill him." On the other hand, they could not hand him over to the police ... because they did not want to identify themselves to the authorities, nor did they feel that it would serve any purpose. For these reasons, they simply let him go ... but they kept his [ID] cards.¹⁸⁶

Agha-Soltan became a major symbol of the brutality of the regime for demonstrators and caused an international sensation. Video of her death was seen by millions on the Internet. As a result, her family suffered at the hands of the authorities as they attempted to deny the veracity of the facts surrounding Agha-Soltan's death. In an interview with the BBC on June 22, her fiancé Caspian Makan, described the authorities' manipulation of the grieving family:

We worked so hard to get the authorities to release her body. She was taken to a morgue outside Tehran. The officials from the morgue asked if they could use parts of her corpse for body

¹⁸¹ See video of Neda Agha-Soltan's death at IHRDC's Election 2009 Violence page, available at <http://www.iranhrdc.org/httpdocs/English/videos2.htm>

¹⁸² *Id.*

¹⁸³ See BBC interview with Arash Hejazi at *Iran Doctor Tells of Neda's Death*, BBC, June 25, 2009, available at <http://news.bbc.co.uk/2/hi/8119713.stm>.

¹⁸⁴ Borzou Daragahi, *Family, Friends Mourn 'Neda,' Iranian Woman who Died on Video*, LOS ANGELES TIMES, June 23, 2009, available at <http://www.latimes.com/news/nationworld/world/la-fg-iran-neda23-2009jun23.0.366975.full.story>.

¹⁸⁵ See Video File: Voice of America Interview with Arash Hejazi, July 27, 2009, available at <http://www.youtube.com/watch?v=hYJJKVPtLOk>.

¹⁸⁶ *Id.*

transplants for medical patients. They didn't specify what exactly they intended to do. Her family agreed because they wanted to bury her as soon as possible. We buried her in the Behesht-e Zahra cemetery in southern Tehran. They asked us to bury her in this section where it seemed the authorities had set aside spaces for graves for those killed during the violent clashes in Tehran last week. On Monday afternoon, we had planned to hold a memorial service at the mosque. But the authorities there and the paramilitary group, the *Basij*, wouldn't allow it because they were worried it would attract unwanted attention and they didn't want anymore trouble. The authorities are aware that everybody in Iran and throughout the whole world knows about her story. So that's why they didn't want a memorial service.¹⁸⁷

As with others who spoke up about the deaths of their loved ones or reported on killings they witnessed, both Makan and Dr. Hejazi became targets of the security apparatus. Dr. Hejazi realized the dangerous situation he was in and left immediately for Britain, but Makan stayed behind. Four days after Makan's interview with the BBC, his house was surrounded and he was arrested. He was taken to Evin Prison, where he spent two weeks in solitary confinement and was repeatedly interrogated. His interrogations were similar to those of other arrestees. He was blindfolded and faced a wall as his interrogators accused him and Agha-Soltan of various motives and affiliations. He was beaten and psychologically manipulated. Finally, almost two months later, he was released on bail and escaped Iran.¹⁸⁸

Dr. Hejazi, though in Britain, was still the target of attacks by the security apparatus and the state media who vigorously disputed his version of events. On July 1, state media outlets reported that Police Chief Ahmadi-Moqaddam, had announced that the doctor was wanted by both Interpol and Iran's Intelligence ministry. He accused Dr. Hejazi of helping the Western media launch "psychological warfare against Iran."¹⁸⁹ After media sources contacted Interpol, Ahmadi-Moqaddam insisted he had been misquoted.¹⁹⁰

The attacks continued, however. Dr. Hejazi's publishing house in Iran was attacked through the use of censorship laws and financial constraints.¹⁹¹ In early November, members of the *Basij* gathered in front of the British Embassy in Tehran to demand his extradition.¹⁹² That same day, the Iranian Embassy in London denounced a graduate scholarship offered by Oxford in the name of Neda Agha-Soltan.¹⁹³ The published letter of protest suggested that Dr. Hejazi was somehow responsible for Agha-Soltan's death.¹⁹⁴

By the end of Saturday, June 20, the streets leading to Enqelab Square in Tehran were covered in blood and rocks thrown by the protestors.¹⁹⁵ State media initially glossed over the level of violence, reporting that police used batons and water canons to disperse protestors.¹⁹⁶ Later, it acknowledged that a number

¹⁸⁷ *Death Video Woman 'Targeted by Militia'*, BBC, June 22, 2009, available at <http://news.bbc.co.uk/2/hi/8113552.stm>.

¹⁸⁸ Caspian Makan: 'I Cannot Believe it Yet. I Still Think I Will See Neda Again,' GUARDIAN, Nov. 15, 2009, available at <http://www.guardian.co.uk/world/2009/nov/15/iran-neda-caspian-makan-interview>.

¹⁸⁹ *Interpol Hunting for Witness of Neda's Death*, PRESS TV, July 1, 2009, available at <http://www.presstv.ir/detail.aspx?id=99571§ionid=351020101>; *Basij Calls for Hejazi's Extradition*, PRESS TV, Nov. 11, 2009, available at <http://www.presstv.ir/detail.aspx?id=110991§ionid=351020101>.

¹⁹⁰ *Iran Police Chief Says Interpol Remarks Distorted*, PRESS TV, July 6, 2009, available at <http://www.presstv.ir/detail.aspx?id=99938§ionid=351020101>.

¹⁹¹ *Iranian Doctor Arash Hejazi who Tried to Rescue Neda Soltan Tells of Wounds that Never Heal*, TIMES ONLINE, Nov. 13, 2009, available at <http://www.timesonline.co.uk/tol/news/uk/article6913273.ece>.

¹⁹² *Basij Calls for Hejazi's Extradition*, PRESS TV, Nov. 11, 2009, available at <http://www.presstv.ir/detail.aspx?id=110991§ionid=351020101>.

¹⁹³ *Iran Condemns Oxford University's politically Motivated Scholarship*, IRNA, Nov. 10, 2009, available at <http://www.irna.ir/En/View/FullStory/?NewsId=783122&IdLanguage=3>; *Letter of the Embassy of Islamic Republic of Iran to Prof. Paul Madden, Provost of the Queens College at Oxford University*, TIME ONLINE, available at <http://extras.timesonline.co.uk/pdfs/letter1.jpg>.

¹⁹⁴ See *Letter of the Embassy of Islamic Republic of Iran to Prof. Paul Madden, Provost of the Queens College at Oxford University*, TIME ONLINE, available at <http://extras.timesonline.co.uk/pdfs/letter1.jpg>.

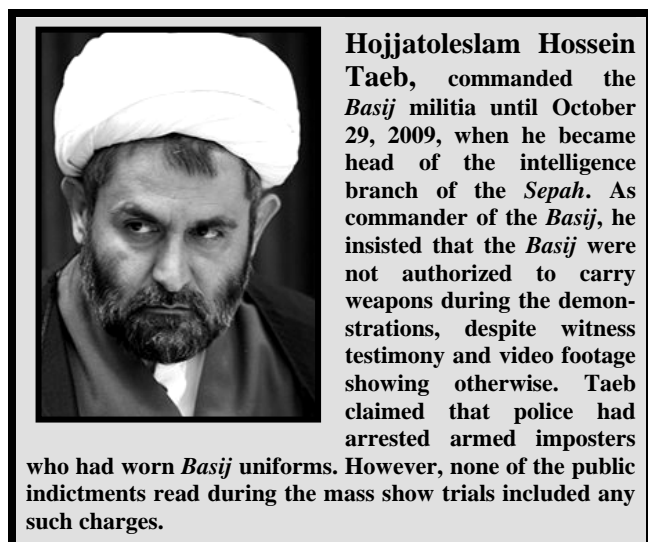
¹⁹⁵ IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC).

¹⁹⁶ *Protestors Stage Illegal Rally in Tehran*, PRESS TV, June 20, 2009, available at <http://www.presstv.com/detail.aspx?id=98606§ionid=351020101>.

of people had been killed, but blamed “terrorist elements—who had infiltrated the rallies.”¹⁹⁷ These reports were given a boost of credibility by a reported suicide bomber attack on the shrine of Ayatollah Khomeini,¹⁹⁸ but failed to address the video and testimonial evidence showing security forces shooting into crowds of chanting demonstrators.

2.6 Summer into Winter 2009: Demonstrations on Remembrance Days

Many protestors who witnessed the brutality on Saturday, June 20, believed that the demonstrations were over and would not be revived.¹⁹⁹ Indeed, for the next week, the streets remained mostly calm.²⁰⁰ There was a suffocating security presence. One witness explained:



After June 20, all of the *Basij* forces [and] the main branch of the *Sepah*'s ground forces ... took over the streets. Shahid Shiroodi Stadium housed the anti-riot police, and the *Basij* camped out at Laleh Park. To this day, large numbers of security forces continue to take to the streets (especially during more sensitive times). It cannot be said with any certainty whether these forces have been deployed to Tehran from other cities, but [it is clear that] the sheer number of forces cannot be accommodated by Tehran's bases.²⁰¹

Throughout the rest of the summer and into the winter, demonstrations became more sporadic. They occurred mostly on religious days of mourning for the victims of the violence or on

official national days of significance. On December 27, the day of *Ashura*, the violence escalated and many people were injured and killed.

2.6.1 July 9: Anniversary of 1999 Attack on Dormitories

Thursday, July 9, was the tenth anniversary of the 1999 attack on Tehran University's dormitory by the *Basij* militia. Although warned by General Moqaddam that any gathering would be strongly confronted by the police, a few hundred people assembled and protested.²⁰²

Protestors once again resisted the authorities' dispersal efforts by chanting and throwing rocks. Access to important sites were blocked, and protestors clashed with riot police who worked to prevent them from assembling, and dispersed those demonstrators who managed to congregate. One demonstrator who was arrested recounted:

¹⁹⁷ Armed Vandals, *supra* note 163. Press TV also reported that protestors set fire to a mosque and other buildings.

¹⁹⁸ *Juziyat-i BumbGuzari dar Haram-i Imam [Details of Bombing in Imam's Shrine]*, FARS NEWS AGENCY, June 20, 2009, available at <http://www.farsnews.net/newstext.php?nn=8803301162>.

¹⁹⁹ IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC).

²⁰⁰ Armed Vandals, *supra* note 163.

²⁰¹ IHRDC interview with J.B. (Dec. 18, 2009) (on file with IHRDC).

²⁰² *Guzarish-i Dargirihayih Ruz-i 18 Tir dar Tehran [Report of the 18th of Tir [July 9th] Clashes in Tehran]*, BBC PERSIAN, July 9, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090709_ba-ir88-protests-tehran-uni.shtml; *Iran Police Disperse Pro-Reformists – Witness*, REUTERS, July 9, 2009, available at <http://www.reuters.com/article/idUSL9616401>.

No one was there who didn't throw stones or chant. The girls brought us stones from the side streets and were acting like our support teams. The families who lived there were making drinks for the protestors and gave them water. ... I was caught in a sudden and surprising attack. While we were battling the Special Forces, the plainclothes on bikes sped into Enghelab Street from S. Eskandari Street and blocked our exit from behind and arrested us. There was no chance for others to inform us of this beforehand.²⁰³

Authorities severely beat demonstrators with batons and used electric shock prods before arresting them. A subsequent military investigation revealed that over 145 of these and other demonstrators were taken to the Kahrizak detention facility the next day.²⁰⁴ The beatings suffered on the streets and the treatment at Kahrizak led to the deaths of at least three of the demonstrators arrested on July 9.²⁰⁵ Yet in one of his first statements regarding the victims of the July 9 demonstrations, Police Chief Ahmadi-Moqaddam claimed on July 10 that NAJA no longer held anyone in custody in relation to the street protests.²⁰⁶

2.6.2 July 17: Rafsanjani's Friday Prayer

A week later, on July 17, former president Ayatollah Akbar Hashemi-Rafsanjani, a senior cleric and regular leader of Tehran's Friday Prayer, gave his only post-election sermon. Following the election, his family members had come under scrutiny for participating in the demonstrations, and allegations about his own corruption were a major part of the Ahmadinejad's campaign rhetoric.²⁰⁷

Rafsanjani's sermon drew hundreds of thousands of attendees.²⁰⁸ In his sermon, he criticized the handling of the elections by the government and the attacks on those he considered heroes of the revolution. He declared that the government's legitimacy depends on the people's consent, and noted that the population had lost trust in the system. Emphasizing unity, he urged the authorities to refrain from arresting and imprisoning citizens, and from censoring the media.²⁰⁹ His sermon was not broadcast live on national television as is usually the case with Tehran's Friday Prayers.²¹⁰

Although both reformist candidates attended Rafsanjani's sermon, Tehran University's Prayer Hall, the setting of all Friday Prayers, was filled with supporters of the government. Outside, however, a multitude of demonstrators used the opportunity to continue their protests. Clashes erupted after the sermon and the security forces used tear gas and beatings to disperse the crowds as they gathered in several areas in Tehran. Once again, the authorities labeled all assemblies except those sponsored by the government illegal²¹¹ and protestors were arrested for staging "illegal demonstrations" and starting "riots."²¹²

²⁰³ *Dar Kahrizak Ab ra Milisidim [We Licked Water in Kahrizak]*, ROOZ ONLINE, May 28, 2009, available at <http://www.roozonline.com/persian/news/newsitem/article/2009/july/29/-7d123bfc2d.html>.

²⁰⁴ *Qatl-i Amd-i Had'iaqal Sih Nafar dar Kahrizak Muhraz Shud [The Intentional Murder of at Least Three people was Evident in Kahrizak]*, ROUYDAD, Dec. 19, 2009, available at <http://www.rouyadnews.com/pages/801.php>.

²⁰⁵ They were Mohsen Ruholamini, Amir Javadifar and Mohammad Kamrani. See *infra* Section 3.1

²⁰⁶ *Farmandihyih NAJA: Hich Bazdashti dar Ikhtiyar-i Ma Nist [NAJA Commander: There Are No Remaining Detainees in Our Custody]*, SAHAM NEWS, July 10, 2009, available at <http://www.etemademelli.ir/published/0/00/50/5093/> (last visited on Sept. 14, 2009).

²⁰⁷ *Rafsanjani's Daughter Arrested in Iran*, INDIA TIMES, June 21, 2009, available at <http://timesofindia.indiatimes.com/world/middle-east/Rafsanjanis-daughter-arrested-in-Iran/articleshow/4683868.cms>;

Ahmadinejad Wants Certain Power-Holders in Court, PRESS TV, Aug. 17, 2009, available at <http://www.presstv.com/detail.aspx?id=103803&>.

²⁰⁸ *More Protestors Detained: Tehran Police Chief*, PRESS TV, July 18, 2009, available at <http://www.presstv.ir/detail.aspx?id=101036§ionid=351020101>.

²⁰⁹ *Film va Matn-i Kamil-i Namaz-i Jum'iyih Tir Mah bih Imamat-i Ayatollah Hashemi Rafsanjani [Complete Text and Video of the Friday Prayer of the month of Tir by Ayatollah Hashemi Rafsanjani]*, WEBSITE OF AYATOLLAH HASHEMI RAFSANJANI, Jan. 18, 2009, available at <http://www.hashemirafsanjani.ir/?type=dynamic&lang=1&id=1570>.

²¹⁰ *Pasukh-i Sida va Sima bih Muntaqidan darbariyih Sansur-i Khutbih Hayih Hashemi [Response of IRIB to the Critiques Regarding Censoring Hashemi's Sermon]*, AFTAB, July 21, 2009, available at http://www.aftab.ir/news/2009/jul/21/c5c1248161189_art_culture_media_tv.php.

²¹¹ *In Tehran, Protests Follow Friday Prayer*, PRESS TV, July 17, 2009, available at <http://www.presstv.ir/detail.aspx?id=100935§ionid=351020101>.



Ayatollah Akbar Hashemi-Rafsanjani, a former president and current head of both the Expediency Council and the Assembly of Experts, has been one of the most powerful members of the regime since its inception. Before the 2009 election, he regularly gave Tehran's Friday sermon, but since the election, he has given only one. During his

sermon, Rafsanjani repeatedly advocated unity but also criticized the violence in the streets. He called for the release of arrested protestors, journalists and opposition members. After the 2009 election, Rafsanjani was the target of criticism by hard-liners. His daughter was briefly arrested for participating in a protest. During the mass show trials, a witness testified that Rafsanjani was a member of the "velvet coup" plot, and another witness accused his son of embezzlement.

2.6.3 July 30: Mourning the Dead

Outbursts of protests and violence continued through July.²¹³ July 30 marked the last significant day of mourning for Neda Agha-Soltan and others who had died on Saturday, June 20.²¹⁴ Mousavi and Karroubi requested a permit to hold a memorial service at the Mossallah Mosque in Tehran. Their joint letter noted that no speeches would be made and that participants would be required to mourn in silence. The Interior Ministry denied their request.²¹⁵

Thus, the thousands of mourners who attended were deemed guilty of illegal demonstrations and subject to attacks by security forces.²¹⁶ These forces cordoned off Agha-Soltan's grave and limited access to the cemetery. While Karroubi managed to attend the ceremony,

Mousavi was prevented from exiting his vehicle when he arrived to pay his respects.²¹⁷ Riot police used tear gas, beat demonstrators, broke windshields of passing cars and dispersed the crowds. Some people were injured after falling in freshly dug graves. Official sources put the overall number of those arrested at fifty.²¹⁸

2.6.4 September 18: Quds Day

Fearing that demonstrators would co-opt national events and celebrations, the government cancelled several such events in the following weeks. For example, in early September, it announced that the religious ceremony of *Ehya* at the Imam Khomeini Shrine would be cancelled.²¹⁹ So too was the

²¹² *More Protestors Detained: Tehran Police Chief*, PRESS TV, July 18, 2009, available at <http://www.presstv.ir/detail.aspx?id=101036§ionid=351020101>.

²¹³ *Iran Police Detain Many Tehran Protesters: Witness*, REUTERS, July 21, 2009, available at <http://www.reuters.com/article/idUSTRE56K3YH20090721>; Robert F. Worth and Nazila Fathi, *Ahmadinejad Seen as Increasingly Vulnerable Since Re-election*, NEW YORK TIME, July 26, 2009, available at <http://www.nytimes.com/2009/07/27/world/middleeast/27iran.html>.

²¹⁴ In Shi'a Islam, the significant days of mourning are the day of, and the third, seventh and fortieth days after the death of an individual.

²¹⁵ *In Iran, Police Clash with Mourners of Post-Vote Victims*, PRESS TV, July 30, 2009, available at <http://www.presstv.ir/detail.aspx?id=102035>.

²¹⁶ *Mujaviz-i barayih Barpa'iyih Tajamu' ya Barguzariyih Marasim Sadir Nashudih Ast [No Permit Has Been Issued for a Gathering or Ceremony to Take Place]*, July 28, 2009, IRINN, available at <http://www.irinn.ir/Default.aspx?TabId=15&nid=147233>; *Violence Breaks Out on Streets of Tehran*, WASHINGTON POST, July 31, 2009, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/30/AR2009073000291.html>.

²¹⁷ *On Mourning Day, Iranian Police Arrests 50 Protestors*, PRESS TV, July 31, 2009, available at <http://www.presstv.ir/detail.aspx?id=102105§ionid=351020101>.

²¹⁸ *Id.*

²¹⁹ *Fisharhayih Siyasi Mujib-i Laqv-i Marasim-i Shabhayih Ehya dar Marqad-i Imam Khomeini Shud [Political Pressure Led to Cancellation of Ehya Night Ceremonies at Imam Khomeini's Shrine]*, PARLEMAN NEWS, Sept. 4, 2009, available at <http://www.parlemannews.ir/index.aspx?n=3223>. *Ehya* is a restoration or remembrance rite of the receiving of the Koran celebrated in the month of Ramadan.

anniversary of the remembrance of Ayatollah Taleghani's death,²²⁰ and later the *Eid-e Fetr* prayer at the Mossalla Mosque and the anniversary of Ayatollah Ashrafi Isfahani's martyrdom.²²¹

There was a lull in large demonstrations for several weeks. However, on September 18, the government proceeded with public observance of International al-Quds Day. This annual event is a government-sponsored expression of solidarity with the Palestinian people and a protest against Israeli occupation of Jerusalem that was mandated by Ayatollah Khomeini.²²²

No permit was requested by any of the reformist candidates or parties. However, tens of thousands of opposition demonstrators used the government-sponsored demonstrations to express their continued displeasure with the government. Although they were reportedly a minority in comparison to the hundreds of thousands of demonstrators rallied by the government to attend the traditional protest, chants of "Death to the Dictator" were heard.²²³

Before the demonstrations, the opposition was warned by both the Supreme Leader and the *Sepah* that any division or deviation from the official purpose of the demonstrations would be met with force.²²⁴ Security forces armed with tear gas and batons clashed with demonstrators in Tehran as well as in other cities including Shiraz and Rasht.²²⁵ In Tehran, hard-liners attacked Mousavi's vehicle and managed to shove and harass Khatami before supporters surrounded him.²²⁶ Yet, the next day, the police announced that only demonstrators who were attempting to cause damage to public property were arrested and that police did not engage the opposition protestors.²²⁷

2.6.5 November 4 (13th of Aban): Anniversary of U.S. Embassy Takeover

Smaller demonstrations continued through the end of September as students returned to the universities. Again, authorities responded by arresting student leaders of *Tahkim-e Vahdat*.²²⁸ However, the opposition set November 4, (the 13th of Aban in the Persian Calendar) as the next major planned demonstration. This date has traditionally been used by the Islamic Republic to mark the 1979 student takeover of the U.S. Embassy.

²²⁰ *Hamiyan-i Kudita az Barguzariyih Marasim-i Yadbud-i Ayatollah Taleghani ham Jilugiri Kardand [Supporters of the Coup Prevented the Remembrance of Anniversary of Ayatollah Taleghani to Take Place]*, MOWJ-I SABZ-I AZADI, Sept. 7, 2009, available at <http://www.mowjcamp.com/article/id/27173>. Taleghani was a leader of the opposition against the Shah and a founding member of the Freedom Movement.

²²¹ *Marasim-i Salgard-i Shahid Ashrafi Isfahani Laqv Shud [Commemoration Ceremony of Martyr Ashrafi Isfahani's Anniversary of Death was Cancelled]*, MOWJ-I SABZ-I AZADI, Oct. 14, 2009, available at <http://mowjcamp.com/article/id/47681>; *Namaz-i Eid-i Fitr Ham dar Mosallah Laqv Shud [Eid al-Fitr Prayer in Mosallah Was Cancelled]*, SALAAM NEWS, Sept. 5, 2009, available at <http://salaamnews.ir/ShowNews.php?8378>. Ayatollah Isfahani was a prominent aid to Ayatollah Khomeini who was assassinated in 1982 by the MEK.

²²² In 1979, Ayatollah Khomeini invited Muslims around the world to rally on the last Friday of the month of Ramadan in solidarity with the Palestinians (Quds is the Arabic name for Jerusalem.) See *The universal Day of Quds*, ISLAMIC DIGEST, available at <http://www.islamicdigest.net/v7core/editorial-the-universal-day-of-quds-14282007/>.

²²³ Nasser Karimi, *Thousands March in Iran Opposition Protests*, ABC NEWS, Sept. 18, 2009, available at <http://abcnews.go.com/print?id=8608799>.

²²⁴ *Ikhlagaran dar Rahpaymayiyih Ruz-i Quds ba Barkhurd-i Farzandan-i Qayur-i Millat Muvajih Khahand Shud [Disrupters on Quds Day Will Encounter the Brave Sons of this Nation]*, FARS NEWS AGENCY, Sept. 17, 2009, available at <http://www.farsnews.com/newstext.php?nn=8806260664>; *Iranians rally on 'al-Quds Day'*, ALJAZEERA, Sept. 18, 2009, available at <http://english.aljazeera.net/news/middleeast/2009/09/200991875246806121.html>.

²²⁵ Nasser Karimi, *Thousands March in Iran Opposition Protests*, ABC NEWS, Sept. 18, 2009, available at <http://abcnews.go.com/print?id=8608799>.

²²⁶ *Clashes Erupt at Iran's Mass Rally*, BBC, Sept. 18, 2009, available at <http://news.bbc.co.uk/2/hi/8262273.stm>.

²²⁷ *After Quds Day, Iran Police Say 'Several' Arrested*, PRESS TV, Sept. 19, 2009, available at <http://www.presstv.ir/detail.aspx?id=106618§ionid=351020101>.

²²⁸ *Iran Students Hold Anti-Government Protest: Website*, REUTERS, Sept. 28, 2009, available at <http://in.reuters.com/articlePrint?articleId=INTRE58R4DS20090928>; Nazila Fathi, *Authorities in Iran Arrest 18 Students*, NEW YORK TIME, Oct. 3, 2009, available at <http://www.nytimes.com/2009/10/03/world/asia/03iran.html>.

On October 16, nearly three weeks before the demonstration, the head of the Guardian Council, Ayatollah Ahmad Jannati, warned opposition protesters not to attempt to hijack another event. Jannati, a longtime supporter of Ahmadinejad, issued his warning during his nationally televised Friday Prayer.²²⁹ He also encouraged security forces to show no mercy when dealing with arrested protesters.²³⁰

His warnings were echoed by the police, the *Basij* and the Judiciary. General Radan stressed that it was the duty of the police to “prevent any disturbance of order in society.”²³¹ In its announcement setting the location for the anti-American rally, the police emphasized that any other demonstration was illegal.²³² Mohammad Reza Naqdi, the head of the *Basij*, also emphasized the crucial role of his forces in protecting the revolution and the *Velayat-e Faqih*. Tehran’s newly-appointed prosecutor general, Abbas Jafari-Dolatabadi, promised that “those who try to disrupt the anti-American rallies on Wednesday will be confronted.”²³³

On November 4, 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.²³⁴ One witness recounts:

It has been said that on this day around 300,000 security forces were covering the capital. Their goal was clear—to prevent demonstrators from gathering and keep people away from the pro-government demonstrations in front of the occupied U.S. embassy. They used every means necessary to ensure that this happened. But the crowds were very large. Clashes ensued; the crowds began to move ... Things quickly got out of hand and the security forces began using more violence ... They showed little mercy when confronting demonstrators and beating them ... [even] attacking an office building on *Takht-e Tavoos* Street and severely beating demonstrators who had sought refuge there.²³⁵

The security forces did not allow opposition demonstrations anywhere in Tehran. One witness describes:

Control over 13th of Aban Square was undoubtedly at the hands of the *Sepah*, who gave direct orders to the anti-riot police ... They had even deployed local police units in the streets during this time. The main forces were anti-riot units who acted at the behest of the *Sepah*. The *Basij* and the *Sepah* ground forces were also involved, as were intelligence agents (though to a smaller degree) who were working on behalf of the various intelligence ministries. The Law Enforcement Forces [NAJA] also used their trained forces in these operations.²³⁶

²²⁹ Ayatollah Jannati dar *Khutbihayih Namaz-i Jum'iyih Tehran* [Ayatollah Jannati in the Friday Sermon of Tehran], 25/07/1388 [Oct. 17, 2009], JOMHOURI ESLAMI, available at <http://www.jomhourieslami.com/1388/13880725/index.html>; Iran Cleric Warns Against Planned Opposition Rally, SEATTLE TIMES, Oct. 16, 2009, available at http://seattletimes.nwsourc.com/html/nationworld/2010078320_apmliran.html; Ahmadinejad bih Kudam Himayatha Chashm Dukhtih [The Supports Ahmadinejad Is Hoping For], ROOZ ONLINE, June 11, 2009, available at <http://www.roozonline.com/persian/news/newsitem/article/2009/june/11/-e177fa1f4d.html>.

²³⁰ Iran Cleric Warns Against Planned Opposition Rally, SEATTLE TIMES, Oct. 16, 2009, available at http://seattletimes.nwsourc.com/html/nationworld/2010078320_apmliran.html.

²³¹ *Barkhurd ba Hargunih Tajamu'-i Qayr-i Qanuni dar Ruz-i 13 Aban* [Encountering Any Kind of Illegal Gathering on 13th of Aban [Nov. 4th]], MEHR NEWS AGENCY, Nov. 1, 2009, available at http://seattletimes.nwsourc.com/html/nationworld/2010078320_apmliran.html; Iran Warns of Crackdown on Any Opposition Protest, AGENCE FRANCE-PRESSE, Nov. 1, 2009, available at <http://www.google.com/hostednews/afp/article/ALeqM5iZtE16AUy-AOidK-YtcGCh5ESalw>.

²³² Police Set Location for Tehran Anti-US Rally, PRESS TV, Nov. 3, 2009, available at <http://www.presstv.ir/detail.aspx?id=110313§ionid=351020101>.

²³³ Release Jailed Iranian Women, Mousavi's Wife Urges, REUTERS, Nov. 3, 2009, available at <http://www.reuters.com/article/idUSTRE5A20PN20091103>.

²³⁴ Opposed Rallies on US Embassy Takeover Anniversary, PRESS TV, Nov. 4, 2009, available at <http://www.presstv.ir/detail.aspx?id=110449§ionid=351020101>.

²³⁵ IHRDC interview with J.B. (Dec. 18, 2009) (on file with IHRDC).

²³⁶ *Id.*

However, hundreds of protestors gathered in streets and alleys, and chanted anti-government slogans. They were dispersed by security forces shooting tear gas and wielding batons. Some demonstrators ran into buildings to escape the attacks, but security forces often stormed after them.²³⁷ The security forces arrested many people. One witness recounts:

Under Karimkhan Bridge, the plainclothes and law enforcement forces attacked. We ran away. A hand pushed me from behind and threw me on the ground. Before I knew what was going on, they started beating me with a baton and kicking me. I think they beat me for a few minutes. They were mostly beating my back and shoulders. I raised my head and saw a few women wearing chadors trying to rescue me, but the plainclothes beat them and forcibly took me towards the *Sepah* forces. They punched me in the chest and dragged me into an alley, blindfolded and handcuffed me, and had me lay on my stomach there for about an hour. Then they put me on a motorcycle and took me to a city bus where other arrestees were.²³⁸

One witness, a retired academic and grandmother, had come to see the demonstrations for herself, but she decided to head home when security forces rode motorcycles onto the sidewalks kicking and beating people with batons, throwing tear gas and shooting into the air.

We were still standing on the sidewalk when they came on the sidewalk with their motorcycles. They were shouting “Go back to your houses.” A policeman shoved me and said “Go home.” I turned around and said “I am going!!” when he sprayed something in my face. I felt like my eyes were going blind and sat down. I don’t know what it was, but I think it was pepper spray. We made it to one of the side streets ... A lady came out and told me I could go inside and wash my face. Someone said that I shouldn’t let water touch my eyes because it will get worse, and instead I should have someone blow smoke in my face. [My friend] lit a cigarette and blew it in my eyes. I felt better, so we decided to go back and get a cab home.²³⁹

A participant in the demonstrations noted the particular brutality of the *Basij*:

While NAJA’s regular forces did not resort to much violence, the anti-riot police (which are a part of the NAJA but operate under the command of Tehran’s *Sepah* units) used severe force to prevent people from mobilizing ... Alongside these forces were plainclothes agents, who [were usually prone] to even more violence, especially against women. These plainclothes agents were mostly employed by the *Basij*, and they act without any regard for [the rule of law]. Sometimes ten of them would brutally attack one person. [They] used batons, sticks, clubs and tear gas for these operations and received monetary compensation through a network of mosques.²⁴⁰

A third witness remembers that the security forces were coordinated:

The plainclothes were shouting slogans and insults in front of the Art Gallery and the law enforcement were beating people with batons and shockers. However, when the plainclothes joined them, they were beating more violently with foul insults. They beat women more and disbursed them with kicks. This made the youth angrier and caused them to peel the stones off the ground and throw at them. The violence was worse on this day than other days.

They cursed at people in their faces. Most of the plainclothes had guns. The jade-clothed NAJA were less violent than the para-military. There were female police too. They beat people with batons and clubs. They threw a lot of tear gas. A lot. A few times people also threw the firecrackers they use at *Chaharshanbeh Soori* at the plainclothes. That scared them a lot because it

²³⁷ *Id.*

²³⁸ IHRDC interview with A.U.S. (Dec. 23, 2009) (on file with IHRDC).

²³⁹ IHRDC interview with N.A. (Nov. 13, 2009) (on file with IHRDC).

²⁴⁰ IHRDC interview with J.B. (Dec. 18, 2009) (on file with IHRDC).

sounds like gunshots. But they had no mercy on people. They beat up a dairy worker who was taking pictures with his cell phone and cuffed him with plastic cuffs and loaded him up in a van. They dragged girls and boys on the ground and kicked the boys and loaded them on a van. I didn't see the female police hitting anyone and only cussed and disbursed people. Even schoolchildren (*Basij* students) hit people with their flagpoles, kids maybe 13 or 14 years old!²⁴¹

Reportedly, Karroubi was attacked by government forces after he exited his car because of a traffic tie-up. His entourage was stormed by plainclothes and NAJA officers, and one of his bodyguards was hit by a tear gas canister that split his head open and sent him to the hospital. Forces attacked and damaged Karroubi's car as he drove to safety.²⁴² Mousavi was not even allowed to leave his offices at the Cultural Center. It was surrounded by plainclothes forces on motorcycles whom he reportedly confronted.²⁴³

Journalists were also targeted. Farhad Pouladi, a correspondent for *Agence France-Presse*, and Nafiseh Zareh Kohan, a reporter for reformist newspapers, were arrested during the protests.²⁴⁴ The Fars News Agency reported the arrest of one Japanese correspondent and two Canadian reporters who were accused of reporting on the demonstrations without licenses.²⁴⁵

Security forces arrested dozens of demonstrators and activists. The next day, families of these individuals gathered outside of Vozara detention center for news about the detained. They too were beaten and dispersed.²⁴⁶ The following Saturday, Azizollah Rajabzadeh, the head of Tehran's police, announced that 109 individuals had been arrested on November 4.²⁴⁷

2.6.6 December 7: National Student Day

December 7, National Student Day, presented opposition demonstrators with another opportunity to stage demonstrations. In the weeks preceding this day, the government intensified its efforts to arrest student leaders. *Tahkim-e Vahdat* issued statements protesting the arrests of most of its leadership and noted that civil society groups were not allowed to hold even the smallest meeting.²⁴⁸ Authorities arrested or summoned several members of the central council of *Tahkim-e Vahdat*, including Milad Asadi, Bahareh Hedayat, Mehdi Arabshahi and Farid Hashemi, just a week before Student Day.²⁴⁹ On December 5, in another preemptive strike, security forces dispersed and arrested ten members of the Mourning Mothers, a group formed after the death of Neda Agha-Soltan that held protest gatherings on Saturdays at Laleh Park in central Tehran.²⁵⁰

²⁴¹ IHRDC interview with M.I. (Dec. 25, 2009) (on file with IHRDC).

²⁴² *Juz'iyati az Mumani'at-i Guard-i Yigan-i Vijih Az Tadavum-i Huzur-i Karroubi dar Miyani Mardum* [Report of the Special Forces Preventing Karroubi from Remaining Amongst the People], RAH-E SABZ, Nov. 4, 2009, available at <http://www.rahesabz.net/story/3560/>.

²⁴³ *Libas Shakhshiha Mani'i Khuruj-i Mir-Hossein az Farhangistan Shudand* [Plainclothes Prevented Mir-Hossein Exiting the Art Center], PARLEMAN NEWS, Nov. 4, 2009, available at <http://www.parlemannews.ir/?n=5123>.

²⁴⁴ *Arrests of Journalists Since Disputed June Election Now Top 100*, REPORTERS WITHOUT BORDERS, Nov. 5, 2009, available at http://www.rsf.org/spip.php?page=article&id_article=34918.

²⁴⁵ *Sih Khabarnigar-i Risanihayih Khariji Bazdasht Shudand* [Three Reporters from Foreign Media Were Arrested], FARS NEWS AGENCY, Nov. 6, 2009, available at <http://www.farsnews.net/newstext.php?nn=8808150392>; *Dadsitan-i Tehran, Sih Taba'iyih Kharijiyih Bazdasht Shudih dar Ruz-i 13 Aban Azad Shudand* [Prosecutor of Tehran: the Three Foreigners who were arrested on 13th of Aban [Nov. 4th] Were Released], IRNA, Nov. 6, 2009, available at <http://www.irna.ir/View/FullStory/?NewsId=775365>.

²⁴⁶ *Tehran Police Clashes with Families of Detainees*, RADIO ZAMANEH, Nov. 5, 2009, available at <http://www.zamaaneh.com/enzam/2009/11/tehran-police-clashes-wit.html>.

²⁴⁷ *Iran Says Over 100 People Detained at Anti-U.S. Rally*, UNHCR, Nov. 07, 2009, available at <http://www.unhcr.org/refworld/country,...IRN,,4af82edb8,0.html>.

²⁴⁸ *Azar Mah, Yad Avar-i Mubarizat-i Junbish-i Danishju'iyih Iran* [Month of Azar: Reminiscing the Resistance of the Iranian Student Movement] MOWJ-I SABZ-I AZADI, Nov. 23, 2009, available at <http://www.mowjcamp.com/article/id/66615> (last visited Nov. 30, 2009).

²⁴⁹ *Iran: Top Student Leader Arrested*, PAYVAND, Dec. 3, 2009, available at <http://www.payvand.com/news/09/dec/1025.html>.

²⁵⁰ *Bazdasht-i Bish az Dah Nafar az Madaran-i Azadar* [Detaining Over Ten Mourning Mothers], CHANGE FOR EQUALITY, Dec. 5, 2009, available at <http://www.signforchange.info/spip.php?article5110>.

On Student Day, campuses in Tehran, Kerman, Mashhad, Isfahan, Hamadan and Sanandaj were the scenes of large demonstrations. The security forces, generally prohibited from entering campuses, sealed the universities in order to prevent demonstrations from spilling into the streets. Still, in several squares around Tehran and in the streets of Shiraz, protestors could not be contained and clashes with security forces were as violent as those immediately following the election.²⁵¹

University students affiliated with the *Basij* confronted and arrested students on campuses. Reportedly, they threw two opposition members from a balcony in Hamedan.²⁵² In Tehran, they arrested student activist Majid Tavakoli after he spoke at Tehran Polytechnic.²⁵³ Outside of Iran's University of Science and Technology in Tehran, Kamran Assa, whose brother Kianoosh had been killed in the summer, was arrested trying to enter. He had been invited for a commemoration. His mother explained that "He had gotten a wreath and a picture of his brother and wanted to take them to the university, but before he could even enter the campus, he was arrested along with his companions."²⁵⁴ The Police reported the arrest of over 200 protestors, including 39 women, who were detained for resisting security forces and chanting slogans.²⁵⁵



Grand Ayatollah Hossein Ali Montazeri was one of the founders of the Islamic Republic and a senior cleric in Shi'a Islam. However, after the ascension of Ali Khamenei to the Supreme Leadership, Montazeri became one of the regime's most vocal critics. He declared the results of the 2009 election illegitimate, called for three days of mourning after the death of Neda Agha-Soltan and others on June 20, and went so far as to claim that the Islamic Republic was no longer Islamic or a republic.

Following his death on December 19, massive funeral processions and protests were held in Qom, Isfahan, Najafabad and Tehran.

State television showed images of unknown individuals tearing up a picture of Ayatollah Khomeini.²⁵⁶ This prompted Mousavi and Karroubi, both of whom claim to represent the real ideals of the revolution and of Khomeini, to ask for permits to hold rallies for the first time in months.²⁵⁷ These rallies were meant to protest the actions of those who tore the picture of the founder of the Islamic Republic. The requests were denied.²⁵⁸

²⁵¹ *Khushumat-i Tamam Ayar dar Muqabil-i Itirazat-i Musalimat Amiz 16 Azar* [Full Force Violence as a Response to Peaceful Demonstrations of 16 Azar [Dec. 7th]], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, Dec. 7, 2009, available at <http://hira-news.org/news/10162.aspx>; Robert F. Worth and Nazila Fathi, *Iranian Students Clash With Police*, NEW YORK TIME, Dec. 8, 2009, available at <http://www.nytimes.com/2009/12/08/world/middleeast/08iran.html>.

²⁵² *Dargiri dar Daneshgah-i Bu Ali-yih Hamedan* [Clash at Hamedan Bu Ali University], FARA RU, Dec. 7, 2009, available at http://fararu.com/vdcepz8x_jh8poi9bbj.html; See also Video File: A student at Hamedan University Is Thrown Down from the Second Floor by *Basiji* Militia, Dec. 7, 2009, available at http://www.youtube.com/watch?v=K11wct1eh_M.

²⁵³ *Majid Tavakoli, Uzv-i Anjuman-i Islamiyih Polytechnic Bazdasht Shud* [Majid Tavakoli, Member of the Islamic Association of Tehran's Polytechnic Was Arrested], AUT NEWS, Dec. 7, 2009, available at <http://www.autnews.es/node/4809> (last visited on Dec. 7, 2009).

²⁵⁴ Kaveh Ghasemi Kermanshahi, *My One Son is Buried and the Other is in Prison*, ROOZ ONLINE, Dec. 10, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/december/10/my-one-son-is-buried-and-the-other-is-in-prison.html>.

²⁵⁵ *Rajabzadeh: Dar Jaryan-i Ashubhayih 16 Azar 204 Nafar Bazdasht Shudand* [In the 16th of Azar [Dec. 7th] Unrest, 204 People Were Detained], IRNA, Dec. 8, 2009, available at <http://www.irna.ir/View/FullStory/?NewsId=831304>.

²⁵⁶ *Intiqad az Paksh-i Film-i Tilvisiuniyih Ihanat bih Aks-i Ayatollah Khomeini* [Criticizing the TV Broadcasting of the Video of Disrespecting Imam Khomeini's Photo], BBC PERSIAN, Dec. 11, 2009, available at http://www.bbc.co.uk/persian/iran/2009/12/091211_he_ir88_khomeini_pix.shtml.

²⁵⁷ *Tasmim-i Mushtarak-i Mehdi Karroubi va Mir-Hosseini Mousavi: Darkhast-i Mujaviz-i Rahpayma-i* [Joint Decision of Mehdi Karroubi and Mir-Hosseini Mousavi: Request for a Demonstration Permit], KALAMEH, Dec. 14, 2009, available at <http://www.kaleme.org/1388/09/23/klm-5615>.

²⁵⁸ *Sabzha Hamchinan dar Intizar-i Mujaviz-i Rahpayma'i* [Greens Still Await a Demonstration Permit], RAH-E SABZ, Dec. 17, 2009, available at <http://www.rahesabz.net/story/5581/>.

