



**Witness Statement of Hasan Yousefi Eshkevari**

**Name:** Hasan Yousefi Eshkevari  
**Place of Birth:** Eshkevar, Iran  
**Date of Birth:** August 11, 1949  
**Occupation:** Religious Scholar

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**Interviewing Organization:** Iran Human Rights Documentation Center (IHRDC)

**Date of Interview:** April 25, 2014

**Interviewer:** IHRDC Staff

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This statement was prepared pursuant to an interview with Hasan Yousefi Eshkevari. It was approved by Hasan Yousefi Eshkevari on August 30, 2014. There are 89 paragraphs in the statement.

The views and opinions of the witness expressed herein do not necessarily reflect those of the Iran Human Rights Documentation Center.

## Statement

### Background

1. My name is Hasan Yousefi Eshkevari. I was born on August 11, 1949 in Eshkevar, which is near Roodsar in Gilan Province. Before the Islamic Revolution, I studied at the Islamic Seminary in Qom for fifteen years. I was a cleric for many years. In 2000 I was incarcerated, tried in the Special Clerical Court, and permanently defrocked.
2. I have not been a member of the clergy for some 14 or 15 years. Before the Revolution I was an activist cleric, and I was arrested twice.
3. After the Revolution, I remained active and travelled the country in 1979-80 and gave public talks. I was Shahsavari and Ramsar's first elected representative in the [first] Islamic Consultative Assembly [Majles].<sup>1</sup> But then I left politics, and I taught at the Allameh Tabataba'i University for four or five years. However, following a talk I gave at Dr. Sami's memorial service in the fall of 1988, I was permanently banned from lecturing at the University by the order of the Ministry of Intelligence.<sup>2</sup> I have since worked mostly on scholarly and cultural projects. Since 1985, I have worked as a writer for the Great Islamic Encyclopedia. From 1990 to 1998 I was a writer and editor for the Encyclopedia of Shi'ism. For 9 years I served on the editorial board of *Iran-e Farda* monthly, for which I also did some writing. Also, during the reform era [of President Khatami], I wrote for reformist newspapers and publications.

### Qom Islamic Seminary

4. When I was 12 my father decided to enroll me in a seminary in the town of Roodsar, as my father's cousin was studying there. After spending two to three years in the Roodsar seminary I left for Qom in 1965, and I stayed there until 1978.
5. The seminary is usually closed for two and a half months during the summer, during which the students either go to their hometowns or travel to other cities. The seminary is also closed during the month of Ramadan. During this month those students who speak at the pulpit travel to different cities and villages to propagate Islam. Promoting Islam is a religious duty, and it also helps seminary students earn some money. The seminary is also closed during the first ten days of Muharram, during which the students travel to other towns. The prestige and reputation of seminary students determine which city, village or mosque in which the students lecture. I spent my Ramadan and Muharram holidays traveling to various villages and cities in Gilan and some parts of Mazandaran, like Ramsar, Shahsavari, and Chalous. Later I would also travel to Garmsar, Semnan, Damghan, Arak, Khomein, Abadeh, Golpayegan, and many more places.

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<sup>1</sup> The first post-revolutionary parliament in Iran was formed in 1980. Officially named the National Consultative Assembly, or *Majles-e Shoray-e Melli* by the Iranian Constitution, the parliament was commonly known as the Islamic Consultative Assembly or *Majles-e Shoray-e Islami*. When the Iranian Constitution was revised in 1989 the parliament was officially renamed as the Islamic Consultative Assembly.

<sup>2</sup> Kazem Sami was Iran's first Minister of Health after the Iranian Revolution of 1979, and he was close to the Freedom Movement of Iran. He was assassinated in 1988 under unclear circumstances. For further information on Kazem Sami and his assassination, see this report in Persian:

[http://www.radiofarda.com/content/f2\\_Iran\\_Islamic\\_Republic\\_history\\_Kazem\\_Saami\\_assassination\\_murder\\_Mohtashami\\_Bazar\\_gan/2229240.html](http://www.radiofarda.com/content/f2_Iran_Islamic_Republic_history_Kazem_Saami_assassination_murder_Mohtashami_Bazar_gan/2229240.html)

6. It is customary that each seminary student follows a particular *Marja'* and [sometimes] does his propagation work for him.<sup>3</sup> I became a supporter of Ayatollah Khomeini in 1961, when the clergy began its campaign [against the Shah]. I was about 12 or 13 at the time. I was the Ayatollah's follower all the way up to two or three years after the Revolution. Usually the *Maraje'* [Sources of Emulation] allocate some allowance for seminary students.<sup>4</sup> Of course, this does not necessarily mean that each *Marja'* only pays his own students. For example, *Maraje'* in Najaf might pay allowances to students in Qom. Or the *Maraje'* in Qom may cover the allowances of the students in Najaf and Karbala. Mr. Sistani in Iraq is a good example of this. He pays allowances to students in the Qom Seminary. These payments are not dependent on a seminary student's affiliation with any particular *Marja'*. The more financial resources a *Marja'* has, the more students he helps.
7. My allowance came from four or five senior clerics. One source was Mr. Khomeini who, at the time, lived in Najaf. I also received money from Ayatollah Khomeini's brother, Mr. Pasandideh, who lived in Qom and looked after the Ayatollah's house. But at that time, the money did not really amount to much. I would receive 30, 50, or sometimes 100 toumans.<sup>5</sup> In those days, the money was not too bad, but I could not live on this amount alone, especially after I got married in 1972. This is why, in order to make a [decent] living, I travelled around during the months of Muharram and Ramadan. There were, of course, a handful of students who did not need the money at all, as their fathers or families supported them. My father supported me too, but only up to the time I took up the clerical garb. When he could no longer support me, I lived on my student allowance and what I made when I traveled to promote Islam.