2.6.7 December 20: Ayatollah Montazeri's Death

On December 20, Grand Ayatollah Hossein-Ali Montazeri died in his sleep at his home in the holy city of Qom. A grand ayatollah esteemed in Shi'a clerical circles,²⁵⁹ Montazeri was one of the founders of the Islamic Republic and became its most vocal clerical critic.²⁶⁰ Once Khomeini's designated successor, in 1988, he objected to the mass executions of political prisoners that were taking place pursuant to a *fatwa* issued by Khomeini. He was considered the spiritual guide of the opposition movement in Iran. His death and funeral resulted in massive processions in Qom, and demonstrations in Tehran, Isfahan and Najafabad—his city of birth.²⁶¹

Montazeri was laid to rest the day after this death, and thousands of people traveled to Qom for the funeral procession. Some were stopped en route and arrested.²⁶² Still, images show at least tens of thousands of mourners flooding the conservative city where most Shi'a clergy are educated.²⁶³ *Basij* laid siege to Montazeri's house, and committed other acts considered insulting by the mourners. The provocations resulted in opposition chants and clashes with the *Basij*, which were reportedly mediated by the police in Qom.²⁶⁴

On December 23, in Isfahan, the former Friday prayer Imam of the city, Ayatollah Seyyed Jaleddin Taheri,²⁶⁵ organized a ceremony at the Seyyed Mosque marking the third day of mourning for Montazeri. The ceremony began at nine, but after a few minutes during which attendants read the Quran, plainclothes forces closed the doors of the mosque. They deployed tear gas and pepper spray, and aggressively beat the assembled congregants. The lecturing cleric, several journalists and fifty others were beaten and arrested.²⁶⁶ Ayatollah Taheri was prevented from attending the ceremony.²⁶⁷ His supporters held at bay

²⁵⁹ Ayatollah Ali Sistani, in his condolences to Montazeri's son and followers, referred to him as an "esteemed religious jurist." *Bayaniyih Mu'azam'u'lah bih Munasibat-i Irthial-i Hazrat-i Ayatollah Montazeri (Qudis-a Sirra)* [Message of the Esteemed Ayatollah on the Occasion of the Passing of Ayatollah Montazeri (May his Grave be Sanctified)] THE OFFICIAL WEBSITE OF GRAND AYATOLLAH SISTANI, Dec. 20, 2009, available at <http://www.sistani.org/local.php?modules=extra&eid=2&sid=143>; On the day of his death, Grand Ayatollahs Golpayegani, Ardebili and Saanei as well as several mid-ranking ayatollahs paid their respects at Montazeri's house. *Tasliyat-i Maraji va Ulama bih Bayt-i Marhum Ayatollah Montazeri* [Condolences of the Maraji and the Scholars to the House of the Late Ayatollah Montazeri], MEHR NEWS AGENCY, Dec. 20, 2009, available at <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=1003848>; Even the Supreme Leader noted in his sometimes dismissive condolence letter that Montazeri was a "well-versed jurist and a prominent master." *Leader Offers Condolences over Ayatollah Montazeri's Death*, PRESS TV, Dec. 20, 2009, available at <http://www.presstv.ir/detail.aspx?id=114219§ionid=351020101>.

²⁶⁰ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE, 60-61 (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

²⁶¹ *Clashes Reported at Funeral of Iranian Dissident Cleric*, BBC, Dec. 21, 2009, available at <http://news.bbc.co.uk/2/hi/8423794.stm>; For videos from several sites and cities see *Latest Iran News, Demonstration in Memory of Montazeri*, ENDURING AMERICA, Dec. 20, 2009, available at <http://enduringamerica.com/2009/12/20/latest-iran-video-demonstrations-in-memory-of-montazeri-20-december/>.

²⁶² *Bazdasht-i Jam'i az Fa'lan-i Siyasi dar Rah-i Azimat bih Qom* [Arrest of a Group of Political Activist En Rout to Qom], ROUYDAD, Dec. 21, 2009, available at <http://www.rouydadnews.com/pages/829.php>.

²⁶³ *Clashes Reported at Funeral of Iranian Dissident Cleric*, BBC, Dec. 21, 2009, available at <http://news.bbc.co.uk/2/hi/8423794.stm>.

²⁶⁴ *Ta'ruz bih Bayt-i Ayatollah Montazeri* [Aggression Toward the House of Ayatollah Montazeri], HAM MIHAN, Dec. 21 2009, available at <http://www.hammihannews.com/news/8097>.

²⁶⁵ Ayatollah Taheri, a former close aid to Ayatollah Khomeini, resigned his post in 2002 in protest against the regime's policies. *The Public Letter and Resignation of Ayatollah Taheri of Isfahan City*, DANESHJOO, Aug. 10, 2002, available at http://www.daneshjoo.org/article/publish/printer_20.shtml.

²⁶⁶ *Hamlihyih Libas Shakhshiha bih Muqalidan va Alaqimandan-i Ayatollah Montazeri dar Isfahan* [Attack of the Plainclothes to the Emulators and Those Interested in Ayatollah Montazeri in Isfahan], PARLEMAN NEWS, Dec. 23, 2009, available at <http://www.parlemannews.ir/index.aspx?n=6554>; *Hamlihyih Gustardihyih Niruhayih Amniyati bih Marasim-i Khatm-i Ayatollah Montazeri dar Isfahan* [Widespread Attack of the Security Forces to the Mourning Ceremony of Ayatollah Montazeri in Isfahan], NOROOZ NEWS, Dec. 23, 2009, available at <http://norooznews.info/news/15792.php>.

²⁶⁷ *Hamlihyih Libas Shakhshiha bih Muqalidan va Alaqimandan-i Ayatollah Montazeri dar Isfahan* [Attack of the Plainclothes to the Emulators and Those Interested in Ayatollah Montazeri in Isfahan], PARLEMAN NEWS, Dec. 23, 2009, available at <http://www.parlemannews.ir/index.aspx?n=6554>.

several plainclothes men who had surrounded his house but his son, Mohammad Taheri, was arrested five days later.²⁶⁸

2.6.8 December 27: Ashura

Ayatollah Montazeri's seventh day of mourning, another traditionally important day in the forty-day mourning period, fell on December 27, which was also perhaps the most important religious day for Iranian Shi'as—*Ashura*. The tenth day in the Islamic month of Moharram, *Ashura* marks the death of Imam Hossein, who was killed in his struggle against the tyrannical Caliph Yazid.²⁶⁹ Each year, Iranians commemorate the death of Hossein with street processions, self-flagellation, and passion plays known as Ta'ziyah in which Imam Hossein, dressed in green, is martyred.

The convergence of these symbolic events and the continued suppression of dissent may have resulted in what became the most significant and violent demonstrations since June. Although traditionally, combatants set aside hostilities during the Islamic month of Moharram and especially so on *Ashura*, the regime continued to violently confront demonstrators in the streets and used lethal force to deal with the massive crowds.²⁷⁰

On *Tasu'a*, the day before *Ashura*, about fifty members of the *Basij* and/or another vigilante group entered Jamaran Mosque in Tehran and interrupted a sermon by Mohammad Khatami about *Ashura*.²⁷¹ The violence continued on *Ashura* as hundreds of thousands flooded the streets in cities throughout Iran. Protests and clashes occurred in Mashhad, Tabriz Arak, Babol, Najafabad, Isfahan, Shiraz, Ardebil and Orumieh.²⁷² Video footage from Tehran and other cities show demonstrators clashing violently with security forces. They capture scenes showing demonstrators resisting arrest, being beaten by *Basij* and riot police, and being shot and run over by security forces.²⁷³

Hundreds were arrested around the nation. In Isfahan, during a clash at Hossein-Abad Street, over 400 demonstrators were arrested and transferred to Isfahan prison.²⁷⁴ In Tehran, 1,100 people were reportedly



Seyyed Ali Mousavi

The 45-year-old nephew of Mirhossein Mousavi was shot to death on December 27, during *Ashura*. He had received numerous death threats and was shot in what appears to have been a targeted assassination. The regime has blamed a host of suspects, including Mirhossein Mousavi, who has been accused of planning the assassination of his nephew.

²⁶⁸ *Muhasirihiyeh Bayt-i Ayatollah Taheri Tavasut-i Niruhayih Amniyati* [Security Forces Surround the House of Ayatollah Taheri in Isfahan], RAH-E SABZ, Dec. 23, 2009, available at <http://www.rahesabz.net/story/6082/>; *Farzand-i Ayatollah Taheri Bazdasht Shud* [Son of Ayatollah Taheri Was Arrested], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, Dec. 28, 2009, available at <http://www.hranews.info/news/PNews.aspx?request=11195>. Mohammad Taheri is married to Ayatollah Khomeini's granddaughter.

²⁶⁹ *Every Day Is Ashura and Every Land Is Kerbala*, ASHURA.COM, available at <http://www.ashura.com/>.

²⁷⁰ *Protestors: 'Killing Muslims on Ashura is like Crucifying Christians on Christmas'*, ABC WORLD NEWS, Dec. 28, 2009, available at <http://abcnews.go.com/WN/iranian-government-arrests-hundreds-tensions-mount/story?id=9436148>.

²⁷¹ Video File: *Tasu'a* 1388, Attack of the *Basij* in the Middle of Khatami's Speech in Jamaran, Dec. 26, 2009, available at <http://www.youtube.com/watch?v=aaz5b5TNOEc>.

²⁷² *Dargiri dar Tabriz, Ihtimal-i Kustih Shudan-i Had'iaqal 4 Nafar* [Arrests in Tabriz, Possibility of 4 Deaths], ROUYDAD, Dec. 27, 2009, available at <http://www.rouyadnews.com/pages/952.php>; *Dargiriyeh Shadid-i Shibhieh Nizamiyan ba Azadaran dar Babol* [Heavy Clash of the Para-Military with the Mourners in Babol], ROUYDAD, Dec. 27, 2009, available at <http://www.rouyadnews.com/pages/948.php>; *Hamliyah Vahshiyaniyah Niruhayih Intizami bih Azadaran-i Hosseini dar Arak* [Violent Attack on the Hosseini Mourners by the Law Enforcement], ROUYDAD, Dec. 27, 2009, available at <http://www.rouyadnews.com/pages/956.php>; Video File: Iran, Isfahan, Najafabad, Ashura Protest, 27 Dec. 2009, available at Video File: Isfahan, Najafabad Ashura Protest, <http://www.youtube.com/watch?v=ITySVDg54BM>.

²⁷³ See *Mushakhasat-i Qatil-i Khaharzadihiyah Mir-Hosseini Mousavi va Shuhadayih Ruz-i Ashura* [Specification of the Murder of Nephew of Mir-Hosseini Mousavi and the Martyrs of Ashura], RAH-E SABZ, Dec. 30, 2009, available at <http://www.rahesabz.net/story/6703>. See also videos of the Ashura Protests at IHRDC's Election 2009 Violence page, available at <http://www.iranhrdc.org/httpdocs/English/videos2.htm>.

arrested and transferred by bus to Evin prison and other detention centers.²⁷⁵ In Najafabad, officials reportedly declared martial law.²⁷⁶

Ali Habibi-Mousavi, Mir-Hossein Mousavi's nephew, was shot by a .45 caliber bullet that entered his chest and exited his body.²⁷⁷ Reports indicate that his killing was targeted and that the 43-year-old father of two was not participating in the demonstrations. His body and those of four others who died on *Ashura* were taken by security forces for purposes of autopsy, and state media suggested a variety of different theories regarding the "mysterious" murder. Hossein Shariatmadari, editor in chief of the Kayhan publication, accused Mousvai of having assassinated his own nephew.²⁷⁸

Images of deaths and severe injuries were captured on cell phones and quickly spread over the Internet. For example, one video shows a police vehicle running over protestors.²⁷⁹ However, the number of victims is difficult to establish. The Islamic Republic News Agency announced that 37 people were killed on *Ashura*.²⁸⁰ Four deaths were reported in Tabriz,²⁸¹ and by the end of the day in Tehran, five deaths were confirmed by the opposition, including that of Mousavi's nephew. Deputy Police Chief Radan claimed that the police and security forces did not use lethal force on *Ashura*.²⁸² However, state television initially claimed that ten members of anti-revolutionary terrorist groups were killed and that these groups also killed five others.²⁸³ The police then claimed eight deaths in Tehran, and then changed that number to seven after determining that one victim was allegedly a drug addict with no link to the demonstrations. Tehran's prosecutor, Abbas Jafari-Dolatabadi, confirmed the seven deaths and claimed to have launched investigations.²⁸⁴

Bodies of those who died were returned to their families for burial under the condition that they not publicize the death or the cause of death.²⁸⁵ Reportedly, family members of the victims were put under

²⁷⁴ *Bazdasht-i Bish az 400 Nafar dar Isfahan [Arrest of Over 400 People in Isfahan]*, RAH-E SABZ, Dec. 28, 2009, available at <http://www.rahesabz.net/story/6558/>.

²⁷⁵ *Bish az Hizar Nafar dar Tehran Bazdasht Shudand [Over A Thousand People Were Detained in Tehran]*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY, Dec. 28, 2009, available at <http://www.hra-news.org/news/PNews.aspx?request=11183>.

²⁷⁶ *I'lam-i Hukumat-i Nizami dar Najafabad [Martial Law Declared in Najafabad]*, GOOYA NEWS, Dec. 28, 2009, available at <http://news.gooya.com/politics/archives/2009/12/098216.php>; Robert F. Worth and Nazila Fathi, *Police Are Said to Have Killed 10 in Iran Protests*, NEW YORK TIME, Dec. 28, 2009, available at <http://www.nytimes.com/2009/12/28/world/middleeast/28iran.html>.

²⁷⁷ Borzou Daragahi and Ramin Mostaghim, *Mousavi's Nephew Had Received Threats, Friends Say*, LOS ANGELES TIMES, Jan. 1, 2010, available at <http://www.latimes.com/news/nation-and-world/la-fg-iran-nephew1-2010jan01.0.2943497.story?page=1>.

²⁷⁸ *Id.*

²⁷⁹ Video File: Police Car Running over People, Dec. 29, 2009, available at <http://www.youtube.com/watch?v=t6vXWXDIs0U&skipcontrinter=1>.

²⁸⁰ *Bulitin-i Vijihyih IRNA: Si va Haft Kushtih dar Ruz-i Ashura dar Sarasar-i Kishvar [IRNA's Special Bulletin: Thirty Seven Killed on Ashura Around the Country]*, RAH-E SABZ, Dec. 29, 2009, available at <http://www.rahesabz.net/story/6669/>.

²⁸¹ *Dargiri dar Tabriz, Ihtimal-i Kushtih Shudan-i Had'iaqal 4 Nafar [Arrests in Tabriz, Possibility of 4 Deaths]*, ROUYDAD, Dec. 27, 2009, available at <http://www.rouydadnews.com/pages/952.php>.

²⁸² *7 Killed on Ashura Day: Tehran Prosecutor*, PRESS TV, Dec. 29, 2009, available at <http://www.presstv.ir/detail.aspx?id=114882§ionid=351020101>.

²⁸³ *Press TV: Hasht Kushtih dar Dargirihayih Ruz-i Ashura [Press TV: Eight Killed in the Ashura Clashes]*, MARDOMAK, Dec. 28, 2009, available at http://www.mardomak.me/news/press_tv_says_eight_killed_in_ashoora_clashes/. The government announced that 15 died and that five were killed by terrorists, and ten belonged to anti-revolutionary and terror groups. *Hardliners Seize Mousavi Corpse as Iran Regime Hits Back*, TIMES ONLINE, Dec. 29, 2009, available at http://www.timesonline.co.uk/tol/news/world/middle_east/article6969523.ece.

²⁸⁴ *7 killed on Ashura Day: Tehran Prosecutor*, PRESS TV, Dec. 29 2009, available at <http://www.presstv.ir/detail.aspx?id=114882§ionid=351020101>.

²⁸⁵ *Huviyat-i Yiki Digar az Shahidan-i Ashurayih Tehran Mushakhas Shud [Identity of Another Martyr of Tehran's Ashura Was Discovered]*, RAH-E SABZ, Dec. 31, 2009, available at <http://www.rahesabz.net/story/6810>; *Tashi'i Paykar-i Khaharzadihyih Mousavi Barguzar Shud [Funeral Procession for Mousavi's Nephew Took Place]*, KALAMEH, Dec. 30, 2009, available at <http://www.kalame.org/1388/10/09/klm-6999>.

pressure to declare that the deaths of their loved ones were accidents.²⁸⁶ Witnesses who saw law enforcement trucks run over protestors have reportedly been arrested. Police Chief Ahmadi-Moqaddam, had claimed that the truck that ran over civilians was stolen from NAJA and that the thief who was the real culprit is being pursued.²⁸⁷ However, the families of those arrested have been pressured not to speak of the reasons for the arrests.²⁸⁸

As was the case in earlier demonstrations, authorities insisted that foreigners and terrorists were to blame. Heydar Moslehi, the Minister of Intelligence, blamed foreigners for backing the chaos during *Ashura* and claimed that some of these foreigners were arrested.²⁸⁹ Two European citizens were arrested—the Swedish Charge d’Affairs and a German tourist—both of whom were later released.²⁹⁰ Qolam Hossein Mohseni Ejei, Chief Prosecutor of Iran, stated that three of those arrested on *Ashura* would be tried for *muharibih* and executed promptly.²⁹¹ More ominously, Mohammad Najjar, the Minister of Interior, declared that after *Ashura*, all rioters would be considered *muharib* and would be dealt with accordingly.²⁹²

2.7 Violations of Iranian and International Law

The regime’s refusal to issue permits to opposition demonstrators, its use of excessive force to suppress the demonstrations, and its murder of demonstrators violated the rights of the demonstrators to freedom of assembly, protection against the use of excessive force by law enforcement, and their rights to life under Iranian and international law. The killing of demonstrators was murder.

2.7.1 Violations of Right to Assembly

The preamble to the Iranian Constitution recognizes that the fundamental right to freely assemble enabled the people of Iran to overthrow the repressive regime of the Shah:

In the course of this popular movement, the employees of all government establishments took an active part in the effort to overthrow the tyrannical regime by calling a general strike and participating in street demonstrations. The widespread solidarity of men and women, of all segments of society and of all political and religious factions, played a clearly determining role in the struggle.²⁹³

²⁸⁶ *Fishar-i Dastgah-i Amniyati bar Mujriyih Sida va Sima* [Pressure of the Security Apparatus on the MC of IRIB], RAH-E SABZ, Jan. 2, 2010, available at <http://www.rahesabz.net/story/mahin>.

²⁸⁷ *Farmandihyih Niruyih Intizami: Khudru-i kih Ruz-i Ashura Mardum ra Zir Kard Duzdidih Shudih Bud!* [Commander of the Law Enforcement: The Vehicle that Ran Over People on Ashura was Stolen!], GOOYA NEWS, Dec. 30, 2009, available at <http://news.gooya.com/politics/archives/2009/12/098375.php>.

²⁸⁸ *Bazdasht-i Shahidan-i Ayniyih Jinayat-i Khudruyih Niruyih Intizami dar Ashurayih Tehran* [Arrest of the Eye Witnesses to the Criminal Acts Done by NAJA’s Trucks on Ashura in Tehran], RAH-E SABZ, Jan. 8, 2009, available at <http://www.rahesabz.net/story/khodro>.

²⁸⁹ *Vazir-i Ittila’t Bazdasht-i Atba’-i Khariji dar Ruz-i Ashura ra Ta’id Kard* [Minister of Intelligence Confirmed the Arrest of Foreigners on Ashura], RAH-E SABZ, Jan. 4, 2009, available at <http://www.rahesabz.net/story/iran9>.

²⁹⁰ *Kardar-i Sifarati-i Su’id Bad az Ihraz-i Huviyat Azad Shud* [Charge d’Affaires of the Swedish Embassy Was Released after Identity Was Verified], FARS NEWS AGENCY, Jan. 10, 2009, available at <http://www.farsnews.net/newstext.php?nn=8810201288>.

²⁹¹ *Ejei az Idam-i 3 Nafar az Dastgir Shudigan-i Ashura Khabar Dad* [Ejei Spoke of the Execution of Three of Ashura Arrestees], RAH-E SABZ, Jan. 1, 2010, available at <http://www.rahesabz.net/story/ezheie>.

²⁹² *Vazir-i Kishvar: Ba’d az Ruz-i Ashura Iqtishashgaran Hukm-i Muharib ra Darand* [Minister of Interior: After the Day of Ashura, the Rioters Are Deemed Muharib], IRNA, Jan. 5, 2009, available at <http://www.ima.ir/View/FullStory/?NewsId=878674>.

²⁹³ Iranian Const., *supra* note 2, preamble.

The preamble entrusts the fate of the people to the people themselves and encourages Iranian citizens to broadly and actively participate in society. In this fashion, the Constitution aims to guarantee the rejection of “tyranny” and “economic monopoly.”²⁹⁴

Article 27 provides that “public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.”²⁹⁵ Gatherings may be held, and other rights may be exercised, if they are not detrimental to the public interest.²⁹⁶ Article 9 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 provides:

Similarly, 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.²⁹⁷

Under the Procedural Code of the Article 10 Commission,²⁹⁸ the Interior Ministry, made up of presidential appointees, is responsible for approving or denying applications for demonstrations and public gatherings. Article 30 of this law 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.²⁹⁹

Under the Procedural Code, the Interior Ministry has broad discretion to grant or deny a permit.³⁰⁰ For example, the Ministry has the latitude to determine whether a gathering will be detrimental to Islamic fundamentals.³⁰¹ 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 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.³⁰² There is no right to appeal.

The fundamental right to freedom of assembly is also protected in international law. Article 21 of the International Covenant on Civil and Political Rights (ICCPR)³⁰³ provides as follows:

²⁹⁴ *Id.*

²⁹⁵ *Id.* art. 27.

²⁹⁶ *Id.* art. 40.

²⁹⁷ *Id.* art. 9.

²⁹⁸ Article 10 of the Code of Activity of parties, Political and Trade Societies, and Islamic Societies or Those Belonging to other Recognized Religious Minorities, sets out the membership and responsibility for a commission that monitors the activities of groups. This Article 10 Commission has a code that sets out the process by which it regulates the groups for which it is responsible. The committee was formed in the Ministry of Intelligence with representatives from the General Prosecutor of Iran, the Supreme Judicial Council, the Ministry of the Interior, and two members of the *Majlis*.

²⁹⁹ A’innamiyih Ijra’iyih Commission-i Asl-i Dah-i Qanun-i Fa’aliyat-i Ahzab [Procedural Code of the Commission of the Article 10 of the Law of Party Activities], (1360) [1981], art. 30. (Iran), available at <http://iscanews.ir/fa/PrintableNewsItem.aspx?NewsItemID=312601> (last visited December 30, 2009) [hereinafter Article 10 Commission Procedural Code].

³⁰⁰ *Id.* arts. 28-36. The Article 10 Commission Procedural Code does not include an appeals procedure.

³⁰¹ *Id.* art. 31.

³⁰² CRC, Concluding observations of the Committee on the Rights of the Child: Islamic Republic of Iran, ¶ 33, U.N. Doc. CRC/C/15/Add.123 (June 28, 2000), available at, <http://iranhrdc.org/httpdocs/English/aadel.htm>.

³⁰³ Iran signed the ICCPR on April 4, 1968 and ratified the agreement on June 24, 1975 without reservations.

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.³⁰⁴

The United Nations Human Rights Commission (HRC), a body responsible for interpreting the ICCPR, has recognized that States may require advance notice even though it may restrict the right to assemble. It reasons that States should be allowed some time in which to prepare for a demonstration.³⁰⁵ However, the HRC has expressed concern that a notification requirement of just three days may be overly restrictive.³⁰⁶ It has also made it clear that any permit procedure should include an appeals process.³⁰⁷

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.³⁰⁸

The Iranian government violated Iranian and international law by allowing rallies in support of Ahmadinejad to take place while denying permits to opposition demonstrators. On November 4, the authorities also used a double standard when demonstrators were not allowed near the official demonstration sanctioned by the government in front of the old U.S. Embassy building, and did not allow opposition protests to take place anywhere in Tehran.

2.7.2 *Excessive Use of Force*

Regardless of whether the demonstrations were unlawful under Iranian law, their generally peaceful nature obliged the authorities to avoid excessive use of force. Iranian law provides that law enforcement may only use weapons in the case of illegal demonstrations if the use is “by order of the leader of the operation,” and

³⁰⁴ International Covenant on Civil and Political Rights, art. 21, March 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR]. See also Universal Declaration on Human Rights, GA Res 217(III), UNGAOR, 3d Sess., UN Doc A/810 (1948), Article 20:(1) [hereinafter UDHR] (“Everyone has the right to freedom of peaceful assembly and association”); Organization of American States, Declaration of the Rights and Duties of Man, Bogotá, Colombia, 1948, Article XXI (“Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature”); European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 11(1) (“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests”); Organization of American States, American Convention on Human Rights, Article 15 (“Right of Assembly: The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others”).

³⁰⁵ *Kivenmaa v. Finland*, Communication No. 412/1990, U.N. Doc. CCPR/C/50/D/412/1990, ¶ 9.2 (March 21, 1994) available at, http://www.bayefsky.com/pdf/119_finlandvws412.pdf (Holding that a requirement to notify the police of an intended demonstration in a public place six hours before its commencement may be compatible with the permitted limitations laid down in article 21 of the Covenant).

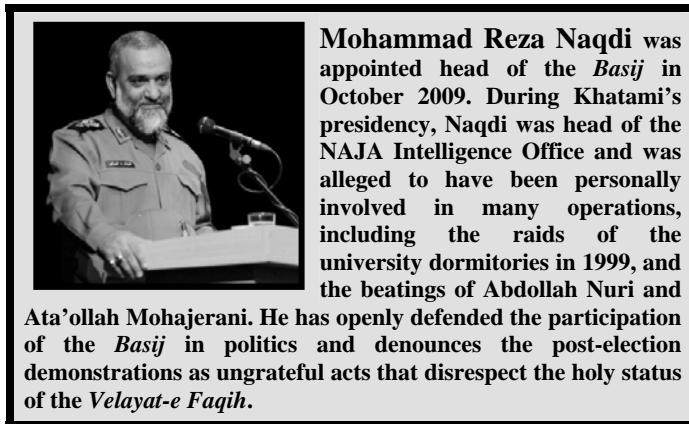
³⁰⁶ Concluding observations of the Human Rights Committee: Kenya, U.N. Doc. CCPR/CO/83/KEN, ¶ 23 (April 29, 2005) available at, <http://www.universalhumanrightsindex.org/documents/825/725/document/en/pdf/text.pdf>.

³⁰⁷ See, Concluding observations of the Human Rights Committee: The Kyrgyz Republic, U.N. Doc. CCPR/CO/69/KGZ, ¶ 22 (July 24, 2000) available at, <http://www.universalhumanrightsindex.org/documents/825/431/document/en/pdf/text.pdf>. See also, Concluding observations of the Human Rights Committee: Kenya, U.N. Doc. CCPR/CO/83/KEN, ¶ 23 (April 29, 2005) available at, <http://www.universalhumanrightsindex.org/documents/825/725/document/en/pdf/text.pdf>.

³⁰⁸ Concluding observations of the Human Rights Committee: Togo, U.N. Doc. CCPR/CO/76/TGO, ¶ 18 (November 28, 2002) available at, <http://www.universalhumanrightsindex.org/documents/825/583/document/en/pdf/text.pdf>.

- a) other methods were used under the law and were unsuccessful, and
- b) before using weapons, the rioters and disturbers were given an ultimatum regarding use of weapon.³⁰⁹

Under international law, in dispersing “assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”³¹⁰ Law enforcement “may use force only when strictly necessary and to the extent required for the performance of their duty.”³¹¹ Firearms “should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others.”³¹²



Videos, witnesses and independent news sources verify that the vast majority of the demonstrators were unarmed members of the general public who assembled peacefully, sometimes chanting and sometimes walking in silence through the streets.³¹³ Yet, there is abundant evidence that irregular forces used excessive force. They shot into crowds, and beat and stabbed unarmed demonstrators and bystanders, including women and children.³¹⁴ They also made liberal use of tear gas in crowded metropolitan areas.³¹⁵

Witnesses report that though demonstrators sometimes resorted to violence—beating security forces, throwing rocks or making fires—they did so in direct response to assaults by irregular forces.³¹⁶ Some demonstrators struck back at security forces trying to violently disperse them.³¹⁷ Some threw rocks to keep the forces at bay, and made fires to help barricade themselves off from motorcycle-mounted *Sepah* or *Basij*, and because the smoke alleviated the effects of tear gas.³¹⁸

³⁰⁹ Qanun-i Bikargiriyih Silah Tavasut-i Ma’murin-i Niruyih Musalah dar Mavarid-i Zaruri [Law for using arms by the armed forces in necessary situations] (1373) [1995], art. 4. (Iran).

³¹⁰ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials art. 13., Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, Aug.27 – Sep. 7, 1990, *Report prepared by the Secretariat*, (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, Annex, available at <http://www2.ohchr.org/english/law/firearms.htm>.

³¹¹ Code of Conduct for Law Enforcement Officials, G.A. Res. 34/169, Annex, U.N. Doc. A/Res/34/169/Annex, art. 3 (December 17, 1979) available at, http://www.un.org/documents/instruments/docs_en.asp?year=1970.

³¹² *Id.*

³¹³ IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC). There are literally hundreds of videos of the demonstrations that can be accessed online that show these peaceful processions. Here is one example: <http://www.youtube.com/watch?v=GVBZOCsqdjo>.

³¹⁴ IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC). IHRDC interview with M. (Aug. 17, 2009) (on file with IHRDC). Furthermore, a number of individuals were stabbed to death during the post-election unrest.

³¹⁵ IHRDC interview with J.M. (December 4, 2009) (on file with IHRDC). IHRDC interview with H.S. (December 4, 2009) (on file with IHRDC).

³¹⁶ IHRDC interview with Maryam Amoozegar (November 10, 2009) (on file with IHRDC).

³¹⁷ *Id.*

³¹⁸ Interview with J.B. (Dec. 18, 2009) (on file with IHRDC). Interview with N.A. (Nov. 13, 2009) (on file with IHRDC). *Iran Disputes Press Coverage of Day of Protests*, TIME, November 5, 2009, available at <http://www.time.com/time/world/article/0,8599,1934907,00.html>. “Some demonstrators—by now seasoned veterans in confronting the police—counseled that applying cigarette smoke to the eyes eases burning sensations, as opposed to dousing the eyes with water. This led to odd moments where teenage boys were seen blowing smoke into the eyes of elderly women and vice versa.” *Id.*

Evidence shows that the primary objective of the security forces was to violently disperse and antagonize protestors, and not to maintain order.³¹⁹ Members of the *Basij*—an irregular force originally created to be mobilized in case of invasion—and vigilante groups such as *Ansar-i Hizbollah*, were deployed against demonstrators. They unlawfully instigated violence and, even after protests and while demonstrators were dispersing, stole and damaged personal property. Some reportedly rewarded themselves with the rape of detainees.³²⁰

The Iranian authorities violated Iranian and international law by using irregular forces to employ excessive force, including incitement to violence, and causing injury and death to peaceful demonstrators.

2.7.3 *Failure to Protect Right to Life and Murder*

The authorities' use of excessive force led to violations of the right to life of the victims and constituted murder. All persons have a fundamental right to life under international and Iranian law.³²¹ Not surprisingly, murder is a crime under Iranian law.³²² Article 6 of the ICCPR provides that under international human rights law:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.³²³

The HRC has advised that this provision includes killings by security forces:

The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity.³²⁴

The total number of those killed after the election remains unknown largely due to the fact that government authorities affirmatively prevent families and the public from learning of the whereabouts and fate of many victims. In September, the Iranian government stated that a total of 36 people, including security forces, had been killed.³²⁵ Several organizations have attempted to collect and publish lists of those killed.³²⁶ One list, created by a commission established by 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. It was mailed to the *Majlis's* Foreign Policy and National Security Commission, which rejected it because it lacked “essential data” such as the

³¹⁹ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC).

³²⁰ *Basij* Interview, *supra* note 38.

³²¹ Iranian Const., *supra* note 2, art. 22. UDHR, *supra* note 304, art. 3. ICCPR, *supra* note 304, art. 6.

³²² Qanun-i Mujazat-i Islami [Islamic Penal Code] 1379 [2000], art. 205 (Iran) [hereinafter Iran Penal Code], available at <http://iranhrdc.org/httpdocs/English/iraniancodes.htm>.

³²³ ICCPR, *supra* note 304, art. 6.

³²⁴ U.N. Human Rights Comm., General Comment No. 6, *Article 6: The Right to Life*, U.N. Doc. HRI/GEN/Rev.1 at 6, ¶ 1, (July 29, 1994), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=HRI/GEN/1/Rev.1>.

³²⁵ *Intikhabat va Havadis-i Bad az An bih Ravayat-i Farmandihyih Sipah-i Mohammad Rasul'ullah-i Tehran [Election and Its Aftermath as Told by the Commander of Mohammad Rasul'ullah Sepah Brigade of Tehran]*, PARLEMAN NEWS, Sept. 9, 2009, available at <http://www.parlemannews.ir/index.aspx?n=3400>. *Amar-i Tazih va Mutafavit-i Yik Maqam-i Nizammiyih Iran az Qurbaniyan-i Khushunatha [New and Different Statistics of the Victims of Violence by an Iranian Law Enforcement Official]*, BBC PERSIAN, Sept. 11, 2009, available at http://www.bbc.co.uk/persian/iran/2009/09/090910_si_violence_victims.shtml.

³²⁶ See, Norooz List, *supra* note 85. *Martyred and Murdered*, TEHRAN BUREAU, Aug. 1, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/08/martyred-and-murdered.html>.

ID numbers of the victims.³²⁷ For some observers, the reliability of this list was bolstered by the arrest of Beheshti days after completion of this list.³²⁸

The killings by the security forces following the June 12 elections were in violation of the victims' rights to life and constitute murder in violation of Iranian and international human rights law. If it is found that the killings were widespread, systematic, and with the knowledge of the perpetrators, they also constitute a crime against humanity.³²⁹

3. Arrests and Detention of Demonstrators

At this time, the numbers of demonstrators who were arrested during the post-election demonstrations remain unknown. In August, the Iranian government stated that 4,000 people throughout the country had been arrested but that 300 remained in custody.³³⁰ Arrests began even before the end of Election Day, but information regarding those arrested continues to be scarce and distorted. Many demonstrators who were arrested or taken to a hospital lost contact with the outside world. Although families frantically searched for them, it often took days, if not weeks, to learn the fate of their loved ones.³³¹

Many detainees suffered from lack of medical attention exacerbated by beatings, sexual molestation and rape from the time of their initial arrest and throughout their temporary detention, arraignment and release. An unknown number died. Hamid Maddah Shourche worked on Mousavi's campaign in Mashhad. He was arrested on June 15 while participating in a sit-in protest at Mashhad's Goharshad mosque. Only days after his release, Shourche died from a brain hemorrhage due to the injuries he suffered while in detention.³³²

Amir-Hossein Toufanpour, the father of a seven-year-old, was separated from his brother on June 15 at Azadi Square. His family instantly began a frantic search for him but never saw him alive again. Late that night, they received a phone call explaining that Toufanpour had been shot in the hand and was resting at Hazrat-i Rasul Hospital, but when they reached the hospital, he was no longer there. They searched every hospital in the city, but could not find a trace of him. Finally, four days later, on a visit to the medical examiner's office, they found his picture in a catalog of the dead. He did, in fact, have a gunshot wound close to his hand. In addition, he was shot in his side and waist, had a bruised upper torso and neck, a broken arm and nose, and a deep gash in the back of his head that had been filled with cotton, presumably to stop the bleeding.³³³ In order to receive his body without paying the requisite bullet fees—which the

³²⁷ In Iran, list of 72 alleged post-vote victims rejected, Press TV, September 06, 2009, available at <http://www.presstv.ir/detail.aspx?id=105430§ionid=351020101>. Many consider Beheshti's list to be the same as one published by *Norooz News* published on Friday, September 4, 2009. See, *Norooz List*, *supra* note 85.

³²⁸ IHRDC interview with Roozbeh Mirebrahimi (Oct. 25, 2009).

³²⁹ The Rome Statute of the International Criminal Court requires that to constitute a crime against humanity, the killings be (1) a widespread or systematic attack, (2) directed against a civilian population, (3) with knowledge on the part of the perpetrator of the nature of the attack. Rome Statute, *supra* note 61, art. 7; See also, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE, 60-61 (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

³³⁰ *Iran Admits 4,000 June Detentions*, BBC, Aug. 11, 2009, available at http://news.bbc.co.uk/2/hi/middle_east/8195586.stm.

³³¹ *Bayaniyih-i Musharak bar Alayih Mowj-i Jadid-i Sarkub va Ikhtinaq* [Joint Statement against the New Wave of Crushing and Suffocation], ASR-E NOU, July, 14, 2009, available at <http://asre-nou.net/php/view.php?objnr=4617>.

³³² *Hamid Maddah Shourche az Aza'i Sitad-i Mousavi dar Mashhad Kushtih Shud* [Hamid Maddah Shourche, a Member of Mousavi's Campaign in Mashhad Was Killed], GOOYA NEWS, July 6, 2009, available at <http://news.gooya.com/politics/archives/2009/07/090434.php>; Ali Sheikholeslami, *Iran Warns Western Meddling Will Have Negative Impact*, BLOOMBERG, July 6, 2009, available at <http://www.bloomberg.com/apps/news?pid=20601110&sid=aPGkuF4XOzJ8>.

³³³ *Ifshayih Huviyat-i Yiki Digar az Janbakhtigan-i Jumbish-i Sabz: Amir Hossein Toufanpour* [Exposing the Identity of Another Member of the Green Movement Who Lost his Life: Amir Hossein Toufanpour], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, July

regime charges victims of shootings—family had to convince the authorities that Toufanpour was not a member of an opposition group and promise to refrain from holding a memorial service.³³⁴

Amir Javadifar and Seyyed Ali Akbar Kheradnejad participated in demonstrations on July 9. The latter was arrested at Valiasr Square by plainclothes officers at around 4:30 pm. He was beaten during his arrest, and throughout his time in custody.

They tied my hands behind me and put me in the van. They were attacking me from behind and were beating me. All kinds of insults and threats of rape were flying in the air. I was taken to police precinct 148, which is located on Felestin Street. There were three other people who were arrested with me and were sitting at the back of the van. When we arrived, we were body searched and were beaten again at the courtyard of the precinct. First they put us in a cage and insulted us in obscene language. Police officers in the precinct were not in charge. Plainclothes forces were beating us with batons through the bars and were laughing at us.³³⁵

Kheradnejad did not stay long at Precinct 148, but he recalls that during his time there, Javadifar was present as well:

[A] doctor showed up who wanted to take Amir and one other prisoner to the hospital but the plainclothes forces were not letting him. The doctor got into an argument with them and asked them to put that in writing. [T]he doctor said that he did not want to be responsible for their deaths.³³⁶

Javadifar was eventually moved from Precinct 148 to a small detention center named Kahrizak.³³⁷ Kheradnejad was threatened with the same fate, but after receiving a charge sheet that included the crime of “acting against national security,” he was taken to Ward 240 in Evin Prison. There, the injured detainees were held without contact with the outside world until Sunday, when they were allowed to make short phone calls to their families. After that, they were held in dark cells, interrogated and fed false information about such things as the death of family members.³³⁸

Kheradnejad was released after his family posted bail. Outside Evin, desperate family members with photographs of their loved ones asked him for any information. Frightened by his experience, he avoided contact with any of the people with whom he had been arrested and soon left Iran for Britain.³³⁹

An alleged former *Basij* member seeking refuge in Britain, has reported that rape of detainees was a benefit conferred on *Sepah* and *Basij* members for their security work:

We asked what all the noise was about. They said, “Nothing, this is *Fath Al Moin* (aid to victory).” ... We said: “What do you mean, what are you doing? Who’s in there?” Because they were *Basij* from the provinces, we didn’t know them. We asked: “What’s happening, why are they crying?” As we pursued the matter, the confrontation got worse and they said, “You have no right to enter.”

29, 2009, available at <http://www.hra-news.org/news/PNews.aspx?request=2679>; *Martyred and Murdered*, TEHRAN BUREAU, Aug. 1, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/08/martyred-and-murdered.html>.

³³⁴ *Ifshayih Huviyat-i Yiki Digar az Janbakhtigan-i Junbish-i Sabz: Amir Hossein Toufanpour* [Exposing the Identity of Another Member of the Green Movement Who Lost his Life: Amir Hossein Toufanpour], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, July 29, 2009, available at <http://www.hra-news.org/news/PNews.aspx?request=2679>.

³³⁵ See Interview of HRAI with Seyyed Ali Akbar Kheradnejad in *Eyewitness Account of the Conditions in Evin and How Amir Javadifar Died*, HUMAN RIGHTS ACTIVISTS IN IRAN, Sept. 9, 2009, available at http://hra-iran.net/index.php?option=com_content&view=article&catid=66:304&id=1716:54657&Itemid=293 [hereinafter Kheradnejad Interview].

³³⁶ *Id.*

³³⁷ See *infra* Section 3.1.

³³⁸ Kheradnejad Interview, *supra* note 335.

³³⁹ *Id.*

My relative said: “What do you mean? I’m one of the leaders here. You can’t tell me I have no right.” And it really was so, but they didn’t allow us entry. We were all responsible and we clashed. After a few minutes, a vehicle came into the courtyard. Someone must have alerted the others that we were trying to prevent them from achieving what they set out to do, the *Fath Al Moin*. They had come for us to prevent the scene from deteriorating. They said our superior had summoned us.

[My relative] was very angry. When we got there, he said: “What is this? Sexual abuse is a serious crime. Who gave this order? Who authorized this?” Hajji³⁴⁰ calmly replied with a smile: “This is *Fath Al Moin*. It’s a worthy deed. There’s nothing wrong with it. Why are you complaining?” When he said this, Hajji thought it would calm my relative down to know this. But the opposite happened—he became more upset. He raised his voice, saying: “What do you mean it’s not a crime?” “What do you mean it’s not a recognized crime? That it’s a good deed?” Hajji saw that he had lost control and said: “What’s the big deal? Nothing’s happened. What is the issue here?”³⁴¹

Maryam Sabri, a twenty-one year old employee of a boating company, was one of their victims. She was arrested on July 30 during protests marking the fortieth day of mourning for those killed on June 20 and particularly Neda Agha-Soltan.



Maryam Sabri

After the June 12 election, Maryam Sabri participated in every demonstration in Tehran until she was arrested on July 30 while protesting near Neda Agha-Soltan’s grave site. She was detained for two weeks at an unknown location where she was repeatedly interrogated and raped. She was released only after she agreed to inform on other protestors. She fled Iran and sought refugee status in Turkey.

On a Thursday, Neda’s 40th, between 5 and 5:15 in Behesht-e Zahra [cemetery,] I was chanting slogans when the guys said we should run. When I turned, I saw that there were loads of *Basij* and *Sepah* behind us. There were around a hundred. I started running in the [cemetery’s] sections, and after I was hit a few times while running, I fell to the ground in one of the sections. [By] the time I got up there were plainclothes men all around me. They started beating me with batons and kicking me. Then they took me away. There were five of them and they were all men.³⁴²

Sabri was arrested, blindfolded, cuffed and taken with five or six others in a van to an unknown detention center. There, she was left in a dark, closet-like cell by herself where she had just enough room to sit with her legs stretched out. The sounds of beatings, screams, crying and cursing filled her cell and she herself was periodically interrogated and beaten by ski-mask-wearing guards.³⁴³

The first three times she was interrogated, she faced cursing and beatings, but she refused to cooperate fully with the interrogators. She was raped during the fourth session.

The fourth interrogation started like the other ones. He asked the same questions. Then he said, “Apparently you don’t want to talk, no?” When he saw that I said nothing, he said, “You don’t want to cooperate? No?” I said nothing. He said, “OK, fine. You wanted your vote? I am here to give your vote back. I will give you your vote now and you can see if it is any good.” I felt him grab my shoulders. He had never grabbed me this hard while he beat me. He got me up from the chair and took off my clothes by force. I was screaming and crying. I begged him. I swore to everything he believed in. He laughed and said, “I don’t have a God or prophet. Don’t bother yourself [with it].” I was crying and saying, “Please, for God’s sake, I will do whatever you

³⁴⁰ *Hajji* is a term used for individuals who have been on the *Hajj* (pilgrimage) to Mecca and colloquially, a respected person or supervisor.

³⁴¹ *Basij* Interview, supra note 38.

³⁴² IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC).

³⁴³ *Id.*

want, whatever you say.” He said, “No, you didn’t cooperate in the beginning and now I want to give your vote back. Why are you upset? Why are you crying? No need for tears. You were being brash and wanted your vote, and I am going to be brash and give your vote back. Don’t cry.”³⁴⁴

She was raped again during the next session but by a different interrogator. The third time she was raped, she refused to scream or beg. The fourth time she was raped, her interrogator took off her blindfold so she could see his face.

He sat in front of me and started talking. He asked, “Do you want to be let go? Do you want to stay alive? Do you want to see the outside again?” I cried and said, “Yes. Whatever you say, I’ll do it. Whatever you want. Just let me go. Either kill me or let me go. Don’t hurt me like this anymore.” He laughed and said, “No, we won’t kill you yet.” He said, “We’ll let you go, but there is a condition, and that is that you have to go where we tell you and do as we tell you. Also, you can’t tell a soul about the events that happened here. If you do, we’ll kill you and won’t let you stay alive. We are following you constantly and won’t let you get out of our hands. If you do anything wrong, you won’t stay alive. Like many others who died and no one found out, you will die too.”

After I was in that room for a while and he had asked me the questions and raped me [again]... he sat in front of me and started talking. He asked, “Do you want to go out? Do you want to stay alive? Do you want to see the outside again?” I cried and said, “Yes. Whatever you say, I’ll do it. Whatever you want, just let me go. Either kill me or let me go. Don’t hurt me like this anymore.”³⁴⁵

My condition of release was that I promised to collaborate with them. I said, “I will do as you ask, just give me some time to heal.” He laughed and said, “You are fine. Maybe you have some body pain and bone pain, or maybe dislocation. But none of these are important. You are still alive.” I said fine. I was supposed to collaborate with them, participate in demonstrations, and take pictures and movies. Get to know the guys and get their numbers, give them my number. This was their plan, but I didn’t go to demonstrations after that.³⁴⁶

On August 14, Sabri’s captors dropped her off by a park around dusk. She was instructed to infiltrate and inform on other demonstrators, and later received a number of threatening phone calls urging her to cooperate. She fled to Turkey and sought refuge with the United Nations in Ankara.³⁴⁷

Ebrahim Ali Mehtari, a 27-year-old computer science student and IT technician, also sought refuge in Turkey after his post-election arrest. Mehtari was arrested on August 19, near Enghelab Square in Tehran. He was blindfolded and handcuffed, and taken by an unmarked car to an unknown detention center.³⁴⁸

The detention center I was in stunk so badly and had such large piles of clothes that I could easily say a dead body was being kept there. There was blood, vomit, excrement, and urine of people. The blanket they gave me was a detailed description of what happened to like 70 people because from the amount of blood spilled on it, it had become as hard as *lavashak*.³⁴⁹

Mehtari recalls being detained for four or five days. In that time, he was under constant taped interrogation. He reports that he was safe so long as he could continue talking. If he had nothing to say or when he decided to resist the interrogators’ suggested answers, he was beaten and tortured.

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ *Id.*

³⁴⁷ *Id.*

³⁴⁸ IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009)(on file with IHRDC).

³⁴⁹ *Id.* Lavashak is a fruit snack often made of plum pulp. It is sold in sheets and its texture is similar to rough leather.

I can easily say that the length of my stay in the cell was four hours and the length of my sleep at that detention center was zero hours. Almost the whole time I was there I was being interrogated ... When they started the tortures they would halt the video. I called it the green light of death because when the green light on the camera came on and the red light that indicated recording would go off I was certainly getting some beatings and had cigarettes put out on my body ... I was tortured while interrogated and while tortured, I was raped by the interrogators, and it happened very frequently. I passed out from pain.³⁵⁰

By the end of his ordeal, Mehtari had cigarette burns on his head, neck, both hands and shoulders and wrists. He was beaten, sodomized, and after suffering massive head injuries, left for dead in the streets of Tehran.³⁵¹

My nose and ears were bleeding and my whole body was covered in blood. Their physician diagnosed me with a brain hemorrhage. A few decisions were made then of which I don't have clear memories. The last one, however, was to transfer me to Evin.

The way it works at Evin is that when they accept a person they record what has previously happened to that person. [At Evin], the accusation of torture [is taken] seriously. They record if there is a wound on your body to say that it was there [before the detainee arrived]. Therefore, they try to write down everything about the person they accept and have him sign and report [it] ... Now, if they accept a person from another custodian, [then that] custodian has to sign a paper explaining the physical condition of that person, it does not bode too well for that custodian [if there is evidence of torture].

I was taken to Evin at night with handcuffs, bound feet and a blindfold. We went some distance. There were three people in the car, two in the front and one next to me. We got to a place, and I got out. I was bleeding heavily and could not walk. [One of them] tried to make me sit down, but due to the injuries sustained to my buttocks and the back of my thighs, I could not sit. He kept insisting that I sit. I could not, and so he kicked me a few times. He emphasized that I should not make a noise or talk. Then he kicked me in the back one last time and I was confused ... I thought I was in the Evin compound, but ... I noticed that I was in one of the streets of Tehran in a place that could not be seen by everyone. They had abandoned me among a bunch of trees and bushes and stuff ... The family who found me said that I was moaning and calling out to people.³⁵²

In December 2009, the *Majlis* Special Committee To Investigate the Situation of the Detainees of the Post-Election Events (*Majlis* Committee) charged with investigating Kahrizak and allegations of rape of demonstrators in prison issued a report denying any evidence of rape:

The Committee members had other investigations and the committee of the Secretariat of the Supreme National Security Council also investigated the matter in detail, and the results of all three committees of the *Majlis*, the judiciary, and the Supreme National Security Council conformed to one another completely, and it is announced that after the comprehensive investigations, we have not gotten to any case of sexual assault and strongly deny that.³⁵³

³⁵⁰ *Id.*

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ *Matn-i Kamil-i Guzarish-i Kumitihyih Vijihyih Majlis, Naqsh-i Qazi Mortazavi dar Havadis-i Kahrizak Rasman Ta'id Shud* [Complete Text of the Special Report of the Majlis, Role of Judge Mortazavi in the Kahrizak Evens Was Officially Declared], EMRUZ, Jan. 10, 2009, available at <http://www.emruznews.com/ShowItem.aspx?ID=27307&p=1> [hereinafter Special Majlis Report].

3.1 Kahrizak Detention Center

Many demonstrators who were arrested in the summer were taken to Kahrizak Detention Center. Located in southeastern Tehran, Kahrizak was designed to house “thugs and criminals.”³⁵⁴ The facility was cited as sub-standard in 2007 by inspectors but the Center was only shut down after some detainees arrested during the July 9 demonstrations died.³⁵⁵

In one regularly-cited letter describing conditions in Kahrizak, an alleged survivor with the alias Reza Yavari describes both the brutality of the security personnel and the filthy conditions of the cells:

Plain clothed guards entered the room, shattered the light bulbs and began to beat everyone in complete darkness. They hit anyone they saw in front of them. We were beaten for a good half an hour. A few went into coma and may have even died from the intensity of the beatings. They then shone flash lights in our faces and said “If you let out any sound we will stick these batons ...”

... In that room of ours at least four people were killed before morning. Sadegh said in a loud voice, “There is no such thing as a toilet and toothbrush here, you do your business right here, are we clear?” There was not a single uninjured person among us, they all either had blood clotted on their faces or their eyes had been bruised like mine. And many others had broken arms and legs. It was completely dark. Our eyes would become extremely irritated from the light every time they opened the door.³⁵⁶

Another reported account describes methods of intimidation, including torture and sexual abuse:

[Many] were hung for long hours. A large number were only beaten, which was the easiest to deal with. Some were kept in the solitary cells. Some had their hands and feet burned with molten tar. Many of the detainees had their teeth broken in this period. Most of the people who went to Kahrizak don't have healthy teeth. The young ones were taken to the gallows to be hung, the noose was placed around their neck, but they were brought back down again. The kids were mortified, and all the while the guards would beat them and call them all kind of despicable names. The stronger prisoners were even deprived from the little food provided. They stayed in the containers most of the time. Also, the guards had let loose a few mice inside the warehouse and ... They raped those who were younger and quieter than others. We could hear their screams.³⁵⁷



Mohsen Ruholamini

In the summer of 2009, Mohsen Ruholamini, the son of a prominent conservative, died on a bus while being transferred from Kahrizak detention center to Evin Prison. He had been among approximately 200 demonstrators arrested on July 9 in Tehran during the tenth anniversary of the raid by *Basij* forces on the university dorms in 1999. Ruholamini, a masters student in computer science, was brutally beaten and eventually transferred to Kahrizak where he suffered more beatings, unsanitary conditions and lack of medical care. His father pressured the authorities to investigate Kahrizak.

³⁵⁴ *Police Chief Announced: “Kahrizak” Detention Facility Will Be Renovated,* ROOZ ONLINE, Aug. 6, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/august/06/kahrizak-detention-facility-will-be-renovated.html>.

³⁵⁵ *More on Kahrizak,* PEDESTRIAN, Aug. 6, 2009, available at <http://www.sidewalklyrics.com/?p=1127>.

³⁵⁶ Reza Yavari, *The Bowels of Kahrizak, Inside Iran’s Most Infamous Prison,* COUNTERPUNCH, Aug. 11, 2009, available at <http://www.counterpunch.org/yavari08112009.html>; see also *Names of 140 Detainees at Kahrizak, Narratives of Prisoners from Iran’s Guantanamo,* ROOZ ONLINE, Aug. 2, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/august/02/narratives-of-prisoners-from-irans-guantanamo.html>.

³⁵⁷ *Yiki az Nijatyaftigan dar Musahibih ba Rooz, dar Kahrizak Ab ra Milisidim [One of the Survivors in an Interview with Rooz, In Kahrizak we Licked Water],* ROOZ ONLINE, July 29, 2009, available at <http://www.roozonline.com/persian/news/newsitem/article/2009/july/29/-7d123bfc2d.html>.

Amir Javadifar suffered mortal wounds at Kahrizak. Medical reports reportedly show that he had several broken bones and missing toenails.³⁵⁸ The *Majlis* Committee, appointed to investigate post-election abuse, concluded that he was beaten when arrested and that he “did not have the strength to withstand the physical and psychological damages” of his four-day stay at the Center. His condition became critical while on the bus to Evin Prison and he died “outside the bus.”³⁵⁹ His family first received news of his death when they were told to pick up his body on July 26.³⁶⁰

Mohammad Kamrani also died from the injuries and lack of medical care he suffered in Kahrizak. His family has insisted that Kamrani was simply a pedestrian in the area of the demonstrations and not a participant. In any case, the eighteen-year-old was arrested and eventually taken to Kahrizak for some time before being transferred to Evin. His family was eventually told that he would be released from Evin on July 15. On that day, they arrived to take him home but were told that he had been transferred to Loqman Hospital. The *Majlis* investigative committee found that he did not receive the proper care and that his family was not informed of his critical condition until 30 hours after his transfer.³⁶¹ At the hospital, his family found him secured to the hospital bed, under the supervision of guards, and near death. They succeeded in transferring him to Mehr hospital to receive better care, but he died a few hours after his arrival on July 16.³⁶²

Mohsen Ruholamini was arrested during the July 9 protests and initially taken to Greater Tehran’s NAJA Office in Kargar Street, close to Enqelab Square. The day after his arrest, security forces put Ruholamini on a bus to Kahrizak. The *Majlis* Committee reported that he was later put on a bus to Evin:

The late Ruholamini was in a critical condition when going from Kahrizak to Evin, and although the other detainees informed the guards about this matter, they dismissed it. Transfer from Kahrizak to Evin was done with improper busses that were stuffed beyond capacity in the height of the heat between 10 am and 2 pm. Once at Evin, although he was in a critical condition, the late Ruholamini was kept in the quarantine section between 14:00 and 17:00, at which point the physician sent him to the hospital to receive medical care.³⁶³

His father, Abdulhossein Ruholamini, a well-known adviser to conservative presidential candidate Mohsen Rezai, spent two weeks looking for him but was unable to find any trace of him until Monday, July 20, when he confronted the Minister of Intelligence.³⁶⁴ Two days later, he received a phone call from an official who expressed surprise at Ruholamini’s inability to find his son considering his status and rank. Only then did the caller give his condolences and provide Ruholamini with an address where he could find his son’s body. The phone conversation was so surreal that it left Ruholamini in doubt as to the

³⁵⁸ Martin Fletcher and special correspondent, *Ahmadinejad’s Basij Run a Regime of Rape, Murder to Suppress Critics*, THE AUSTRALIAN, Sept. 19, 2009, available at, <http://www.theaustralian.com.au/news/world/ahmadinejads-Basiji-run-a-regime-of-rape-murder-to-suppress-critics/story-e6frg6so-1225776888607>.

³⁵⁹ See Special Majlis Report, *supra* note 353.

³⁶⁰ Robert F. Worth and Nazila Fathi, *Ahmadinejad Seen as Increasingly Vulnerable Since Re-Election*, NEW YORK TIME, July 26, 2009, available at <http://www.nytimes.com/2009/07/27/world/middleeast/27iran.html>.

³⁶¹ See Special Majlis Report, *supra* note 353.

³⁶² *Muhammad Kamrani, Yiki Digar az Kushtih Shudigan-i Dargirihayih Tehran [Mohammad Kamrani, Another Killed During Tehran’s Clashes]*, BBC PERSIAN, July 20, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090720_bd_ir88_kamrani_18tir.shtml.

³⁶³ See Special Majlis Report, *supra* note 353.

³⁶⁴ *Mohsen Ruholamini bih Illat-i Bimari va Minanjit Namurdih Ast [Mohsen Ruholamini Did Not Die of Illness and Meningitis]*, BBC PERSIAN, July 31, 2009, available at http://www.bbc.co.uk/persian/business/2009/08/090831_ir88_roholamini.shtml; *Shahid-i Mazlum, Yaddashti az Sardar Doctor Hossein Ala’i [The Meek Martyr, A Note Written by Dr. Hossein Ala’i]*, ROOZNEVESTHA (by Serajeddin Mirdamadi), July 24, 2009, available at http://www.rooznevestha.com/2009/07/post_252.shtml; *Niruhayih Sih Ganiyih Sepah bih Ravayat-i Farmandihyih Zaman-i Jang-i Niruyih Darya’iyih Sepah [Sepah Three-Branched Forces as Told by the Commander of the Sepah Naval Forces During the War]*, TABNAK, Sept. 16, 2008, available at <http://www.tabnak.ir/fa/pages/?cid=18468>.

veracity of the caller's claims. Thinking that it was simply a scare tactic, he went to the Medical Examiner's office as instructed and found his son's body.

When I saw his body, I noticed that they had bashed his mouth in. My son was a truthful person. He never lied. I am certain that whatever he was asked, he answered honestly. His honesty was probably too much for them to bear, and they beat him senseless. [They] killed him under torture.

The authorities were kind and let me read his medical file, but the location of his death was blacked out. I learned that he was left untreated causing an infection [which in turn led to] a fever of over 40 degrees Celsius. [The file claimed that he had contracted] meningitis. On 3:30 p.m. of Wednesday, he was taken to Shohada Hospital in Tajrish as an unidentified patient. On Thursday morning, his dead body was handed over to the morgue. Then, after a week, they alerted us to the death of our son.³⁶⁵



Ahmad-Reza Radan is Iran's Deputy Chief of Police. Radan was accused by detainees of supervising as well as participating in beatings at Kahrizak detention center. He also personally threatened detainees with death. Radan has dismissed the issues surrounding Kahrizak as a "minor mistake" that was committed by NAJA. At the end of November, he met with the *Majlis* Special Committee To Investigate the Situation of the Detainees of the Post-Election Events. Following the demonstrations on December 27, *Ashura*, he warned that, going forward, NAJA will exercise no leniency towards demonstrators.

Like other family members of victims, Ruholamini was forced to sign documents releasing the authorities from any blame for his son's death and releasing his right to give his son a proper burial.³⁶⁶ A witness reports that at the memorial service for Mohsen Ruholamini

the special forces attacked people with motorcycles to disburse them and beat them with batons. They would pull some of the protestors out of the crowd and carry them away with private licensed cars. They broke car windows who honked in protest. There were about 2,000 people there. If they found someone alone they would beat him with baton and kick him. They arrested a girl who was filming the guards from one of the floors in Sayeh tower with her cell phone. They forced her in the car and took her with them. They attacked people who protested.³⁶⁷

On July 27, the Supreme Leader ordered that Kahrizak be closed, and prisoners were transferred to other facilities. The authorities in Evin Prison, one of the most notorious prisons in the Middle East, found the condition of the prisoners shocking. They refused to take responsibility for the Kahrizak prisoners and transferred them to nearby hospitals, where at least three died.³⁶⁸

Police Chief Ahmadi-Moqaddam was forced to admit that conditions had been "grave" at Kahrizak. However, he continued to insist that the issue was the overcrowding of the facility and that only two

³⁶⁵ *Shahid-i Mazlum, Yaddashti az Sardar Doctor Hossein Ala'i* [The Meek Martyr, A Note Written by Dr. Hossein Ala'i], ROOZNEVESTHA (by Serajeddin Mirdamadi), July 24, 2009, available at http://www.roozneveshtha.com/2009/07/post_252.shtml.

³⁶⁶ *Id.*

³⁶⁷ IHRDC interview with M.I. (December 25, 2009) (on file with IHRDC).

³⁶⁸ *Bazdashtgah Kahrizak Ta'til Shudih Ast* [Kahrizak Detention Center Is Closed], BBC PERSIAN, July 28, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090728_he_ir88_karizak.shtml; *Zindaniyan-i Kahrizak bih Zindanhayih Karaj, Evin va Qizil Hisar Muntaqil Shudand* [Kahrizak Prisoner were Transferred to Karaj, Evin and Qezel Hesar Prisons], ISNA, Aug. 20, 2009, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-1388879>; *Talash-i Mortazavi barayih Dur Shudan az Jaygah-i Mutaham-i Asli* [Mortazavi's Efforts to Distance Himself from Being the Prime Suspect], MOWJ-I SABZ-I AZADI, Oct. 5, 2009, available at <http://www.mowjcamp.ws/article/id/43341>; *Selected Headlines*, TEHRAN BUREAU, Oct. 6, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/selected-headlines-38.html>.

guards had beaten three prisoners—not those who died.³⁶⁹ Instead, he insisted that “there is indisputable evidence that proves the deceased inmates died of a deadly virus infection.”³⁷⁰

Ayatollah Montazeri, directly addressing the Supreme Leader, insisted that simply closing the facility was an attempt to “fool” the people and that the blame could not simply be leveled at the building itself.³⁷¹ Ali Mottahari, a conservative *Majlis* member opined that, “If we are satisfied just to close one detention center, these people will continue to do what they have done elsewhere and nothing will change.”³⁷²

Investigations were launched by both the *Majlis* and the military. In addition, it was announced that ten staff members had been interrogated and eight had been arrested, including the head of Kahrizak.³⁷³ Three judicial officers were also reportedly suspended due to their involvement with Kahrizak.³⁷⁴ Still, even after other members of the government acknowledged the terrible conditions and violent interrogation of the detainees at Kahrizak,³⁷⁵ General Radan, Deputy Police Chief, continued to portray the episode as a minor mistake.

At the outset, I would like to thank the police personnel for their role in the recent events. I say this because I feel that their work has been forgotten. *Basij* and law enforcement personnel act only on the belief that the principle of *Velayat-e Faqih* is unshakable. There have certainly been some minor mistakes in implementing our mission and these must be taken care of. Events at Kahrizak are among them and they must be addressed.³⁷⁶

As the investigations began to implicate Saeed Mortazavi, then-Prosecutor General of Tehran, he defended the compound. He claimed that there was no detainee abuse or lack of proper sanitation at Kahrizak.³⁷⁷ Mortazavi did not deny the deaths of Mohsen Ruholamini, Amir Javadifar and Mohammad Kamrani, but claimed that they were the result of a flood of prisoners.

Many of the incidents that took place at Kahrizak were the result of prisoner overflow. ... Even the three individuals who died at Kahrizak had been injured during the riots when they were brought to the detention center. ... Two were taken to the hospital and the third died on the way to the hospital.³⁷⁸

³⁶⁹ *Ahmadi Moqaddam: dar Ittifaqat-i Bazdashtgah-i Kahrizak Man ham Muqassiram* [Ahmadi Moqaddam: I am also at Fault in the Kahrizak Detention Center's Events], AFTAB, Aug. 9, 2009, available at <http://www.aftabnews.ir/vdcdoj0n.yt0fx6a22y.html>; *More on Kahrizak*, PEDESTRIAN, Aug. 6, 2009, available at <http://www.sidewalklyrics.com/?p=1127>.

³⁷⁰ *Kahrizak Prison Chief Dismissed, Arrested*, PRESS TV, Aug. 10, 2009, available at <http://www.presstv.ir/detail.aspx?id=103006§ionid=351020101> [hereinafter Prison Chief Dismissed]; *More on Kahrizak*, PEDESTRIAN, Aug. 6, 2009, available at <http://www.sidewalklyrics.com/?p=1127>.

³⁷¹ *Ayatollah Montazeri: Ba Ta'tiliyih Yik Bazdashtgah Mardum ra Iqfal Nakunid* [Ayatollah Montazeri: Don't Delude People with the Closure of One Detention Center], RAH-E SABZ, July 29, 2009, available at <http://www.rahesabz.net/story/103/>.

³⁷² *Ali Mottahari Ba Isharih bih Nakafi Budan-i Ta'tiliyih Kahrizak: Muqasirin dar Margha ra Mujazat Kunid* [Ali Mottahari Pointed Out that Closure of Kahrizak Is not Enough: Punish those Responsible for the Deaths], SARMAYEH NEWSPAPER, July 30, 2009, available at <http://www.sarmayeh.net/ShowNews.php?52526>; *Reports of Prison Abuse and Deaths Anger Iranians*, NEW YORK TIMES, July 29, 2009, available at <http://www.nytimes.com/2009/07/29/world/middleeast/29iran.html?ref=t>.

³⁷³ *Prison Chief Dismissed*, *supra* note 370; Shirin Karimi, *Police Deputy: Kahrizak Prison was a Minor Mistake*, ROOZ ONLINE, Oct. 7, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/october/07/kahrizak-prison-was-a-minor-mistake.html>.

³⁷⁴ *Juz'iyat-i Hukm-i Ta'liq-i Sih Maqam-i Qaza'i* [Details of Suspension Sentence of Three Judicial Officials], PARLEMAN NEWS, Nov. 8, 2009, available at <http://www.parlemannews.ir/?n=5224>.

³⁷⁵ *Prison Chief Dismissed*, *supra* note 370.

³⁷⁶ *Kahrizak Yik Ishtibah-i Kuchak Bud* [Kahrizak Was A Small Error], ROOZ ONLINE, Oct. 5, 2009, available at <http://www.roozonline.com/persian/news/newsitem/article/2009/october/05/-c1721ec71b.html>.

³⁷⁷ *Talash-i Mortazavi barayih Dur Shudan az Jaygah-i Mutaham-i Asli* [Mortazavi's Efforts to Distance Himself from Being the Prime Suspect], MOWJ-I SABZ-I AZADI, Oct. 5, 2009, available at <http://www.mowjcamp.ws/article/id/43341>; *Selected Headlines*, TEHRAN BUREAU, Oct. 6, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/selected-headlines-38.html>.

³⁷⁸ *Selected Headlines*, TEHRAN BUREAU, Oct. 6, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/selected-headlines-38.html>.

Known as the “butcher of the press,” Mortazavi was Prosecutor General of Tehran from 2003 until August 29, 2009, when he was appointed Iran’s Deputy Prosecutor General. Abbas Jafari-Dolatabadi replaced him as Prosecutor General of Tehran.³⁷⁹

On August 31, 2009, a medical report was issued that rejected meningitis as the cause of Ruholamini’s death. Instead it cited physical stress, substandard detention conditions, and repeated blows to the head and body with a blunt object.³⁸⁰ His doctor, Dr. Ramin Pourandarjani, told an investigating committee³⁸¹

[Ruholamini] was brought to me after being physically and severely tortured. He was in a grave physical condition and I had limited medical supplies, but I did my best to save him. It was then that I was threatened by the authorities of Kahrizak that if I disclose the cause of death and injuries of the detainees, I will cease to live.³⁸²

Dr. Pourandarjani died on November 10 under mysterious circumstances following his testimony. Only 26 years old, he had been fulfilling his military service as a doctor at the detention facility. His death was initially reported as a heart attack by officials who claimed he died in his sleep.³⁸³ A week later, Police Chief Ahmadi-Moqaddam announced that Dr. Pourandarjani had committed suicide after he had been summoned to court and threatened with a five-year prison term.³⁸⁴ Finally, Tehran’s new Prosecutor General Abbas Jafari-Dolatabadi announced that Dr. Pourandarjani had died by ingesting a variety of heart and blood pressure medications in his salad.³⁸⁵ The Prosecutor General left open the question as to whether the death was a suicide or murder. However, Pourandarjani’s father and others reported that he was communicative and in good spirits the night before his death. The matter continues to be investigated.³⁸⁶

The military court concluded its investigation on December 20 and published its findings:

Because three people from those arrested died (late Mohsen Ruholamini, Amir Javadifar and Mohammad Kamrani) and charges were made by their legal representatives, expansive research started on this case by interviewing those accused, witnesses and experts. Forensics was asked, based on the assessment of corpses, to declare its opinion on the definite cause of their death and also to get the opinion of the Forensics Experts Board. Forensics, in their opinion, rejected the idea

³⁷⁹ See *Saeed Mortazavi Mu’avin-i Dadsitan-i Kull-i Kishvar Shud* [Saeed Mortazavi was appointed Deputy Prosecutor General of Iran], BBC PERSIAN, Aug. 30, 2009, available at http://www.bbc.co.uk/persian/iran/2009/08/090830_mortazavi_appointment.shtml.

³⁸⁰ *Illat-i Marg-i Ruholamini Bimari va Minanjit Nabud, Juz’iyat-i Nazariyiyih Pizishki Qanuni* [Ruholamini’s Cause of Death Was not Sickness or Meningitis, Details of the Medical Examiner’s File], MEHR NEWS AGENCY, Aug. 31, 2009, available at <http://www.mehrnews.com/fa/newsdetail.aspx?NewsID=939256>; *Selected Headlines*, TEHRAN BUREAU, Oct. 6, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/10/selected-headlines-38.html>.

³⁸¹ *Illat-i Marg: Shahadat dar Dadgah Alayhih Mujriman-i Asliyih Kahrizak* [Cause of Death: Testifying in Court Against The real Culprits of Kahrizak], MOWJ-I SABZ-I AZADI, Nov. 17, 2009, available at <http://www.mowjcamp.com/article/id/65382> (last visited on Nov. 17, 2009).

³⁸² *Illat-i Marg: Shahadat dar Dadgah Alayhih Mujriman-i Asliyih Kahrizak* [Cause of Death: Testifying in Court Against The real Culprits of Kahrizak], MOWJ-I SABZ-I AZADI, Nov. 17, 2009, available at <http://www.mowjcamp.com/article/id/65382> (last visited on Nov. 17, 2009); *Suspicious Over ‘Heart Attack’ Death of Iranian Doctor Who Knew Too Much*, THE TIMES ONLINE, Nov. 18, 2009, available at http://www.timesonline.co.uk/tol/news/world/middle_east/article6920788.ece.

³⁸³ *Id.*

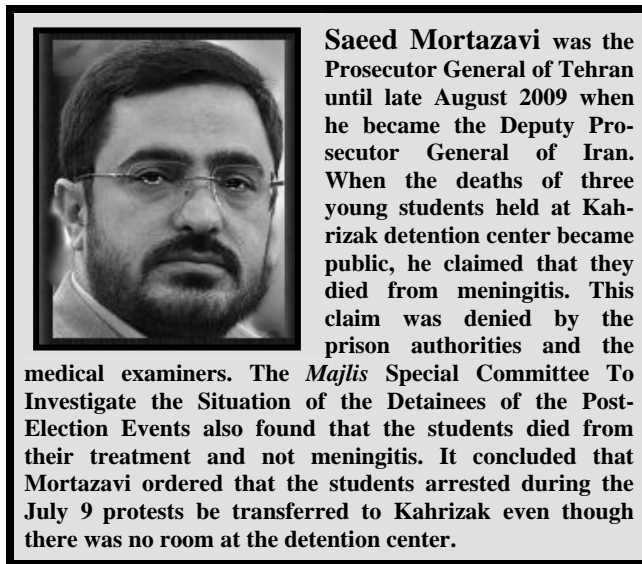
³⁸⁴ *Iran Detention Centre Doctor Commits Suicide: IRNA*, REUTERS, Nov. 18, 2009, available at <http://www.reuters.com/article/idUSTRE5AH28X20091118>.

³⁸⁵ *Kahrizak Doctor Died of Poisoning: Prosecutor*, PRESS TV, Dec. 1, 2009, available at <http://www.presstv.ir/detail.aspx?id=112582§ionid=351020101>.

³⁸⁶ *Kahrizak Doctor Poisoned, New Revelations of Horrific Detention Facility*, ROOZ ONLINE, Dec. 3, 2009, available at <http://www.roozonline.com/english/news/newsitem/article/2009/december/03/new-revelations-of-horrific-detention-facility.html>.

that the above-mentioned people have died because of meningitis. Also, based on the beating marks on the corpses, they declared the reason for the deaths was physical abuse.³⁸⁷

The committee appointed by the *Majlis* to investigate Kahrizak released its report on January 10, 2010. It reported that, in an interview on July 28, Mortazavi claimed that, at the time, there were 390 detainees arrested at the demonstrations and 50 “non-field” detainees. He claimed that law enforcement had brought the arrestees to Kahrizak because there was no room at Evin Prison. However, the committee concluded that there was room at Evin and that Kahrizak was full before the arrestees arrived. It found that even if there was no room at Evin, housing the arrestees in the detention center was unacceptable. The committee also noted:



Kahrizak was an official detention center and all the judicial officials, from the highest level down, were aware of its existence and even visited it. Therefore, the warding off of responsibility done by some judicial officials in certain interviews is in no way acceptable and at present, more than any other body, the judiciary must be responsive to the weaknesses and shortcomings of this detention center.³⁸⁸

It found that the “existence of an issue such as meningitis was refuted” and that the three named detainees had died from “lack of space, weakness of health services, inappropriate nutrition, lack of air conditioner and ... and as a result of beating and neglect of the officers and authorities of the detention center to their physical condition.”³⁸⁹

However, the committee placed the fundamental blame for Kahrizak on Mousavi and Karroubi:

If everyone had traveled their paths within the legal framework, and if the two presidential candidates did not attempt to break the law and incite the emotions of the people, we would not be observing such bitter events today that led to disrespect of the IRI regime and weakening of the precious opportunity of the presence of 40 million people at the ballot posts. They must, without a doubt, be accountable and the judicial system must not be dismissive of such criminal acts.³⁹⁰

3.2 Violations of Iranian and International Law

The Iranian authorities arbitrarily arrested and imprisoned demonstrators in violation of Iranian and international law. Demonstrators were imprisoned without charge and once imprisoned, were not afforded fundamental due process, including contact with their lawyers and families. Detainees were mistreated, denied medical care, beaten, raped, tortured, and killed. The regime’s failure to inform families of the whereabouts of their loved ones also constituted forced disappearances in violation of international law.

³⁸⁷ *Qatl-i Amd-i Hadd-i Aqal Sih Nafar dar Zindan-i Kahrizak Muhraz Shud [Intentional Murder of at Least Three People in Kahrizak Was Confirmed]*, ROUYDAD, Dec. 19, 2009, available at <http://www.rouydadnews.com/pages/801.php>.

³⁸⁸ See Special Majlis Report, *supra* note 353.

³⁸⁹ *Id.*

³⁹⁰ *Id.*

3.2.1 Arbitrary Arrests and Denial of Due Process Rights

Iran's Constitution and laws³⁹¹ provide a significant range of due process protections to individuals who are arrested and detained, including the following:

- Prohibition against arbitrary arrests;³⁹²
- Requirement that charges be promptly explained to the accused and provision for judicial oversight;³⁹³
- Presumption of innocence;³⁹⁴
- Requirement that families be informed as to the whereabouts and condition of detainees, and that they be afforded visits and communications, and time off in cases of family emergencies.³⁹⁵

Under Iran's Criminal Code of Procedure (CCP), all preliminary investigations leading to temporary arrests and detentions of individuals suspected of committing national security crimes must be conducted pursuant to orders issued by trial judges and overseen by the Judiciary.³⁹⁶ Such orders must conform to due process standards.³⁹⁷ Pretrial arrest warrants are appealable and are only valid for a month unless extended by the issuing judge.³⁹⁸ If the judge fails to issue a warrant, the suspect must be allowed to post bail.³⁹⁹ Judicial officers and other governmental agents who illegally take people into custody or initiate criminal prosecutions are subject to punishment.⁴⁰⁰

International law also protects the due process rights of the accused. Article 9 of the ICCPR outlines Iran's duty to provide due process before it limits, interferes with, or otherwise extinguishes an individual's liberty. Article 9(2) requires government agents to promptly inform the accused of the

³⁹¹ Iran has several codes that protect the rights of arrested citizens. On May 5, 2004, a directive issued by the former head of the Judiciary, Ayatollah Shahroudi, was formally approved by the *Majlis* and confirmed by the Guardian Council. This Citizen Rights Law enumerated a host of safeguards already codified in Iran's Constitution, the Criminal Code of Procedure (CCP), the State Prisons Organization (SPO) Law. See Iranian Const., *supra* note 2; Qanun-i A'yin-i Dadrisiyih Dadgahhayih Umumi va Inqilab dar Umur-i Kayfari [Criminal Procedure Code for Public and Revolutionary Courts] (1379) [2001], art. 104 (Iran), available at http://hoghhoogh.online.fr/article.php?id_article=67 [hereinafter Criminal Code of Procedure]. A'yin Namihyiyih Ijra'iyih Sazman-i Zindanha va Iqdamat-i Ta'mini va Tarbiyatiyih Kishvar [Executive Procedure for the State Prisons and Security and Corrective Measures Organization] 1384 [adopted 1985, amended 2005], art. 1 (Iran), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27> [hereinafter SPO Law]. Qanun-i Ihtiram bih Azadihayih Mashru' va Hifz-i Huquq-i Shahrivandi [Law Respecting Legitimate Freedoms and Protecting Citizen Rights] (1383) [2004], available at <http://dadkhahi.blogspot.com/?PostId=218> [hereinafter Citizen Rights Law].

³⁹² Article 32 of the Constitution emphasizes that "[n]o one may be arrested except by the order and in accordance with the procedure laid down by law." Iranian Const., *supra* note 2.

³⁹³ Article 32 of the Constitution provides that "[i]n case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible." The article also specifies that violators of the above provisions are "liable to punishment in accordance with the law." *Id.* In addition, Articles 24, 129, and 192 of Iran's Criminal Code of Procedure oblige the authorities to inform the accused of the charges and the reasons for such charges. Criminal Code of Procedure, *supra* note 391.

³⁹⁴ Article 37 of the Constitution provides that defendants must be presumed innocent until their guilt has been established by a competent court. Iranian Const., *supra* note 2.

³⁹⁵ Citizen Rights Law, *supra* note 391, art. 5; SPO Law, *supra* note 391, arts. 180-97, 198-212 and 213-229.

³⁹⁶ Criminal Code of Procedure, *supra* note 391, arts. 38, 42.

³⁹⁷ The requirement to state the nature and cause of the allegation goes beyond mere statement of the charge. See *id.* arts. 37-39 (requiring the Judiciary to act based on evidence, conform to the rule of law, and be impartial during the investigation phase); see also *id.* art. 32 (allowing temporary arrests and detentions of suspects only when circumstantial evidence indicates that a crime has been committed and certain conditions are satisfied).

³⁹⁸ Criminal Code of Procedure, *supra* note 391, art. 33.

³⁹⁹ *Id.* art. 37.

⁴⁰⁰ Article 575 of the Iran Penal Code provides that "judicial officials or other officers who, contrary to the law, take a person into custody, initiate criminal prosecutions or convict and sentence a person, are liable to a punishment of permanent dismissal from their judicial post and five years ban of serving in governmental positions." Iran Penal Code, *supra* note 322.

reasons for his arrest at the time of arrest,⁴⁰¹ and Article 9(3) obligates the State to promptly bring the accused before a judge so that he shall be subject to trial within “a reasonable time.” Article 9(3) also provides that “it shall not be the general rule that persons awaiting trial shall be detained in custody.”⁴⁰²

Article 9(4) provides that anyone detained “shall be entitled to take proceedings before a court” in order to decide the “lawfulness of his detention and order his release if the detention is not lawful.”⁴⁰³ Article 14(b) mandates that States provide “adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one’s] own choosing.”⁴⁰⁴ In addition to these rights, the ICCPR guarantees the right to counsel (both at trial and at stages prior to trial) and doctor,⁴⁰⁵ the right to humane treatment,⁴⁰⁶ and the right to be presumed innocent.⁴⁰⁷

In the summer of 2009, the international community quickly realized that the vast majority of people arrested were deprived of contact with members of their family and were not being provided adequate access to legal counsel.⁴⁰⁸ Just a week after the election, the United Nations High Commissioner for Human Rights, Navanethem Pillay, raised alarms about the lack of transparency:

The legal basis of the arrests that have been taking place, especially those of human rights defenders and political activists, is not clear ... What are the grounds for the arrests? Have proper warrants been issued in accordance with Iranian law? Why have some of those who have been arrested been denied access to lawyers and members of their families? And why is the whereabouts of others unknown? These are all troubling questions, and I urge the Iranian authorities to ensure that due process is followed, since to do otherwise may fan the feelings of injustice.⁴⁰⁹

In violation of Iranian and international law, the authorities arbitrarily arrested and imprisoned demonstrators without charge. Most were not allowed contact with family or attorneys. Many were not allowed to post bail even after it was clear they were eligible.⁴¹⁰

⁴⁰¹ ICCPR, *supra* note 304, art. 9(2). Article 9(2) provides that “[a]nyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” The requirement to state the nature and cause of the allegation goes beyond mere statement of the charge; instead, it requires that the prosecutor provide not only the exact legal description of the offense but also the facts that gave rise to the charge.

⁴⁰² *Id.* art. 9(3). Article 9(3) provides that “anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.”

⁴⁰³ *Id.* art. 9(4). Victims of unlawful arrests are entitled to compensation. *See id.* art. 9(5).

⁴⁰⁴ *Id.* art. 14(b).

⁴⁰⁵ In addition to the right to counsel at trial, there is a right to counsel in the stages prior to trial, stemming from Article 14(3)(b). The HRC has stated unequivocally that “all persons who are arrested must immediately have access to counsel, be examined by a doctor without delay and be able to submit promptly an application to a judge to rule on the legality of the detention.” Concluding Observations on Georgia, U.N. Doc. A/52/40 ¶ 254 (1997). Presence of counsel is required to ensure that rights of accused persons are protected, that detainees are not ill-treated and that any confession obtained using impermissible methods is excluded.

⁴⁰⁶ Article 10(1) of the ICCPR requires States to treat detainees “with humanity and with respect for the inherent dignity of the human person.” ICCPR, *supra* note 304.

⁴⁰⁷ *Id.* art. 14(2); U.N. Human Rights Comm., General Comment No. 13, *Article 14: Administration of Justice*, U.N. Doc. HRI/GEN/Rev.1 at 14, ¶ 7, (July 29, 1994), available at, <http://www.un.org/Docs/journal/asp/ws.asp?m=HRI/GEN/1/Rev.1>, (setting the standard of proof at “guilty beyond a reasonable doubt”).

⁴⁰⁸ The Secretary-General, Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, ¶ 22, submitted in accordance with General Assembly resolution 63/191, U.N. Doc. A/64/357 (Sep. 23, 2009) available at <http://iranhrdc.org/httpdocs/English/aadel.htm> [hereinafter SG report]; Maziar Bahari, *118 Days, 12 Hours, 54 Minutes*, NEWSWEEK, November 21, 2009, available at <http://www.newsweek.com/id/223862> [hereinafter 118 Days].

⁴⁰⁹ Press Release, UN High Commissioner for Human Rights, UN Human Rights Chief Concerned About Manner of Arrest, and Possible Use of Excessive Force in Iran (June 19, 2009), available at <http://www.unhcr.ch/hurricane/hurricane.nsf/0/B4FA7547DF8F001DC12575DA0031AFC6?opendocument>.

⁴¹⁰ Chira Zeidabadi Azad Nashud [Why Wasn’t Zeidabadi Released], ADVAR NEWS, Dec. 9, 2009, available at <http://www.advarnews.biz/organization/10050.aspx>.

3.2.2 Denial of Medical Care, Mistreatment, Torture, Forced Confessions and Death

The Islamic Republic's denial of medical care to injured detainees, and mistreatment, torture and killing of detainees, particularly for the purposes of coercing confessions, violated Iranian and international law. Iranian law is replete with provisions outlawing these activities. The authorities are forbidden from degrading a detainee in any fashion during arrest, detention, imprisonment or banishment.⁴¹¹ The Citizen's Rights Law provides that, "[d]uring arrest and interrogation or asking for information or research, harassing the individuals like blindfolding, tying other body parts, belittling or denigrating them must be avoided."⁴¹² Detainees have the right to adequate medical care provided by the government.⁴¹³ Detainees may not be held in solitary confinement for prolonged periods of time; solitary confinement is limited to a maximum of 20 days.⁴¹⁴

Ill treatment is forbidden under Article 169 of the State Prison Organization (SPO) Law, and Article 9 of the Citizen Rights Law reiterates the prohibition against forced confessions.

Torture, particularly for the purpose of coercing confessions, is prohibited under Iranian law. Article 38 of the Constitution provides that "[a]ll forms of torture for the purpose of extracting confession[s] or acquiring information" are prohibited, as is "compulsion of individuals to testify, confess, or take an oath."⁴¹⁵ Under Article 578 of the Islamic Penal Code, an official who inflicts corporal harm and torment on an individual in custody is subject to *Qisas* (retribution) or the payment of blood money and a prison term ranging from six months to three years.⁴¹⁶ In addition, the article shifts responsibility for the harm to superior officers who order it, unless a detainee dies, in which case, both the security officer causing the harm and his superior officer giving the order are subject to homicide proceedings.⁴¹⁷

Torture is absolutely prohibited under international law. This absolute prohibition is codified in the Convention Against Torture,⁴¹⁸ but is also found in other international instruments, including the Universal Declaration of Human Rights, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the UN Standard Minimum Rules for the Treatment of Prisoners.⁴¹⁹ Article 7 of the ICCPR states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."⁴²⁰ Article 10 provides that "all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human persons."⁴²¹

Iran's use of solitary confinement was highlighted as an issue of concern by the UN General Assembly⁴²² and by the Working Group on Arbitrary Detention during its visit to the Islamic Republic of Iran in 2003.⁴²³ It was a key obstacle to identifying the legal basis of the arrest and detention of an individual.⁴²⁴

⁴¹¹ Iranian Const., *supra* note 2, art. 39.

⁴¹² Citizen Rights Law, *supra* note 391, art. 6.

⁴¹³ See SPO Law, *supra* note 391, arts. 110-19.

⁴¹⁴ *Id.* art. 175(4).

⁴¹⁵ Iranian Const., *supra* note 2, art. 38. Iran Penal Code, *supra* note 322, art. 578.

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA res. 39/46, annex, 39 UN GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984); 1465 UNTS 85, available at <http://iranhrdc.org/httpdocs/English/aadel.htm> [hereinafter Convention Against Torture].