#### Acquaintance with Well-Known Clerics

8. I knew most of the politically-active clerics of the pre-revolutionary era. Montazeri, Gerami Qomi, Hashemi Rafsanjani, Mahdavi Kani, Khamenei, Hasheminejad, Mohammad Javad Hojjati Kermani and Hasan Lahuti were among those with whom I was acquainted. Some I knew quite well and some not too closely. Prior to my arrival in Qom in early 1960's Mr. Hashemi Rafsanjani had gone to Tehran for his compulsory military service. After completing his service he decided to stay in Tehran and I only got to know him from afar. During the 1960's and 70's, I never met Mr. Rafsanjani. It was only during my term in parliament after the Revolution that I got to meet and know him. Before the Islamic Revolution, Mr. Khamenei lived in Mashhad. In 1976 I went to meet him in his home in Mashhad. Mr. Khamenei and I were both members of the first *Majles* and this is how we remained in touch. Later, while I was still in the parliament, he became president and we occasionally saw each other. But after the end of my term in the first *Majles*, I ended my relationships with these gentlemen. I have had no connection with them since then.
9. I did not know Mr. Khatami prior to the Revolution. In the last few years before the Revolution, Mr. Khatami had moved to Hamburg to replace Mr. Shabestari at the city's Islamic Center. He returned to Iran right after the Revolution. I met him in the first *Majles* and we became close friends.
10. I became acquainted with Ayatollah Montazeri when I lived in Qom. He was the center of political activities there. It was also in Qom where I met and got to know Mr. Nouri Hamedani, who is now one of the *Maraje'*. He used to be one of my instructors. I also studied with the deceased Ayatollah

<sup>3</sup> The term *Marja'-e Taqlid*, or Source of Emulation, refers to a senior Shi'a cleric who has published a *resalah*, or jurisprudential treatise, and whose religious edicts are followed by those who choose to emulate him in religious matters.

<sup>4</sup> The term *Maraje'* is the plural for *Marja'*.

<sup>5</sup> Prior to the Iranian Revolution of 1979 the exchange rate was 7 toumans per 1 USD. Until the mid-1970s, as in most of the world, this exchange rate was fixed. See <http://harvardecon.org/?p=3106>.

Fazel Lankarani. I was also acquainted with Mr. Beheshti. I met him once in his house in the Darrous neighborhood in Tehran. This was in 1975 when I had to go to his house to run an errand.

11. I had met and knew Mr. Mahdavi Kani and Mr. Lahuti Eshkevari quite well. I got to know [Mr.] Hasheminejad by attending his speeches. I knew Mr. Hojjati Kermani since 1965. He was in prison for ten years. Our real friendship started when we both served in the first *Majles*, and it continues to this day. As for Ayatollah Taleghani, although we never met, I knew of him since the early 1960's and over the years I got to know him better.

### Arrests during the Pahlavi Era

12. In the 1960s and 1970s I was quite an active seminary student, and I travelled to various towns to give speeches and promote Islam. At that time, of course, one could never directly express one's political views in his or her speeches. I was a follower of Ayatollah Khomeini and, in practice, an active proponent of all [anti-Shah] political activists. From the Mojahedin-e Khalq Organization (MEK) to non-religious groups, in those days there were no clear boundaries separating different political opposition groups.<sup>6</sup> Therefore, in practice, I was advocating the cause of all anti-Shah groups. I read and distributed their books and leaflets.
13. My first arrest took place in the winter of 1974-75 in Gilan Province. I was arrested after I had given a sermon on the day of *Ashura* at a mosque in a township outside of Roodsar.<sup>7</sup> As soon as I left the pulpit, the gendarmerie arrested me right in front of the mosque. They took me to their headquarters in Roodsar and from there they transported me to the SAVAK office in Lahijan.<sup>8</sup> After being interrogated at the SAVAK office in Lahijan I was transferred to Rasht Prison.
14. The only reasons for my arrest were my sermons and the fact that I had distributed [anti-Shah] leaflets. In my sermons, in order to address the people's religious questions, I would usually use Ayatollah Khomeini's treatises without making direct references to him. During interrogations the charge attributed to me was "disseminating propaganda" against the Shah's regime. They had prepared reports on my sermons. At times during my interrogations they mentioned parts of them.
15. About eight years ago I managed to get copies of parts of my interrogations from the pre-revolution days from the Ministry of Intelligence. Based on the report a SAVAK agent had given on the content of my sermons, it was believed that I had encouraged those in attendance, especially those who