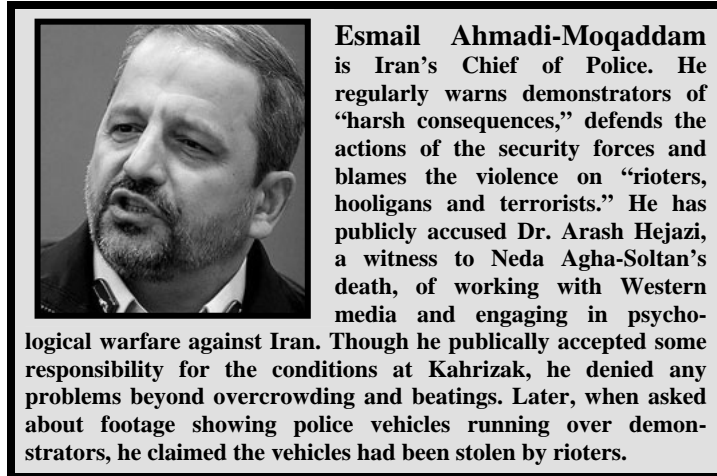
⁴¹⁹ See, e.g., UDHR, *supra* note 304; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN General Assembly, Principles 6, 33, resolution / adopted by the General Assembly, 9 December 1988. A/RES/43/173, available at <http://www.unhcr.org/refworld/docid/3b00f219c.html>; UNITED NATIONS, *Standard Minimum Rules for the Treatment of Prisoners*, art. 44(3), 30 August 1955; approved by the Economic and Social Council, resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 [hereinafter *Standard Minimum Rules*].

⁴²⁰ ICCPR, *supra* note 304, art. 7.

⁴²¹ *Id.* art. 10.

⁴²² G.A. Res. 62/168, ¶ 2 (h), U.N. Doc. A/RES/62/168 (March 20, 2008) available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N07/473/85/PDF/N0747385.pdf?OpenElement>.

Victims of beatings, tear gas, rubber bullets and air guns, many of the demonstrators detained following the elections were in dire need of medical attention. While there are reports of some detainees being examined by medical professionals, guards refused to allow them to adequately treat the sometimes mortally wounded demonstrators.⁴²⁵ Although the number of deaths due to lack of medical care remains unknown, it directly contributed to the deaths of at least three demonstrators imprisoned in Kahrizak.⁴²⁶



The torture of detainees, including solitary confinement, denial of medical care, beatings and rape appear to have been commonplace.⁴²⁷ Detainees were beaten and tortured as part of an interrogation process intended to extract confessions and intelligence.⁴²⁸ These sessions were conducted by unknown interrogators wearing masks, using pseudonyms and/or while the detainees were blindfolded. One witness recounted being faced with the choice of continued beatings and rape by unseen assailants or agreeing to serve as an informant.⁴²⁹

Many spent their entire detention in solitary confinement, broken up only by lengthy interrogation sessions. For example, one witness relates:

During the whole of my detention, my only encounter with another person other than my interrogator was when one night, in one of the adjacent cells, a Kurdish man started singing in Kurdish and was dealt with violently. The sound of the stomping feet that stormed the cell, the beating of the guy and him getting dragged away is still in my ear.⁴³⁰

Cells failed to meet basic requirements including adequate space, basic bedding and sanitation.⁴³¹ Witnesses recount floors and walls of solitary cells covered in vomit, urine, blood and excrement.⁴³² In

⁴²³ "Solitary confinement covers the generalized use of 'incommunicado' imprisonment. The Working Group, for the first time since its establishment, has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes, as the Group noted during its truncated visit to sector 209 of Evin prison. This is not a matter of a few punishment cells, as exist in all prisons, but what is a 'prison within a prison,' fitted out for the systematic, large-scale use of absolute solitary confinement, frequently for very long periods." U.N. Econ. & Soc. Council [ECOSOC], Sub-Comm. on Human Rights, Working Group on Arbitrary Detention, *Addendum: Visit to the Islamic Republic of Iran*, ¶ 54, U.N. E/CN.4/2004/3/Add.2 (June 27, 2003), available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

⁴²⁴ SG report, *supra* note 408, ¶ 53.

⁴²⁵ Kheradnejad Interview, *supra* note 335.

⁴²⁶ See Special Majlis Report, *supra* note 353.

⁴²⁷ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC). IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC). See also, Esfandiar Poorgiv, *Arrested, Beaten and Raped: an Iran Protestor's Tale*, THE GUARDIAN, July 1, 2009; and Letter from Mehdi Karroubi to Ayatollah Hashemi Rafsanjani, Head of the Expediency Council (July 31, 2009) available at: <http://enduringamerica.com/2009/08/10/iran-the-karroubi-letter-to-rafsanjani-on-abuse-of-detainees>.

⁴²⁸ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC). IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC).

⁴²⁹ IHRDC interview with Maryam Sabri (December 3, 2009) (on file with IHRDC).

⁴³⁰ IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC).

⁴³¹ See, e.g., SPO Law, *supra* note 391, art. 71 (requiring basic minimum shelter, including a bed, mattress, pillow, and blankets), art. 93 (requiring three courses of food a day), 95 (providing minimum standards regarding the type of food fed to prisoners and detainees), art. 96 (discussing the provision of necessary kitchen tools for prisoners and detainees), art. 104 (requiring regular cleaning and disinfecting of prisons and detention centers), art. 106 (requiring access to light and fresh air), art. 108 (addressing the availability of adequate hot water, restroom and shower facilities).

⁴³² IHRDC interview with Ebrahim Ali Mehtari (Dec. 3-4, 2009) (on file with IHRDC).

group holding cells in Kahrizak, many injured demonstrators were forced to defecate and urinate on the floor.⁴³³

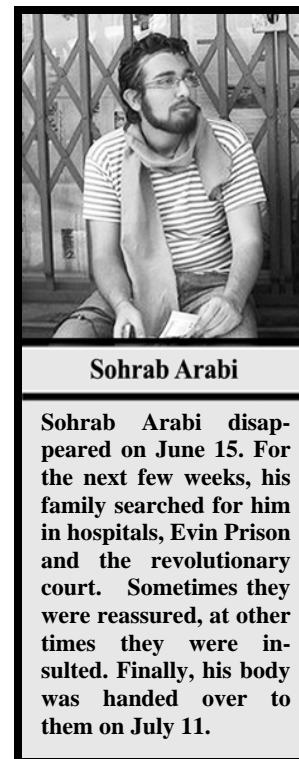
Each instance of denial of medical care, torture, mistreatment, solitary confinement and death violated the victim's rights under Iranian and international human rights law. Should the torture or killing of detainees be found to be widespread and systematic, and with the knowledge of the perpetrators,⁴³⁴ these acts also constitute crimes against humanity.⁴³⁵

The perpetrators and their superiors are liable under Iranian law, particularly for murder of detainees in Kharizak. Those responsible include, but are not limited to, the heads of the military and paramilitary forces, including Hojjatoleslam Hossein Taeb, the head of the *Basij* until October 4, 2009,⁴³⁶ Brigadier General Mohammad Reza Naqdi, the head of the *Basij* since October 4, 2009, Major General Mohammad-Ali Jafari who commands the IRGC, Police Chief Esmail Ahmadi-Moqaddam, his deputy, Brigadier General Ahmad-Reza Radan and Saeed Mortazavi for their roles in establishing and managing Kahrizak.

3.2.3 Forced Disappearances

The authorities' failure to notify families of the whereabouts of their loved ones or their remains constitutes a violation of Iran's obligation under international law to protect people from forced disappearances. The International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED) codified the prohibition against forced disappearances in the United Nations Declaration on the Protection of All Persons from Enforced Disappearances, and included additional provisions targeted at preventing forced disappearances and combating impunity for them.⁴³⁷

The ICPAPED defines "enforced disappearance of persons" as a deprivation of a person's freedom by a state or by persons acting with the authorization, support or acquiescence of a state, and the absence of information on the fate or whereabouts of such persons or refusal to acknowledge deprivation of freedom, thereby placing the person outside the protection of the law.⁴³⁸ A "victim" can be the disappeared person



⁴³³ Reza Yavari, *Inside Iran's Most Infamous Prison*, COUNTERPUNCH, August 11, 2009, available at <http://www.counterpunch.org/yavari08112009.html>.

⁴³⁴ Even if these individuals did not directly order or assist the commission of these crimes, they may still be charged with a criminal offence under the doctrine of superior responsibility if they failed to effectively supervise and prevent or punish violations by persons under their authority. For example, the ICTY found a prison camp commander guilty for acts committed by his subordinates of murder, torture, causing great suffering or serious injury, and inhumane acts. He was commander of the prison camp for approximately six months, yet he failed to prevent the abuses, even though he "was fully aware of the fact that the guards at the Celebici prison-camp were engaged in violations of international humanitarian law." *Prosecutor v. Delalic, et al., "Celebici,"* Case No. ICTY-96-21-T, Judgment, ¶ 770 (Nov. 16, 1998).

⁴³⁵ See Rome Statute, *supra* note 61.

⁴³⁶ Taeb was appointed the head of the Sepah's intelligence unit.

⁴³⁷ See International Convention for the Protection of All Persons from Enforced Disappearances, G.A. Res. 61/177, U.N. Doc. A/RES/61/177 (Dec. 20, 2006), available at <http://iranhrdc.org/httpdocs/English/aadel.htm> [hereinafter ICPAPED]; see also ECOSOC, Commission on Human Rights, *Report of the Working Group on Enforced or Involuntary Disappearances*, ¶¶ 40-42, U.N. Doc E/CN.4/2005/65, at 14 (Dec. 23, 2004) available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=42d66e400&skip=0&query=%22E/CN.4/2005/65%20%22>. While only thirteen countries (of which Iran is not one) of the required twenty have ratified the Convention, it has only been open for signature since February 2, 2007. UNITED NATIONS TREATY COLLECTIONS, ICPAPED, Status available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&lang=en.

⁴³⁸ ICPAPED, *supra* note 437, art. 2.

as well as “any individual who has suffered harm as a direct result of an enforced disappearance.”⁴³⁹ It requires that each victim be told the truth regarding the circumstances and fate of a disappeared person.⁴⁴⁰ In the event of a disappeared person’s death, it requires the state to “respect and return their remains.”⁴⁴¹

Iran violated, and continues to violate, its fundamental duty to prevent the forced disappearances of the demonstrators who were killed following the June 12 election. The Iranian authorities repeatedly withheld bodies from family members for days, sometimes weeks, prevented them from learning the cause of death and forbade funerals. Reports of deaths of demonstrators started surfacing as early as Saturday, June 13.⁴⁴² Maysam Ebadi, a seventeen-year-old who died Saturday in Tajrish Hospital, is believed to have been one of the first gunshot victims. Five days after his death, his brother had yet to receive his body.⁴⁴³

Sohrab Arabi, who also died from gunshot wounds, disappeared on Monday, June 15, but family members report that the arrival of his body was recorded at the coroner’s office on June 19. They did not manage to gain access to his body until July 11 and still do not know whether the nineteen-year-old died on the street, at a hospital or in detention.⁴⁴⁴

Arabi’s mother, Parvin Fahimi, became a prominent member of the Mourning Mothers—a group of mothers who call for the release of all detainees and the arrest and prosecution of those who killed protestors.⁴⁴⁵ The group is repeatedly harassed at their gatherings, and reportedly, Fahimi’s residence was raided by security forces who tore down pictures of her dead son.⁴⁴⁶

On June 16, the Governor of Tehran Province, Morteza Tamaddon, confirmed the deaths of only seven people who had died around Azadi Square the day before.⁴⁴⁷ By Wednesday, *Tahkim-e Vahdat* could only confirm seven killings in the attacks on the universities in Tehran and Shiraz.⁴⁴⁸ At the end of the week, Amnesty International put the total minimum number of the dead at ten, while pointing out that four university students remained unaccounted for.⁴⁴⁹ It was not until July 29 that Reporters Without Borders could confirm the Monday, June 15 death of Alireza Eftekhari. Eftekhari was a former reporter for the

⁴³⁹ *Id.* art. 24(1).

⁴⁴⁰ *Id.* art. 24(2).

⁴⁴¹ *Id.* art. 24(3). Article 24 addresses concerns pointed out by an expert to the working group on enforced disappearances. The expert pointed out that there was a need to “precisely define the concept and the legal consequences of the right of family members of disappeared persons to the truth.” ECOSOC, Commission on Human Rights, *Civil and Political Rights, Including Questions of: Disappearances and Summary Executions*, ¶ 80, U.N. Doc. E/CN.4/2002/71, at 34 (Jan. 8, 2002) (prepared by Manfred Nowak) available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3d6ce3c50&skip=0&query=E/CN.4/2002/71>.

⁴⁴² *Protests Flare*, *supra* note 34.

⁴⁴³ Parvez Sharma, *Memo from the Streets of Tehran*, THE DAILY BEAST, June 18, 2009, available at <http://www.thedailybeast.com/blogs-and-stories/2009-06-18/memo-from-the-streets-of-tehran/>.

⁴⁴⁴ *Sohrab Arabi: 19-Year-Old Student Killed*, IRANIAN.COM, July 11, 2009, available at <http://www.iranian.com/main/2009/jul/sohrab-arabi>.

⁴⁴⁵ Ann Harrison, *Mourning Mothers Weep for Victims of Excessive Force in Iran*, AMNESTY INTERNATIONAL, July 20, 2009 available at <http://livewire.amnesty.org/2009/07/20/mourning-mothers-weep-for-victims-of-excessive-force-in-iran/>.

⁴⁴⁶ *Security Forces Attack Sohrab Arabi Residence and Tear Sohrab’s Pictures*, GOOYA NEWS, December 24, 2009, available at <http://persian2english.wordpress.com/2009/12/24/security-forces-attack-sohrab-arabi-residence-family-and-tore-down-sohrabs-pictures/>.

⁴⁴⁷ ‘*Hasht Nafar*’ dar Tehran Kushtih shudihand [“Eight people” have been killed in Tehran], BBC PERSIAN, JUNE 16, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090616_he_ir88_killing_rally.shtml.

⁴⁴⁸ *Daftar-i Tahkim-i Vahdat: Haft Daneshju Kushtih Shudihand* [The Office for Strengthening Unity: Seven Student Have Been Killed], BBC PERSIAN, June 17, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090616_si_ir88_tahkim_students.shtml.

⁴⁴⁹ *Iran’s Supreme Leader Condone Violent Police Crackdown on Protestors*, AMNESTY INTERNATIONAL, June 19, 2009, available at <http://www.amnesty.org/en/news-and-updates/news/iran-supreme-leader-condones-violent-police-crackdown-on-protesters-20090619>.

newspaper *Abrar-e Eqtesadi* and the first reporter killed in the post-election violence. He was bludgeoned to death.⁴⁵⁰

The regime's failure to notify families about the whereabouts of their loved ones, its refusal to allow families to bury their loved ones, and its refusal to provide the remains to family members violate Iran's obligation under international law to protect people from forced disappearances. If it is found that the forced disappearances were widespread, systematic, and with the knowledge of the perpetrators, they also constitute a crime against humanity.⁴⁵¹

4. Arrests of Civil Activists, Journalists, and Opposition

In addition to arresting demonstrators, the Iranian authorities arrested, and continue to arrest, non-demonstrators in their homes, offices and on the street. The scope of the arrests goes far beyond individuals associated with the reformist movement. It appears that the regime is targeting anyone who might be a potential leader in opposing government policies. The list includes leaders and members of political opposition and student groups, women's rights activists, professors, lawyers, and journalists. It also includes former high-ranking officials of the Islamic Republic, icons of the 1979 revolution, and their family members. Several dual-nationals and foreign citizens have been arrested. Many remain in prison.

In addition to the scale and scope of these arrests, the immediacy with which security forces began targeting groups and individuals suggests that the arrests were premeditated and not merely a response to the post-election demonstrations. Prominent detainees later made public confessions, undoubtedly coerced, that echoed concerns regarding a "velvet revolution" that have been expressed by officers of the security apparatus over the last several years.

4.1 Non-Demonstrators are Arrested

The authorities began raiding opposition campaign offices and newspapers, and arresting campaign volunteers and leaders on Election Day.⁴⁵² Warrants were rarely presented at the time of arrest, but some detainees managed to see their warrants at some point during the process. At least some of the arrest warrants were issued before the election. One witness remembers that:

When I was arrested, they did not inform me of a charge, but I found out later that according to the arrest warrant of 20/3/1388 [10 June 2009] (yes, the arrest warrant for detention of all the politically active people was issued two days before the election) ordered by [Prosecutor] Mortazavi, I was arrested for altering the vote of the people.⁴⁵³

⁴⁵⁰ *Alireza Eftekhari Ruznamihigar-i Sabiq-i Abrar dar 20 Khordad Kushtih Shudih Ast* [Alireza Eftekhari, Former Reporter of Abrar Was Killed on 25 Khordad], REPORTERS WITHOUT BORDERS, July 30, 2009, available at <http://www.rsfpersan.org/article16780.html>.

⁴⁵¹ In 1998, enforced or forced disappearance of persons was recognized as a crime against humanity in the Rome Statute. Rome Statute, *supra* note 61, art. 7(1)(i). The Rome Statute's definition of "enforced disappearance of persons" is similar to that in the newer ICPAPED. It also requires deprivation of a person's freedom by a state or by persons acting with the authorization, support or acquiescence of a state, and the absence of information on the fate or whereabouts of such persons or refusal to acknowledge deprivation of freedom, thereby placing the person outside the protection of the law. Compare Rome Statute, *supra* note 61, art. 7(2)(i), with ICPAPED, *supra* note 437, art. 2. The Rome Statute requires that the perpetrator intends to remove the person from the "protection of the law for a prolonged period of time."

⁴⁵² IHRDC interview with A.E. (Dec. 17, 2009) (on file with IHRDC); IHRDC interview with Maryam Amoozegar (November 10, 2009) (on file with IHRDC).

⁴⁵³ IHRDC interview with K.H.S. (Dec. 19, 2009) (on file with IHRDC).

She was kept in solitary confinement for 50 days without access to her family or lawyer.⁴⁵⁴ She was subject to daily and prolonged interrogation sessions during which interrogators regularly resorted to beatings.⁴⁵⁵ The interrogations, as described by almost all victims, were conducted while she was blindfolded and facing a wall. The interrogators asked questions and instructed her to answer them in writing. Any denial was met with beatings, and threats of arrests of family members. These pressures and sheer exhaustion coerced this witness into writing answers that suited the narrative of her interrogators.⁴⁵⁶

Maryam Amoozegar, an artist and photo journalist who had worked for the Mousavi campaign, narrowly avoided arrest twice on Election Day. She attended an event organized by an actors' organization, that then joined a more general event for artists supportive of the Mousavi campaign at the Qaytariyih Artist Center.

At the Qaytariyih Artist Center ... which was a center for all kinds of artists, many people were celebrating the upcoming victory. They were checking websites, having conversations, and [we took] a lot of pictures and video footage. The lucky thing that happened to me that day was that we left the Center at two, because at around two fifteen, an unknown group, maybe thirty people, plainclothes and *Basij*, poured into that place and from top to bottom began breaking things in the center. [They] broke computers, beat people, and grabbed five or six of the ladies as hostages and left. One of them was Peggah-e Ahangarani.⁴⁵⁷

Amoozegar returned to her office for a few hours and then headed out again to deliver some images she had captured during the day. Again, she left only minutes before a raid.

Around six in the afternoon, the guys at Qalam News called me and asked me what kinds of pictures I had. ... I went to Mirhadi Center, which usually has its doors open and everybody knows you. ... I saw that the doors of the Center were closed ... [I was told I could not go up.] ... I called upstairs and was allowed to enter and go up to Qalam News. ... [I was told] to turn in my pictures and leave quickly. ... I went downstairs and my friend told me to hurry up so we could leave. I asked him what was wrong and he replied that they had raided the Artist's Center and they would probably raid this place soon. ... By the time we got back—it was a very short trip—they had already poured into the place and broken all the windows. The people were tied up for forty-eight hours while they erased everything on the computers ... I saw two of the guys [a few months later]. They told me that for those forty-eight hours they were tied up and forced to lie on the ground while being regularly beaten. They asked me to make sure people knew about it. ... They beat them and asked them what kind of information they had and what they knew.⁴⁵⁸

The main offices of the Mousavi campaign were raided on Election Day as well.⁴⁵⁹ The campaign had expected a certain amount of interference with its activities, but was still surprised by the intensity of the trouble when it attempted to communicate with its field volunteers.

We had predicted the communication authority to disrupt the wireless service, especially SMS service on that day, so we had contacted them in advance about this and they had given us assurance of service on the Election Day. We also added more landlines in the headquarters. On the night before the Election Day, they shut down all wireless services, including SMS messaging.

⁴⁵⁴ *Id.*

⁴⁵⁵ *Id.*

⁴⁵⁶ *Id.* IHRDC interview with K.J.B. (Dec. 17, 2009) (on file with IHRDC).

⁴⁵⁷ IHRDC interview with Maryam Amoozegar (November 10, 2009) (on file with IHRDC). *Bazdasht-i Pegah Ahangarani, Bazigar-i Cinema [Arrest of Movie Actor Pegah Ahangarani]* GOOYA NEWS, July 27, 2009, available at <http://news.gooya.com/politics/archives/2009/07/091343.php>.

⁴⁵⁸ IHRDC interview with Maryam Amoozegar (November 10, 2009) (on file with IHRDC).

⁴⁵⁹ *In Iran Court, Dissolution of Reform Fronts Is Sought*, PRESS TV, Aug. 25, 2009, available at <http://www.presstv.ir/detail.aspx?id=104441§ionid=351020101>.

When, on the evening before the Election Day, we tried to use the landlines we had set up for the committee, we realized all 300 landlines were out of service.⁴⁶⁰

The campaign inquired with several government ministries and organizations regarding the reasons for why its headquarters was raided, but received no reply. A warrant was not presented during any of the raids.⁴⁶¹ During the subsequent show trials, Tehran's Deputy Prosecutor, Mehdi Sepehri, alleged that the election office in northern Tehran was used for "various illegal activities, such as providing a base for the BBC's Persian TV service."⁴⁶²

Journalists and activists were dragged away Saturday night and very early Sunday morning. For example, at 3 a.m., Somayyeh Tohidloo was arrested at her parents' home. The blogger, political activist and Mousavi supporter was arrested without a warrant or an explanation.⁴⁶³ Two months later, Judge Hossein Haddad acknowledged that Tohidloo should already have been released, but he explained that Prosecutor Mortazavi had personally intervened to halt her release. Two days after this public acknowledgement, she was finally released on bail.⁴⁶⁴

Blogger and human rights activist Shiva Nazar Ahari was not home at 1 a.m. on Monday, June 14, when her residence was raided and belongings confiscated. The authorities arrested her the next day at her office.⁴⁶⁵ In an open letter to her daughter written a month later, Ahari's mother explained that the only comfort she felt was when she was with the other mothers who were searching for their children at the prisons and revolutionary courts.⁴⁶⁶ Ahari was released on bail from Evin on September 23 after posting 200 million Tomans [US\$200,000].⁴⁶⁷

Another person who was not home that night when authorities came to arrest him was Masoud Bastani. In his place, the security forces detained his wife and two of her guests.⁴⁶⁸ The first was Behzad Bashoo, a cartoonist who was released on July 8, and the second was Khalil Mirashrafi, a TV producer and journalist.⁴⁶⁹ Only hours later after these arrests, Bastani tried to turn himself in, so that his pregnant wife, Mahsa Amrabadi, would be released. The authorities declined his request and held on to his wife, a journalist for *Etemad Melli*, for over two months before she was released on August 23.⁴⁷⁰

⁴⁶⁰ See Etemad Newspaper interview with Alireza Beheshti in *Pas az Intikhabat dar Guftugu ba Alireza Beheshti, 'Qafilgir Shudim'* [After the Election, in an Interview With Alireza Beheshti 'We Were Surprised'], ETEMAD, 31/05/1388 (Aug. 23, 2009), available at <http://www.etemaad.ir/Released/88-05-31/166.htm>.

⁴⁶¹ *Id.*

⁴⁶² *In Iran Court, Dissolution of Reform Fronts Is Sought*, PRESS TV, Aug. 25, 2009, available at <http://www.presstv.ir/detail.aspx?id=104441§ionid=351020101>.

⁴⁶³ *Somayeh Tohidloo va Mahsa Amrabadi Azad Shudand* [Somayeh Tohidloo and Mahsa Amrabadi Were Released], RADIO FARDA, Aug. 24, 2009, available at http://www.radiofarda.com/content/f10_Tohidlou_Amrabadi_Released/1806462.html [hereinafter Tohidloo and Amrabadi Released].

⁴⁶⁴ *Id.*

⁴⁶⁵ *Shiva Nazar Ahari Bazdasht Shud* [Shiva Nazar Ahari Was Detained], COMMITTEE OF HUMAN RIGHTS REPORTERS, June 24, 2009, available at <http://chrr.us/spip.php?article4306>.

⁴⁶⁶ *Namihyih Madar-i Shiva Nazar Ahari: Tanha Dilkhushiyh Man dar in Muddat in Bud Kih Tanha Nabudam* [Letter of Shiva Nazar Ahari's Mother: My Only Solace During This Time Is That I See I Am Not Alone], CHANGE FOR EQUALITY, July 21, 2009, available at <http://www.sign4change.info/spip.php?article4339>.

⁴⁶⁷ *Shiva Nazar Ahari Azad Shud* [Shiva Nazar Ahari Was Released], COMMITTEE OF HUMAN RIGHTS REPORTERS, Sept. 23, 2009, available at <http://chrr.us/spip.php?article5876>.

⁴⁶⁸ *Masoud Bastani bih Shish Sal Habs-i Ta'ziri Mahkum Shud* [Masoud Bastani Sentenced to Six Years Discretionary Imprisonment], KERMAN NAMA, Oct. 19, 2009, available at <http://www.kermannama.org/module-pagesetter-viewpub-tid-1-pid-2257.html>; Tohidloo and Amrabadi Released, *supra* note 463; and *Behzad Bashoo va Khalil Mirashrafi Bazdasht Shudand* [Behzad Bashoo and Khalil Mirashrafi Were Arrested], HAM MIHAM, June 17, 2009, available at <http://www.hammihannews.com/news/4782>.

⁴⁶⁹ *Bashoo Azad Shud* [Bashoo Was Released], NO ANDISH, July 11, 2009, available at <http://noandish.com/com.php?id=29375>.

⁴⁷⁰ Tohidloo and Amrabadi Released, *supra* note 463.

That night, the security forces also arrested a large number of activists, including leaders in media and the student movement. 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.⁴⁷¹ Security forces stormed Samimi's house and arrested him in the middle of the night. They broke down the door and confiscated his computer and other personal property.⁴⁷²

In Evin Prison, security forces cut his hair and beard, locked him in a bathroom and reportedly beat him so severely that he had to be taken to Evin's clinic.⁴⁷³ He was forced to wait until September 9 before the authorities allowed him to see his lawyer, Nasrin Sotudeh. Although this meeting was under the supervision of his interrogator, Samimi complained of beatings and mistreatment to Sotudeh, who attempted to lodge a formal claim on his behalf.⁴⁷⁴

By October, Samimi was further isolated and restricted from making phone calls and receiving visitors. His lawyer succeeded in gaining access to his case file, and pointed out that after five months, his case file lacked an official arrest warrant. She explained that the case file made several charges against her client without any elaboration, evidence or explanation in support. These included "[c]ausing confusion among the masses," and "gathering and conspiring with the goal of disrupting national security."⁴⁷⁵

Also arrested was Ahmad Zeidabadi, a well-known journalist and the Secretary General of *Advar-e Tahkim-e Vahdat*, the alumni/student organization whose members are regular targets of arrest and detention. After the election, nearly all current and former members of this organization's leadership were taken into custody.⁴⁷⁶ Abbas Hakimzadeh, the political director of *Tahkim-e Vahdat*, was arrested in the winter of 2009 and released on July 8, 2009. Early in the morning on November 19, security forces raided his home, confiscated his computer and rearrested him.⁴⁷⁷

⁴⁷¹ Kayvan Samimi, *Du Mah Bazdasht Bidun-i Marja'-i Pasukhgu* [Kayvan Samimi, *Two Months of Detention without a Responsible Authority*], RADIO FARDA, Sept. 16, 2009, available at http://www.radiofarda.com/content/f2_postelection_detainees_Keivan_Samimi_lawyer_Evin/1823897.html.

⁴⁷² Kayvan Samimi *Hamchinan Taht-i Fisharhayih Fiziki va Ravani Qarar Darad* [Kayvan Samimi *Continues to be Under Physical and Psychological Pressure*], COMMITTEE OF HUMAN RIGHTS REPORTERS, August 20, 2009, available at <http://chrr.us/spip.php?article5150>.

⁴⁷³ *Khabarha-i az Evin, Azar va Azyat-i Kayvan Samimi dar Band-i 209* [News From Evin, *Harassing Kayvan Samimi in Ward 209*], MOWJ-I SABZ-I AZADI, Sept. 13, 2009, available at <http://www.mowjcamp.com/article/id/29086> (last visited Nov. 12, 2009). *Khabarha-i az Evin, Kayvan Samimi bad az Zarb va Shatm-i Shadid bih Bihdariyih Evin Muntaqil Shudih Ast* [News From Evin, *Kayvan Samimi Was Beaten So Severely He Was Taken to Evin Clinic*], MOWJ-I SABZ-I AZADI, Aug. 30, 2009, available at <http://www.mowjcamp.com/article/id/23969>.

⁴⁷⁴ Kayvan Samimi, *Du Mah Bazdasht Bidun-i Marja'-i Pasukhgu* [Kayvan Samimi, *Two Months of Detention without a Responsible Authority*], RADIO FARDA, Sept. 16, 2009, available at http://www.radiofarda.com/content/f2_postelection_detainees_Keivan_Samimi_lawyer_Evin/1823897.html.

⁴⁷⁵ *Istimrar-i Bazdasht-i Kayvan Samimi Qayr-i Qanuni Ast* [Continuing to Keep Kayvan Samimi in Detention is Illegal], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, Oct. 28, 2009, available at <http://www.hra-news.org/news/7974.aspx>.

⁴⁷⁶ Members of student groups under the umbrella of *Daftar-e Tahkim-e Vahdat* were continuously arrested and released. However, Members of the central Cadre have been imprisoned for months with little information about them available to their families. Many members of the alumni association, *Advar-e Tahkim-e Vahdat*, including Abdollah Momeni and Ahmad Zeidabadi have also been imprisoned for months, some since the election. See *Bazdasht-1 210 Tan Danishjuyih Sabz-i Danishgah-i Azad-i Mashhad* [Arrest of 210 Green Students of Mashhad Azad University], RAH-E SABZ, Jan. 1, 2009, available at <http://www.rahesabz.net/print/6876>; *Ittila'iyih Daftar-e Tahkim-e Vahdat, Bazdasht-i 17 Tan az Fa'alan-i Danishju'i* [Announcement of Daftar-e Tahkim-e Vahdat, Arrest of 17 Student Activists], GOOYA NEWS, Oct. 2, 2009, available at <http://news.gooya.com/politics/archives/2009/10/094456.php>; *15 Tan az Danishjuyan-i Bazdasht Shudih Azad Shudand* [Fifteen of the Arrested Students Were Released], IRANIAN UK, Oct. 3, 2009, available at <http://www.iranianuk.com/article.php?id=42301>; *Akharin Vaz'iyat-i Aza'i Shawrayih Markaziyih Daftar-e Tahkim-e Vahdat dar Zindan* [Latest News Regarding the Imprisoned Members of the Central Cadre of Daftar-e Tahkim-e Vahdat], ADVAR NEWS, Jan. 7, 2009, available at <http://www.advarnews.us/university/10242.aspx>; *Bayaniyihyih Advar Tahkim Vahdat dar Itiraz bih Bazdasht-i Aza'i Khud* [Statement of Advar-e Tahkim-e Vahdat in Protest to Detention of Its Members], DEUTSCHE WELLE, Nov. 21, 2009, available at <http://www.dw-world.de/dw/article/0,,4914365.00.html>.

⁴⁷⁷ *Student Activists Under Pressure in Iran*, RADIO ZAMAANEH, Nov. 19, 2009, available at <http://www.zamaaneh.com/enzam/2009/11/iran-student-activists-un.html>.

Zeidabadi was taken to an undisclosed location. While being transported, Zeidabadi protested the illegality of the manner of his arrest and vowed to begin a hunger strike. He spent the first seventeen days in a solitary cell without any interaction with authorities. After a visit by a physician who tried to convince him to break his hunger strike, he was again left alone—in total silence—for another eighteen days until he lost his mental faculties and began to scream incessantly. He was then moved to different cell, at which point the interrogations began.⁴⁷⁸

A month after his arrest, his wife, Mahdiah Mohammadi, wrote a letter to the then-head of the Judiciary, Mahmoud Hashemi Shahroudi, expressing her dismay at the lack of information about her husband.

It has almost been a month since a group of strangers, who called themselves motorcycle envoys, kidnapped my husband, Mr. Ahmad Zeidabadi, in the middle of the night and in front of his young children's eyes, without offering any form of warrant, and yet so far none of the responsible [government] organs have bothered to offer an answer about his condition.⁴⁷⁹

Zeidabadi was permitted to see his wife once, on July 29, for about ten minutes, and his whole family on August 17. On October 28, the Prosecutor of Tehran, Abbas Jafari-Dolatabadi, insisted that Zeidabadi was in good health and that his case was still in the preliminary stages of investigation. In her response to the Prosecutor's announcement, his wife demanded to know why she had not been able to see or speak with her husband for forty-four days and how his case could be in its preliminary stages after four months of detention.⁴⁸⁰

Zeidabadi's lawyer, Dr. Mohammed Sharif, first found out that Zeidabadi was eligible for bail after he was allowed to review his client's case file during an investigative session in October. Once he informed the court, the judge instructed him to notify the family so it could post bail. The Judiciary increased Zeidabadi's bail to 350 million Tomans [US\$350,000] and later to 500 million Tomans [US\$500,000]. His family dutifully collected each of the enormous sums. Still, the prosecution delayed his release, and failed to inform the court each time bail had been posted.⁴⁸¹ Meanwhile, Zeidabadi was reportedly being tortured and pressured to openly apologize for his alleged crimes, including writing an article in which he criticized the Supreme Leader and omitted the word "Supreme."⁴⁸²

In late November, Sharif realized that his client had been held illegally for almost two months. He reported that

⁴⁷⁸ *Zeidabadi Duchar-i Junun Shudih Bud* [Zeidabadi Had Gone Insane], ROOZ ONLINE, Aug. 19, 2009, available at <http://www.roozonline.com/persian/interview/interview-item/article/2009/august/19//8c4e67e213.html>, (and a reprint by Advar News at *Ifshagariyih Hamsar-i Ahmad Zeidabadi: Ahmad bih Hadd-i Junun Risidih va Qasd-i Khudkushi dar Zindan ra Dashtih Ast* [Wife of Zeidabadi Revealed: Ahmad Has Gone Insane and Intended to Commit Suicide in Prison], ADVAR NEWS, Aug. 19, 2009, available at <http://www.advarnews.us/organization/9389.aspx>).

⁴⁷⁹ *Namihyih Sargushadihyih Hamsar-i Zeidabadi Khatab bih Shahroudi* [Open letter of Zeidabadi's wife to Shahroudi], GOOYA NEWS, July 12, 2009, available at <http://news.gooya.com/politics/archives/2009/07/090690.php>.

⁴⁸⁰ *Vakunish-i Hamsar-i Zeidabadi bih Izharat-i Dadsitan: Ta Ahmad Ra Mulaghat Nakunam Nemitavanam bih in Harfha Itimad Kunam* [Reaction of Zeidabadi's Wife to the Comments of the Prosecutor: I Can't Trust What I Hear Until I Visit Ahmad], MIZAN PRESS, Oct. 28, 2009, available at [http://www.bbc.co.uk/persian/iran/2009/10/091027_m_arrested_reports.shtml](http://74.125.95.132/search?q=cache:cxBX16Kp7EoJ:www.mizanpress.org/index.php%3Foption%3Dcom_content%26view%3Darticle%26id%3D6220:2009-10-27-22-10-30%26catid%3D6:2009-04-01-10-24-33%26Itemid%3D66+%D8%AF%D8%B3%D8%AA%DA%AF%DB%8C%D8%B1+; see also Guzarish-i Akharin Vaz'iyat-i Bazdasht Shudigan-i Havadis-i Bad az Intikhabat [Latest News of the Conditions of the Post Election Arrestee], BBC PERSIAN, Oct. 27, 2009, available at <a href=).

⁴⁸¹ *Chira Zeidabadi Azad Nashud?* [Why Wasn't Zeidabadi Released?], ADVAR NEWS, Dec. 9, 2009, available at <http://www.advarnews.biz/organization/10050.aspx>.

⁴⁸² *Mahkumiyat-i Zeidabadi bih Shish Sal Habs va Tab'id dar Gonabad* [Zeidabadi Sentenced to Six Years' Imprisonment and Exile in Gonabad], RADIO FARDA, Nov. 23, 2009, available at http://www.radiofarda.com/content/F11_Iran_Postelection_Zeydabadi/1885960.html.

An order of release for 250 million Tomans [US\$250,000] bail was issued for Mr. Zeidabadi on October 4, and his family collected the bail and posted it. However, by order of the prosecutor, his release was prevented. Accordingly, all this time, his imprisonment has been illegal.⁴⁸³



Saeed Hajjarian

A prominent member of the Participation Front, Saeed Hajjarian was arrested on June 15 and detained in Evin Prison. Hajjarian is partially paralyzed as a result of an assassination attempt in 2000. He was forced to publicly denounce his reformist political views and to ask for forgiveness for his erroneous ideas. In September, after resigning from the Participation Front, he was released on bail and is awaiting his official sentence.

Raids on newspaper offices continued into the fall. For example, in September, the offices of another news organization were raided:

[In early September,] the prosecution officers came to the newspaper office and detained everyone from editor in chief to technical managers and reporters and abdarchi [tea servant]. Around 27 people. The officers had a warrant from the prosecutor and confiscated and took CD's (whatever was there) and computer towers. They took the guys in the car with them as well.⁴⁸⁴

4.2 Former Officials are Arrested

Security forces also arrested politically influential and well-connected members of the political elite and icons of the 1979 revolution. Sometimes these arrests lasted for short periods, as in the case of Mohammad Reza Khatami, the brother of the former president of the Islamic Republic. He was reportedly arrested Sunday, June 14, and released by the next day, although authorities tried to deny that he was even arrested.⁴⁸⁵ Others remain in prison.

Mohsen Mirdamadi, Secretary General of the largest pro-reform party in Iran, the Islamic Iran Participation Front (Participation Front) was arrested on June 13.⁴⁸⁶ Mirdamadi was one of three student leaders who stormed the United States Embassy in 1979 and is considered a hero of the revolution by the Islamic regime.⁴⁸⁷ Formerly a member of *Majlis*, the Guardian Council banned him from running for reelection in February 2008.⁴⁸⁸ He was released 24 hours after his arrest; however, unlike Khatami, he was rearrested on June 20.⁴⁸⁹ Following his second arrest, he was imprisoned in Evin and forbidden contact with his family for over a month.⁴⁹⁰

⁴⁸³ Ahmad Zeidabadi *bih 5 Sal Zindan dar Tab'id Mahkum Shud* [Ahmad Zeidabadi Was Sentenced to 5 Years' Imprisonment in Exile], HUMAN RIGHT ACTIVISTS NEWS AGENCY, Nov. 23, 2009, available at <http://www.hra-news.org/news/9452.aspx>.

⁴⁸⁴ IHRDC interview with A.Y. (Dec. 19, 2009) (on file with IHRDC).

⁴⁸⁵ *Dastgiriyyh Gustardihyih Fa'alan-i Siyasi dar Tehran* [Widespread Arrest of Political Activists in Tehran], BBC PERSIAN, June 14, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090613_op_ir88_mosharekat_mojahedin_arrests.shtml; *Sardar Radan: Dastgiriyyh Mohammad Reza Khatami Sihhat Nadarad* [Commander Radan: Arrest of Mohammad Reza Khatami Is Not True], ISNA, June 14, 2009, available at <http://isna.ir/Isna/NewsView.aspx?ID=News-1356087>.

⁴⁸⁶ Islamic Iran Participation Front is a reformist political party that was founded in 1998 after the election of President Khatami and was headed by the President's brother, Mohammad-Reza Khatami. *Bazdasht-i Dabir-i Kul va Ti'dadi az Aza'i Mosharekat* [Detention of the Secretary General and Some of the Members of Participation Front], AFTAB, June 13, 2009, available at <http://aftabnews.ir/vdcbfzb9.rhbgfpiuur.html>.

⁴⁸⁷ *Mohsen Mirdamadi: Defa' az Tashkir-i Lanhiyyih Jasusi* [Mohsen Mirdamadi: Defending the Storming of the Den of Spies], AFTAB, Nov. 5, 2009, available at http://www.aftab.ir/news/2009/nov/05/c1c1257414831_politics_iran_mohsen_mirdamadi.php.

⁴⁸⁸ *Asamiyyih Namayandigan-i Radd-i Salahiyat Shudihyih Majlis-i Shishum* [Representatives of the Sixth Majlis Who Were Not Deemed Competent], MARDOMAK, Feb. 18, 2008, available at http://www.mardomak.biz/news/vetted_six_majlis/.

⁴⁸⁹ *Mohsen Mirdamadi Bar-i Digar Bazdasht Shud* [Mohsen Mirdamadi Was Arrested Again], RADIO FARDA, June 21, 2009, available at http://www.radiofarda.com/content/F8_MIRDAMADI_ARREST/1759160.html.

⁴⁹⁰ Interview of Etemad with Zahra Mojaradi, Mirdamadi's wife, 'Ittihamat ra Qabul Nakardand' ['He Did Not Accept the Charges'], ETEMAD NEWSPAPER, 21/7/1388 (October 13, 2009) available at <http://www.etemaad.ir/Released/88-07-21/272.htm>. She states, "He was initially arrested on the 23rd of Khordad [13th June] but released after 24 hours. Then, he was arrested again

Mirdamadi was able to choose his own lawyer, Hossein Abadi, but the prosecutor did not issue him an individual indictment. Instead, the judiciary tried him—along with one hundred others—in a mass trial on August 1.⁴⁹¹ Six weeks later, on September 17, security forces also detained his son Mehdi Mirdamadi, and released him on October 4.⁴⁹² The fifty-four-year-old Mirdamadi was hospitalized for heart spasms on October 10 and remains in custody.⁴⁹³

Saeed Hajjarian, a former presidential adviser debilitated from an assassination attempt in 2000, was arrested on June 15. Hajjarian had served as a high-ranking member of the Intelligence Ministry, founded the Center for Strategic Studies within the office of the president and served on Tehran's city council.⁴⁹⁴ The 2000 assassination attempt—during which assailants shot him in the face—left him with severe brain and spinal cord injuries.⁴⁹⁵ Even after nine years, Hajjarian still requires assistance walking and has difficulty speaking. He requires constant medical supervision, nursing assistance, and multiple medications.⁴⁹⁶

Hajjarian was imprisoned in Evin. He was allowed to see his wife, a physician, for about a minute on the day of his arrest.⁴⁹⁷ Within a month, he had to be taken to a hospital because of his deteriorating health, but he was returned to prison. There, his wife was allowed to later visit him again. She described his condition to Human Rights Watch:

After the injury caused by the unsuccessful assassination attempt, his blood pressure was always below normal ... Currently due to the stressful prison conditions, his blood pressure is up to a critical level. In addition, his situation has been exasperated by the poor diet in prison and this may cause him to have a heart attack ... He was constantly crying when we saw him.⁴⁹⁸

In late July, she noted signs of jaundice and an irregular heart beat. She complained that the authorities failed to give him necessary medication and that she suspected he had been given hallucinogens for interrogation purposes. His daughter reported that these interrogation sessions sometimes took place

on the 30th of Khordad [June 20th] ... we only heard that he was held in the Sepah Intelligence ward in Evin ... His first contact with us was 40 days after his arrest and our first visit with him was around 60 days after his arrest.”

⁴⁹¹ Interview of Etemad with Zahra Mojaradi, Mirdamadi's wife, *'Ittihat ra Qabul Nakardand'* [*He Did Not Accept The Charges*], ETEMAD NEWSPAPER, 21/7/1388 (October 13, 2009) available at <http://www.etemaad.ir/Released/88-07-21/272.htm>. See also *Matn-i Kamil-i Kayfarkhast-i Muda'ialumum Alayhih Mutahamin-i Prujihyih Shikastkurdihyih Kuditayih Makhmali* [Complete Text of the Indictment of the Prosecutor General Against the Accused of the Failed Velvet Coup], FARS NEWS AGENCY, Aug. 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805100944> [See www.iranhrdc.org for a paginated translation] [hereinafter First Indictment].

⁴⁹² *Pisar-i Mohsen Mirdamadi Bazdasht Shud* [Son of Mohsen Mirdamadi Was Arrested], BBC PERSIAN, Sept. 17, 2009, available at http://www.bbc.co.uk/persian/iran/2009/09/090916_si_mirdamadi_arrest.shtml.

⁴⁹³ Interview of Etemad with Zahra Mojaradi, Mirdamadi's wife, *'Ittihat ra Qabul Nakardand'* [*He Did Not Accept the Charges*], ETEMAD NEWSPAPER, 21/7/1388 (October 13, 2009) available at <http://www.etemaad.ir/Released/88-07-21/272.htm>. *Pustirha-i Barayih 13 Aban* [Placards for 13 Aban Demonstration], MOWJI SABZ-I AZADI, Oct. 20, 2009, available at <http://www.mowjcamp.com/article/id/49827>.

⁴⁹⁴ Mohammad Sahimi, *Reformist Strategist: Saeed Hajjarian*, FRONTLINE, July 8, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/07/reformist-strategist-saeed-hajjarian.html>.

⁴⁹⁵ *Iran: Release Disabled Reformist*, HUMAN RIGHTS WATCH, July 1, 2009, available at <http://www.hrw.org/en/news/2009/07/01/iran-release-disabled-reformist>.

⁴⁹⁶ *Id.*

⁴⁹⁷ *Zindigiyeh Mahsa Amrabadi, Khabanigar-i Bardar, va Saeed Hajjarian dar Khatar-i Jiddi Ast* [Life of Mahsa Amrabadi, Pregnant Journalist, and Saeed Hajjarian Is Serious in Danger], GOOYA NEWS, July 7, 2009, available at <http://news.gooya.com/politics/archives/2009/07/090458.php>.

⁴⁹⁸ *Iran: Release Disabled Reformist*, HUMAN RIGHTS WATCH, July 1, 2009, available at <http://www.hrw.org/en/news/2009/07/01/iran-release-disabled-reformist>.

under direct sunlight. The interrogators waited until Hajjarian's temperature increased and then splashed him with ice water in order to cause shock and heart palpitations.⁴⁹⁹

By August, the authorities were attempting to present his situation as less dire than reported by family members. Kazem Jalali,⁵⁰⁰ spokesperson for the *Majlis* Committee, announced that Hajjarian had been moved to a judiciary housing complex that Prosecutor Mortazavi claimed had the medical equipment necessary to care for him.⁵⁰¹ He appeared in court on August 8, and the following day, a special committee of the Judiciary recommended that Hajjarian be placed under house surveillance.⁵⁰²

The prosecution disregarded this recommendation until September 30 when it released Hajjarian after 109 days in prison.⁵⁰³ Before his release, Hajjarian was forced to write a letter that was published by several semi-official news sources describing the first twenty days of his arrest:

I was imprisoned in solitary at Evin but my cell was big enough to walk in with a walker ... prison food was adequate and I was even given fruit ... I was transferred to a location that was close to a hydrotherapy pool and had a lively ambiance ... every other day the pool was vacated for my sessions and I would undergo hydrotherapy along with a sympathetic instructor ... prison doctor visited me every other day and took my blood pressure and temperature and checked my ears, nose, throat and lungs ... the new location was such that I could walk long distances with the walker.⁵⁰⁴

His family responded by noting that during that time, Hajjarian was not seen by his family, lawyer or even representatives of the *Majlis* Committee.⁵⁰⁵ Mortazavi has, in the past, used the threats of further detention and against family members to induce prisoners to write false accounts of the pleasant conditions in custody.⁵⁰⁶

Public and international outrage may have helped secure the release of Ebrahim Yazdi, the leader of the Freedom Movement of Iran. He was arrested on June 17. The seventy-eight-year-old veteran opposition leader had previously been imprisoned by both the Shah and the Islamic Republic. This time, he was arrested at Pars Hospital where he was being treated for stomach issues.⁵⁰⁷ He was released two days later.

⁴⁹⁹ *Zindigiyih Mahsa Amrabadi, Khabanigar-i Bardar, va Saeed Hajjarian dar Khatar-i Jiddi Ast* [Life of Mahsa Amrabadi, Pregnant Journalist, and Saeed Hajjarian Is Serious in Danger], GOOYA NEWS, July 7, 2009, available at <http://news.gooya.com/politics/archives/2009/07/090458.php>.

⁵⁰⁰ For an interview with Kazem Jalali, see video file: Repertoire of the Commission for National Security, Kazem Jalali Interview, August 31, 2009, available at <http://www.youtube.com/watch?v=4yFL4o2Azkk>.

⁵⁰¹ *Intiqal-i Hajjarian az Zindan bih Khanihyih Sazmani* [Relocating Hajjarian to a Judiciary Housing], BBC PERSIAN, July 30, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090730_ra_hajjarian_housearrest.shtml.

⁵⁰² *Dorri Najafabadi: Tawsiyihyih Ma Azadiyih Hajjarian Ast* [Dorri Najafabadi: Our Recommendation Is Hajjarian's Release], BBC PERSIAN, Aug. 8, 2009, available at http://www.bbc.co.uk/persian/iran/2009/08/090808_ka_dori_hajjarian.shtml.

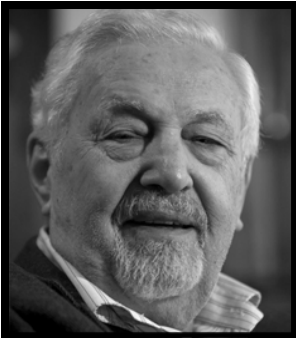
⁵⁰³ See *Saeed Hajjarian Pas az 109 Ruz Bazdasht Azad Shud* [Saeed Hajjarian Was Released After 109 Days of Detention], RADIO FARDA, Sept. 30, 2009, available at http://www.radiofarda.com/content/F8_HAJARIAN_FREED_postelection_Ahmadinejad_Moosavi/1840150.html; see also *Guzarish-i Ruzhayih Zindan bih Ra'is Jumhur-i Islahat* [Reporting Prison Days to the President of Reform], ETEMAAD, 15/07/1388 (Oct. 7, 2009) available at <http://www.eteaad.ir/Released/88-07-15/150.htm>.

⁵⁰⁴ *Id'ahayih Karroubi dar Mawrid-i Vaz'iyat-i Bazdashtgahha Sidayih Hajjarian ra Ham Daravard* [Karroubi's Claim Regarding the Situation of the Detention Centers Made Even Hajjarian Talk], FARIS NEWS AGENCY, Sept. 3, 2009, available at <http://www.farsnews.com/newstext.php?nn=8806120733>.

⁵⁰⁵ *Zaynab Hajjarian: Agar Namih Sihhat Darad Chira az Pidaram Bi Khabarim?* [Zaynab Hajjarina: If the Letter Is True then Why Have We No News of My Father?], BBC PERSIAN, Sept. 4, 2009, available at http://www.bbc.co.uk/persian/iran/2009/09/090903_wmj-hajjarian-letter.shtml.

⁵⁰⁶ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN'S RESPONSE TO THE INTERNET (2009) and IRAN HUMAN RIGHTS DOCUMENTATION CENTER, FORCED CONFESSIONS: TARGETING IRAN'S CYBER-JOURNALISTS (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

⁵⁰⁷ Jenny Booth, Martin Fletcher and Ella Flaye, *Iran Regime Arrests Ailing Reformer Ebrahim Yazdi in Hospital Bed*, TIMES ONLINE, June 18, 2009, available at, http://www.timesonline.co.uk/tol/news/world/middle_east/article6527580.ece.



Ebrahim Yazdi

Ebrahim Yazdi, the leader of the banned Freedom Movement, was arrested on June 17 at a hospital where he was a patient. The 78-year-old veteran opposition politician was released two days later. However, he was rearrested on December 28, the day after the Ashura protests, at 3 a.m. He remains detained.

Mohammad Atrianfar, a famous journalist and editor of such news outlets as *Shargh* and *Shahrvand Emrooz*, was arrested June 16. He met with the *Majlis* Committee on August 12 and was in reportedly good health. Speaking to committee members, he insisted that he was well treated and that his interrogators were not violent or rude.⁵⁰⁸

On the same day, similar comments were made by Mohammad-Ali Abtahi. Abtahi, the former head of Iranian Radio and later vice president of the Islamic Republic, was a close adviser to presidential candidate Mehdi Karrubi. He was arrested at 6 a.m. on June 16, by three plainclothes officials who very politely requested that Abtahi accompany them. They presented no identification, arrest warrant, reason for his arrest, or explanation as to where he was being taken. They claimed that his family would be contacted soon.⁵⁰⁹

His wife and three daughters were allowed to visit him for the first time on July 30, forty-three days after his arrest. At the time, he still had not met with a lawyer, and the judicial authorities suggested that he might be released before August 7.⁵¹⁰ On August 12, like Atrianfar, he spoke with the *Majlis* Committee in Evin and assured them that he was in good health and had not been mistreated. He was also allowed to post messages on his popular weblog from prison, where he reiterated that he was guilty and comfortable in prison.⁵¹¹

However, by then an interview, his confession and his testimony during trial had been broadcast on national television. Observers were shocked to see the usually plump and confident cleric appear defrocked, and like other prisoners, dressed in gray pajamas looking gaunt and haunted.⁵¹² Previously at

⁵⁰⁸ *Itirafat-i Jalib-i Atrianfar dar Dadgah* [Interesting Confessions of Atrianfar in Court], TABNAK, Aug. 1, 2009, available at <http://www.tabnak.ir/fa/pages/?cid=57808>. See also, *Guzarish-i Kamil-i Izharat-i Abtahi va Atrianfar dar Kunfirans-i Matbuati va Jalasiyeh Dadgah* [Complete Report of Abtahi and Atrianfar's Comments in Court], ISNA, Aug. 1, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1379312>; *Izharat-i Atrianfar va Chahar Nafar az Bazdasht Shudigan-i Havadis-i Bad az Intikhabat dar Dadgah* [Confessions of Atrianfar and Four other Detainees of Post-Election Unrest in court], ISNA, Aug. 1, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1379336>; *Ibrazi Rizayat-i Abtahi, Tajzadeh va Atrianfar az Vaz'iyat-i Khud* [Abtahi, Tajzadeh and Atrianfar Expressed their Content Regarding their Conditions], ISNA, Aug. 14, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1385706>; *Tawzihat-i Tajari Darbarihyeh Didar-i ba Abtahi, Tajzadeh va Atrianfar* [Tajari's Explanations Regarding Visiting Abtahi, Tajzadeh and Atrianfar], ISNA, Aug. 13, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1385519>; *Borujerdi dar Jam'i Khabarnigaran: Musahibiyeh Matbuatiyeh Atrianfar va Abtahi Vijigiyeh Musbat-i Dadgah Bud* [Borujerdi to the Reporters: Press Conference of Atrianfar and Abtahi Was the Positive Aspects of the Court], ISNA, Aug. 2, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1379659>; *Borujerdi Pas az Didar ba Abtahi, Tajzadeh va Atrianfar: Anha az Barkhurd-i Bazjuha Izhar-i Rizayat Mikardand* [Borujerdi after Meeting with Atrianfar, Tajzadeh and Abtahi: They Expressed Content Regarding the Interrogators Behavior], ISNA, Aug. 13, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1385524>.

⁵⁰⁹ *Abtahi, Hajjarian va Aminzadeh Bazdasht Shudand* [Abtahi, Hajjarian and Aminzadeh Were Arrested], BBC PERSIAN, June 16, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090616_he_ir88_abtahi-arrest.shtml.

⁵¹⁰ *Akharin Vaz'iyat-i Abtahi, Tajzadeh va Zeidabadi dar Guftugu ba Hamsran-i Anan* [Latest Condition of Abtahi, Tajzadeh and Zeidabadi According to their Wives], ISNA, July 31, 2009, available at <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-1378604>.

⁵¹¹ *Weblog Nivisi az Darun-i Zindan* [Weblogging from Prison], WEBNEVESHTHA, Aug. 26, 2009, available at <http://www.webneveshteha.com/WEBLOG/?id=2146310142>.

⁵¹² *Video-i Kunfirans-i Khabari va Difa' Mohammad Ali Abtahi va Atrianfar dar Dadgah* [Video of Press Conference and Defense of Mohammad Ali Abtahi and Atrianfar in Court], KHANDANIHA, Aug. 2, 2009, available at <http://www.khandaniha.eu/items.php?id=810>; *Musahibiyeh Muzhik-i 20:30 ba Abtahi va Atrianfar* [20:30's Comical Interview with Abtahi and Atrianfar], GOOYA NEWS, Aug. 2, 2009, available at <http://news.gooya.com/politics/archives/2009/08/091621.php>.

ease in front of cameras and with the press, he exhibited a tangible nervousness and disorientation that led many to accuse the authorities of having drugged him. His wife reportedly claimed that when she managed to see him “after 43 days, he had lost 18 kilos. She reported that he told her, ‘In the last few days, they have been giving me a pill that separates me from the noise and tumult of this world.’”⁵¹³

After the response to these broadcasts by his family, the opposition, the Iranian public and the international community, Abtahi was not shown on television again, and his weblog was shut down.

4.3 Dual Citizens, Foreign Nationals and Embassy Workers are Arrested

The authorities also arrested citizens of Greece, Canada, France and the United States, and targeted Iranians working for the British Embassy in Tehran. These arrestees were generally charged with fomenting a “velvet revolution” sponsored by foreign governments.

Two days after foreign journalists were told their visas would not be extended on June 16, Iason Athanasiadis (known as Fowden), a freelance journalist, was arrested at Tehran airport while attempting to leave the country. Initially approached by only one plainclothes officer who asked him his name and told him that he would not be leaving that day, Fowden was quickly surrounded by a half dozen after he refused to comply.⁵¹⁴

As he was dragged away while being punched and kicked, a vocal Fowden attracted the attention of a woman to whom he spelled his name and asked that she inform the Greek Embassy. Later, he considered this event to have been instrumental in his fairly quick release, since just days after his arrest, the Greek Foreign Ministry began working on his release.⁵¹⁵

After being beaten with a club and pepper-sprayed at the police station for trying to make a phone call, Fowden was transferred to Evin. For more than two weeks, an unseen interrogator accused him of espionage in a soundproof room. The Greek government and non-governmental organizations lobbied intensely for his release. Yet the most frustrating time for Fowden was after their efforts seemed to have succeeded:

They took me to the airport; the Greek ambassador met me with a ticket. We started heading towards the gates, then we suddenly veered off to the escalator. ... I promptly got re-arrested and spent this very strange night in a windowless room listening to bags thumping through the chutes and listening to departure announcements ... it was the most scary time.⁵¹⁶

It took another day before further pressure and pleading by the Greek Ambassador resulted in Fowden’s release.

The authorities arrested Maziar Bahari, a Canadian-Iranian journalist, two days later on June 21. A journalist for *Newsweek* magazine and documentary filmmaker, Bahari was picked up at his family home in Tehran. During his more than 118 days of imprisonment, he was repeatedly beaten, interrogated, and in the end, forced to confess to crimes he did not commit. The authorities accused him of reporting false

⁵¹³ *Tabesh: Nimitavanim Nigaraniyih Khud ra az In Nahvih Muhakimih I’lam Nakunim [Tabesh: We Have to Express Our Concern Regarding this Type of Trial]*, PARLEMAN NEWS, Aug. 20, 2009, available at <http://www.parlemannews.ir/index.aspx?n=2337>.

⁵¹⁴ Ivan Watson, *Reporter Held for 21 Days in Iranian Jails*, CNN, July 9, 2009, available at <http://www.cnn.com/2009/WORLD/meast/07/09/iran.detained.journalist/>.

⁵¹⁵ *Id.*

⁵¹⁶ *Id.*

news, participating in anti-government rallies, and possessing classified documents.⁵¹⁷ On June 30, like other political prisoners, Bahari admitted to the charges against him during a press conference. In this confession, Bahari suggested that he had been led astray by financial inducements and explained how the foreign media was actively promoting a color or “velvet revolution” in Iran.⁵¹⁸

Although threatened with assassination if he related his experiences in detention, Bahari later described the circumstances of his arrest, detention, confessions and press conferences.

The thought of resisting had crossed my mind, too. But why? I was a journalist, not a freedom fighter. Political prisoners in Iran were forced to make false confessions all the time. I’d always known they had been coerced, and had sympathized with the victims. Surely others would feel similarly about me. But even now, months later, the experience gnaws at me. My father spent four years in prison under the Shah without asking for mercy. What would he think of his son apologizing to the Supreme Leader after eight days?⁵¹⁹

The day before his first confessional news conference, Bahari was dragged—blindfolded—by his usual interrogator to meet a person who threatened him with a prolonged investigation during which he would be imprisoned and tortured before possibly being executed. He was then asked if he was instead interested in explaining that a “velvet revolution” was staged by foreigners and corrupt elites using western media and that this attempt was thwarted by the vigilant authorities of the Islamic Republic.⁵²⁰

He did as he was told, but tried to remain vague and ironically detached. Thus, his next interrogation session began with a beating. These beatings continued for the next three months, a period that covers August 1, the day the prosecution presented its first indictment to the court. That day, his interrogator took Bahari—without telling him where or why—to the court for his second public confession.⁵²¹ He was instructed to be more specific, name names, implicate reformists and link them to foreign media. Bahari failed to provide a satisfactory confession.

When we finished, I knew what awaited me back in Evin. In the interrogation room [he] beat me without saying a word. He didn’t have to explain.⁵²²

During his imprisonment, Bahari called his mother, Molouk Bahari, from prison to reassure her. The eighty-three-year-old had lost two children since 2007 and was tired of calamity.⁵²³ Throughout his detention, his wife pleaded for his release from London. Bahari was released on October 17 after posting 300 million Tomans [US\$ 300,000] bail. A few days later, he was allowed to leave Iran and join his wife in the London hospital where she gave birth.⁵²⁴



Clotilde Reiss

Clotilde Reiss, a 24-year-old academic and a French citizen, was arrested on July 1, 2009 for reporting on and sharing pictures of the protestors. She was forced to publicly confess to spying, and she remains in the French Embassy in Tehran. She is unable to leave Iran until the judiciary resolves her case.

⁵¹⁷ 118 Days, *supra* note 408.

⁵¹⁸ *Maziar Bahari: Tajamu’at-i Qayr-i Qanuni Sutun-i Inqilabhayih Rangin Ast* [Maziar Bahari: *Illegal Gatherings Are the Pillars of Colored Revolutions*], ISLAMIC REPUBLIC DOCUMENTATION CENTER, June 30 2009, available at <http://www.irdc.ir/fa/content/7350/default.aspx>; *Dawr-i Taziyih Itirafat Dar Jumhuriyih Islami* [New Wave of Confessions in IRI], BBC PERSIAN, June 30, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090630_alia_confessions.shtml.

⁵¹⁹ 118 Days, *supra* note 517.

⁵²⁰ *Id.*

⁵²¹ *Id.*

⁵²² *Id.*

⁵²³ Christopher Dickey, *A Mother’s Lament*, NEWSWEEK, July 4, 2009, available at <http://www.newsweek.com/id/205288>.

⁵²⁴ Ali Akbar Dareini, *Maziar Bahari Released: Iran Frees Newsweek Reporter On Bail*, HUFFINGTON POST, Oct. 17, 2009, available at http://www.huffingtonpost.com/2009/10/17/maziar-bahari-released-ir_n_324859.html.

On the same day Bahari was arrested, Manouchehr Mottaki, the foreign minister of Iran, presented a scenario that not only blamed foreign journalists, but targeted Britain as the source of the opposition movement:

The first path they took was boycotting the election and persuading the public not to participate in it ... The second approach of the English was to send [agents disguised as] travelers who came with specific intelligence and security objectives. The numbers of these travelers increased so much that the small regular plane used between Tehran and London had to be replaced with a Boeing 747 ... It is time [for the English] to forget the saying: 'The sun doesn't shine unless it shines for the Empire, and the sun never sets unless it sets for the British Empire.'⁵²⁵

Security forces arrested Hossein Rassam and eight of his co-workers at the British Embassy in Tehran. They were detained on June 27 and accused of playing an important role in the disturbances after the election.⁵²⁶ Two days later, Hassan Qashqavi, spokesperson for the Foreign Ministry, announced that five of the nine had been released and that the rest were undergoing interrogations. Qolam-Hossein Mohseni-Ejei, the Minister of Intelligence, continued to insist that the British Embassy "under the cover of domestic agents, sent individuals among the rioters and disseminated information among both the rioters and the crowds at large."⁵²⁷ His evidence was that embassy employees were seen among the crowds in Tehran.⁵²⁸

Another two days whittled the number of "domestic agents" in custody down to two.⁵²⁹ Only one person remained accused of the crimes listed by the foreign and intelligence ministries.⁵³⁰ This reality did not stop Ayatollah Ahmad Jannati from claiming at a Friday Sermon that several of the Iranian employees of the British Embassy in Tehran would be prosecuted for their actions. Jannati asked:

According to [information found on] a website at the British Foreign Ministry, [the Ministry] had announced [for months] that there may be unrest following the Iranian elections, and we must warn our subjects to be careful. What are these predictions all about?⁵³¹

By July 4, Hossein Rassam, a senior political analyst for the British Embassy and the only remaining employee in custody, was charged with "actions against national security."⁵³² The British foreign ministry remained actively engaged, and the Iranian authorities allowed Rassam to post bail on Sunday, July 19.⁵³³

⁵²⁵ *Mottaki Ifsha Kard: Naqsh-i Ingilis dar Iqtishashat-i Akhir* [Mottaki Exposes, the Role of Britain in the Recent Unrest], JAM-E JAM ONLINE, June 21, 2009, available at <http://www.jamejamonline.ir/newstext.aspx?newsnum=100910031269>.

⁵²⁶ *Dastgiri-yih Karkunan-i Iraniyih Sifarat-i Britannia dar Tehran* [Arrest of the Iranian Employees of the British Embassy], BBC PERSIAN, June 28, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090628_sz_ir88_iran_britain_arrests.shtml; this is a longer version of the more familiar: "The sun never sets on the British Empire."

⁵²⁷ *Panj Karmand-i Iraniyih Sifarat-i Britannia Azad Shudand* [Five Iranian Employees of the British Embassy Were Released], BBC PERSIAN, June 29, 2009, available at http://www.bbc.co.uk/persian/iran/2009/06/090629_he_ir88_british_embassy.shtml.

⁵²⁸ *Id.*

⁵²⁹ Although several Iranian news sources reported the release of three of the employees, all three were not officially released until July 6 when the British government confirmed the release of everyone but Hossein Rassam. See *Iran Yik Karmand-i Digar-i Sifarat-i Britannia ra Azad Kard* [Iran Released Another Employee of the British Embassy], BBC PERSIAN, July 6, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090706_aa_british_iran_arrest.shtml.

⁵³⁰ 'Azadi-yih Sih Karmand-i Digar-i Sifarat-i Britannia [Release of Another Three Employees of the British Embassy], BBC PERSIAN, July 1, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090701_wmj-ir88-after-election.shtml.

⁵³¹ *Ayatollah Jannati: Karmandan-i Bazdash-tiyih Sifarat-i Britannia dar Tehran Muhakimi Mishavad* [Ayatollah Jannati: The Detained Employees of the British Embassy Will be Tried in Tehran], BBC PERSIAN, July 3, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090703_rs_ir88_jannati_uk.shtml.

⁵³² *Britannia darbariyih Ittihamyayih Iran Tahqiq Mikunad* [Britain Will Investigate the Accusations of Iran], BBC PERSIAN, July 5, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090704_wmj-ir88-after-election-uk-iran.shtml.

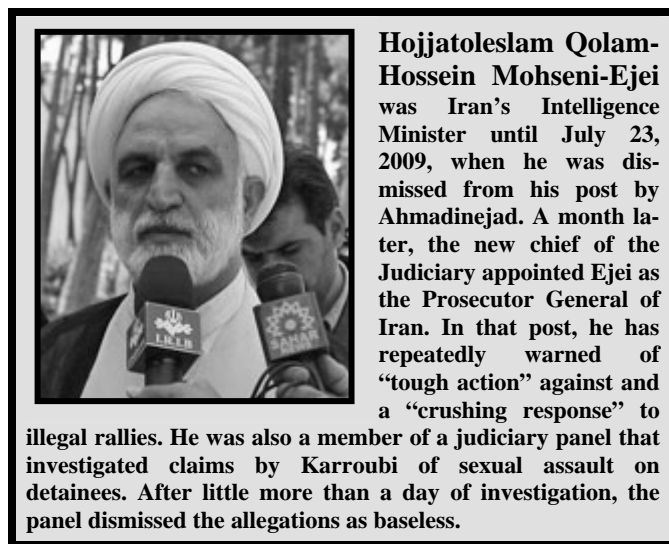
⁵³³ *Karmand-i Sifarat-i Britannia Azad Mishavad* [Employee of British Embassy Will be Released], BBC PERSIAN, July 16, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090716_ba-ir88-rassam-release.shtml; *Karmand-i Sifarat-i Britannia dar*

His trial began two weeks later. In late October, the court convicted and sentenced him to four years of imprisonment.⁵³⁴

Rassam was prosecuted with a French Embassy employee and Clotilde Reiss.⁵³⁵ Reiss was arrested July 1 at Imam Khomeini Airport, as she was leaving Iran. She was a visiting assistant professor at Isfahan University teaching French literature. The authorities alleged that the twenty-three year old had taken pictures of the demonstrations on her cell phone and e-mailed these pictures to a friend. Security forces contended that this constituted the collecting of information and aiding of the protests.⁵³⁶ The French foreign minister's reaction to the accusations bordered on confusion:

That is not espionage and cannot be so. The accusation is absurd. ... She was a classic young student who was doing her job, who witnessed protests like millions of Iranians. ... I do not think the Iranian authorities can think for a second that what is happening in their streets—the opposition to a government—can be settled by arresting innocent people. An innocent French person, what's more.⁵³⁷

Reiss was tried in a closed trial on November 17, and under terms negotiated by France, remains confined at the French Embassy until she is sentenced.⁵³⁸



Kian Tajbakhsh, an Iranian-American scholar, social scientist and urban planner, had been charged with espionage and imprisoned in Evin for more than four months in 2007. He was arrested again on July 9 at his home in Tehran.⁵³⁹ Tajbakhsh was held incommunicado for nearly a month and first seen by his family when images of the August 1 mass trial were published by the Fars News Agency. His condition showed the level of pressure he was under. In his confessional press conference, Tajbakhsh maintained that the massive post-election protests were the result of planning by the United States and Britain. Oddly, he also implicated Haleh Esfandiari, another Iranian-American scholar whom the authorities had also arrested in 2007 but who returned to the

Tehran Azad Shud [Employee of the British Embassy in Tehran Was Released], BBC PERSIAN, July 19, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090719_pm_ir88_rassam_released.shtml.

⁵³⁴ *Itiraz-i Ittihadiiyih Urupa bih Mahkumiyat-i Tahlilgar-i Sifarat-i Britannia dar Tehran* [Protest of the EU to the Sentencing of the Tehran British Embassy's Commentator], BBC PERSIAN, Oct. 23, 2009, available at http://www.bbc.co.uk/persian/iran/2009/10/091029_op_rassam_eu_reax.shtml

⁵³⁵ *Hushdar-i Ittihadiiyih Urupa bih Iran Darmurid-i Muhakimiyih Karmandan-i Sifarat Khanihha va Shahrivandan-i Urupa-i* [Warning of the EU to Iran regarding Sentencing of the Embassy Employees and the European Citizens], BBC PERSIAN, Aug. 9, 2009, available at http://www.bbc.co.uk/persian/iran/2009/08/090808_wkf-eu-iran-trial.shtml.

⁵³⁶ *Nicolas Sarkozy Khastar-i Azadiyih Clotilde Reiss Shud* [Nicolas Sarkozy Requested the Release of Clotilde Reiss], MOWJ-I SABZ-I AZADI, Aug. 9, 2009, available at <http://www.mowjcamp.org/article/id/11588>.

⁵³⁷ Charles Bremmer, *France Demands Release of Student Clotilde Reiss by Tehran*, TIMES, July 7, 2009, available at <http://www.timesonline.co.uk/tol/news/world/europe/article6656429.ece>.

⁵³⁸ *French Teacher Back in Iran Court*, AL-JAZEERA, Nov. 17, 2009, available at <http://english.aljazeera.net/news/middleeast/2009/11/2009111716267279653.html>.

⁵³⁹ *Kian Tajbakhsh Bazdasht Shud* [Kian Tajbakhsh Was Detained], RADIO ZAMANEH, July 10, 2009, available at http://zamaaneh.com/news/2009/07/post_9669.html.

United States after her release. Only weeks before Tajbakhsh's statements, Mahmoud Ahmadinejad had excoriated the Intelligence Ministry for ever arresting Esfandiari, maintaining that the real agents of overthrow were elsewhere.⁵⁴⁰

Despite his cooperation and forced confession, Tajbakhsh was sentenced to fifteen years on October 20 for crimes including actions against national security.⁵⁴¹ These actions included consultation work for the Soros Foundation and membership in the Gulf/2000 Project, a website and e-mail group that shares information and analysis on the Persian Gulf.⁵⁴²

His lawyer has noted that utter falsehoods were part of Tajbakhsh's personal indictment. For example, it charged Tajbakhsh with participation in a demonstration, when, in fact, Tajbakhsh was arrested at his home. His lawyer was given permission to see Tajbakhsh's case file only after his sentencing and was unable to find any evidence that correlated with the charges. Weeks after his sentencing, his lawyer was still prevented from visiting Tajbakhsh to prepare his appeal.⁵⁴³

4.4 Violations of Iranian and International Law

The arrests, interrogations and torture of the non-demonstrators violated Iranian and international law for the same reasons these acts violated the rights of demonstrators. Political detainees were held for extended periods of time, often in solitary confinement, with minimal access to family or their chosen counsel.⁵⁴⁴ Those who were assigned legal counsel were allowed little contact with their chosen lawyers.⁵⁴⁵

The interrogation of political activists and journalists was designed to coerce confessions that were often televised by the national media.⁵⁴⁶ As described above and in previous reports by the IHRDC,⁵⁴⁷ the Islamic Republic employs sophisticated methods of torture and intimidation in order to coerce confessions from political prisoners. By arresting individuals in a manner similar to kidnappings, keeping

⁵⁴⁰ *Doctor Kian Tajbakhsh Zir-i Fisharhayih Jismi va Ravani [Dr. Kian Tajbakhsh Under Physical and Psychological Torture]*, DEUTSCHE WELLE, Aug. 8, 2009, available at <http://www.dw-world.de/dw/article/0,4547758,00.html>.

⁵⁴¹ Tajbakhsh was also convicted of espionage. *Vakil-i Kian Tajbakhsh: Dar Parvandi Hich Mustanad-i Jasusi Vujud Nadarad [Kian Tajbakhsh's Attorney: There are No Documents of Espionage in the Case File]*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, Dec. 11, 2009, available at <http://persian.iranhumanrights.org/1388/09/tajbakhsh-charges/>.

⁵⁴² *Khabarha-i az Evin: Haq-i Tajdid-i Nazar Khahi az Kian Tajbakhsh Salb Shud [News from Evin, Kian Tajbakhsh Ripped Off of the right to Appeal]*, MOWJ-I SABZ-I AZADI, Oct. 29, 2009, available at <http://www.mowjcamp.com/article/id/53572>; The group is run by Columbia Professor Gary Sick. Sick clarified his relationship and contact with Tajbakhsh after the sentence was announced: "I have been in meetings with President Mahmoud Ahmadinejad on four different occasions over the past three years. I have spent at least nine hours with him, much more than I ever spent with Kian. In my last meeting with Mr. Ahmadinejad, I told him that if he were simply a lowly academic, instead of the president of Iran, he would be subject to arrest upon his return to Iran for meeting with the roomful of U.S. academics and think tank representatives that he had assembled at his hotel. He scoffed at the idea. Now one of my colleagues, a lowly Iranian-American professor who was about to take up a position at my university, is being condemned to 15 years in prison because, among other things, he had contact with me." Gary Sick, *Inside Iran's Intimidation Campaign*, THE DAILY BEAST, Oct. 25, 2009, available at http://www.cfr.org/publication/20525/daily_beast.html.

⁵⁴³ *No Evidence of Espionage in Tajbakhsh's File, Lawyer Says*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, Dec. 14, 2009, available at <http://www.iranhumanrights.org/2009/12/tajbakhsh-evidence/>.

⁵⁴⁴ IHRDC interview with Witness K.H.S. (Dec. 17, 2009) (on file with IHRDC).

⁵⁴⁵ *The Brothers of a Man Sentenced to Death in Election Trials Say He Was Deceived by Interrogators*, MADYAR IRAN, October 13, 2009, available at <http://www.madyariran.net/?p=2620>.

⁵⁴⁶ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, FORCED CONFESSIONS: TARGETING IRAN'S CYBER-JOURNALISTS (2009), and IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

⁵⁴⁷ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN'S RESPONSE TO THE INTERNET (2009), and IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COVERT TERROR: IRAN'S PARALLEL INTELLIGENCE APPARATUS (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

them in the dark regarding the charges they face, limiting their contact with family and legal representation, and using psychological torture, beatings and solitary confinement, the authorities hope to extract confessions and public apologies.⁵⁴⁸ Should the torture be found to be widespread and systematic, and with the knowledge of the perpetrators, these acts also constitute crimes against humanity.⁵⁴⁹

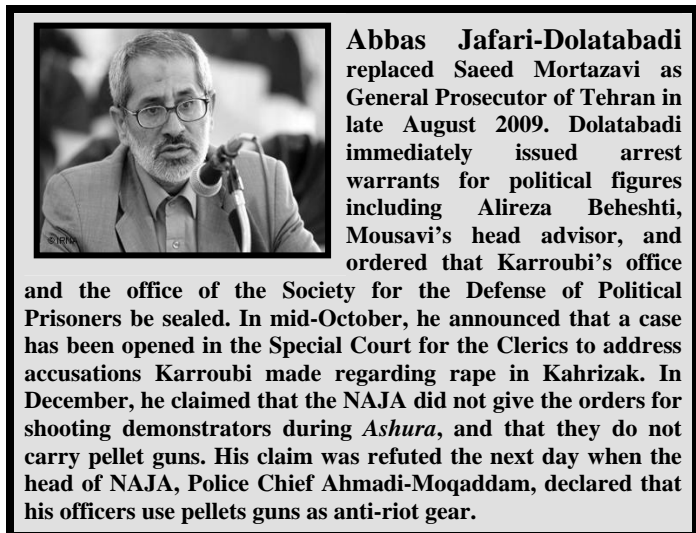
5. Mass Show Trials

In late July, the former head of the Judiciary, Ayatollah Seyyed Mahmoud Hashemi Shahroudi, ordered a committee to meet with the reportedly 300 detainees and determine how they were being treated.⁵⁵⁰ He declared that the detainees should be processed by August 3 and ordered then-Prosecutor General, Mortazavi, to set bail for those detainees who were not facing serious charges.⁵⁵¹

The next day, the government announced that it had released close to half the detainees. While making this announcement, Saeed Jalili, the secretary of the Supreme National Security Council of Iran, claimed that those who remained in jail were accused of possessing “firebombs and weapons, including firearms, and who had caused serious damage to public property.”⁵⁵² Four days later, on August 1, the first mass show trial took place.⁵⁵³ Three more show trials followed in August under the supervision of Mortazavi. Following the appointment of Abbas Jafari-Dolatabadi as Prosecutor General in August, a fifth session was held on September 14.⁵⁵⁴

Although the sessions were called “trials,” they did not remotely resemble criminal trials as generally understood in domestic or international law. They 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 confession.

Similarly, the general indictments were not indictments as normally understood in criminal law. Rather, they were political platforms that broadly laid out the objectives of the government using suspect contentions and assumptions, and forced confessions to expose and describe plot to induce an alleged “velvet coup” in Iran. The Islamic Republic has been obsessed with velvet coup plots since at least the



⁵⁴⁸ *Id.*

⁵⁴⁹ See Rome Statute, *supra* note 61.

⁵⁵⁰ *Judiciary Chief Calls for Rulings on Detainees by August 3*, MEHR NEWS AGENCY, July 27, 2009, available at <http://www.mehrnews.com/en/NewsDetail.aspx?NewsID=919450>.

⁵⁵¹ *Id.*

⁵⁵² Robert F. Worth, *Reports of Prison Abuse and Deaths Anger Iranians*, NEW YORK TIME, July 29, 2009, available at http://www.nytimes.com/2009/07/29/world/middleeast/29iran.html?_r=1&ref=t.

⁵⁵³ First Indictment, *supra* note 491.

⁵⁵⁴ Prosecutor Mortazavi was removed from his position by the newly appointed Head of the Judiciary Ayatollah Sadeq Larijani. He was later appointed as Deputy Prosecutor General of Iran.

mid-1990s.⁵⁵⁵ As described in the first indictment, a “velvet coup” is a Western-backed attempt to democratize (democracy for Western aims and interests) and secularize the Islamic Republic.⁵⁵⁶ It is described as a psychological war that uses civil society, academia and media as a means of accomplishing its goals.⁵⁵⁷ The term “velvet” refers to its non-military nature.⁵⁵⁸ Maziar Bahari’s interrogator, after deciding Bahari was part of the plot, informed him that velvet revolutionaries were worse than violent revolutionaries: “You are worse than any saboteur or killer. Those criminals destroy an object or a person. You destroy minds and provoke people against the Leader.”⁵⁵⁹

The use of mass show trials to intimidate the population was foreshadowed. On June 23, well before any trial, the incoming deputy head of the Judiciary, Ibrahim Raisi, warned that, “Those arrested in recent events will be dealt with in a way that will teach them a lesson. ... The rioters will be dealt with in an exemplary way and the judiciary will do that.”⁵⁶⁰ A few days later, in his Friday Prayer sermon, Ayatollah Ahmad Khatami, a hard-line member of the Assembly of Experts, instructed the head of the judiciary to use the maximum available punishment to deal with the arrested without mercy.

Anyone who takes up arms to fight with the people, they are worthy of execution. We ask that the judiciary confront the leaders of the protests, leaders of the violations, and those who are supported by the United States and Israel strongly, and without mercy to provide a lesson for all.⁵⁶¹

5.1 The First Mass Show Trial

On August 1, Iranian state television broadcast the first mass show trial of a hundred defendants. The Revolutionary Court in Tehran was filled with detainees. Some wore prison garb, and others were handcuffed and wearing personal clothing.⁵⁶² As would be the case in the sessions that followed, the proceedings began with a reading from the Quran and a speech by Judge Salavati, followed by the reading of a general indictment by the prosecution.⁵⁶³ Many of the defendants appeared dazed and confused. Some were unrecognizable.⁵⁶⁴

The first indictment purports to set out evidence that the “incidents and turmoil that took place following the elections were preplanned and took place according to the velvet revolution’s timeline of goals and

⁵⁵⁵ See *Inqilab-i Makhmali ra dar Nutfih Khafih Mikunim* [We Will Suffocate the Velvet Revolution in its Embryonic Stage], ALARABIYA, June 10, 2009, available at <http://www.alarabiya.net/views/2009/06/10/75552.html>, which quotes Yad’ullah Javani, Head of the *Sepah’s* political office as stating that the velvet revolution project “started for the first time in 1376 [1997] in Iran and ever since, there has been efforts to carry out scenarios using such examples [of Georgia] that have so far been unsuccessful.”

⁵⁵⁶ First Indictment, *supra* note 491, at 10.

⁵⁵⁷ See generally, First Indictment, *supra* note 491.

⁵⁵⁸ *Id.*

⁵⁵⁹ 118 Days, *supra* note 408.

⁵⁶⁰ Thomas Erdbrink and William Branigin, *Iran Vows To Make Example of Arrestees*, WASHINGTON POST, June 24, 2009, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/23/AR2009062300155.html>.

⁵⁶¹ *Hojjatolislam Seyyed Ahmad Khatami dar Khutbihayih Namaz-i Jum’i Tehran: Hamih Bayad bih Qanun Tamkin Kunand* [Hojjatolislam Seyyed Ahmad Khatami in the Friday Prayer Sermons of Tehran: Everyone Must Obey the Law], JOMHOURI ESLAMI, 6/4/1388 (June 27, 2009) available at <http://www.jomhourieslami.com/1388/13880406/>.

⁵⁶² *Hashiyeha-i az Dadgah-i Mutahamin-i Parvandihih Iqtishashat-i Pas az Intikhabat-i Riyasat-i Jumhuri* [About the Court of Those Accused in the Case of the Post Presidential Election Unrest], IRNA, Aug. 1, 2009, available at <http://www.irna.ir/View/FullStory/?NewsId=613700>.

⁵⁶³ *Dadgah-i Mutahaman-i Siyasiyih Dastgirihiyih Bad az Intikhabat Barguzar Shud, Ittihad: Inqilab-i Makhmali* [The Trial of the Politically Accused in the post Election Arrestees Convened, Charge: Velvet Revolution], EBTEKAR, 5/11/1388 (Aug. 2, 2009) available at <http://www.ebtekarnews.com/EBTEKAR/News.aspx?NID=53083>; *Ittihad: Kuditayih Makhmali* [Charge: Velvet Coup], FARARU, Aug. 1, 2009, available at <http://www.fararu.com/vdcccpoqi.2bq4o8laa2.html>.

⁵⁶⁴ For images and videos of the trials please visit IHRDC Current Events, Election 2009, available at <http://iranhrdc.org/httpdocs/English/videos3.htm>.

events.”⁵⁶⁵ It claims that 100 of the 198 steps proposed in Gene Sharp’s manual of instruction had been executed.⁵⁶⁶ Gene Sharp is a former academic at Harvard University who is known for his study and promotion of non-violent action. Most of the evidence in the indictment is derived from alleged confessions of individuals in custody.