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<sup>6</sup> Established in the 1960s, the MEK proposed that true Shi'ism opposed not only dictatorship but also capitalism, imperialism, and conservative clericalism. The MEK advocated violent resistance in the form of guerilla attacks against the Shah's regime. During the Iranian Revolution, MEK members killed military and police administrators and contributed to opposition demonstrations. Although the MEK initially supported Ayatollah Khomeini, the relationship between the clerics of the Islamic government and the MEK gradually deteriorated. Excluded from power, in 1981 the MEK began a violent campaign against the Islamic Republic after the impeachment of its main ally, President Bani-Sadr. The Islamic Republic responded by mass arrests and summary executions, culminating in the prison massacre of 1988, during which thousands of MEK members and other political prisoners were executed following brief trials. For further information on the MEK and the 1988 prison massacre see [Deadly Fatwa: Iran's 1988 Prison Massacre](#) and [Speaking for the Dead: Survivor Accounts of Iran's 1988 Massacre](#).

<sup>7</sup> *Ashura*, the tenth day of the month of Moharram in the Islamic Calendar, marks the death of Hossein, the grandson of the Prophet Mohammad, at the Battle of Karbala (680 A.D.) against Caliph Yazid. *Ashura* is among the most important religious holidays for Shi'a Muslims. For further information on the Battle of Karbala and the events that led to it see this article in Encyclopædia Iranica: <http://www.iranicaonline.org/articles/hosayn-b-ali-i>

<sup>8</sup> SAVAK is the acronym for the National Intelligence and Security Organization, the secret police established in 1957 by Mohammad Reza Shah. SAVAK monitored, arrested and tortured dissidents. For further information on human rights violations committed by SAVAK see Amnesty International's 1976 report on the human rights situation in Iran at <http://www.amnesty.org/en/library/asset/MDE13/001/1976/en/08d8b278-a29b-4fc6-853b-0114b40b4f0a/mde130011976en.pdf>.

belonged to the working class, to go on strike. Apparently, according to the document, I had told those in attendance that British coal miners were granted their rights after they had gone on a strike.

16. They [the SAVAK] were convinced that my statements on the pulpit had encouraged workers to go on a strike. This approach is also prevalent in the current Islamic regime when interrogating detainees. These accusations were not too far from the truth. As a seminary student giving a sermon at the pulpit, my job was to preach religion, read Qur'anic verses and recount Islamic traditions. But instead I talked about the coal miners' strike in Newcastle!<sup>9</sup> This was considered a kind of deviance from my regular duties [as a seminary student] and was looked upon as an attempt to encourage people to go on strike.
17. The first time I was arrested they released me with no court appearance or bail. In those days it was not customary to ask for bail from political prisoners. According to the regulations at that time they were not very tough on political activists. On your first arrest, if you were not a member of an armed group, they would release you without a trial, or they would give you a lenient sentence. A second detention, however, entailed much harsher punishments. So although they knew I was an opponent of the regime, they also knew that I had not engaged in armed resistance, assassination, bombings, or homicide. I was released in the spring of 1975.
18. My second arrest happened in Qom in the winter of 1975-76. As a consequence I spent two to three months at the Joint Anti-Sabotage Committee Prison in Tehran.<sup>10</sup> My sense is that this time they had no real reason to arrest me and they were just trying to finish what they had started the first time. I realized that during the period between my first and second detentions I was put under "pursued surveillance," which in those days meant that they would monitor the suspects' telephone conversations as well as their comings and goings. Fortunately, I had no telephone. But they would also keep watch over the suspects' homes and monitor their relationships with those who frequented their homes. In my case, they had recruited another seminary student from my hometown to spy on me. I found this out after the Revolution when he was arrested for working for the SAVAK. [Before the Revolution] university students from Tehran as well as local activists would come to see me. They [the SAVAK] had noticed that I was [politically] active and that I was in touch [with other activists]. They must have felt there was some urgent need to put a stop to my activities.
19. The interrogations during the second detention were very long and each lasted around five or six hours. I was in detention for almost three months, during two of which I was interrogated at different and odd hours of the day, sometimes even in the middle of the night. Their most pressing charge was that I was connected to armed groups. But they knew quite well that this was not true and after a few interrogation sessions they dropped the subject. The other charge against me was disseminating propaganda for what they called "saboteur groups", or groups opposed to national security, such as the MEK, the Fedaiian-e Khalq Guerilla Organization, and Khomeini [supporters].<sup>11</sup> I was also

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<sup>9</sup> Newcastle upon Tyne, known commonly as Newcastle, is a town in northeastern England. In 2011 the town had a population of 280,200. Coal mining was a major industry in Newcastle since the Middle Ages. Although most coal mines had ceased operations in the region by the 1990s, Newcastle witnessed two large coal mining strikes in the 1970s. See [http://news.bbc.co.uk/onthisday/hi/dates/stories/january/9/newsid\\_2515000/2515917.stm](http://news.bbc.co.uk/onthisday/hi/dates/stories/january/9/newsid_2515000/2515917.stm).

<sup>10</sup> The Joint Anti-Sabotage Committee was established in 1972 to streamline security operations. The Joint Anti-Sabotage Committee Prison was renamed as Towhid Prison after the Revolution. In 2004 the prison was turned into a museum aimed at depicting the abuses of the Pahlavi regime.

<sup>11</sup> The Fedaiian-e Khalq Guerilla Organization was established in 1971 when two underground communist groups merged. Guerrilla warfare, "armed propaganda" for the revolution, and rejection of the Tudeh Party, the main communist party in Iran, were among the tenets of the organization. The approach of the organization shifted after some of the leaders of the group were killed in the summer of 1976 in a clash with the security forces, and the new leadership encouraged cooperation with other socialist groups. Although its membership had dwindled, the organization experienced a surge in the number of its supporters during the Iranian Revolution. In June 1980 the organization split into majority and minority wings over cooperation with the new government, with the majority wing supporting the Islamic Republic as anti-imperialistic, while the minority wing opposed

charged with disseminating propaganda against the Shah's regime and helping the families of political prisoners. These charges, especially the latter, were not completely unfounded, for I always tried to financially support the families of my detained friends during their incarceration.<sup>12</sup>

### **Conditions of Detention during the Pahlavi Era and Release from Custody**

20. At no time during any of my detentions by SAVAK was I physically tortured. They did not even slap me in the face. The first time they arrested me in Rasht no one directly insulted me. There was, however, one instance when General Movahhedi, the head of the SAVAK in Gilan, summoned me to his office and swore at me. He then got up and stood in front of me. I was preparing myself for a hard smack in the face, but he refused to raise his hand. I could not tell whether he just wanted to scare me or if he really meant to slap me. During my second detention, I was not physically abused in the Joint Anti-Sabotage Committee Prison or at the police station. But my interrogator was a very abusive and foul-mouthed man. He called himself [Mr.] "Lotfi", but I know that was an alias.<sup>13</sup> During my term in the *Majles* I happened to see him once and discovered that his real name was [Mr.] Shemirani.
21. I spent the first two weeks of my first detention in solitary confinement. For the rest, I was moved to an ordinary cell [with other detainees]. During my second incarceration, I spent the entire time in solitary confinement in the Joint Anti-Sabotage Committee Prison. I was [officially held] in solitary confinement, but I was rarely completely alone. Except for the first two weeks, the rest of the time I was with one and sometimes two other prisoners. Solitary confinement did not necessarily mean that you are the only prisoner there. It just meant that the door to the cell was locked at all times and the prisoner had no access to [the hall] outside the prison cell. In solitary you have no right to the outdoors, visitation, phone calls, books, newspapers, or television. So solitary confinement may hold two or three detainees at a time. For two and a half months, I shared that space with two other prisoners and was not allowed any access to the outdoors and fresh air.
22. I was released for the second time in the spring of 1976. This time, too, I was released without a trial or bail. The reason behind my discharge [in 1976] was the pressure human rights organizations were putting on the Shah's regime. This pressure was instrumental in the gradual release of [many] political prisoners who had served long sentences.

### **National-Religious Activities**

23. The National-Religious movement is not a party or a camp. It is a group that has been in existence since the 1990s and particularly the reform era, which began in 1997-98. Since that time the National-Religious became a presence in the political scene and was mentioned in the media. This alliance was formed around Ezzatollah Sahabi and the *Iran-e Farda* magazine. The magazine was in print from 1992 to 2000, during which time Mr. Sahabi was its managing editor. Some of my friends and I were

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it. Many Fedaian-e Khalq members were arrested and executed in post-revolutionary Iran. For further information on Fedaian-e Khalq Guerrilla Organization and other leftist groups in Iran see Communism in Persia after 1953 at

<http://www.iranicaonline.org/articles/communism-iii> . For a witness testimony of a Fedaian-e Khalq member see the Witness Statement of Shahrara at <http://www.iranhrdc.org/english/publications/witness-testimony/3168-witness-statement-shahrara.html>.

<sup>12</sup> It should be noted that the practice of charging dissidents with the crime of disseminating propaganda against the regime has persisted after the establishment of the Islamic Republic. The Iranian government still routinely charges dissidents with disseminating propaganda against the Islamic Republic. In addition, the charge of sabotage has also persisted under the name of acting against national security. For an examination of the charges used against political prisoners in the Pahlavi era, see <http://www.amnesty.org/en/library/asset/MDE13/001/1976/en/08d8b278-a29b-4fc6-853b-0114b40b4f0a/mde130011976en.pdf>.

<sup>13</sup> Using pseudonyms is still a common practice among interrogators and intelligence agents in Iran. See, for example, the Witness Statement of Yaser Goli, available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000118-witness-statement-of-yaser-goli.html>.

instrumental in establishing and running the magazine. A number of those friends currently live abroad.