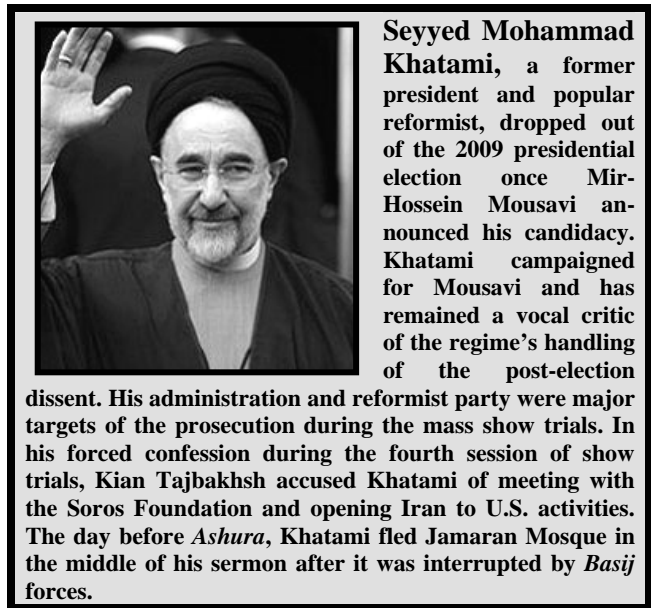
The indictment begins by contending that foreign Non-Governmental Organizations (NGO), are focused on creating a “velvet coup” in Iran.⁵⁶⁷ It reports that the “velvet revolution projects” were successful in Georgia, Poland, Czech Republic, Croatia, Serbia, Ukraine and Kyrgyzstan. The targeting of NGOs rests on the confession of an unnamed “spy who is now in custody, and who attempted to play a role in the tenth presidential elections.”⁵⁶⁸ The alleged spy is easily identified as Hossein Derakhshan, a Canadian-Iranian blogger who has been in custody without charge since November 2008.⁵⁶⁹

Derakhshan’s alleged confession is also used to describe the “arms” of the alleged “velvet coup.”⁵⁷⁰

The aforementioned spy says the following regarding the arms of the velvet coup in Iran: “The model that has been designed for Iran, like the other countries, has three arms: intellectual, media and executive. Each one of these arms has active subgroups. So for example, the intellectual arm has progressive, religious, progressive secular, capitalist, foreign policy, literature ... subgroups, and each of these elements have internal and foreign institutions that play an active role.”⁵⁷¹

The indictment uses Abtahi’s alleged confession to bolster the government’s theory that the reformists had planned all along to claim fraud in the elections:

[Abtahi] continues by saying: “After Mousavi announced his candidacy, an election committee member (Mr. Mohtashamipour discussed the fraud project. Both Mr. Mousavi and Mr. Mohtashamipour) discussed the fraud project. Both [of them] had strong opinions along these lines, and they established a Committee to Preserve the Votes. It is important to note that most of the reformists believed that no more than 2 or 3 million votes could possibly be fraudulent. In the



⁵⁶⁵ First Indictment, *supra* note 491.

⁵⁶⁶ *Id.* Gene Sharp’s manual detailing 198 forms of nonviolent action can be found here: http://aeinstein.org/organizations/org/198_methods-1.pdf

⁵⁶⁷ *Id.* at 3-5.

⁵⁶⁸ *Id.* at 4.

⁵⁶⁹ Hossein Derakhshan has been under arrest since November 1, 2008. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN’S RESPONSE TO THE INTERNET (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm> and *Quvviyih Qaza’iyih Iran Bazdasht-i Hossein Derakhshan ra Ta’id Kard* [Hossein Derakhshan’s Arrest Confirmed by the Judiciary], BBC PERSIAN, Dec. 30, 2008, available at http://www.bbc.co.uk/persian/iran/2008/12/081230_ag_jb_derakhshan.shtml. Recently his family decided to be more vocal about his arrest and his father wrote a letter to the news head of the Judiciary, Ayatollah Sadeq Larijani. See *Namihyih Pidar-i Hossein Derakhshan bih Ra’is-i Quvviyih Qaza’iyih* [Letter of Hossein Derakhshan’s Father to Head of the Judiciary], IRAN-E EMROOZ, Oct. 21 2009, available at <http://www.news.iran-emrooz.net/index.php?/news1/19702>.

⁵⁷⁰ The prosecution and state media use various terms to describe this non-violent threat: soft over throw, velvet coup, velvet revolution, psychological warfare, etc.

⁵⁷¹ First Indictment, *supra* note 491, at 7.

next meeting, Mr. Mousavi Khu'iniha suggested that they must not let up on the issue of election fraud because they will need it when it is time to cheat.⁵⁷²

The indictment claims that the “executive arm” in Iran has six subgroups: the women’s subgroup, the ethnic-racial subgroup, the human rights subgroup, the labor subgroup, NGOs, and the student subgroup.⁵⁷³ Several individuals are named as part of an “executive arm” of the revolution, including women’s rights activist and lawyer Shadi Sadr and Nobel Laureate Shirin Ebadi.⁵⁷⁴ Sadr was arrested on July 17, 2009 and held for over a week, after which she left the country.⁵⁷⁵ Ebadi, who has been previously imprisoned in Evin and—more recently—received increasingly dire threats to her life, also remains outside of Iran.⁵⁷⁶ In November 2009, the authorities froze her and her husband’s accounts and confiscated her Nobel Peace Prize medal, citing tax evasion.⁵⁷⁷



The Islamic Iran Participation Front (Participation Front) or *Jebhe-ye Mosharekat-e Iran-e Eslaami*, is a reformist political party in Iran that was established in 1998. It advocates for greater freedom of speech, the rule of law, and other democratic reforms. Its secretary general, Mohsen Mirdamadi, and other prominent members, including Saeed Hajjarian, were arrested soon after the 2009 election. In its fourth general indictment, the prosecution accused the Participation Front of being part of a “velvet coup,” and urged the court to outlaw the organization.

Also named are labor activist Mansour Osanlou who is currently serving a five-year prison term he received in 2007,⁵⁷⁸ and student activist Ali Afshari who left Iran in 2003 after being imprisoned, beaten and tortured in secret detention facilities run by the judiciary during the reform period.⁵⁷⁹ Afshari received asylum in the United States where he continues to openly advocate for human rights and non-violent reform in Iran. His activism was cited in the indictment as “the best proof of the link between this subgroup and the velvet coup project in Iran.”⁵⁸⁰

The “intellectual arm” is charged with preparing the “field for Westernization and Americanization.”⁵⁸¹ The indictment charges several groups

and individuals with expressing doubt about the validity of the elections including, the Participation Front and members of the Association of Combatant Clerics.⁵⁸² Among the named intellectual leaders are Abbas Milani and Akbar Ganji, both of whom suffered arrest either under the Shah’s regime or the Islamic Republic. Both have since left Iran.⁵⁸³

⁵⁷² *Id.* at 12.

⁵⁷³ *Id.* at 7-8.

⁵⁷⁴ *Id.* at 8.

⁵⁷⁵ *Shadi Sadr Azad Shud* [Shadi Sadr Was Released], BBC PERSIAN, July 28, 2009, available at http://www.bbc.co.uk/persian/iran/2009/07/090726_m_shadi_sadr_released.shtml. *Shadi Sadr, Barandihyih Lalihiyih Hoquq-i Bashari Holland* [Shadi Sadr Was Awarded the Dutch Tulip of Human Rights], RADIO ZAMANEH, Nov. 10, 2009, available at http://zamaaneh.com/special/2009/11/print_post_949.html.

⁵⁷⁶ *Shirin Ebadi: Dastgiriyyih Khaharam Barayih Mutivaqif Kardan-i Man Ast* [Shirin Ebadi: My Sister’s Arrest Is Meant to Stop Me], ROOZ ONLINE, Dec. 30, 2009, available at <http://www.roozonline.com/persian/news/newsitem/article/2009/december/30/-1a1bd83186.html>.

⁵⁷⁷ *Ebadi az Tawqif-i Jayizihyih Nobel-i Khud Miguyad* [Ebadi Speaks of her Nobel Prize’s Confiscation], RADIOFARDA, Nov. 27, 2009, available at http://www.radiofarda.com/content/F8_Ebadi_interview_nobel_prize_confiscated_byIran/1889453.html

⁵⁷⁸ *Mansour Osanlou bih 5 Sal Habs-i Ta’ziri Mahkum Shud* [Mansour Osanlou Was Sentenced to 5 Years’ Discretionary Imprisonment], NOROOZ NEWS, May 29, 2007, available at <http://norooznews.info/news/349.php>; First Indictment, *supra* note 491, at 8.

⁵⁷⁹ IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COVERT TERROR: IRAN’S PARALLEL INTELLIGENCE APPARATUS (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>; First Indictment, *supra* note 491, at 8.

⁵⁸⁰ First Indictment, *supra* note 491, at 8.

⁵⁸¹ *Id.* at 9.

⁵⁸² *Id.* at 10.

⁵⁸³ *Id.*

The indictment points to three similarities with the “velvet revolutions” in other parts of the world: false claims of election fraud, “excessive use of illegal gatherings,” and “culture of networks and institutions.” As evidence that the fraud charges were a pre-planned part of the “velvet revolution,” the indictment relies on confessions by Mostafa Tajzadeh, a former official in the Khatami government, Behzad Nabavi, a member of the Mojahedin and former advisor to Khatami, and Mohsen Safa’i Farahani, head of the Participation Front.⁵⁸⁴ It quotes from the confession of Maziar Bahari to support its charge that the Western media planned to declare that a coup had taken place if their candidate lost.⁵⁸⁵ It also accuses reformists with fabricating a letter from the Interior Ministry and other documents in order to perpetuate its false claims of electoral fraud. It claims that “documents revealing intent to forge and create anxiety in the minds of the public” were found in Behzad Nabavi’s house.⁵⁸⁶ Neither these documents, nor any other evidence of forgery have been made public.⁵⁸⁷ The indictment later recounts Nabavi’s refusal to publically confess or apologize, and states that his refusal is a betrayal of the people and history of Iran.⁵⁸⁸

In support of the second similarity—“extensive use of illegal gatherings”—it relies on the confessions of Rostam Fard Tehrani, Kian Tajbakhsh, and Mohammad-Ali Abtahi.⁵⁸⁹ For the third similarity, “culture of networks and institutions,” it relies on confessions by Abtahi and Tajbakhsh to conclude that NGOs and other unlawful groups are responsible for organizing and directing illegal gatherings before and after the elections.⁵⁹⁰

Mohammad-Ali Abtahi another one of the accused, confirmed Mr. Tajbakhsh’s statements and says: “During the reform government, two ministries, the Ministry of Interior and the Ministry of Culture and the National Youth Organization, took on the responsibility of licensing NGOs around the country.”

As such, during the past several years, tens of thousands of NGOs have been created and supported by the named Western organizations both financially and morally. Even Shell Corporation, which is an oil company, has gotten involved in developing, educating, organizing and providing money to NGOs.

In this regard, NGOs, along with the unlawful Group of 88 (which has been established by the aforementioned political parties—Participation Front, Mojahedin Organization, Executives of Construction Party), was responsible for organizing and directing the illegal gatherings before and after the elections.⁵⁹¹

The central role of members from the Islamic Iran Participation Front, Mojahedin Organization, and the Executives of Construction party in planning, organizing and directing the disturbances and illegal gatherings surrounding recent events ... brings us to the conclusion that the aforementioned groups, whether they are in power (such as during the reform period when they were in charge of two branches of government) or not, will continue with their mischief and attempt to change the nature of the Islamic Republic.⁵⁹²

The indictment quotes from a five year plan published by the Participation Front in 2008 to accuse the organization of treason.

⁵⁸⁴ *Id.* at 12.

⁵⁸⁵ *Id.* at 13-14.

⁵⁸⁶ *Id.* at 11.

⁵⁸⁷ This evidence may have been presented in closed trial sessions, but IHRDC has not been able to find any published evidence.

⁵⁸⁸ First Indictment, *supra* note 491, at 13.

⁵⁸⁹ *Id.* at 14-15.

⁵⁹⁰ *Id.* at 15-16.

⁵⁹¹ *Id.* at 16.

⁵⁹² *Id.* at 19.

Despite the fact that the authors of this document have tried to hide their true intentions through the use of reformist language such as “democracy” and “rule by the people,” (i.e. the establishment of a secular government), they have not been [fully successful]. Page 8, section 4 of the document reads: “So that the democratic segment of the leadership will be able to use the crisis that threatens the whole political system in favor of solidifying democracy and gaining more bargaining power.”

Can this sentence be deemed anything other than treason?⁵⁹³

The last two sections of the indictment charge individuals with particular crimes. The next to the last section charges several individuals with working for American agents, posting articles and interviews on the internet, “creating anxiety in the public mind,” “communication with foreign media and channels and dissemination of information and pictures designed to further incite the agitators.”⁵⁹⁴

Among the pictures and videos there are many scenes of distraught faces from inside the country, suggesting to viewers that the agitators are the people of Iran who have come to the streets in protest of the elections.⁵⁹⁵

Mohammad Rassouli participated in several protests after the elections and captured videos and uploaded them unto the Internet. These videos were then broadcast by international media organizations including the BBC.⁵⁹⁶ He is quoted in the indictment as confessing that he participated so that he could send videos of the protests to foreign media such as the BBC.⁵⁹⁷

A photographer, Majid Saeedi, allegedly confessed to taking “illegal pictures of the unlawful protests” and sending them to foreign news media.⁵⁹⁸ Another piece of evidence presented against Saeedi is his contract with Getty Images, a stock photo agency that agreed to pay him for his images.⁵⁹⁹ Maziar Bahari’s forced confession is also cited:

Maziar Bahari, another of the suspects, says in his confessions: “In the ensuing unrest following the elections, I wrote two articles for Newsweek in which I defended the agitators and protestors and attacked the Islamic system. For my activities with Newsweek, I received \$200 per day. In addition, after I sent a film showing attacks on *Basij* bases on Mohammad Ali Jenah Street, the U.K.’s channel 4 agreed to pay me 2100 pounds for the two minute film reel.”⁶⁰⁰

The last section of the indictment charges individuals with violent actions, participating in riots, disseminating CDs and posters, and sending pictures to the foreign media—also based on their confessions.⁶⁰¹ Individuals are charged with attending protests and encouraging others to participate:

Mr. Iman Sohrabpour, “son of Kavus,” participated in illegal gatherings, sought to give away CDs of protest, and caused agitation among the people

Another suspect, Mr. Said Sepanlou, “son of Abolfazl,” who has a criminal record, participated in the protests and distributed CDs and flyers.

⁵⁹³ *Id.* at 17.

⁵⁹⁴ *Id.* at 22-25.

⁵⁹⁵ *Id.* at 25.

⁵⁹⁶ *Id.*

⁵⁹⁷ *Id.*

⁵⁹⁸ *Id.*

⁵⁹⁹ *Id.*

⁶⁰⁰ *Id.* at 26.

⁶⁰¹ *Id.* at 29.

In addition, Mr. Hamid Reza Bakhtiari, “son of Ali,” participated in illegal gatherings and held the placards inciting others to participate in the protests too.⁶⁰²

Other examples include Emad Bahavar, identified in the indictment as a member of the Freedom Movement, who is accused of creating campaign commercials for the Mousavi and Karroubi campaigns. Another defendant, Mohammad Darmanaki Farahani, is accused of a litany of offenses including offending the leaders of the system, directing the chanting of slogans, and inciting public opinion.⁶⁰³ Farahani was grouped with a number of defendants who demonstrated and attempted to document their experience.

Mr. Mahdi Moqimi, “son of Mohammad Hossein,” participated in the protests and attempted to film the disruption. ... Mr. Shahour Saba, son of Mohsen,” participated in the protests and began to take pictures of the unrest. ... Mr. Mohammad Soleimanpour, “son of Nosratollah,” participated and invited others to the protests. He then began to take pictures with certain goals in mind.⁶⁰⁴

Following the reading of the indictment, well-known figures including Abtahi and Mohammad Atrianfar,⁶⁰⁵ confessed that no fraud had taken place during the election and that foreign governments were fomenting a “velvet coup” in Iran.⁶⁰⁶

5.2 The Second Mass Show Trial

Thirty defendants, including three women, were present at the second show trial on August 8.⁶⁰⁷ The prosecution presented alleged members of terrorist organizations including the Mojahedin-e Khalq (MEK) and a little known royalist group called *Anjoman-e Padeshahi* (Royalist Society).⁶⁰⁸ The prosecution read out the indictment which accuses foreign citizens, media and governments, as well as domestic groups with fomenting a “velvet coup.”⁶⁰⁹

The first section of the indictment alleges that foreign governments, particularly the United States and Britain, are attempting to overthrow the Islamic Republic using “soft overthrow, which was groomed and presented to the public as ‘public diplomacy.’”⁶¹⁰ Examples listed include:

1. Providing aid and assistance to NGOs and publishing Persian-language materials about the values of democracy and supporting civil activities;
2. Training journalists and reporters in order to establish news services with the aim of gathering and analyzing information;

⁶⁰² *Id.*

⁶⁰³ *Id.* at 31.

⁶⁰⁴ *Id.*

⁶⁰⁵ *Hashiyehha-i az Dadgah-i Mutahamin-i Parvandihiyeh Iqtishashat-i Pas az Intikhabat-i Riyasat-i Jumhuri* [About the Court of Those Accused in the Case of the Post Presidential Election Unrest], IRNA, Aug. 1, 2009, available at <http://www.irna.ir/View/FullStory/?NewsId=613700>, *Ittihad: Kuditayeh Makhmal* [Charge: Velvet Coup], FARA RU, Aug. 1, 2009, available at http://www.fararu.com/vdcepoqi_2bq4o81aa2.html, Iran Starts Trial of Election Protestors, PRESS TV, August 1, 2009, available at <http://www.presstv.com/classic/detail.aspx?id=102172§ionid=351020101>.

⁶⁰⁶ Video File: IHRDC Current Events, Election 2009, available at <http://iranhrdc.org/httpdocs/English/videos3.htm>.

⁶⁰⁷ *Hashiyeh Nigariyeh Khabarnigar-i IRNA az Duvumin Jalasiyeh Dadgah-i Mutahamin-i Iqtishashat-i Akhir* [IRNA Reporter's Side Not from the Second Court of the Accused from the Recent Unrest], IRNA, Aug. 8, 2009, available at <http://www.ima.ir/View/FullStory/?NewsId=624703>; for video of the second trial please see Video File: Show Trial of this Saturday, Aug. 8, 2009, available at http://www.youtube.com/watch?v=qx8vDh0_ROk.

⁶⁰⁸ *Id.*

⁶⁰⁹ *Matn-i Kamil-i Kayfarkhast-i Duvumin Guruh az Mutahamin-i Prujiyeh Kuditayeh Makhmal* [Complete Text of the Indictment of the Second Group of the Accused in the Velvet Revolution Case], FARS NEWS AGENCY, Aug. 8, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805170594>. For a paginated translation please see **Appendix 2** [hereinafter Second Indictment].

⁶¹⁰ *Id.* at 2.

3. Training and mobilizing human rights activists in Iran in order to depict a grim picture of the regime;
4. Creating websites and trainings about the election and providing complete information on the 1388 [2009] presidential candidates;
5. Dispatching students, artists and people in trade outside the country in order to form a cadre of potential individuals for key positions in the future.⁶¹¹

The indictment charges British embassy employees with illegally attending meetings of supporters of the opposition candidates.⁶¹² Employees allegedly confessed that they were asked to attend and report on the events as they unfolded.⁶¹³ It also charges Clotilde Reiss, the French instructor at Isfahan University, of the crime of documentation and gathering intelligence.⁶¹⁴

The second indictment names media and information technology as tools used by foreign powers to promote a “soft overthrow” in Iran. For example, Facebook is number fourteen on the list of the alleged interventionist actions of the U.S.

14. Strengthening the activities of the American company Facebook in order to facilitate access between Iranian users and those in other countries concerning Iran. Claiming that many people around the world use Facebook to exchange information about the fate of the Iranian election, this company launched its trial program in the Persian language so as to allow Persian speaking users to take advantage of it in their mother tongue.⁶¹⁵

Western countries are also accused of maintaining and opening means of communications including offering software for viewing clips of the riots with low-speed access and providing anti-filter programs to circumvent restrictions in Iran.

The alleged role of the BBC is singled out. It is accused of preparing for 24-hour coverage on election day and interviewing “problematic individuals/dissidents within the country to transmit minute-by-minute reporting of the news and events.”⁶¹⁶ The indictment also accuses the Western media, particularly BBC Persian and Voice of America with encouraging and inciting disturbances.

The indictment purports to describe the unlawful activities of opposition groups, separatist and ethnocentric groups, and “anti-revolutionary terrorist groups” in the events following the elections. Targeted groups include the Freedom Movement, the Committee to Defend Free, Healthy and Fair Election (and its leader Kayvan Samimi), the MEK,⁶¹⁷ and royalist groups, particularly the Royalist Society. Three alleged members of this Society, living outside of Iran, are listed. The alleged “first line” who reside in Iran are listed as Mohammad Reza Ali Zamani, Ahmad Karimi, Hamed Rouhinejad, Arash Rahmanipour and Amir Reza Arefi. The indictment notes that the involvement of each individual in the “recent uproar is noted in their indictments which will be declared in due course.”⁶¹⁸

⁶¹¹ *Id.* at 4-5.

⁶¹² *Id.* at 16-17.

⁶¹³ *Id.* at 12-13.

⁶¹⁴ *Id.* at 12. She had taken pictures with her cell phone and emailed them to her friends, and she sent descriptions of the demonstrations to a French academic institution.

⁶¹⁵ *Id.* at 12.

⁶¹⁶ *Id.* at 18.

⁶¹⁷ The Freedom Movement is a banned but tolerated opposition party. The Committee to Defend Free, Healthy and Fair Election is an NGO established by members of Defenders of Human Rights Center, which is headed by Nobel laureate Shirin Ebadi. The Mojahedin-e Khalq or MEK is an armed opposition group. See *infra* note 684.

⁶¹⁸ Second Indictment, *supra* note 609, at 26.

5.3 The Third Mass Show Trial

During the third court session held on August 16, several defendants were presented with their individual indictments. Mostly accused of demonstration-related crimes including resisting security forces, spreading images of events and acts of vandalism,⁶¹⁹ none of these defendants were prominent reformist leaders or well-known activists.⁶²⁰ Still, the third general indictment presented once again a larger conspiracy that was allegedly planned years before the election.⁶²¹

The third indictment, dated August 15, is much shorter than the initial two. It is directed at what the prosecution identifies as “rioters and vandals” who participated in what it considered the post-election “riots.”⁶²² The individuals targeted by the indictment are described as mere pawns who were influenced by foreign satellite channels.⁶²³

By mid-August, when the third session was held, the show trials and use of confessions by the prosecution had been criticized by Iranians.⁶²⁴ Thus, the prosecution took the opportunity to defend the “legal and logical principles” supporting its accusations. In a general manner, it again cited the confessions, the similarity between the “velvet revolutions” around the world and pre-election statements by candidates and reformists as undeniable evidence that they are agents of the “velvet revolution.”⁶²⁵

During the hearing, the reading of the indictment by Deputy Prosecutor Mehdi Sepehri was followed by a short video that showed alleged demonstrators destroying public property.⁶²⁶ The general indictment and the video both point to the Lolagar Mosque on Azadi Street, which was set on fire.⁶²⁷

The video was followed by the reading of eleven individual indictments. This left an impression that the defendants were accused of setting fire to the mosque or that evidence would be presented regarding this act of vandalism. However, none of the defendants was accused of this crime. The defendants were permitted to make statements. One, Hossein Ezami, was surprised to find that his individual indictment assured the court that he had explicitly confessed to destroying public property. In his statement, he noted that he had not only refused to confess but had denied such acts during his interrogation.⁶²⁸

⁶¹⁹ *Sivumin Jalasihyih Dadgah-i Risidigi bih Ittihatam-i Mutahaman-i Parvandihyih Kuditayih Makhmali, Mam-i Kamil-i Kayfarkhast-i Guruhi az Mutahamin-i Iqtishashat-i Akhir* [Third Court Session for the Accused in the Case File of Velvet Coup, Complete Text of the Indictment for a Group of the Accused in the Recent Unrest], FARS NEWS AGENCY, Aug. 16, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805250449> [See www.iranhrdc.org for a paginated translation] [hereinafter Third Indictment].

⁶²⁰ *Hashiyihhayih Dadgah-i Sivvum-i Mutahaman bih Iqtishash* [Side Notes of the Third Trial Session for those Accused of Riots], RAJA NEWS, Aug. 16, 2009, available at <http://www.rajanews.com/detail.asp?id=34390>.

⁶²¹ Third Indictment, *supra* note 619.

⁶²² *Id.*

⁶²³ *Id.*

⁶²⁴ See for example an interview broadcast on Press TV with a member of the Majlis doubting the efficiency of the trials and the confessions on which they are based; Video File: PressTV: MP Critical of ‘Show Trial’ Refuses to Rule Out Torture Used on Defendants, Aug. 2, 2009, available at <http://www.youtube.com/watch?v=Y2YIVt0mIIA>; and see also a video by comedian Ebrahim Nabavi satirizing the confession of Abtahi: Video File: Ali Abtahi Confession (Ebrahim Nabavi), Aug. 2, 2009, available at <http://www.youtube.com/watch?v=jKPlnqDONy0&feature=related>.

⁶²⁵ Third Indictment, *supra* note 619.

⁶²⁶ *Hashiyihhayih Dadgah-i Sivvum-i Mutahaman-i Havadis-i Akhir* [Side Notes of the Third Trial Session for the Accused of the Recent Events], TABNAK, Aug. 16, 2009, available at <http://www.tabnak.ir/fa/pages/?cid=59893>.

⁶²⁷ Third Indictment, *supra* note 619; *Hashiyihhayih Dadgah-i Sivvum-i Mutahaman-i Havadis-i Akhir* [Side Notes of the Third Trial Session for the Accused of the Recent Events], TABNAK, Aug. 16, 2009, available at <http://www.tabnak.ir/fa/pages/?cid=59893>; *Kayfarkhast-i Imruz Niz Pur az Ishtibah, Tanaquz va Idi’ahayih Ajib Bud, Gafhayih Sivumin Dadgah-i Namayishi* [Today’s Indictment Was Riddled with Mistakes, Contradictions, and Strange Claims, Gaffes of the Third Show Trial], MOWJ-I SABZ-I AZADI, Aug. 16, 2009, available at <http://www.mowjcamp.com/article/id/18922>.

⁶²⁸ *Id.*

The prosecution failed to present reliable evidence supporting its allegations. Majid Moqimi was accused of destruction of public property, acting against national security and propaganda against the state. Yet, the only evidence presented against him was his admission that he attended a demonstration and took pictures of injured people that he had not published.⁶²⁹ Mohammad Farahani, was accused of attending six illegal demonstrations, but three of the demonstrations cited by the prosecution were reformist events held before the election.⁶³⁰

5.4 The Fourth Mass Show Trial

The fourth mass show trial was held on August 25. Again, a general indictment was read that accused several individuals and organizations of planning a “velvet coup.”⁶³¹ Beyond laying out a case against American-Iranian academic Kian Tajbakhsh, it singled out the Participation Front and the Mojahedin of the Islamic Revolution Organization, two reformist parties, as detrimental and illegal.

The indictment quotes alleged confessions by members of the central committees of these parties, including denials of the veracity of statements issued by the parties that were then used by the prosecution to show why they should no longer be allowed to be active.

A party which, after spending considerable amount of time and consulting with its central council members, has a written strategy that is completely perverse, to the point that even its most loyal central council members have such [negative] judgment about it and deny these diversions with such honesty, is clearly no longer qualified to be active. Especially since the party has caused considerable damage to the country by putting to action this strategy.⁶³²

The evidence and arguments presented in this indictment are very similar to those in the first indictment. Many are simply repeated, without any substantial changes.⁶³³ However, possibly in response to criticism of the trials, the prosecution emphasized that it did not wish to outlaw what it considered perverse thoughts:

We do not want to punish individuals or parties due to their perverse thoughts, and if we are mentioning these examples and asking for a legal action, it is because these unholy thoughts were acted upon and caused serious damage to the Iranian nation. In fact, these perverse beliefs are the root of many of the bitter incidents and riots of the last years.⁶³⁴

The Mojahedin of the Islamic Revolution Organization is accused of causing riots by publishing critical statements regarding the fairness of the election, and the prosecution is content to cite their statements as evidence of their crimes.

The statement dated June 14, 2009, that was published after the result of the 10th presidential election, is another evidence of the organization’s role in creating crisis and inciting turmoil in

⁶²⁹ *Id.*

⁶³⁰ *Id.*

⁶³¹ *Matn-i Kayfarkhast-i Dadgah-i Chaharum [Text of the Indictment of the Fourth Trial]*, ASR IRAN, Aug. 25, 2009, available at <http://www.asriran.com/fa/pages/?cid=82146>.

⁶³² *Chaharumin Jalsiyeh Dadgah-i Risidigi bih Ittihat-i Muttahaman-i Parvandihiyeh Kuditayeh Makhmali – Matn-i Kamil-i Kayfarkhast-i Umumiyeh Guruhi az Mutahaman-i Parvandihiyeh Kuditayeh Makhmali [Fourth Court Session to Investigate the Charges of the Accused of the Velvet Revolution – Complete Text of the Indictment for a Group of Accused in the Velvet Coup Case File]*, FARS NEWS AGENCY, Aug. 25, 2009, available at <http://www.farsnews.net/newstext.php?nn=8806030283> [See www.iranhrdc.org for a paginated translation] [hereinafter Fourth Indictment] at 7.

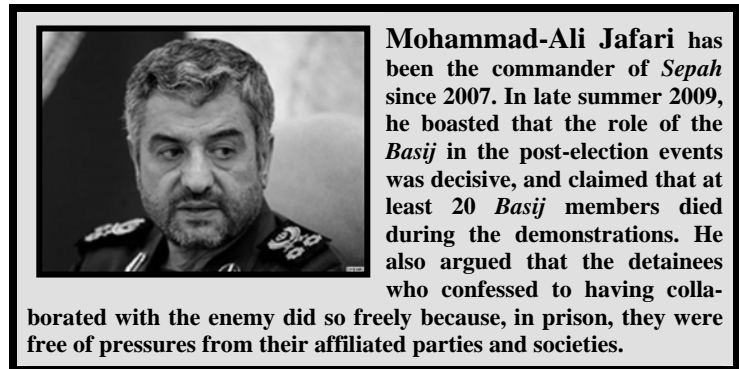
⁶³³ On page 10, the prosecution again notes that the Participation Front has, as part of its platform, the desire to use any national crisis to bring about more democratic policies. Again, the prosecution asks whether this could be anything but a betrayal of the nation. *Id.* at 10.

⁶³⁴ *Id.* at 15.

public minds in order to create doubt about the election's fairness and destroy the legitimacy of the regime. Part of the statement states: "What happened in this election, in addition to the widespread and unprecedented fraud, was the ultimate abuse of all possible resources to produce and create votes."⁶³⁵

During the trial session, the opinions and beliefs of the accused were juxtaposed with those of a *Basij* who was allegedly injured at a demonstration and who declared himself "ready to be sacrificed for the regime and the superior leadership."⁶³⁶

The reading of the indictment was followed by Saeed Shariati's reading of the confession and defense of Saeed Hajjarian, the member of the central committee of the Islamic Participation Front, who was unable to read his own confession due to his disabled condition.⁶³⁷ The prosecution also petitioned the court to dissolve and outlaw the Participation Front, a reformist political party.⁶³⁸



5.5 The Fifth Mass Show Trial

Some changes were noticeable at the fifth mass show trial on September 15. Only six defendants were tried and most of them—having been released on bail—wore personal clothes and were represented by counsel of their choice.⁶³⁹ Journalists from news organizations that had heretofore been denied access to the proceedings were allowed to attend the fifth court session,⁶⁴⁰ and Judge Salavati reminded all news outlets that under Article 188 of the Code of Criminal Procedure, reporters are not allowed to publish the names of the accused.⁶⁴¹

Deputy prosecutor Ahmad Ali Akbari read yet another general indictment that focused on foreign soft power, including the use of the Internet.⁶⁴² This indictment, like those before, addressed and defended the actions by the Judiciary. By this date, allegations of mistreatment and rape of detainees had surfaced, and the prosecution took this opportunity to claim that these "false reports" were part of the "psychological warfare and destructive propaganda ... by internal and external enemies."⁶⁴³

⁶³⁵ *Id.* at 21.

⁶³⁶ *Mashruh-i Kamil, Dar Chaharumin Dadgah-i Mutahaman-i Kuditayih Makhmali Matrah Shud: Naqsh-i Mehdi Hashemi va Jasbi dar Iqtishashat [Complete Text, Discussed in the Forth Trial Session of the Accused of the Velvet Coup: Role of Mehdi Hashemi and Jasbi in the Unrest]*, YAZD FARDA, Aug. 25, 2009, available at <http://www.yazdfarda.com/news/18777.html>.

⁶³⁷ *Hashiyihha-i az Dadgah-i Mutahaman-i Havadis-i Akhir bih Ravayat-i ILNA [Side Notes of the Fifth Trial Session for the Accused of the Recent Events as Told by ILNA]*, KALEME, Aug. 25, 2009, available at <http://www.kaleme.org/1388/06/03/klm-43>.

⁶³⁸ Fourth Indictment, *supra* note 632.

⁶³⁹ *Mashruh-i Panjumin Jalasiyih Dadgah-i Mutahaman-i Iqtishashat-i Akhir [Details of the Fifth Trial Session for the Accused of the Recent Unrest]*, IRNA, Sept. 14, 2009, available at <http://www.irna.ir/View/FullStory/?NewsId=681249> [hereinafter Fifth Trial Session]; *Hashiyihhayih Jalib-i Panjumin Dadgah-i Mutahaman-i Havadis-i Akhir-i Tehran [Interesting Side Notes of the Fifth Trial Session of those Accused in Tehran's Recent Events]*, KHEDMAT, Sept. 14, 2009, available at <http://khedmat.ir/vdcbugb5prhb0.iur.html>.

⁶⁴⁰ *Hashiyihhayih Jalib-i Panjumin Dadgah-i Mutahaman-i Havadis-i Akhir-i Tehran [Interesting Side Notes of the Fifth Trial Session of those Accused in Tehran's Recent Events]*, KHEDMAT, Sept. 14, 2009, available at <http://khedmat.ir/vdcbugb5prhb0.iur.html>; These organizations included Jomhuri Eslami, Iran, Jame-Jam, and Ettela'at.

⁶⁴¹ Fifth Trial Session, *supra* note 639.

⁶⁴² *Id.*

⁶⁴³ Reza Derakhshi, *Iran Holds Fifth Trial over Election Unrest*, REUTERS, Sept. 14, 2009, available at <http://www.reuters.com/article/idUSTRE58D0VU20090914?feedType=RSS&feedName=Iran&virtualBrandChannel=10209>.

Twenty-year-old Arash Rahmanpour confessed to the same crimes as Ali Zamani. Naser Abdolhosseini was convicted of being a member of the MEK.⁶⁵²

On October 30, the head of Tehran's Justice Ministry, explained:

To compare these three's sentences with other post-election arrestees' sentences is being unfair to those who have a good relationship with the regime and had other intentions [than overthrow] ... A youth may participate in the gatherings because of a specific viewpoint and his love for the regime, but he is not an anti-revolutionary and should not be placed in the same category as *munaftiqin* [MEK] and anti-revolutionaries. Such [comparison] is not reasonable ... The aforementioned three would have carried out their damaging work against the holy Islamic Republic regime even if the post-election incidents had not happened.⁶⁵³

On October 17, three political activists, Saeed Hajjarian, Shahab Tabatabai, and Hedayat Aghai were each sentenced to five years' imprisonment.⁶⁵⁴ The next day, Masoud Bastani, whose pregnant wife had by then been released, was sentenced to eight years' imprisonment. On October 20, Iranian-American scholar, Kian Tajbakhsh, received a lengthy fifteen-year prison sentence. In Evin Prison, Tajbakhsh had been moved from solitary confinement to "the villa," a more comfortable part of the prison complex.⁶⁵⁵

Former Vice President Abtahi, also housed in "the villa" and who appeared at the first mass show trial, was taken to court on November 4 for an individual trial session. There, he was charged with gathering and conspiring with the aim of disrupting the national security, propaganda activity against the Islamic Republic, insulting the president, disrupting the public order through participation in the illegal gathering of June 15, and keeping classified documents. On November 21, he was accompanied by five officers to his home where they searched the premises and then returned him to court.⁶⁵⁶ He was sentenced to six years' imprisonment and bail was set at 700 million Tomans [US\$700,000]. Abtahi and his lawyer Saleh Nikbakht, plan to appeal the verdict.⁶⁵⁷

The spokesperson for the revolutionary court in Tehran issued a statement on November 17, allegedly to "prevent the spreading of false and baseless rumors."

When the prosecution office received the case of each of the accused, issued an order of criminality and indictment and sent it to various branches of the court, the proceeding court

executed were convicted of crimes such as drug smuggling or other serious crimes. Amnesty International, *Iran: Alarming Spike in Executions Since Disputed Presidential Elections*, Aug. 7, 2009, available at <http://www.amnesty.org/en/for-media/press-releases/iran-alarming-spike-executions-disputed-presidential-election-20090807>. However, this claim is impossible to verify as the names have never been released.

⁶⁵² Membership in the MEK is usually considered an act of waging war against God (or being *Muharib*), which is eligible for the death sentence.

⁶⁵³ *Sudur-i Hukum-i Idam barayih Sih Nafar az Mutahaman-i Havadis-i Pas az Intikhabat [Death Sentence Issued for Three of the Post Election Accused]*, FARS NEWS AGENCY, Oct. 30, 2009, available at <http://www.farsnews.com/newstext.php?nn=8808060622>.

⁶⁵⁴ *Hukm-i Avaliyeh barayih Hajjarian: Panj Sal Habs-i Ta'liqi [Hajjarian's Preliminary Sentence: Five Years' Suspended Imprisonment]*, BBC PERSIAN, Oct. 17, 2009, available at http://www.bbc.co.uk/persian/iran/2009/10/091017_op_ir88_hajjarian_sentenced.shtml; Sources close to Hajjarian's family told BBC that the family was verbally informed of the sentence and that it has not been officially announced. A day later, Alireza Ava'i, Head of the Tehran Office of Ministry of Justice said that no sentence has been issued for Hajjarian as of then. See *Ava'i: Takunun darbariyeh Hajjarian Ra'i Sadir Nashudih Ast [Ava'i: No Sentence Has So Far Been Issued for Hajjarian]*, IRNA, Oct. 18, 2009, available at <http://www2.irna.ir/05/news/view/line-9/8807258522090411.htm>. Hajjarian's sentence was suspended in light of his disabilities.

⁶⁵⁵ Nazila Fathi, *Iranian-American Stunned by Sentence*, NEW YORK TIME, October 21, 2009, available at http://www.nytimes.com/2009/10/22/world/middleeast/22tehran.html?_r=1.

⁶⁵⁶ *Abtahi bih Shish Sal Zindan Mahkum Shud [Abtahi Was Sentenced to Six Years' Imprisonment]*, AYANDE NEWS, Nov. 21, 2009, available at <http://www.ayandene.com/news/15483/>.

⁶⁵⁷ Jenny Percival, *Former Vice-President of Iran Sentenced Over Election Protests*, GUARDIAN, Nov. 22, 2009, available at <http://www.guardian.co.uk/world/2009/nov/22/mohammad-ali-abtahi-iran-protests-jailed>.

convened to process the case with the presence of the accused and his defense attorney and the prosecutor, investigated the related crimes, and after hearing the defense by the accused and his attorney, issued a verdict. So far 89 of the accused have been tried and, based on their charges, five who were accused of being members of and having affiliations with terroristic, rebellious and anti-revolutionary groups have been sentenced to execution, and 81 others have been sentenced to imprisonment ranging from 6 months to 15 years.

Furthermore, the imprisonment order issued for three individuals who were sentenced has been suspended, and three other accused were exonerated from charges.⁶⁵⁸

The rate of announced sentences increased rapidly in November. While most defendants received only prison time, others were sentenced to lashings and banishment as well. Kambiz Norouzi, a member of the Journalist Union and media activist who was arrested in front of the Qoba Mosque on June 28, was convicted of propaganda against the regime because of his attendance at a June 15 demonstration, and sentenced to two years and 76 lashes.⁶⁵⁹ Ahmad Zeidabadi, the secretary general of *Tahkim-e Vahdat*, was taken to court on November 23 and sentenced to six years in prison plus five years of exile in Gonabad, a city in a northwest province of Iran. He was also banned from participating in civil and social activities for the rest of his life.⁶⁶⁰

By December, Hamed Rouhinejad,⁶⁶¹ Reza Khademi,⁶⁶² and Ayoub Porkar, accused of membership in the MEK and Royalist Society, were sentenced to death by the 26 Branch of the Revolutionary Court. This brought the total number of death sentences to six.⁶⁶³ Under Iranian law, these sentences may be appealed.⁶⁶⁴

5.7 Violations of Iranian and International Law

The mass show trials and subsequent sentencing of election-related arrestees violated Iranian and international law, both of which require observance of basic due process, including presumption of innocence, and the right to an attorney of one's choice, and prohibit the use of forced confessions in criminal proceedings.

⁶⁵⁸ *Ittila'iyih Dadgustari Kull-i Tehran darbariyih Parvandihiyih Havadis-i Pas az Intikhabat* [Announcement of the Ministry of Justice of Tehran Province Regarding the Case Files of the Post Election Events], ILNA, Nov. 17, 2009, available at <http://www.ilna.ir/printable.aspx?ID=90437>.

⁶⁵⁹ *Kambiz Norouzi bih Habs va Shallaq-i Ta'ziri Mahkum Shud* [Kambiz Norouzi Was Sentenced to Imprisonment and Discretionary Lashes], PARLEMAN NEWS, Nov. 18, 2009, available at <http://www.parlemannews.ir/index.aspx?n=5523>; another example of a defendant being sentenced to lashes is Soheil Navid Yekta, a young demonstrator who was sentenced to seven years and 74 lashes. *Mahkumiyat-i Navid Yekta bih 7 Sal Zindan va 74 Zarbih Shallaq* [Navid Yekta Sentenced to 7 Years' Imprisonment and 74 Lashes], MOWJ-I SABZ-I AZADI, Nov. 11, 2009, available at <http://mowjcamp.com/article/id/63474>.

⁶⁶⁰ *Mahkumiyat-i Zeidabadi bih Shish Sal Habs va Tab'id dar Gonabad* [Zeidabadi Sentenced to Six Years' Imprisonment and Exile in Gonabad], RADIO FARDA, Nov. 23, 2009, available at http://www.radiofarda.com/content/F11_Iran_Postelection_Zeydabadi/1885960.html.

⁶⁶¹ *I, Hamed Rouhinejad, Son of Mohammad Reza, Sentenced to Death, Want to Tell You My Story*, HUMAN RIGHTS ACTIVISTS IN IRAN, Oct. 15, 2009, available at http://hra-iran.net/index.php?option=com_content&view=article&id=1904:45546&catid=66:304&Itemid=293.

⁶⁶² *Sudur-i Panjumin Hukum-i Idam barayih Mutahaman-i Itirazat-i Pas az Intikhabat / Guzarishi az Parvandihiyih Reza Khademi* [Fifth Execution Order was Issued for the Accused in the Post-Election Protests/A Report about Reza Khademi's Case File], COMMITTEE OF HUMAN RIGHTS REPORTERS, Nov. 15, 2009, available at <http://chrr.us/spip.php?article6774>.

⁶⁶³ *Political Activist Sentenced to Death*, HUMAN RIGHTS ACTIVISTS IN IRAN, Dec. 2, 2009, available at http://hra-iran.net/index.php?option=com_content&view=article&id=2233:political-activist-sentenced-to-death&catid=66:304&Itemid=293; Rouhinejad was sentenced October 15, Khademi, November 16 and Porkar, November 28.

⁶⁶⁴ Article 232 of the Procedural Code of the Public and Revolutionary Courts in Criminal Cases says: "The decisions of public and Revolutionary Courts in Criminal Cases are final, other than in situations below, where they can be appealed: a) crimes for which the legal punishment is execution or stoning." See Criminal Code of Procedure, *supra* note 391, art. 232.