24. I was an original member of the management and editorial staff of the magazine. In time, this group of political activists clustering around Mr. Sahabi and Dr. Peyman became known as the National-Religious [movement]. Some of the members of the group such as Dr. Reza Raeesi, Dr. Hossein Rafi'i, Mr. Mohammad Bastehnegar, and Dr. Nezamoddin Ghahhari currently live abroad. Mr. Reza Alijani, Mr. Taghi Rahmani, Mr. Morteza Kazemian and many more are among the group's distinguished members who are cultural and political activists.
25. [To define] the National-Religious approach, we can say that the word "National [ist]" refers to national sovereignty and belief in democracy. It does not necessarily mean nationalism. The term Religious is a reference to propensity towards a modern and reformed form of Islam. In this context one can also use the term Muslim Democrats. When I left Iran I noticed the difficulty in translating the term *Melli-Mazhabi* [National-Religious]. Not only is it difficult to explain the term outside of Iran, it has created some confusion and doubt inside Iran too. Some in Iran include the Freedom Movement of Iran as part of the National-Religious movement.<sup>14</sup> So the National-Religious movement is an alliance of a group of like-minded activists who work together to promote a number of distinct ideals.
26. My introduction to Mr. Bazargan, Dr. [Yadollah] Sahabi, [his son] Mr. Sahabi, and Dr. Yazdi happened during the first *Majles*. To date, I have kept my personal and working relationships with them. We were particularly close during the 1980's and 1990's, before the reform years. I was the only cleric with whom they maintained a close relationship. Once in a while, I was invited to talk at the memorial services [of National-Religious figures] and other religious ceremonies. Iran's political atmosphere was quite closed during those two decades and no member of the clergy had the courage to get close to these men. Mr. Kadivar, who was discharged just before my incarceration in 2000, later replaced me in their circles. Also, gradually some younger clerics were asked to give lectures at their ceremonies.

### The Berlin Conference

27. One night in the fall of 1999, around 10 PM, my phone rang. The person on the line spoke English, which I did not understand. The only word I could make out was "Eshkevari." I figured he had the right number, so I passed the phone to my son. They spoke for a bit and I realized that the call was from Germany, informing me that the Heinrich Boll Foundation was sponsoring a conference in Berlin in April 2000.<sup>15</sup>

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<sup>14</sup> The Freedom Movement of Iran was established in 1961 by Mehdi Bazargan, Yadollah Sahabi, and Ayatollah Mahmoud Taleghani. The Freedom Movement of Iran was affiliated with the National Front; however, religious principles also informed the group's political activities. Many of the group's members were imprisoned during the Pahlavi era. The Freedom Movement of Iran played an important role in the Iranian Revolution of 1979, and Ayatollah Khomeini named Mehdi Bazargan as the head of the Provisional Government and the first Prime Minister of the Islamic Republic. Bazargan, however, resigned after the takeover of the US embassy in November 1980, and the Freedom Movement of Iran was marginalized by the clerical establishment. For more information, see the information page on the group provided by Princeton University at <http://www.princeton.edu/irandataportal/parties/nehzateazadi/>.

<sup>15</sup> The Heinrich Boll Foundation is an organization based in Germany. It defines itself as "a catalyst for green visions and prospects, a think tank for policy reform, and an international network." The Heinrich Boll Foundation is "closely affiliated" with the German Green Party. See: <http://www.boell.de/en/foundation/organisation-16464.html>.

28. I knew of the Heinrich Boll Foundation in Germany. The caller informed us that the Foundation was planning on inviting a group of Iranian political and social thinkers and activists, as well as a few journalists and university students to the conference. The theme of the conference was “Iran after the Elections.” This was right around the time when the nation was preparing for the election of the sixth *Majles*, and the reformists were expected to win the election.
29. This was during Mr. Khatami’s third year as president. By then, the [political] atmosphere of Iran was completely different. [I learned that] if I accepted the Foundation’s offer of participation in the conference, they would immediately send me the official invitation. They were also planning on sending a representative to Iran to prepare us for the conference. So I instructed my son to accept their invitation on my behalf, but to inform them that this was only a conditional acceptance. I told them that I would give them my final answer only after I receive the invitation and have a chance to go over the program and the list of other invitees.
30. Within one week, I received the invitation and a conference brochure. After consulting a couple of my friends, I decided that attending the conference would be good and timely. The organizers’ objective was to gain greater insight into the political situation of Iran, such as the concept of reform and the post-election atmosphere. In the meantime, they wanted to assess the nature and health of the relationship between Iran, Germany, and the EU. This was particularly important to the German government, whose relationship with Iran had taken a dive after the Mykonos incident.<sup>16</sup> Moreover, in April or May, Mr. Khatami was to visit Germany for the first time. The conference brochure introduced the general objective of the conference as improving relations between Iran and Europe. The more specific objective, however, was announced as the German-Iranian relationship.
31. About one month later, Mr. Thomas Hartman, a journalist who worked closely with Heinrich Boll Foundation and the German Green Party, came to Iran and met with me and clearly described their goals and objectives. I liked what I heard, thinking it would be appropriate if I talked about Iran’s [domestic] situation at the conference. It was good for foreigners to hear about Iran from us. The other good thing about their invitation was the diversity of the invitees. [For example] seven or eight members of Iranian Writers Association, who had secular and non-religious affiliations, had been invited. Members of the reformist 2<sup>nd</sup> of Khordad Front were among the invitees as well. Mr. Sahabi<sup>17</sup> and I represented the national-religious group. At the time I was a member of the clergy and was working as a writer and researcher for the Great Islamic Encyclopedia. From time to time, I also worked as an independent journalist. But I did not have any government post.
32. Mr. Hartman was also interested in inviting conservatives to the conference. I approved of this idea and encouraged him to invite them, but warned him that the chances of them showing up were very low. Mr. Hartman was thinking of inviting Mr. Mohebbian, the editor of *Resalat* newspaper. I had met Mr. Mohebbian a number of times, as we had given talks at the university together. He was considered to be one of the intellectuals of the conservative camp and was somewhat more logical

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<sup>16</sup> In September 1992 Iranian agents murdered three leading members of the Democratic Party of Iranian Kurdistan (PDKI) in the Mykonos Restaurant in Berlin. The attack was one of a series of assassinations designed to intimidate and disrupt the activities of political opponents of the Islamic Republic. For a detailed account of the assassination, see [Murder at Mykonos: Anatomy of a Political Assassination](#).

<sup>17</sup> Ezzatollah Sahabi was a prominent member of the Freedom Movement of Iran, and he was imprisoned for his political activities before the Revolution. After the Revolution he had a number of official posts, and he was elected to the first post-revolutionary parliament. He was sentenced to six years of imprisonment following the Berlin Conference. He was also arrested following the disputed presidential election of 2009. Sahabi died in 2011. His daughter, Haleh Sahabi, was killed after an altercation with security agents present at the funeral. For an account of this incident see the Video Witness Testimony of Ali Kalaei available at <http://www.iranhrdc.org/english/publications/witness-testimony/1000000515-video-witness-testimony-of-ali-kalaei%E2%80%94witness-to-the-attack-on-the-funeral-procession-of-ezzatollah-sahabi.html>.



and sensible [than the others]. Later on I forgot to ask whether he had been invited and declined, or if he was ultimately never invited.

33. In the end, I obtained my visa and left for Germany in April 2000. Before leaving Iran, I had heard that some of the opposition groups [based abroad] had sent out statements protesting the decision of the conference organizers to exclude them from the conference and only invite reformists from inside Iran. Their statements claimed that the reformists in Iran were not an authentic opposition group, and they declared themselves to be the real opposition. All of their statements, slogans, analyses, etc. was based on the hypothesis that the Berlin Conference was organized with the help of the Iranian embassy [in Germany] and that the German government and the Islamic Republic of Iran were working together to undermine them. These complaints were, of course, quite normal. These opposition groups had spent the last 20 years propagating the overthrow of the Islamic government. They believed that the only way to get rid of the Islamic regime was through armed opposition, or held the belief that the Islamic Republic was beyond reform and needed to be eliminated. These groups refuted the validity and possibility of any kind of reform within the framework of the Islamic Republic. They considered any attempt at reform as a form of compromise, which inevitably postponed the kind of revolution they sought.
34. On the first day of the conference, Mr. Sahabi, Mr. Akbar Ganji,<sup>18</sup> Ms. Mehrangiz Kar,<sup>19</sup> Mr. Kazem Kardavani<sup>20</sup> and I spoke. Despite the [opposition groups'] efforts, the events scheduled for the first day of the conference were held. On the second day of the conference, however, despite their small number—which was not more than 100—they managed to completely take over the entire conference and did whatever they pleased. They shouted slogans and a man and a woman got naked.<sup>21</sup> In the end they managed to stop the two programs scheduled for the morning and afternoon of the second day. Consequently, the organizers were forced to send out personal invitations, a tactic which kept the disruptive elements out on the third day. Some 1500 to 2000 individuals had come to Berlin to participate in the conference. In addition, thousands were following the event via closed-circuit television.
35. In the meantime, the Islamic Republic took advantage of the situation and turned it against the reformists including Mr. Khatami's administration and [those of us outside government]. Six of the participants were arrested upon their return to Iran. Those who were not arrested were interrogated and ended up in court. Following the conference I went to Paris and stayed there for four months. I was arrested and taken to Evin Prison less than 24 hours after my arrival [in Tehran].
36. I was to be tried at the Special Clerical Court. My arrest warrant was issued prior to my arrival in Iran. In fact, agents of the Special Clerical Court were waiting for me at the airport. But since a large number of people had come to meet me at the airport, the agents thought it would be wise to avoid a commotion and not arrest me at that time. So they left me alone that night. But at 10:00 AM the next day—August 5, 2000—they arrested me at my house in Tehran.

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<sup>18</sup> Akbar Ganji, a former member of the Islamic Revolutionary Guard Corps, is a writer and political dissident. He wrote extensively on the chain murders of late 1990s. He was sentenced to six years of imprisonment for his involvement in the Berlin conference. After he was imprisoned, Ganji went on a long hunger strike. Ganji left Iran after his release.