The mass show trials failed to meet even the most basic requirements of a fair trial. Up to 100 defendants were “on trial” at a time. The trials consisted of the reading of a political statement by the prosecution, followed by confessions by selected defendants. Defendants were forced to appear in court without the assistance of their counsel of choice.

5.7.1 Right to Counsel

Under Article 35 of the Iranian Constitution, citizens have a right to counsel “in all courts of law.”⁶⁶⁵ This fundamental right is codified in Articles 128, 185 and 186 of the CCP, and Article 3 the Citizen Rights Law.⁶⁶⁶ Although Article 128 of the CCP permits a judge to limit or prohibit a defendant’s access to a lawyer, it must be for national security reasons, and such a limitation can only last until the end of the investigation period.

Article 14(b) of the ICCPR requires that defendants be provided “adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one’s] own choosing.” Individuals have the right to counsel both at trial and at stages prior to trial.⁶⁶⁷ In an August 13 press release regarding the mass show trials in Iran, several U.N. Human Rights Rapporteurs noted that defendants in criminal proceedings should have adequate legal counsel. The Human Rights Committee has observed that “in cases involving capital punishment, it is axiomatic that the accused must be effectively assisted by a lawyer at all stages of the proceedings.”⁶⁶⁸

Defendants were denied their right to counsel in violation of Iranian and international law. Beginning with the first mass show trial, defense lawyers expressed legitimate concerns about the due process rights of their clients. Most defendants were initially not represented by the lawyers of their choice. Saleh Nikbakht, the chosen defense attorney for Abtahi and several other defendants, reported that he was denied entrance to the first trial session—during which one of his clients confessed.⁶⁶⁹ Dr. Ali Najaf Tavana, another attorney, complained both of the lack of access to clients as well as the impropriety of prosecuting such a large number of defendants with varying backgrounds who faced diverse charges.⁶⁷⁰ A full week after the prosecution laid out its broad case and public confessions were made by many of the defendants, the lawyers for over a dozen of the defendants complained that they still had not been allowed to contact their clients or even access their case files.⁶⁷¹



Mohammad-Ali Abtahi

Hojjatolislam Seyed Mohammad-Ali Abtahi, a former vice president and prominent reformist, was arrested June 16, 2009. In August, his forced confession was televised. Appearing bedraggled, sickly, and obviously under duress, he implicated himself and others in an attempted “velvet revolution.” In November, he was sentenced to six years of imprisonment and released on bail pending his appeal.

⁶⁶⁵ Iranian Const., *supra* note 2, art. 35.

⁶⁶⁶ Criminal Code of Procedure, *supra* note 391, arts. 128, 185-186; Citizen Rights Law, *supra* note 391, art. 3. “Judges and prosecutors are required to respect the right of the accused (or respondents) to defend themselves and provide them with opportunities to employ lawyers and experts.” *Id.*

⁶⁶⁷ ICCPR, *supra* note 304 art. 14(b).

⁶⁶⁸ U.N. Human Rights Comm., General Comment No. 32, *Article 14: Right to equality before courts and tribunals and to a fair trial*, U.N. Doc. CCPR/C/GC/32 ¶ 38, (August 23, 2007), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/43/71/PDF/G0743771.pdf?OpenElement>.

⁶⁶⁹ *Muhakimiyeh Bazdasht Shudigan-i Havadis-i Iran Aqaz Shud* [Trial of those Arrested in Iran’s Clashes Began], BBC PERSIAN, August 1, 2009, available at http://www.bbc.co.uk/persian/iran/2009/08/090801_ba-rioters-trial.shtml.

⁶⁷⁰ *Arzyabi va Tahlil-i Huquqiyeh Dadgah-i Mutahaman-i Rukhdadhaiyeh Akhir* [Evaluation and Analysis of the Trial of those Arrested in the Recent Events], TABNAK, August 2, 2009, available at <http://www.tabnak.ir/fa/pages/?cid=58011>.

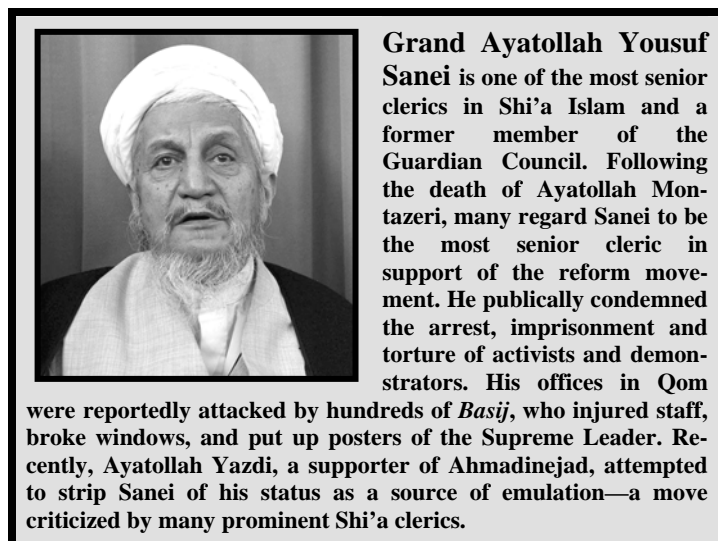
⁶⁷¹ *Barguzariyeh Dadgah Bidun-i Ittila’i Vukalayeh Mudafi’i Mutahaman* [Trial Convened without Notifying the Defense Attorneys], RADIO ZAMANEH, August 8, 2009, available at http://zamaaneh.com/special/2009/08/post_845.html.

During his trial, Naser Abdolhosseini, who confessed to crimes that led to a death sentence, was left almost defenseless. His brother has reported:

During the trial, the court appointed lawyer did not defend my brother. He [had] only contacted my brother twice and has done nothing for his case ... The statement of defense the lawyer read during the hearing was useless. The indictment against my brother did not correspond to the facts. My brother was not in Tehran during the protests and, therefore, could not have taken part in the protests or chanted slogans.⁶⁷²

5.7.2 Convictions Based on Forced Confessions

Many, if not all, of the convictions were based on confessions obtained from detainees held in custody in coercive conditions. This use of forced confessions is not innovative. Famously, Stalinist Russia broadcast over radio edited trials of dissidents. The Pahlavi regime used similar tactics before the 1979 Iranian revolution. After the revolution, confessions of many former officials, military personnel, co-revolutionary leftists and members of other dissident groups were presented to the nation, sometimes as a prelude to execution.⁶⁷³



The use of forced confessions remains standard practice in the Iranian judicial system. Confessions are often broadcast in an effort to bolster the judiciary's case or reputation.⁶⁷⁴ In at least one instance, in 2004, Prosecutor Mortazavi held four journalists hostage until they agreed to publish apologies that testified to the good treatment they were afforded while in detention.⁶⁷⁵

However, Article 38 of the Iranian Constitution states that “any testimony, confession, or oath obtained under duress is devoid of value and credence.” In addition, Article 129 of the Criminal Code of Procedure provides that an investigating

judge shall not resort to compulsion and duress when interrogating a defendant.⁶⁷⁶ On August 3, 2009, only three days after the first trial session, reform-minded Grand Ayatollah Yousuf Saanei reiterated that “confessions taken while in captivity and under critical conditions, are religiously, legally and logically invalid and worthless.”⁶⁷⁷ Grand Ayatollah, Hossein-Ali Montazeri, went further:

⁶⁷² *The Brothers of a Man Sentenced to Death in Election Trials Say he Was Deceived by Interrogators*, MADYAR IRAN, October 13, 2009, available at <http://www.madyariran.net/?p=2620>.

⁶⁷³ See, ERVAND ABRAHAMIAN, *TORTURED CONFESSIONS* (1999).

⁶⁷⁴ IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN'S RESPONSE TO THE INTERNET (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

⁶⁷⁵ See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *FORCED CONFESSIONS: TARGETING IRAN'S CYBER-JOURNALISTS* (2009), available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

⁶⁷⁶ See Criminal Code of Procedure, *supra* note 391, art. 129.

⁶⁷⁷ *Bayaniyihyih Marja'i Aliqadr Hazrat-i Ayatollah al-Uzma Saanei dar Pay-i Barguzariyih Dadgahhayih Pas az Intikhabat-i Dahumin Dawriyih Riyasat Jumhuri* [Statement of the Esteemed Marja, Grand Ayatollah Saanei Regarding the Post Election Trials], WEBSITE OF AYATOLLAH SAANEI, August 5, 2009, available at <http://saanei.org/?view=01.01.01.67.0>; Fredrik Dahl, *Mousavi's Wife Says Brother Jailed in Iran Crackdown*, REUTERS, July 23, 2009, available at <http://www.reuters.com/article/GCA-Iran/idUSTRE56M1TH20090723?s>.

The confessions that have been extracted in prison have absolutely no religious or legal value and cannot be the basis for the death or prison punishments that have been issued ... Those who are responsible for such confessions and their accomplices are religiously and legally guilty and criminal.⁶⁷⁸

Though both Ayatollahs are considered dissident or reform-minded clerics, they are *maraji'-i taqlid*, and their religiously legal judgments carry the authority of the highest rank attainable by *Shi'a* clerics.⁶⁷⁹ In addition, both are experts on the Constitution of the Islamic Republic, as Ayatollah Saanei is a former member of the Guardian Council and the recently deceased Ayatollah Montazeri was instrumental in the authorship of the Constitution.⁶⁸⁰

As the mass show trials were proceeding, Manfred Nowak, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment, pointedly declared that confessions obtained as a result of harsh interrogations or under torture are invalid in any real judicial system.⁶⁸¹ El Hadji Malick Sow, the Vice-Chairperson of the U.N. Working Group on Arbitrary Detention, emphasized that, “these confessions for alleged crimes such as threats against national security and treason must not, under any circumstances, be admitted as evidence by the Revolutionary Court.”

There is every reason to believe that the confessions used by the Judiciary to convict detainees were forced. For example, following his release, Maziar Bahari, the Canadian-Iranian journalist, stated that his confession had been obtained after brutal interrogations and torture, and that he told his interrogators what they wanted to hear.⁶⁸² He is quoted in the first indictment:

Maziar Bahari, a reporter for the *Newsweek* weekly magazine in New York, has this to say regarding this matter: “The foreign media were covering the issue of election fraud even before the elections. In an interview with Mr.



Maziar Bahari

Maziar Bahari, a Canadian-Iranian journalist and filmmaker, was arrested June 21 and spent more than 118 days in detention. Under constant interrogation, he was forced to confess and testify about his alleged participation in a “velvet coup” during the first mass show trial. Due to inter-national pressure, he was released and allowed to leave Iran. Once released, Bahari, provided detailed accounts of the tactics and pressures used to coerce him into confessing.

⁶⁷⁸ *Payam-i Ayatollah al-uzma Montazeri dar Itiraz bih Barguzariyih Dadgahyayih Farmayishi* [Message of the Grand Ayatollah Montazeri in Protest to the Show Trials], WEBSITE OF AYATOLLAH MONTAZERI, August 4, 2009, available at http://www.amontazeri.com/farsi/link.asp?Topic_ID=217.

⁶⁷⁹ *Maraji'-i taqlid* (sin. *marja'-i taqlid*) are religious sources of emulation whom Shi'a Muslims follow. According to Center for Answering Religious Question: “Everyone who has come of the age of performing secondary religious duties (praying, fasting, charitable contribution, Islamic taxes, ...) either themselves have reached the status of valid opinion and practicing jurisprudence or must emulate.” A person can be emulated who is a “man, of age, wise, twelver Shi'a, born into wedlock, alive, just,” and “most learned.” See, *Sharayit-i Intikhab-i Marja-i Taqlid Chist?* [What Are the Criteria to Select a Marja'-i Taqlid?], CENTER FOR ANSWERING RELIGIOUS QUESTION, 19 December 2006, available at <http://www.porsojoo.com/en/node/55143>; and *Bihtarin Marja-i Taqlid Kist va Chih Khususiyati Bayad Dashtih Bashad* [Who is the Best Marja'i Taqlid and What Must be his Characteristics?], CENTER FOR ANSWERING RELIGIOUS QUESTIONS, 19 December 2006, available at <http://www.porsojoo.com/en/node/56325>.

⁶⁸⁰ Yousuf Saanei was appointed to the first Guardian Council as one of the six Islamic jurists by Ayatollah Khomeini on February 20, 1980, where he served for three years. On January 9, 1983, Khomeini appointed him Prosecutor General of Iran, a post he left in the summer of 1985. *Inayat-i Hazrat-i Ayatollah Khomeini va Mas'uliyathayih Ijra'i* [Biography: Kindness of Ayatollah Khomeini and Executive Positions], WEBSITE OF AYATOLLAH SAANEI, available at http://saanei.org/?view=01_01_14_7_0 (last visited Dec. 30, 2009). Ayatollah Montazeri reviewed the Constitution after it was written and was one of the forces behind the concept of the ‘guardianship of the jurist’ in the Constitution. See generally, AYATOLLAH HOSSEIN-ALI MONTAZERI, KHATIRAT-I AYATOLLAH MONTAZERI, MAJMU'YYIH PAYVASTHA VA DASTNIVISHA [MEMOIR OF AYATOLLAH MONTAZERI, THE COLLECTION OF APPENDICES AND HANDWRITTEN NOTES] (2001); see also, “Questions Regarding the Constitution” on Ayatollah Montazeri’s website available at <http://www.amontazeri.com>.

⁶⁸¹ Press Release, UN Experts, Iran: detainees subjected to torture and ill-treatment to extract confessions, warn UN Experts (August 13, 2009), available at <http://www.unhchr.ch/hurricane/hurricane.nsf/0/32F1022E3AE7B473C1257611004DFC95?opendocument>.

⁶⁸² 118 Days, *supra* note 408.

Khatami, I also asked this question from him. After the interview I realized that a movement following the classic model for a color revolution was taking place.”⁶⁸³

Naser Abdolhosseini confessed to contacts and cooperation with the MEK on Iranian television.⁶⁸⁴ The 22-year-old car parts salesman had been arrested on June 26, after returning from a sales trip. However, his brother claims that Abdolhosseini, a high school dropout, was not politically active. He has reported:

My brother was told that if he made televised confessions, his sentence would be reduced ... and he would be released before the end of his term. They deceived him into making televised confessions, but contrary to what he was promised, they sentenced him to death. They took advantage of Naser and played with his life.⁶⁸⁵

After witnessing the initial trials and confessions, Mohsen Armin, a well-known pro-reform politician took preemptive action to assure that if he is arrested, any future confession would be appropriately dismissed.

There is no dark stain in my life to be ashamed of: I have never received any money from foreign forces; I have no relations with foreigners and I will not have; so far I have not received money from foreigners; I do not support a velvet revolution to overthrow the system, but I do call for the implementation of the Constitution to promote the cause of my country and consolidate the pillars of the system.⁶⁸⁶

Conclusion

As this report goes to press, the cycle of arrests, detention, forced confessions, trials and sentencing continues in Iran. Following the demonstrations on *Ashura*, hundreds of demonstrators and activists were arrested in the streets or at their homes. Many had been recently released but were rearrested by the regime in another attempt to violently crush the opposition movement. IHRDC will continue to document these violations of Iranian and international law.

IHRDC wishes to thank the witnesses, many of whom have suffered unspeakable treatment in the hands of the Iranian regime, for their willingness to recount their experiences. The Center also wishes to thank students of the Human Rights Clinic of the University of Toronto Law School for their invaluable research assistance.

⁶⁸³ First Indictment, *supra* note 491, at 11-12.

⁶⁸⁴ The MEK began to be in conflict with the ruling clerics within months of the 1979 revolution. In the early years of the Islamic Republic, the MEK launched several devastating assassinations and terrorist operations, killing many high-ranking members of the Islamic Regime. During the Iran-Iraq war, the MEK joined forces with Saddam Hussein and attacked Iran in a few offensives. For more information, please see ERVAND ABRAHAMIAN, *THE IRANIAN MOJAHEDIN* (1989).

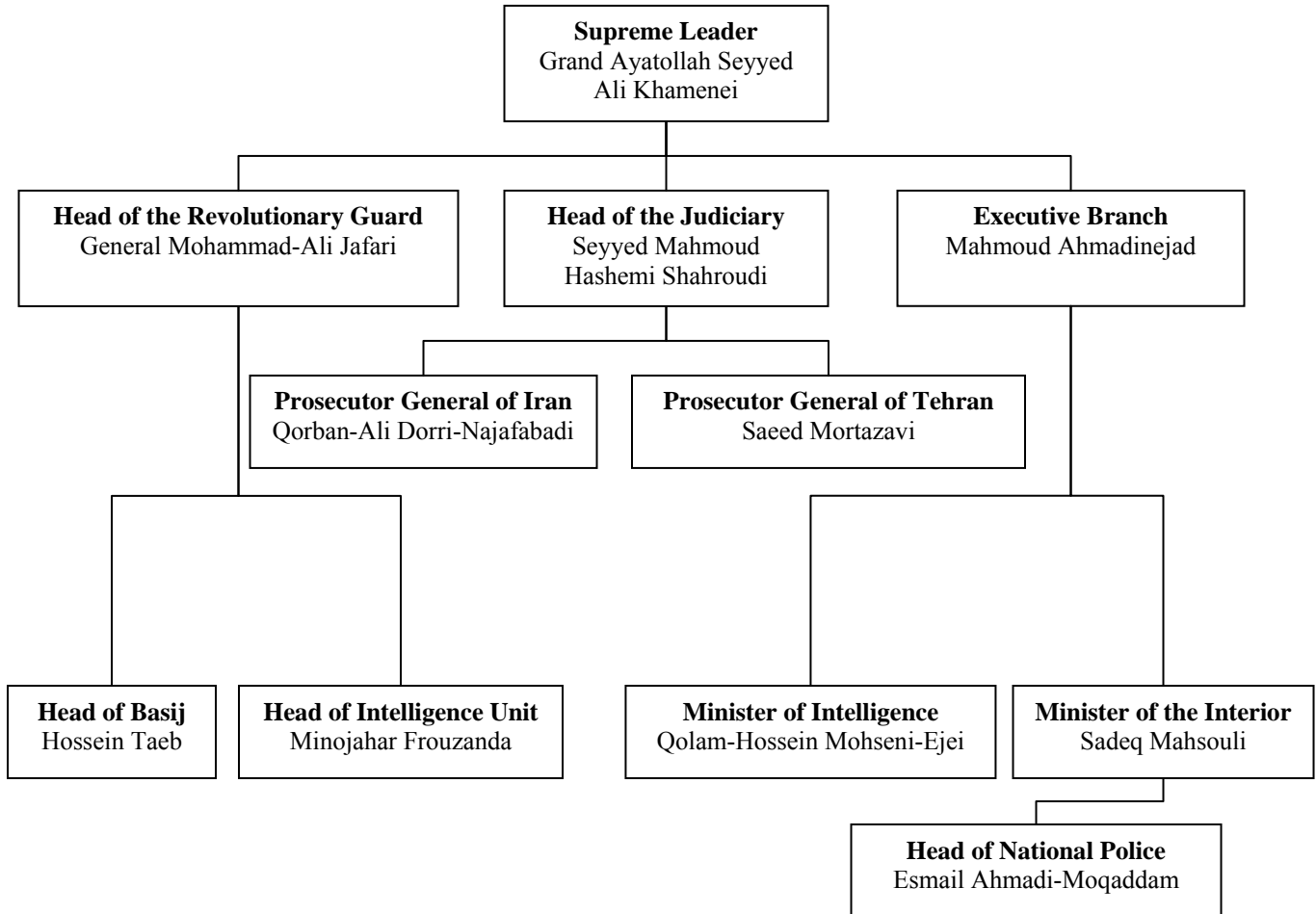
⁶⁸⁵ *The Brothers of a Man Sentenced to Death in Election Trials Say He Was Deceived by Interrogators*, MADYAR IRAN, October 13, 2009, available at <http://www.madyariran.net/?p=2620>.

⁶⁸⁶ *Pishdasti dar Itiraf [Pre-empting Confessions]*, Aug. 9, 2009, ETEMAD, available at <http://www.etemaad.ir/released/88-05-18/150.htm>.

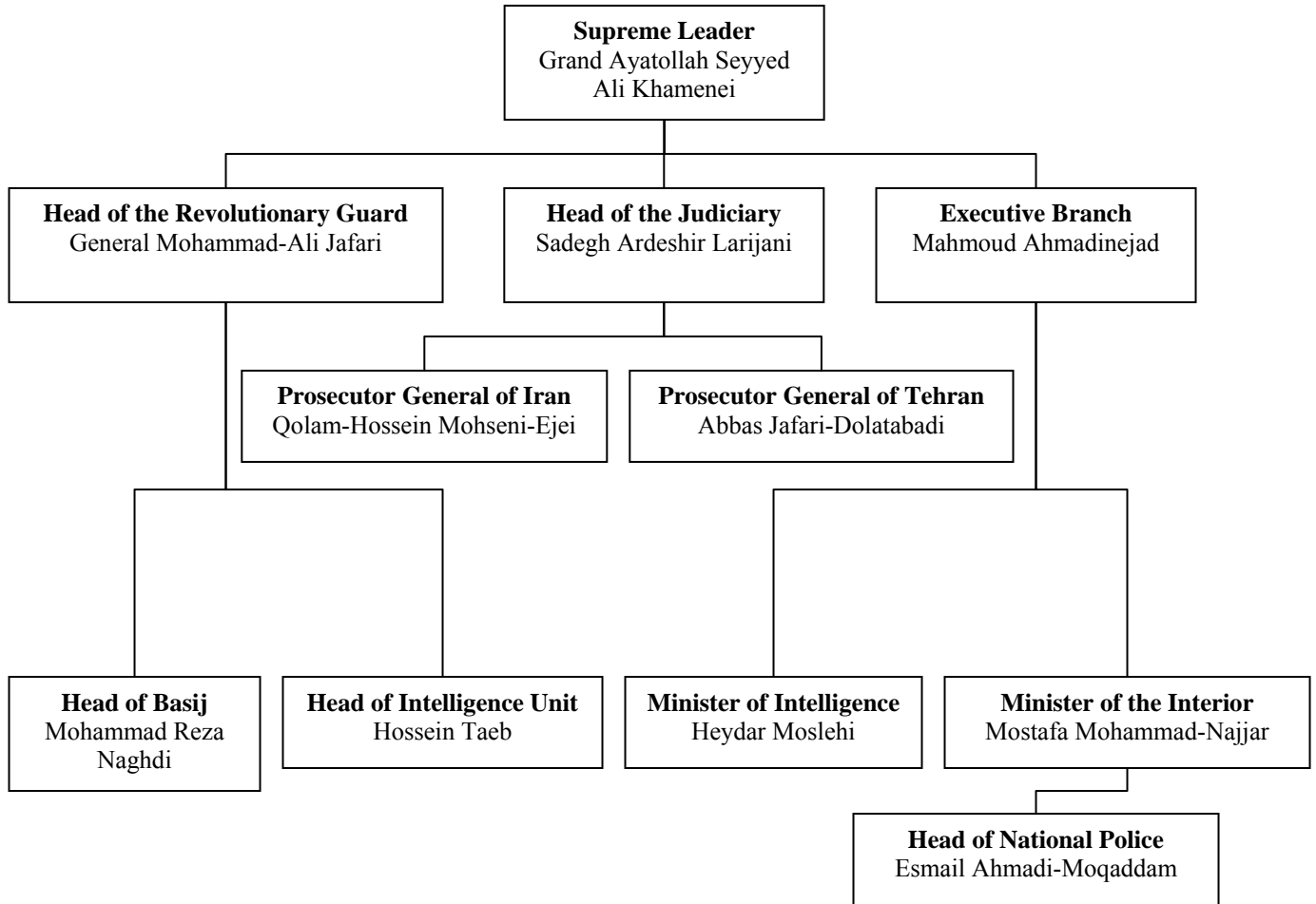
Appendix 1

Organizational Chart of Law Enforcement Power
Structure of the Islamic Republic of Iran

**Organizational Chart of Law Enforcement Power Structure of the Islamic Republic of Iran:
Before the June 12, 2009 Presidential Election**



**Organizational Chart of Law Enforcement Power Structure of the Islamic Republic of Iran:
After the June 12, 2009 Presidential Election**



Appendix 2

Translation of *Matn-i Kamil-i Kayfarkhast-i Duvumin Guruh az Mutahamin-i Prujiyih Kuditayih Makhmali* [Complete Text of the Indictment of the Second Group of the Accused in the Velvet Revolution Case], FARS NEWS AGENCY, Aug. 8, 2009.

The Complete Text of the Indictment of the Second Group of Accused in the Velvet Coup

According to the report of Fars News Agency, the following is the complete text of the indictment of the second group of accused in the failed velvet coup:

"My Lord, for the favor You bestowed upon me, I will never be an assistant to the criminals."

Respected Head of Branch 15 of the Islamic Revolutionary Court of Tehran

As you are aware, subsequent to participation of the majority of God-loving and proud people of the Islamic Iran in the 10th presidential election and their response to the call of the Supreme Leader (may his shadow extend) to renew the covenant with the ideals of the Late Imam (may God's grace be upon his soul) on this 30th year since the victory of the Islamic Revolution, which turned a golden page for religious democracy and set an unprecedented world record in people's participation, a hostile movement from both within and outside the country, contrary to the proud achievements of the Islamic regime, engaged in plotting sedition so as to cast a shadow on this mighty triumph by creating public insecurity and disorder and causing confusion amongst the masses. Furthermore, by utilizing opposition media, opportunistic individuals, connections with foreigners, and exploiting the full capacity of anti-revolutionary groups—who have waited years for an opportunity to harm the national security of our Islamic homeland—devised conspiracies and deceitfully created a scenario to make allegations of fraud and forgery against the election process. In order to transform one of the greatest political prides of the regime of the Islamic Republic of Iran to a security challenge and propaganda weapon to overthrow the regime.

At the opening of the last session, the public prosecutor of Tehran presented the indictment and evidence concerning the pre-meditated character of these upheavals and submitted documented evidence to prove the organized and pre-planned nature of the recent crime. In today's session, the plotting of the foreign nations who oppose the Islamic Republic of Iran, with the intention of destroying and soft overthrowing of the regime from within the country and their role in the events following the presidential election, and the activities of anti-revolutionary and terrorist groups and their role in events following the elections and recent unrest will be presented to you in two parts:

A) Plotting and planning of foreign nations who oppose the Islamic Republic of Iran with the intention of destruction and soft overthrow of the regime inside the country and their role in the events following the presidential election.

The victory of the Islamic revolution jeopardized the interests of foreign imperialists in the country, as well as their interests in the strategic region of the Persian Gulf, which in turn led to heightened hostility of the West towards the Islamic Republic of Iran. For this reason, their policy has periodically been to devise various political and intelligence strategies in order to confront the Islamic regime.

On the other hand, the troubles of the West—spearheaded by America—which has led them into quagmires in Iraq and Afghanistan, and their defeat of the Zionist regime in the 33-day war with *Hizbollah*, and the 22-day war with Gaza, minimized the possibility and option of taking military action against the Islamic Republic of Iran. It is on such basis that the West opted instead to impose a structural change in the holy regime of the Islamic Republic of Iran by devising innovative intelligence action and exploiting clandestine and soft measures. Along the same lines, cyberspace, media, satellite networks, etc. were used by the foreign forces as innovative tools of operation to influence opinions, which in accordance with the culture of foreign espionage, would manipulate and alter public opinion and behavior, and ultimately result in a structural change in the country. The new

policies adopted by the West, particularly the United States and Britain, to confront the Islamic Republic are based on three principles:

1. To democratize (democracy in line with the aims and interests of the West);
2. To keep the regime preoccupied domestically by creating domestic insecurities and heightening [internal] conflicts;
3. To rein in the regional power of the Islamic Republic of Iran.

It was to this end that the media, public diplomacy, populist organizations, oppositional networks and organizations were efficiently used to create civil disobedience and organize a non-violent movement—to which enormous budget and innovative communication tools were also allocated. Meanwhile, Western spy agencies did not lose the opportunity to take advantage of the internal opposition and avail themselves of these groups as their operational and executive arms. Therefore, the aforementioned groups, such as the illegal group ‘Freedom Movement,’ played a role to instigate, create insecurity, and challenge the regime through becoming pawns and acting as the enemy’s fifth column.

In the same vein, with the aid and assistance of foreign forces, *Munafiqin* group [Mojahedin-e Khalq], *Tundar*, as well as separatists and ethnocentric groups engaged in planting bombs, terrorizing and causing political and ethnic clashes and crisis through counter-security activities during the period of the presidential election. The incident of an assassination attempt against one of the presidential candidates and blaming it on the regime, thereby heightening clashes and creating confusion among different strands of society is only one example of such measures.

Methods of destroying the Islamic Republic of Iran:

To advance the said political schemes, the enemies of the regime (of the sacred Islamic Republic) devised plots and planned methods of execution and made them available to intelligence agencies and associated organizations. Below is a sample of such machinations:

1. Propaganda ploys and spreading word concerning a need for political change in the regime;
2. International support of labor unions, trade unions, and so called ‘human rights’ groups and civil organizations against the regime;
3. Actions to support economic sanctions against the Islamic Republic of Iran;
4. Secretly providing financial support to opposition forces within the system;
5. Identifying and strengthening centers, recruiting manpower, and engaging influential strands of society such as women, youth, NGOs, etc. to achieve specific goals.

Given that the time-table for the presidential election of 1388 [2009] was marked on national calendars, the execution of the above schemes was planned by foreigners availing themselves to the existing liberties and opportunities to attempt a soft overthrow of the regime of the Islamic Republic of Iran through ‘public diplomacy’ and ‘covert action’ projects.

Soft overthrow and covert action:

The soft overthrow, which was groomed and presented to the public as ‘public diplomacy,’ has the following definitions:

From the viewpoint of one of the Western intelligence agencies:

“The aim of ‘public diplomacy’ is to safeguard our national security and interests through understanding and awareness of people of other countries and by maintaining influence thereof through discourse between our citizens and their associations and groups outside the country.”

From Western perspective, soft overthrow means imposing western values and mental frameworks on other societies thereby automatically aligning the policies of the target country with that of the dominating regime.

By ‘public diplomacy’ the West targets ‘nations’ with the ultimate aim of facilitating policies conducive to its covert actions to overthrow [the existing government]. As such, in the context of public diplomacy, covert actions would require devising the most intricate psychologically aggressive operations. According to experts, the most vital goals of this project include:

1. Forcing the government through public pressure to take sides;
2. Creating an atmosphere of mistrust towards government officials and upsetting the decision-making process;
3. Distorting public opinion with respect to the interests and policies of the regime, and promoting schemes in society by creating doubts concerning the values of the regime;
4. Creating crisis in various strands of society and causing division and separation between the people and the government through making allegations against government leaders and falsely accusing the officials;
5. Causing division in various intellectual, ethnic, religious, and other groups with the aim of causing national disunity.

To stress the importance of covert actions, a Western foreign minister stated: “At the present time, our efforts in engaging in public diplomacy takes precedence over all other initiatives, inasmuch as these efforts are an integral part of our foreign policies with respect to opposing governments.”

Given the international volatility subsequent to the fall of the former Soviet Union, the West updated its strategies and reconfigured its tactics to protect its national security. In doing so, it created and defined certain responsibilities for its various security and intelligence agencies to efficiently execute such strategies. It was in this vein that it created its security policies reports.

What is worth noting in the guidelines of the said reports is that they have adopted the line of ‘covert action’ and have overruled military action. Concerning the Islamic Republic, they have recommended ‘soft war’ and ‘collapse from within.’

Adoption of such policies with respect to Iran is an indication of western strategy against the Islamic Republic under the framework of public diplomacy. These notions are so significant that the said reports could very well be referred to as a Western “Manifesto on Covert Action” against the Islamic Republic.

In expressing the importance of employing public diplomacy strategies against Iran, a Western senior security official stated: “Iran, owing to the vastness of its territory, size of its population, quality of its human resources, military capabilities, abundance of natural resources, and its unique geographical position in the Middle East and heartland region, has become an unparalleled power which can no longer be overthrown through military action.”

The key points highlighted in reports that emphasize on adopting the public diplomacy strategy, which are indicative of the intention of the western political masterminds to use public diplomacy against the Islamic Republic are:

1. Exploiting the existing internal differences in Iran;
2. Using soft overthrow instead of military action;
3. Inciting civil disobedience through student associations, NGOs, and trade unions as important tools to put pressure on Iran;
4. Emphasizing the need for international supervision over the election;
5. Demagogic support of human rights and democracy in Iran;
6. Establishing and supporting various radio and television networks with the aim of denigrating the regime and deceiving the public;
7. Supporting internal oppositions;
8. Facilitating the activities of the NGOs aligned with the West;
9. Facilitating the granting of visas for people who are likely to support western goals;
10. Inviting Iranian youth activists to participate in seminars outside the country to tendentiously recruit and train them, as was the case in Serbia, Philippines, Indonesia, Chile, Ukraine, etc.

Furthermore, part of their security doctrine includes:

“It is unlikely that we would confront any challenge more serious than Iran. We have other concerns that are equally important as the nuclear issue. Our concerns will only be satisfied when the Iranian government decides to adopt alternative ways and change its policies to open up its political system so as to give its people freedom. This is our ultimate goal. Our policy is to foster our interaction with the people of Iran. In an effort to eradicate dictatorship, and promote democracy, we will utilize every means, be it political, economic, diplomatic, and any other means at our disposal, including:

- Exposing incidents of human rights violation;
- Supporting reformists through meetings and gatherings at our Foreign Offices and Embassies;
- Allocating budgets to financially support the activities favored by the West in Iran;
- Imposing sanctions with the intention of causing friction between people and government.[”]

On the basis of such evidence and given the Islamic Republic’s internal, regional, and international situation, the project of soft overthrow, or as they call it ‘public diplomacy,’ is very much on the agenda of the western political masterminds. Most important examples are:

1. Providing aid and assistance to NGOs and publishing Persian-language materials about the values of democracy and supporting civil activities;

2. Training journalists and reporters in order to establish news services with the aim of gathering and analyzing information;
3. Training and mobilizing human rights activists in Iran in order to depict a grim picture of the regime;
4. Creating websites and trainings about the election and providing complete information on the 1388 [2009] presidential candidates;
5. Dispatching students, artists and people in trade outside the country in order to form a cadre of potential individuals for key positions in the future.

Subsequent to establishing the Iranian Affairs Office in Dubai (located inside the American Consulate) by the US State Department—modeled after the base in Riga, Lithuania, aimed at collapsing the former Soviet Union during the Cold War, the Office is mandated to actively engage the best of Iranian minds and influence their thinking and understanding with the intention of turning them against the interests of the Islamic Republic of Iran. It was in this regard that the former spokesman of the Department of State declared: “The American government will collaborate with NGOs and Iranian media through its Embassies in countries along the Persian Gulf and other countries neighboring Iran. We will increase the number of travel agencies and will allocate a \$5,000,000 budget for professors, teachers and people of other trades to visit the United States.”

It is on such basis that in the past two years, the Iranian Affairs Office in Dubai has organized training courses to which a number of individuals from various strands of society including the best of Iranian minds to the United States are invited and dispatched. Those who are invited are easily offered visas, with the assistance of those in charge of Iranian Affairs at the US Consulate in Dubai, namely Ms. Jillian Burns, Mr. Ramin Asgard, Mr. Timothy Richardson, and are sent to the US without having to undergo the routine process. These individuals are thus influenced and subsequent to their return are put in charge of forming new groups for the purpose of dispatching others to the United States.

Defeat of this project due to the arrest of a number of US pawns within the country caused the Americans to devise and execute a new plan called the ‘Exchange Project’ (exchange of people and groups.) Within the framework of the project, individuals and groups were sent to the United States with a great deal of expenditure through the bases established in Dubai, Istanbul, Baku, London and Frankfurt under the supervision of Dubai.

The steps taken by the United States in Iran under the framework of public diplomacy are as follows:

1. Implementing the Soros Foundation’s regional initiative;
2. Exchange Project;
3. Bilateral exchange.

This project facilitated travels of the best of Iranian minds from various strata of society in groups of 15 to different States in America. The process of obtaining visas, and the entire cost of the trips (including airfare, hotel, visits, and purchases), and plans while in the U.S. and etc, were covered and executed under the leadership and management of that country’s State Department through various organizations such as Meridian, Peace, Aspen, etc. (It is noteworthy that this project was aborted as a result of the exposure of its agents by the Ministry of Intelligence in 87 [2008]).

Among the desirable characteristics based on which individuals were chosen for this program were that they had to: “be youth,” “be effective,” “return to Iran,” “ have high education,” “have

connections with governmental organizations and institutions in Iran,” “have no previous negative political records,” etc.

The political and intelligence objectives of the US exchange project included:

1. Building relations with individuals from various strata of society and establishing effective relationships with specialists and experts;
2. Influencing and altering the views of participants to a favorable one of the United States;
3. Influencing and altering public opinion to make them believe that it is necessary for Iran to build relationships with America through pressures from the lower levels of the society;
4. Obtaining analytical information and viewpoints from the participants of the exchange project;
5. Influencing various layers of society and implementing ways to restore lost interests of America in Iran;
6. Pressuring the government to change its policies;
7. Weakening the structures of the government with the ultimate goal of its collapse;
8. Regarding the US as Iran’s only savior;
9. Widening the gap between people and the government;
10. Disrupting the regime’s decision making process;
11. Streamlining and influencing opinions through meetings and protests;
12. Taking advantage of the society’s best minds to jeopardize national security;
13. Provoking ethnic movements;
14. Influencing legal and judicial processes to fit the Western system;
15. Altering the national election process with the excuse of the need for international supervision over the election.

By comparing Iran with countries such as Ukraine and Georgia, the Western governments find election time the best opportunity to advance their corrupt goals and to instigate changes to their own advantage. By abusing people’s potentials without direct foreign interference or outside pressures, through non-violent means and transforming social demands to political ones, and [by using] cyberspace and the internet sites as the most important and seemingly legal tools they attempt to execute their plans.

Based on the results of the investigations and according to the admissions made by the accused persons, the main activities of the foreigners, especially those of the United States and Britain, against the regime of the Islamic Republic of Iran are based upon the following strategies:

1. Organizing training courses outside the country;
2. Increased activities of internet sites and media with the aim of influencing opinions towards a specific direction (it was for this purpose that the US Department of State created the long range digital system by which it could gain access to chat rooms and blogs to make direct contact with people; in other words, this system augmented and coordinated a direct relationship between

people of Iran and the US government. Therefore, the US political groups, by taking advantage of the interests of the Iranian youth, used 'internet diplomacy' to advance their own interests and instigate conflict between the people of Iran and the government.)

3. Increased activities of satellite networks (especially Persian-language channels);
4. Selecting groups from various fields and layers of society (such as legal and medical, artists and students, professors and clergymen, etc.) to dispatch to the United States to participate in various educational and professional programs;
5. Planning schemes to influence opinions and alter attitudes with the aim of changing the structure of the holy regime of the Islamic Republic of Iran;
6. Generating negative views to increase hopelessness towards the future and the nation's direction and promoting attraction towards America;
7. Increased activities of European research institutes in order to build relationships with specific individuals and create connections with associations within the country under the pretext of foundation building projects;
8. Offering scholarships to specific individuals and having them return to the country after having influenced their thoughts;
9. Activating Britain for identifying and engaging Iran's best minds through creating NGOs and bringing certain individuals to the country;
10. Organizing training courses for journalists in Holland and England;
11. Exploiting local staff to establish unofficial relations;
12. Exchanging information and collaborating with other spy agencies to benefit from additional information;
13. Instigating and providing guidance to people with the purpose of exacerbating the protests.

Efforts and approaches of the foreign intelligence during the 10th presidential election:

1. Evaluating and assessing existing conditions in the country in order to create disturbance between them and the Supreme Leader and *Velyat-e Faqih*;
2. Efforts towards diminishing people's support of the sacred regime of the Islamic Republic of Iran (domestically and abroad), and undermining the popularity and distinction of the Islamic Republic with the aim of preventing Iran from becoming a model of success among other nations;
3. Exploiting people's potential in order to achieve goals such as: creating mistrust and exacerbating the protests; strengthening ethnic conflicts and domestic opposition; executing the democratization plot in Iran with the aim of altering public views and attitudes; and, ultimately, altering the structure of the regime;
4. Efforts towards widening the gap between the people and the government; exploiting the existing domestic conflicts and potential differences, especially those existing within political parties, political on-goings, the authorities, and different ethnic and religious groups;

5. Encouraging a sector of Iranians living abroad to engage in activities against the Islamic Republic of Iran, and using their gatherings and protests for propaganda purposes;
6. Organizing, guiding, and providing financial, political and media support to terrorist groups and creating alliances between opposition groups within the country and abroad as well as between oppositions within the country and discontented citizens;
7. Creating bases to assist the execution of a quiet revolution by organizing training courses in various countries (such as in the Emirates and Holland) under such themes as human rights and non-violent conflicts;
8. Providing financial and moral support to NGOs with the aim of systematically influencing different strata of society and taking advantage of the opportunities that exist within these layers when appropriate;
9. Implementing the plot of creating domestic unrest (especially within the public), and pursuing plans to apply pressures from outside the country, for change within;
10. Focusing on psychological efforts, spreading rumors, systematically undermining and propagate the incompetence of the regime via internet sites, Persian-language satellite networks—especially VOA, BBC Persian, and other fugitive anti-revolution news networks, including the Royalists and *Munafiqin*, and through other communication methods;
11. Providing guidance to NGOs and anti-regime movements concerning supervision over the election process on behalf of the United States;
12. Insisting on the issue of fraud and questioning the integrity of the Iranian election (approximately 10 days prior to the election day) and efforts to publicize this issue through sites associated with the Department of State (raising issues such as blocking Twitter, reducing internet speed, problems arising with respect to the presence of public and presidential candidates at the election polling sites, etc.); it is noteworthy that a week prior to the election (Friday 15/3/88 [5 June 2009]), the member of the Committee to Protect the Votes from Mr. Mousavi’s Office talked about the above issues and referred to them as evidence of fraud in the election;
13. Provoking and laying the groundwork for a violent movement and civil disobedience and setting the stage for street riots, public insecurity, destruction and chaos;
14. Exerting efforts towards making accusations and psychological warfare against the Islamic Republic of Iran, particularly on the issue of violation of human rights, with the intention of exacerbating the isolation of the Islamic Republic of Iran within the international arena.

Efforts and approaches by the Western countries and their spy agencies administered through related embassies and media prior to the election in support of the above-mentioned goals included:

1. Efforts exerted by the British Embassy to make close connections with political parties in Iran. The first contact was made in Azar 1387 [Nov./Dec. 2008] with one of the well-known figures and he was told that the Embassy intends to make connections with some of the political parties in Iran. He was told then, “After you, we will approach these parties.” (Through tactful intelligence means, this effort was promptly defeated.)
2. Towards the end of 1387 [March 2009], the British government issued a guidance containing 18 points concerning the election in Iran. While outlining specific tasks pertaining to the 10th

presidential election, the guidance provided information about the roles of each election unit. The guidance also provided instructions with respect to gathering news and intelligence.