<sup>19</sup> Mehrangiz Kar is a lawyer and human rights activist. She was sentenced to four years of imprisonment after the Berlin conference, but she left Iran in 2001. Her husband, Siamak Pourzand, was arrested in 2001 and charged with national security crimes. He was sentenced to eleven years of imprisonment in 2002. In the same year, his televised confessions were broadcast on Iran's state-run TV. He was later released due to poor health. Pourzand committed suicide in his home on May 29, 2011. For further information on Siamak Pourzand, see *Mockery of Justice: The Framing of Siamak Pourzand*.

<sup>20</sup> Kazem Kardavani is a sociologist, writer, and a member of the Iranian Writers' Association. He did not return to Iran after his participation in the Berlin conference.

<sup>21</sup> Portions of the Berlin conference are available on Youtube. In this video a man is seen taking his clothes off.: <https://www.youtube.com/watch?v=n2LHU4I4gXk>. See also <https://www.youtube.com/watch?v=Q0fj9K4KUnA>.

### Charges at the Special Clerical Court

37. They took me to the Special Clerical Court's Prosecutor's Office. There, I was informed of the charges against me and briefly interrogated until about 3:00 PM. My remarks at the Berlin Conference about religious concepts such as the mutability of Islamic laws and my opposition to the mandatory veiling of women were the main reasons for my arrest. I believed that veiling, although considered a religious obligation, should be a matter of choice. I had also stated that certain social laws like *hodud* punishments, *diya*, penal laws, and the like are laws that are mutable and can be changed according to time and place.<sup>22</sup> Based on these statements, [the authorities] accused me of apostasy. That was my primary charge.
38. But my indictment contained five charges.<sup>23</sup> My first charge was apostasy. My second charge was cooperating with anti-regime groups in Germany aimed at overthrowing the Islamic Republic. My third charge was disseminating propaganda against the Islamic Republic and insulting sacred [Islamic] values. My [fourth] charge was insulting Ayatollah Khomeini. And the last charge was defamation of the clergy by attending a gathering at which some people had insulted Islam, its holy figures, and the Islamic Republic.
39. During my interrogations, they added two more detainees—whom I did not know—to my case file. These two were Mr. Saeed Sadr, an Iranian employee of the German embassy in Tehran, and Mr. Khalil Rostamkhani, who worked as a translator. After the Berlin conference and during my interrogations I realized that these two were former members of the Union of Iranian Communists. The UIC was the group that launched the Amol affair after the Revolution.<sup>24</sup> As a consequence, Mr. Sadr and Mr. Rostamkhani served many years in prison and after their release they made a living as translators. Because of their connection with the Berlin conference, they too were arrested.
40. After I was informed of my charges, I was transferred to [Ward 325] Evin Prison where, for a while, I was held with two other inmates in a cell that resembled a solitary confinement cell.

### Interrogation

<sup>22</sup> *Shari'a*, or Islamic law, prescribes punishments for certain offenses. One category of crime and punishment as prescribed by *Shari'a* is called *hadd*. In plural, these punishments are called *hodud*, and they comprise a separate class of punishments from other *Shari'a* punishments or those that originate in the civil law. *Hodud* punishments are fixed and the judge cannot change or mitigate these punishments. Punishments for murder, adultery and theft, for example, fall into the *hodud* category. *Diya*, or blood money, refers to the sum of money paid to a victim of bodily injury or his or her family by the perpetrator who has caused the injury.

<sup>23</sup> Mr. Eshkevari's indictment indicates his charges as:

- A. Insulting sacred Islamic beliefs, denying and repudiating basic tenets of the enlightening religion of Islam and everlasting laws of the Qur'an through giving a speech against the Islamic veil and Islamic penal laws, giving interviews to foreign radio stations and denying the everlasting nature of Islamic and Qur'anic laws (addressed in the first discussion of the chapter apostasy in Imam Khomeini's *Tahrir al-Vasilah* as well as in Article 513 of the Book of *Ta'zirat*).
- B. Waging war on God, sowing corruption on earth, and acting against national security through participation in and leadership of a group that acted with the slogan of changing the religious government, taking part in the shameful Berlin conference, giving speeches against the Islamic Republic, participating in the meeting of the People's Fedaian Organization (majority branch) in Berlin, and other similar acts while abroad (related to Articles 186 and 498 of the Islamic Penal Code).
- C. Propaganda against the Islamic Republic and disseminating falsehoods through speeches, writing articles, and giving interviews to foreign publications and radio stations (related to Articles 500 and 698 of the Islamic Penal Code).
- D. Insulting and making false accusations against Imam Khomeini by attributing false statements to him (related to Articles 514 and 697 of the Islamic Penal Code).
- E. Seriously insulting the clergy by engaging in the above.

<sup>24</sup> The Amol affair involved an armed battle in the northern town of Amol between the Union of Iranian Communists, a leftist guerrilla group, and the armed forces of the Islamic Republic. The battle, which ended on February 26, 1982, resulted in the defeat of the Union of Iranian Communists. Several members of the group were arrested and executed following this incident.