3. Travel of British diplomats to different cities in Iran, including Qom; contacting the election offices of some of the candidates in various regions, the presence of British diplomats on the day of the election at different polling units, and ... speaking of the active involvement of the Embassy with respect to the election.
4. Widespread involvement of local staff of the British Embassy in gathering information within the city, with respect to political activists and on the general social conditions. Towards this goal, the Embassy hired and used highly educated (PhDs) and politically savvy local personnel for the purpose of making contacts with people who have access to inside information, thus accessing intelligence with expert analysis during the election.
5. Vast efforts in information and intelligence gathering by the British during the unrest following the election; to the point that almost at all times the local staff were in the centre of the riots trying to gather information—not to mention that the local staff were given instructions to make contact with political parties and collect their analysis and views for the purpose of reporting/broadcasting them.
6. Spotlight reporting of the election process in Iran by BBC Persian service in the period leading up to the election, with insinuating comments such as: lack of enthusiasm, the fraudulent nature of the election, concentrated negative comments on the government's foreign policies, distorting the government's image, etc.
7. Announcement by British diplomats that they expect unforeseen events and bloodshed.
8. Relations between the Cultural-Educational Council (BC) [British Council] and the public with the aim of creating useful connections through efforts such as scholarships, language training institutes, etc. The British identified this as a way to circumvent the Iranian government and use these means during this period of unrest to identify and select capable individuals, at minimum cost, who might be useful to them in the future.
9. Identifying knowledgeable individuals through the English language test ILETS. The British Embassy actively identified capable and effective individuals so it could exploit them during critical times.
10. Creating a VIP department at the visa office in order to attract people with influence in various fields to use this opportunity to make connections with such people under the pretext of interviews for granting visas.
11. Efforts made by the diplomats at the Embassy to make connections with ethnic and cultural elite in order to identify and engage them for the purpose of advancing their own interests.
12. The presence of the British diplomats in various parts of the country and making connections with local people under the pretext of studying the Persian language.
13. Creating ways to attract socio-politically savvy individuals to England with the aim of advancing England's interests (i.e., Ata'ollah Mohajerani).
14. Connections between British study and research institutes with study and research centers in the country with the aim of influencing and altering [their views] (i.e., Chatham House and IISS)

15. The British acting as the intelligence arm for the United States and Israel, so as to compensate for the absence of the U.S.A. and Israel in Iran.
16. Establishing relations with a number of elite political parties and political figures for the purpose of gathering intelligence and recruiting them as collaborators.
17. Building connections with broadcast and print media executives with the ultimate aim of influencing public opinion.
18. In the latter part of Farvardin [early April], a training course was held in Germany with participation of 5 members from the Lawyers' Association on the theme of Citizens' Rights and Cyber Crimes. Subsequent to their return to the country, these individuals began to form working groups to watch for election fraud.
19. Planning to dispatch a group of journalists to America for the purpose of providing them with necessary training for the purpose of overseeing the process of the election on behalf of the United States.
20. Statements made by representatives of foreign agencies in Iran expecting unforeseen events in Iran following the presidential election.
21. Spreading rumors about Iran's capabilities of monitoring mobile phones. On this issue, the Nokia Siemens Networks which sold the monitoring system to Iran provided false information about Iran's monitoring capabilities.

Efforts and approaches of foreigners against the Islamic Republic of Iran subsequent to the glorious 22 Khordad [12 June] election included:

1. Weakening the position of the Supreme Leadership. These efforts were on the priority list of the foreigners against the Islamic Republic of Iran. Lack of attention to the statements and guidance provided by the Supreme Leader by some political groups (notably after the historic sermon of the Friday prayer on 29/3/88 [19 June 2009]) which in turn provided the pretext for the foreigners to use the opportunity to exacerbate the matter in question. Similarly, futile efforts were made by foreign propagandists to create a gap between the views of the Supreme Leader and those of the Late Imam (may God's grace be upon his soul);
2. Creating divisions within the nation's unified views and weakening people's support of the principles and aspirations of the Islamic revolution;
3. Expanding the grounds of conflict among various movements, political parties, and political figures.
4. Challenging the legitimacy of the Islamic Republic regime of Iran and falsely making claims about the nation's lack of support for the government and the authorities;
5. Efforts to prove the regime incompetent in creating democracy, organizing a healthy election, handling the recent unrest, and respecting human rights;
6. Insisting on the need for foreign presence and supervision over the Islamic Republic's presidential election to ensure a healthy process (in the recent years, this issue has been a priority item on the agenda of many countries such as the United States, Britain and their associated groups such as the Freedom Movement.)

Some of the interventionist post-election declarations made by political and intelligence figures include:

1. The former head of CIA commented that ‘goons and thugs,’ and ‘socio-political challenges’ are indications of a potential for fomenting internal crisis;
2. Insisting on annulling the election results under the pretext of “need for paying attention to the protestors and respecting the democratic guidelines and principles in the election;”
3. Subtle persuasion to model the role of the youth in the victory of the Islamic revolution in 1979 and recreate the conditions so as to use such potential to confront the regime;
4. Importing and empowering their own agents under the pretext of freelance journalists subsequent to the return of foreign journalists;
5. Teaching civil disobedience through internet sites (such as Gozaar, associated with Freedom House and the CIA);
6. Support of the street unrests by some European and American officials;
7. Issuance of a statement by the American Congress in support of protestors and placing them opposed to the regime;
8. Establishing media and internet networks and creating cyberspace in order to broadcast their own desirable stories, instigating people to attend illegal gatherings and riots, and publicizing unreal statistics on the number of deaths;
9. Insisting on presenting ‘subversive rioters’ as ‘discontented people,’ and placing them opposed to the regime;
10. Relations between one of the active elements of Office 88 (accused: Mr. Reza Rafi’i) with the special Office for Iranian Affairs in Dubai and Mrs. Jillian Burns, an American intelligence officer. Dispatching news and reports of the unrest through internet sites, and collaboration with an intelligence service in one of the Arab countries in the region. The aforementioned, while making connections with the American media, attempted to receive analysis in line with the foreign approaches and contrary to the principles of the revolution from some former government officials. In turn he provided information regarding the impact of sanctions—imposed as a result of the recent elections—to Ms. Nazi Beglari of VOA.
11. Subsequent to limiting satellite access, intelligence efforts were directed to the internet, and in order to allow easy access to online information, advanced English into Persian and vice versa translation tools were made available to Iranian users and the public. This software allowed users to translate information from English into Persian. The objective of this initiative was to maximize the access of Iranian users to information in English (particularly that on BBC sites) related to the prearranged crisis, despite its serious inadequacies.
12. Offering the most advanced software technology to allow watching of video-clips by computer through landline, modem, and low-speed internet with the aim of engaging users with minimum technical capability to watch their selective video-clips concerning the crisis.
13. Hacking sites of both movements in the country, and also sites belonging to the regime authorities, some candidates, etc. Such activities by foreigners were aimed at heightening

domestic tensions. To this end, at times they engaged internal channels (such as Shatel Co.) to do the hacking so as to cover up the involvement of external elements, and to fully make it an internal conflict.

14. Strengthening the activities of the American company Facebook in order to facilitate access between Iranian users and those in other countries concerning Iran. Claiming that many people around the world use Facebook to exchange information about the fate of the Iranian election, this company launched its trial program in the Persian language so as to allow Persian speaking users to take advantage of it in their mother tongue.
15. During the crisis, some foreign-associated internet sites provided users with phone numbers, users' names, and passwords at no cost so that in the event of a complete shut down of the internet in Iran, people could connect through internet dial-up.
16. In an effort to increase training on 'violent conflicts' and 'non-violent conflicts,' massive amount of training material was made available on line in Persian during the crisis. With respect to such material, two types of information were available:
 - a. Training material concerning violent conflicts: instructions for remote control and time bombs; methods to confront counter-revolutionary forces; strategies to strike the police; instructions for making homemade tear-gas sprays; collecting and publishing information about members of the Basij;
 - b. Training material concerning non-violent conflicts: efforts to produce CDs and Bluetooth containing selective images of splashing green paint on pictures and government advertisements, turning on headlights at dusk as a show of protest, encouraging the chanting of slogans from rooftops.
17. Presence of a German lawyer connected to the Lawyer's Association in the country and his stay in one of the hotels that was at the center of the unrest.
18. Presence of some diplomats in illegal street assemblies (including some European and British ambassadors), gathering of information by embassy liaisons/informers through participation in illegal assemblies and gatherings, and the presence of the French deputy ambassador at election polling units in disguise—related documents are on file.
19. Providing financial aid and support to agitators and anti-revolutionary groups by some European countries, including Britain, and granting visas and refugee status to key rioters.
20. Exploiting local staff by some European embassies for the purpose of gathering information and reporting selective news.
21. Active involvement of two local personnel of the German Embassy to gather signatures for the UN Secretary General to visit Iran.
22. Efforts to promote strikes in Iran.
23. Special news-gathering training provided to the local personnel, in Germany.
24. Exchanging intelligence about the crisis within networks by the accused Ms. Clotilde Reiss (French citizen), and implying the necessity of strikes—according to her confession on 10/4/88 [1 July 2009].

25. Supporting the demonstrations outside the country by some European countries.
26. Threatening to recall European ambassadors from Iran for the purpose of exerting pressure on the government and affecting public opinion.
27. Threatening to increase sanctions against the Islamic Republic of Iran.
28. Imposing limitations on granting visas to Iranian authorities/statesmen.
29. During the crisis, the intelligence agencies of the Zionist regime called on its resources to discuss the issue of the election with them. In addition to this, during the crisis two individuals associated with the Israeli intelligence agency were actively involved in the upheavals and participated in burning buses. Furthermore, two other influential individuals were present in the upheavals every night until late hours of the evening, gathering information.
30. Foreign political efforts, particularly those by the U.S., Britain and some other European countries were directly intended to intensify and exaggerate the unrest, thereby creating hope, and encouraging the continuation and the intensity of the riots and demonstrations. To this end, on the diplomatic front, noteworthy unsettling efforts were made, most noteworthy of which are as follows:
 - Taking positions and issuing interventionist statements by the United States, Britain, and the Zionist regime regarding post-election circumstances in Iran. Such statements included: expressing concern about unlawful process of election, and pressures exerted by the government on rioters, sympathizing with those involved in demonstrations, condemning waves of arrests and confrontation with rioters, need for recounting ballots, and extending their assistance to demonstrators.
 - Granting permits for marches and demonstrations against the Islamic Republic of Iran in front of Iranian governmental agencies in various countries.
 - Blatant support of the rioters by some European countries announcing that the doors of their embassies are open to key elements of the riots.
 - Issuing declarations and mobilizing the riots by some European political parties and their efforts towards the unification of the protests against the Islamic Republic of Iran.
 - Role of British political organizations, intelligence agencies, and media in events following the 10th presidential election:

Subsequent to the victory of the Islamic revolution, the British were severely struck—having had inside knowledge of the new structure and being aware of the attitudes of the newly-appointed political statesmen. This new development, which resulted in their intelligence defeat, forced them to try their hardest during the last thirty years to gather new intelligence. They, who consider themselves heirs of the British Empire, after the decline of the golden age, adopted a new identity not as a superpower but as a pivotal power in international politics with a new role. Considering the new approaches adopted by the British Ministry of Foreign Affairs and their keen attention to the Middle East, Iran in particular, they vastly spread their espionage activities to gain full knowledge of socio-political conditions and to extend their influence thereof.

Even though the relationship between the two countries since before the revolution was fundamentally altered, the British continued their efforts to have presence and penetrate various levels

of the Islamic Republic of Iran as a significant and influential country in the Middle East to pursue their own political, social and economic interest.

Britain officially and seemingly rejects the idea of a hard change in the regime. However, it clandestinely fosters favorable ties and connections with various levels of the society in order to create strategies for a soft overthrow. There is no doubt that elections in Iran are one of the most important events which Britain wants to have full knowledge of every detail of, to take advantage of its shortcomings and internal differences when appropriate, in order to interfere and devise plans to alter public opinion and advance its own political interests.

The British Cultural-Educational Council, which was a cultural section of the British Embassy in Iran, established prior to the Islamic revolution—under the name of Iran-Britain Association—restarted its operation in Iran in 2000-2001 as the British Cultural-Educational Council. The British Cultural Council is an independent organization and has over 100 branches world wide, with its central office in London. In Iran, however, it operates as the cultural section of the British Embassy.

Among many activities of the British Council (BC) one can name the following: administering general and specialized English language tests; educational consulting; offering scholarships during various stages of higher education to the elite, researchers, university professors and other higher education institutes, staff and personnel of various organizations, journalists, etc. Furthermore, this Council leads academic, educational, research and artistic projects in conjunction with Iranian-British centers. Among other undertakings of this Council were to conducting inter-university academic projects and other such initiatives.

Even though on their own these initiatives seem harmless and ordinary, the important point is that this British centre pursued its own objectives and interests under the guise of these projects. Objectives such as: identifying and engaging the best academic minds, gaining insight into plans and projects of the country's institutes of higher education and research centers, gathering intelligence under the pretext of comments and evaluations from visitors, organizing private and public consulting sessions for those who were considering to study abroad or immigrate, etc.

In collaboration with British Embassy in Tehran, this Council annually offered 'Chewing Scholarships' under the pretext of which the British Foreign Office identified and recruited a number of the best students and university graduates in Iran and invited them to undergo an interview in order to send them abroad to continue their education, on various levels, or for sabbaticals or research purposes. As a result of such undertakings, many of these individuals, subsequent to completing their programs abroad, did not wish to return to Iran.

With respect to other types of scholarships offered by the British Cultural Council, we can mention short-term scholarships and educational grants exclusively available to some university professors and individuals from various organizations. When in England, these individuals have the benefit of using the Council's central office in London.

Subsequent to return of these individuals to the country, the British Cultural Council tries its utmost to continue its association with them in order to have them at its disposal to advance its own interests. In other words, these individuals become liaisons of the Cultural Council in various domestic organizations. Furthermore, these individuals are invited by the British Embassy and the Cultural Council to participate in various celebrations and occasions, during which high-ranking diplomats suspicious of espionage activities for Britain introduce topics of discussions of their own interest to collect detailed information with respect to the positions and ranks of these individuals in governmental organizations.

In any event, the way the British operate generally, and the Cultural Council specifically, is based on identifying and engaging individuals from various governmental organizations in order to exploit them to advance their own goals of gathering intelligence in the country.

It is during such courses and seminars supported by the British Council and in collaboration with other British-Iranian centers in the country that representative of the British Council get to know Iranian researchers and invite them to complete the final stages of their research projects in Britain, while fully covering their cost of travel, accommodation, studies, etc. It is important to note that some of these projects, due to their importance, are considered national projects, which the researchers, as a result of their collaboration with the Educational-Cultural Council and/or other British organizations, made them susceptible to foreign exploitation.

As the time drew closer to the election and the presidential candidates became active in their campaigns, the political section of the Embassy became well groomed and visible with a cadre of trained local staff that from late Farvardin 88 [April 2009] set out in an organized manner to divide tasks for gathering information and news on: the views and positions of the officials in the regime, Friday prayers, IRIB, *Sepah*, *Basij*, views of high-ranking commanders, mosques, political circles, publications, newspapers, internet sites, economic indicators, Bazaar, trade and commerce, and presence in towns and villages. To this end, the political section met twice a week with the head of the department and Mr. Thomas Bern to collect and summarize this information and produce a final report.

In the same vein, some of the activities of this country [Britain] with respect to tracking and encouraging the recent riots included:

1. In months leading to the election, the British Embassy organized a collective effort to follow the daily events across the country and monitor the news from various news services, websites, weblogs, people's views, students, religious leaders, IRIB's executives, *Sepah*, and *Basij*. Closer to the election, the British diplomats and local staff began traveling to various provinces, paying particular attention to the views of different ethnic groups in Iran about each candidate.
2. Extended intelligence activities by the British in gathering information during the post-election crisis, to the point where their local personnel were always present at the scene of the conflicts collecting information. Furthermore, the local staff had been instructed to contact political parties and gather information and analyses provided by them, and report their findings thereafter.
3. Subsequent to the announcement of the election result, the British Embassy began its actions to spread rumors and allegations of fraud in the election, claiming the existence of fabricated and fraudulent ballots thereby encouraging chaos and illegal protest assemblies under the pretext of citizens' rights.

Moreover, following the commence of the crisis, a meeting was organized in London by the British Ministry of Foreign Affairs in which opposition groups (including the *Munafiqin*) were present. In that meeting, the following guidelines were adopted as a strategy for the rioters and opposition:

- a. Continuation of riots and illegal assemblies (particularly after the Friday prayer of 29/3/88 [19 June 2009]);

- b. Lack of obvious presence of opposition groups;
 - c. Distinguishing ‘protests’ from ‘violent struggles’ (in the form of civil disobedience);
4. Participation of all British diplomats at street marches and illegal assemblies subsequent to the election;
 5. During the interrogations, one of the accused in the recent events made confessions with respect to:
 - His presence, and that of his spouse, in an illegal gathering in support of Mr. Karroubi in Sa’adatabad as well as in an illegal gathering in support of Mir-Hussein Mousavi in both Sa’adatabad and Gisha;
 - The presence of Alex Penfield, First Secretary and Thomas Bern, Deputy Secretary (who has left the country since the recent crisis);
 - The presence of a British diplomat, on 24/3/88 [14 June 2009] on Sana’ie Street in the midst of the chaos in an illegal gathering after the election;
 - The participation of Samuel Morgan, diplomat from the Public Relations Office, on 25/3/88 [15 June 2009] on and about Motahari and Shariati Streets in the midst of chaos and the arrests of some of the protestors;
 - The presence of Thomas Bern on 28/3/88 [17 June 2009] on Enghelab Street during an illegal march;
 - The participation of Paul Blami, deputy of the Visa Office (now expelled from the country), on 28/3/88 [17 June 2009] on Ferdowsi Square taking photographs of that day’s gathering;
 - The presence of Samuel Morgan, on 27/3/88 [16 June 2009] on Karimkhan Street during the illegal march; (Hussein Rassam: interrogation of 6/4/88 [27 June 2009]—pages 12 & 13.)

Furthermore, a number of the accused have made direct admissions to the fact that during the illegal assemblies of Mr. Mousavi’s supporters in Baharestan, Alex Penfield, First Secretary of the Embassy, asked them to go to Baharestan square and report their observations. (Arash Momenian, Hussein Rassam)

The British Ambassador also instructed his local staff to assess and report their observations from other cities.

Prior to the election, Alex Penfield and a local person from the political section held a meeting with members of the headquarters of one of the protesting candidates. He also held meetings with some individuals associated with other parties and officials from some NGOs. Moreover, subsequent to the election, on 4/4/88 [25 June 2009], at the VIP section of the Embassy, Mr. Penfield met with a well-known reformist political figure (while obtaining a visa) and discussed the candidacies, the recent events, and the historic Friday Prayer sermon of 29/3/88 [18 June 2009]. (Hussein Rassam: interrogation of 9/4/88 [30 June 2009]—pages 17 & 18.)

Allocation of a £300,000 budget to domestic NGOs. Assisting these NGOs could have streamlined collaborative efforts between non-governmental sectors to take advantage of the recent crisis;

Identifying sources with connections through administering the ILET test. In this manner the British Embassy tried to identify effective people in order to prepare for using them in times of need.

Efforts towards screening of unlicensed films at the Embassy with the aim of attracting filmmakers and producers to exploit them when necessary;

Establishment of the VIP section at the visa office with the aim of exploiting relationships with individuals who have influence in various sectors under the pretext of visa interviews;

Efforts made by Embassy diplomats to engage with the ethnic and cultural elites to build relationships with them for the purpose of advancing their own interests;

Presence of Embassy diplomats in various parts of the country and making connections with locals under the pretext of studying the Persian language;

Providing opportunities to attract and engage political and cultural figures in England towards advancing their own interests (i.e., Ata'ollah Mohajerani);

Collaborations between British academic and research institutes with domestic academic and research centers with the aim of influencing views and opinions (i.e., Chatham House, IISS);

Extended intelligence efforts by Britain to cover the lack of presence of the US and Israel in Iran;

Contacting and building relationships with the elite, political parties, and political figures for the purpose of gathering intelligence and to engage them in collaborating with their agencies;

Making connections with newspapers and media with the ultimate aim of influencing public opinion;

Role of BBC State News Service in the events following the election:

The BBC State News Service which operates under the umbrella of World Service receives its budget from the British Ministry of Foreign Affairs. Since two years ago, [the BBC News Service] has recruited and dispatched journalists and ordinary individuals in groups under the guise of the Trust Foundation to Turkey and Dubai in order to give them specialized training to establish and expand efforts known as “citizen’s journalism.” By selecting and hiring talented individuals from within these groups, it staffed other sections of the BBC thus creating a vast network of human resources in the country for the purpose of exploiting opportunities.

The budget allocated to this Trust Foundation is provided by the British Ministry of Foreign Affairs and other European countries in the amount of \$30M.

Subsequent to commencing their initiative to implement massive restructuring, the BBC established its Persian language television station, which was launched last Dey (1387) [Jan. 2009]. Most staff members in this network have completed the Trust training courses, and are among those who worked for networks that criticized the regime.

From the outset, BBC Persian began its operation with a particular aim; it made a wide-range of relationships with some documentary filmmakers in the country and collected their unlicensed works

that were banned from being screened in Iran. Later on, in its program entitled ‘Your Turn’—the main person behind which is an individual who had been arrested during the 18-Tir [July 9] riots, also a key individual behind ‘Trust,’ and who spent some time in prison—provoked strife within the country and attempted to exacerbate and exaggerate domestic disagreements and political challenges.

In the period leading to the election, BBC Persian made special plans to cover the anniversary of 18-Tir [July 9] so as to instigate and provoke students and the general population to start riots. Furthermore, prior to the presidential election, by inviting a number of dissidents and problematic figures and by covering the cost of their stay in London for a month and also covering the expenses of round-table political discussions, BBC Persian sowed the seeds of sedition and the idea of election fraud.

Before the election, even prior to the establishment of BBC Persian, many a times the question was posed by the rumor-spreading network if it could send journalists and reporters to Iran? What are the coverage criteria? And ... The results of all these efforts on one hand, and pre-election conditions of the country on the other prepared the arena for BBC to engage in an interventionist endeavor against the Islamic Republic.

The BBC Persian station made a massive effort to prepare for 24-hour coverage on Election Day. It arranged interviews with problematic individuals/dissidents within the country to transmit minute-by-minute reporting of the news and events.

Instructions provided by foreigners with respect to the continuation of protests in dispute of the results of the 10th presidential election:

1. Insisting on continuation of protests and rejection of the election results until a favorable outcome;
2. Identifying *Sepah* and *Basij* as elements of a military coup, and demanding removal of the said forces from the scene. (It is noteworthy that declarations made by various countries under the pretext of violation of human rights, and the need for international supervision [for the election], etc. were assessed in light of this issue. The elimination of the people’s [volunteer] force of *Basij* from the scene was urged by the United States’ intelligence and security agencies);
3. Creating distinction between religious and non-religious spheres;
4. Aggrandizing the gaps in various levels of society, and emphasizing the lack of support of certain leaders of the election results;
5. Emphasizing the support of certain leaders and well-known figures of opposition groups and rioters;
6. Intensifying pressures with the goal of forcing the president to resign.

B) Efforts made by anti-revolutionary and terrorist groups and their role in the events following the presidential election and recent disturbances.

Even though as a result of the historic letter issued by His Eminence the Imam (may God’s grace be upon his soul), the Freedom Movement group was tossed out to the margins of political arena and the cry of its threat against the pillars of the Islamic revolution became faint, this group has relentlessly held fast to its destructive position and against various ebbs and tides has exerted its utmost to quash the fruits of the blood of thousands upon thousands of martyrs and sacrificial souls. In the past two

years, more active than ever, the said group has again entered the country's political scene and has tried to present itself to foreign countries and the opposition within as the choice replacement of the regime of the Islamic Republic of Iran. To this end, the Secretary General of the group has made various visits to the United States, Germany, etc. Following is a sample of the positions taken and the initiatives made by the Freedom Movement in the last two years:

1. Subsequent to Mr. Ebrahim Yazdi's (leader of this illegal group) three month-long trip to America (from 30/11/86 to 5/3/87 [19 February to 5 May 2008]), the positioning of the Freedom Movement became fiercer, such that after many years, at political meetings held by the group, "the strategy to overthrow the regime ... ," was blatantly suggested by Yazdi and with the addition of the word "peaceful"—hence the attempt for a soft overthrow—it was approved by the group.
2. Subsequent to his return from America, Mr. Yazdi, boldly and bombastically targeted the pillars of the regime and adopted the strategy of attacking the "Supreme Leader," with the aim of striking the core of the sacred principles of the regime.

In an interview dated 23/3/87 [23 May 2008] with Rooz News Service stated: "Now is the time to evaluate the functioning of the regime based on the structure of 'Supreme Leadership.' We believe that the fundamental problem in Iran is the system of 'Supreme Leadership.'

Last Mordad [July-August], the Mojahedin of the Islamic Revolution Organization invited the leaders of the Freedom Movement to participate and speak at its 12th Congress. At the weekly meeting of his organization, Mr. Ebrahim Yazdi said: "I was invited to the Congress and I sent a message which was read at the session. We have to learn from the past so as to be able to succeed in advancing changes."

With regards to the alliance between the Freedom Movement, the Mojahedin of the Islamic Revolution Organization, and *Mosharekat* Party [Participation Front], Mr. Ebrahim Yazdi has stated: "We are pleased to see that political parties are gradually becoming more realistic. Groups that 10 years ago had drawn lines between friends and foes have come to realize that creating such borders are not realistic. Leaders of today are different than those 10 years ago ... There was a time when the Mojahedin of the Islamic Revolution were not at the stage that they could sit together with the Freedom Movement, but this year they invited us to the congress and we participated."

Furthermore, in a message to the congress of the *Mosharekat* Party, [Mr. Yazdi] declared 'purposeful political engagement' and 'growth and expansion of political parties and organizations' as prerequisites for the process of democratization in the country, and stated: "... interwoven and multi-layered schemes of totalitarians can succeed only when there is no dialogue and alliance between political parties ... "

Also, the youth branch of the *Mosharekat* Party invited Mohammad Tavassoli (Director of the Political Office of Freedom Movement) to speak at the Party's gathering hall. In 86 [2007] Tavassoli stated: "... more work must be done on political movements. For instance, *Mosharekat* is worth investing in; it could become influential due to its widespread membership."

3. At a collaborative meeting of the opposition movement held in Azar 86 [Nov.-Dec. 2007] hosted by the Freedom Movement group with the presence of representatives from other illegal groups such as *Advar-e Tahkim-e Vahdat*, *Daftar-e Tahkim*, influential anti-revolutionaries, and well-known political leaders, such as: Abdollah Nuri, Ansari Rad, etc., it was said that "the problem

with the country today is not (Mr.) Ahmadinejad, but in fact it is the foundation of Supreme Leadership, therefore our target must be towards that.” Also in this meeting there were discussions around involving leaders from the current regime towards this aim.

4. Unlike previous years, Freedom Movement group actively took part in the recent election and by supporting Misters Mousavi and Karroubi, conveyed its expectation for fundamental change in the country.

To this end, the Freedom Movement held meetings with those in charge of Misters Mousavi and Karroubi’s headquarters and, in agreement of collaborative efforts, it volunteered a number of its members in Tehran and other cities to stay at the offices of Mr. Mousavi, an example of which is the presence of Emad Bahavar, the director of the youth branch of the group, at Office 88 of Mr. Mousavi. The mentioned individual also brought with him a number of youth members to volunteer at this unit.

In addition to the Freedom Movement, other anti-revolutionary phantoms and gatekeepers of human rights in alliance with the West began their activities paving the ground for the expansion of post-election chaos.

Statements of a number of anti-revolutionary group leaders during election campaign:

During the course of the election campaign, by insinuatingly suggesting fraud and election coup, a number of eclectic anti-revolutionary group leaders tried to become catalysts for creating post-election chaos, among whom the leader of Freedom Movement and Kayvan Samimi (member and founder of a self-proclaimed Committee for Free, Healthy and Fair Election) can be mentioned.

On the military front, armed anti-revolutionary groups, anywhere from communist leftist and socialist groups to eclectic movements, the inwardly blind *Munafiqin*, separatist ethnic movements with the leadership of their Western superiors caused the bloodshed of thousands of innocent souls.

What is noteworthy concerning the *Munafiqin* group is that this group, through a measured move and as a result of agreements made with Western governments and support thereof, was removed from the list of terrorist groups. This move is indeed an endorsement of this group and gave it power to maneuver for the purpose of instigating measures towards an overthrow during the 10th presidential election in Iran. An important point in this regard is that the first country that removed the *Munafiqin* group from the list of terrorist groups was Britain, whose footprints are all over the recent disturbances.

Just as in previous years, prior to the 10th presidential election, the *Munafiqin* group, due to their animosity with the sacred Islamic regime and lack of knowledge of domestic matters, again made grave mistakes in its analysis. Prior to the election, the said group made great efforts to penetrate in campaign headquarters of Misters Mousavi and Karroubi (supporting classified files 570/85/88.)

Furthermore, from months before, it [Mojahedin-e Khalq] paved the grounds to support and organize unionized protests in competing campaigns and planned ways to intensify the rivalries between supporters of different candidates. However, with the awe-inspiring %85 participation of the insightful people of the Islamic Iran in the election, all their efforts and plans came to naught. With all their might, by dispatching teams of trained members to create strife, the elements of the *Munafiqin* group tried to change the direction of the protests to a violent, menacing, and terroristic struggle. By issuing consecutive manifestoes from their leaders and their vast distribution through satellite networks and the internet, they made efforts to heighten the crisis and extend the riots.

Following are excerpts from the 27 Khordad [17 June] and 18 Tir 1388 [9 July 2009] messages of the group leaders:

“Indeed in this day, you are the men and women of war, who rise in every city and town just as instructed by Maryam Rajavi. We must strongly support the annulment of this regime’s election. Fair elections must be conducted under the supervision of the United Nations, based on people’s leadership ... 27 Khordad 1388 [17 June 2009].”

“Spontaneous demonstrations must permeate at any time and any place, particularly in weak and susceptible regions of the enemy’s suppressive forces. Even in places that there are no opportunities for gathering, resisting nucleuses comprised of 9, 5 or even 3 young revolutionaries would eventually exhaust and defeat the suppressive forces of the enemy. Small nucleuses are the moving engines and initiators of larger gatherings. Also, do not forget additional nucleuses of transportation, paramedics, and communication teams ... 18 Tir 1388 [9 July 2009].”

Furthermore, the said group gave instructions to its connections, which they had previously trained at Camp Ashraf in Iraq and planted within the country, to engage in menacing and terrorist activities such as burning buses, banks and telephone booths as well as attacking military and security centers of Basij. In the same vein, one of the main camps of the terrorist *Munafiqin* group located in Britain (phone number 00442032398487) took a leading position in domestic terrorist activities and uprisings, and while promoting an armed struggle and creating chaos in the country, stimulated the crowds to shout sharp slogans against the leaders and the pillars of the regime. By insinuating that people mistrust the government, they paved the ground for creating a gap between the people and the government, and to this end did not leave any stone unturned.

Following is the confession of the accused, reference number T/88/11597, on the above subject:

“I became engaged with this group (*Munafiqin*) in Mehr 86 [Sept.-Oct. 2007] through one of its supporters. In Dey of that same year [Dec. 2007-Jan. 2008], with the assistance of a liaison smuggler, I was illegally sent to Iraq, where I received various trainings for three months at their Camp in the areas of computer, propaganda activities, recruiting manpower, ideological classes, gathering of intelligence, and training for menacing combative activities. I was then smuggled into the country in order to carry out missions according to the instructions given to me. To compensate me for my initiatives, they wired a sum of 1,400,000 Tomans [US\$1,400] to my account and that of my liaison. The sphere of my responsibilities during the election period included: gathering information and intelligence from electoral units, and taking photographs and footage and sending them to the *Munafiqin*. After the outbreak of riots, my mission was to be present in the scenes of struggles. On 27/3/88 [17 June 2009] I received a call from my liaison Zohreh, phone number 00442032398487, who said: “Everyone in Iran has a personal problem ... but what is the main cause of the problem? ... The main cause has to be eliminated ... I think this is the time ... time is of the essence ... we have come to help you, therefore the armed struggle of today is our voice ... go with your friends and burn something ... where the *Basijis* are. Get together in groups of 5 or 6 and sneak into one of their centers and burn it. Take fuel ([Molotov] cocktail) and throw it at them. Burn gas stations. Get hold of public buses, get the people out, ... and then burn [the buses] in the middle of the road ... ”

As a result of such activities, a number of individuals connected with this group, who were instructed by the *Munafiqin* to be present at the scene to create chaos and disorder, were killed or injured during these struggles. The *Munafiqin* in turn, in their own hypocritical manner, and in an effort to take advantage of the riots for their own interests, erected a memorial structure in their name in Camp Ashraf on 3/5/88 [25 July 2009].

It is noteworthy that for the purpose of gathering intelligence and inside information, the elements of sedition paid monthly wages to a number of individuals to deceive them and use them to contact agencies such as: Homa News Service, Iran News Agency, and also so called Committees for Defense of Human Rights and Political Prisoners ...

Through the kindness and favors of the Almighty and by the indefatigable efforts of the Unknown Soldiers of Lord of the Age (may God hasten His return), a number of these key liaisons who had an active role in the street riots were identified and arrested, rendering their terrorist and seditious efforts useless.

Furthermore, the separatist and ethnocentric groups who for years have been relentlessly involved in subversive activities to destroy this land through guidance from the enemy, were not sitting idle during the course of the presidential election, and were plying out another part of the scenario.

According to the existing documented evidence and the accused, these movements were guided by the enemies' intelligence agencies who devised various machinations for creating chaos and heightening crisis, which were caught by the Ministry of Intelligence before they were carried out. Following is a sample of such activities and machinations:

They penetrated the campaign headquarters of Mr. Karroubi with the aim of gathering information and influencing their thoughts and views so as to instigate conflict among different candidates and cause chaos. They also planned to blast a bomb during Mr. Mir Hussein Mousavi's speech in Tabriz Stadium.

It should be noted that two firearms and 20 bombs were confiscated from these accused.

On the cultural front, by using the imperialist media, the agents of the enemy's cultural attacks made efforts to concoct plans and tactics for an overthrow. In this regard, efforts of Western media towards overthrowing the Islamic Republic of Iran by exploiting the volatile conditions and the unrest following the 10th presidential election of the Islamic Republic can be mentioned. The following are noteworthy examples:

Through media efforts and psychological manipulation, Britain and America exerted their utmost to broaden the range of chaos; to this end, Britain was more influential and played a more active role. It can be said with confidence that indeed the BBC Persian station was the most active element and the greatest instigator of the agitations, and its psychological manipulations were far greater than that of other satellite networks. In reviewing the efforts and operation of this channel in days leading to the election and subsequent riots, two very different images of BBC Persian emerge. In days prior to the unrest and during the election campaigns, and in an effort to increase viewership, this channel concentrated its programs on showing the excitement about the election in Iran and presented different political view points that existed in the country. In so doing, this channel paved the ground for executing the next phase of its plan.

In the next phase, after the outbreak of the riots, this channel transformed into being the voice of the rioters, and while embellishing the news, footages, reports, interviews, etc. with regards to the protests, entered into psychological warfare against the Islamic Republic of Iran. During this phase of psychological manipulation, BBC Persian tried to insinuate the issue of fraud into the elections and reported it in an epic-making sensationalizing method to its audience encouraging their participation in the protests.

By continuing to broadcast archival or any new footages of the riots, this network still tries to depict the atmosphere of the country as volatile.

Likewise, among American networks, VOA (Voice of America) was most active in spreading the unrest. This network—albeit at a lower standard and less professional than BBC, adopted a destructive approach prior to the election campaigns with two particular objectives:

- 1) To destroy the validity and legitimacy of the presidential election of the Islamic Republic of Iran by describing it as undemocratic;
- 2) To damage and destroy the image and credibility of the President.

After the election and at the outbreak of the riots, by reporting the news through its own lens and conducting interviews with fugitive anti-revolutionary elements, this network tried to depict the chaos as a movement by people overthrowing the Islamic regime.

In addition to the said networks, tens of other networks related to anti-revolutionary groups, who are supported both financially and technically by Western countries, played a supporting role to the BBC and VOA networks.

Moreover, in addition to television networks, Western countries provided venues for the rioters on the internet, a sample of which is mentioned here below:

- 1) Offering a Persian-English vice versa translation tool for public use;
- 2) Offering advanced software for viewing clips of the riots with low-speed internet;
- 3) Offering anti-filter programs suitable to Iran's network;
- 4) Providing service on Twitter for Iranian users (on 20/6/2009 this American company delayed its planned update, which would require shut-down of its services for a few days, in the interest of supporting and offering service to the rioters);
- 5) Activating Facebook, an American company, to ease communication between users in Iran and other countries. At the time of the demonstrations, this company launched its Persian language trial program to provide easy access to the rioters.

Among other active movements confronting the theocratic regime of the Islamic Republic of Iran were those of royalist groups, who have, since the collapse of the tyrant royalist regime on 22 Bahman 1357 [11 February 1979] to date, been opposing the Islamic revolution with the guidance and support of international governments, spearheaded by the imperialist America and the bloodsucking Zionist regime, and to this end, they have not fallen short of committing any crime. These groups that nurture the thought of bringing back the royalist and monarchist regime, have exploited, under the guidance of their Western superiors, every means available to them, be it propaganda, media, political, military, and cultural in order to exert efforts to eradicate the country's religious values and replace them with archaic royalist beliefs.

Among groups that have been active in the past two years in this process through the financial, intelligence, military, training, and media/communication support of the West is a group called "The Royalist Society."

This group which has adopted the policy of overthrowing the Islamic Republic of Iran through terrorist activities supported by the American, British and Zionist intelligence agencies has devised extended plots with the objective of overthrowing the Islamic Regime. Through the kindness of the Almighty and the efforts of the Unknown Soldiers of the Lord of the Age (may God hasten His return), however, all their machinations were aborted at embryonic stages and came to naught.

Internet sites operated by the terrorist Royalist Society for the purpose of realizing their overthrow plots are as follows:

1. Expansion of the groups' communication networks through the use of internet and satellite televisions;
2. Efforts to promote anti-religious sentiments to its audience, viewers and associates with the aim of creating opposing forces against the theocratic state of the Islamic Republic of Iran in the form of training foot soldiers for the enemy in their efforts to overthrow the sacred regime of the Islamic Republic;
3. Providing military and intelligence training to its recruits for the purpose of extending its operational capabilities against the Islamic Republic of Iran;
4. Exploiting its associates to carry out intelligence activities and espionage towards the goals of the enemy's intelligence agencies and those of the group;
5. Intelligence activities and identification of key pro-regime figures with the aim of assassinating them;
6. Plotting terrorist activities;
7. Creating fear and fright in the country through terrorist activities, i.e., massacre with the aim of maximum death toll to create irrepressible crisis in the country;
8. Plotting the assassination of statesmen and political figures, etc.

Based on the above policies, in Farvardin 1387 [March-April 2008], the Royalist Society group attempted to plant a bomb at the *Husseiniyyih Seyyedu'l Shuhada* in Shiraz. During this terrorist operation, 14 mourners were martyred—including women and children, and over 200 injured.

Subsequent to this bestial act, the elements behind which were identified and hung, the said group devised other such terrorist plots with the aim of overthrowing the regime. However, every time their agents were identified and arrested through the efforts of the Unknown Soldiers of the Lord of the Age (may God hasten His return).

Included in the machinations of this group, known as the Royalist Society, were efforts to exploit the mood of the election towards advancing its plans of 'overthrow' in the framework of the American, British and Israeli policies. In this regard, the following action plans were transmitted by the enemy's intelligence agencies and the group leaders to their agents within the country:

1. Gathering information/intelligence with respect to the mood of the 10th presidential election;
2. Gathering information/intelligence with respect to *Sepah-e Pasdaran* and *Basij*;
3. Identifying and targeting crowded voting sites with the aim of planting bombs;

4. Plotting and organizing bomb attacks and terrorist activities in two crowded voting sites of *Husseiniyyih Irshad* in Tehran and Al-Nabi Mosque in Narmak;
5. Planting bombs in crowded locations, including *Imamzadeh Hazrat-e Ali Akbar*, Chizar and *Imamzadeh Zayd* located in the central Bazaar in Tehran;
6. Planting a bomb in *Husseiniyyih Fatimiyun* on Mojahedin Street;
7. Using chemical and poisonous bombs in crowded locations;
8. Identifying sensitive governmental centers for the purpose of bombing;
9. Identifying strategic fuel and food warehouses;
10. Planning to contaminate Tehran's drinking water with highly poisonous substances;
11. Providing the following training programs to rioters for the purpose of expanding the protests:
 - Training combative nucleuses;
 - Training information/intelligence protection skills;
 - Training to make homemade bombs and grenades;
 - Training to confront anti-riot police;
 - Training to conduct partisan combat;
 - Training to make electric shock devices;
 - Training to make tear gases and ways to fight against it;
 - Training to monitor conversations and to avoid being monitored;
 - Training to break through filters and avoid being identified online;
 - Training to break through distorted transmission;
 - Training to conduct surveillance and ways to avert being followed;
 - Training to use firearms.

The above-mentioned points indicate that the terrorist group, Royalist Society, has been actively involved in the past two years in efforts towards overthrowing the sacred Islamic Regime of Iran, and that the group members, fully aware of the implications of their actions, have streamlined their activities towards advancing the goals of the enemy's intelligence agencies and group leaders.

The existing evidence also indicates that this group was a piece of the puzzle with respect to the post-election crisis created as a result of the machinations of the enemies of the Islamic Republic of Iran in an attempt at a velvet overthrow. Furthermore, it indicates that this group was a combative arm in the movement towards challenging the authority of the regime of the Islamic Republic of Iran and that it came into the field with the goal of expanding the crisis beyond control and to embolden the actions

of the rioters. An example of such undertaking is the attempt of a bomb attack at the Holy Shrine of the Late Imam on 30/3/88 [20 June 2009] by a certain Bijan Abbassi—who himself was killed as a result of the explosion of the bomb before he came close to the tomb—due to the alertness of the local authorities.

The accused in the Royalist Society file who reside outside the country are:

1. Jamshid Sharmahd: a group leader, resident of Los Angeles, United States. The accused is a liaison between CIA and the Royalist Society, and plays a main role within the group;
2. Emanuel Afar: of Jewish descent, intelligence officer for Mossad, and resides in both United States and Israel;
3. Dordaneh Manouchehri: resident of London, England, and a liaison between the group and the British intelligence agencies;

It is noteworthy that after the bombing incident at *Seyyedu'l Shuhada Husseiniyyih* in Shiraz, a “Red-Wanted” [*sic*] warrant was issued by the judiciary and sent to Interpol. It is unfortunate, however, that the US and British police did not collaborate with their arrest and extradition (despite the terrorist activities of the accused and verification thereof by the media).

The accused on the first line of the said file who reside within the country are:

1. Mohammad Reza Ali Zamani, son of Esmail;
2. Ahmad Karimi, son of Mahmood;
3. Hamed Rouhinejad, son of Mohammad Reza;
4. Arash Rahmanipour, son of Davood;
5. Amir Reza Arefi, son of Ahmad

Detailed charges against each accused is contained in the file, and reasons for their convictions and the degree of each of their involvements in the recent uproar is noted in their indictments which will be declared in due course.

Deputy Public and Revolutionary Prosecutor of Tehran

Look for the following forthcoming IHRDC Report:

- During the Islamic Republic's violent suppression of the post-election dissent, allegations of **sexual assault and rape of detained protestors** were made against security forces.



Kianoosh Asa, a 24-year-old masters student of Petroleum Chemistry at Iran's University of Science and Technology, was shot on the streets of Tehran on June 15, 2009. His family was unable to learn any information about his whereabouts until June 24, when his body was identified in a morgue. He had been shot twice. He was buried on June 28 in his hometown of Kermanshah. The ceremony of the anniversary of the 40th day of his passing on August 6, attended by thousands of people, was interrupted by security forces who arrested some of his family members. On December 7, National Student Day, his brother, Kamran Asa, was arrested at the University while attending ceremonies. As this report goes to press, he is still detained.