41. For about a month, they interrogated me every day. The interrogations were long. [My interrogators] would start at around 8:30 or 9:00 in the morning and continue until 12:30, when they would stop for noon prayers and lunch. Then again, they would start from 2:30 or 3:00 in the afternoon until 5:30 or 6:00 in the evening. All in all, I was interrogated for 100 hours.
42. According to the law, a judge must rely on evidence when ordering a pre-trial detention.<sup>25</sup> But in my case, although I had committed no crime and there was no clear evidence against me, the judge ordered my detention. The only criminal evidence they had were my remarks in Berlin.
43. According to the judge, my case file included nine volumes describing all my post-revolution activities, such as lectures, interviews, articles, and trips. At that time there were no [Persian-language] BBC and Voice of America television broadcasts. But they had access to all the other interviews I had done with Radio France, BBC Radio, Voice of America radio and other stations. They also had access to some of my [wiretapped] telephone interviews. For example they would ask: “Where did you go?”; “Why did you say such and such in this statement?”; “Why did you say such and such in that interview?” The questions they asked me were all theoretical and matters of opinion.<sup>26</sup> They had no evidence implicating me in any criminal activity within the framework of the Islamic Republic’s laws.
44. Throughout all my interrogations, I repeatedly told them that although I had said all that they accused me of saying, none of the statements alone constituted a crime, regardless of whether they were right or wrong. Even if my statements were completely wrong, and even if the authorities were completely opposed to what I had said, making wrong statements should not be considered a criminal act.
45. They generally treated me well during the interrogations. I never experienced physical abuse and they never disrespected me. Although my relationship with the prosecutor’s assistant remained very tense and unpleasant, I was never insulted. My relationship with them gradually improved. My guess is that they eventually came to understand that my situation was not what they thought, and that they were wrong in their assumptions. I believe my interactions with them also had an impact on how they treated me. I began every interrogation day with “hello”, “good morning” and “how are you.” I believe that detainees have, to some extent, the power to change the behavior of prison officials. They are human too, after all.

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<sup>25</sup> Article 32 of Iran’s Code of Criminal Procedure for Public and Revolutionary Courts states: In the following cases, whenever the existing evidence and affairs incriminates the accused, the issuance of a sentence for temporary detention is allowed in the following cases:

1. Crimes for which the legal punishment is execution, stoning, crucifixion and amputation of a body organ.
  2. Intentional crimes for which the minimum legal punishment is a three-year imprisonment.
  3. Crimes related to Chapter One of Book Five of the Islamic Penal Code.
  4. In cases where the freed accused might destroy evidence, or the accused colludes with other accused, or with the witnesses and others who were aware of the incident; or if the accused can cause witnesses to refuse to testify. Also, when there is a fear that the accused might escape or hide, and there is no other way to prevent it.
  5. Maximum of six days for murders when the parents of the murdered request evidence.
- Note 1 – In crimes of unchaste behavior, if there is no personal element involved, the detention of the accused is allowed only if his or her freedom would result in depravity.
- Note 2 – Observing the regulations stipulated in section (D) above is mandatory for sections (A), (B) and (C) as well.

<sup>26</sup> Questioning arrested individuals about their beliefs and ideologies during interrogation is a common practice. See, for instance, the Witness Statement of Sherko Jahani Asl available at <http://www.iranhrdc.org/english/publications/witness-testimony/1000000160-witness-statement-of-shirku-jahani-asl.html> and the Witness Statement of Fariba Davoodi Mohajer available at <http://www.iranhrdc.org/english/english/publications/witness-testimony/3172-witness-statement-fariba-davoodi-mohajer.html?p=1>.

46. When interrogated at the prosecutor's office of the Special Clerical Court I was neither handcuffed nor blindfolded. They handcuffed me only once, and that was when they were transporting me from Evin Prison to the prosecutor's office. I protested and it never happened again. Every morning they would put me in a car and take me from Evin Prison to the prosecutor's office of the Special Clerical Court for interrogation. I was completely free to talk [in the car]. In the prosecutor's office the interrogator would sit on one side of the room and I'd be on the other side. The prosecutor's office and the [other] Special Clerical Court buildings are located side-by-side on the Moghaddas Ardabili Street in Tehran.
47. Evin Prison consists of a cluster of wards. The Ministry of Intelligence has its own solitary confinement ward (Ward 209). The Prisons Organization has its own solitary ward (Ward 240). The Revolutionary Guard has its own prison (Ward 2-A), and the Special Clerical Court has its own private prison (Ward 325, also known as *band rowhaniyat*). Evin Prison is not just one prison. It consists of three to four different prisons and each prison operates independent of the rest. On paper they are all under the supervision of the Prisons Organization, but in reality it is not so.

### **Trial**

48. A month into my detention I asked for furlough until my court date. I was denied this request, but they reassured me that my trial will take place soon. It took place about one month later over a span of three sessions. Although my hearing happened on time and, my trial was supposedly conducted in compliance with the appropriate legal procedures, it is my belief that several rules were broken.
49. First, the fact that they detained me before my trial was legally wrong. I am talking about my temporary detention. According to the law in the Islamic Republic of Iran there are only three cases that justify a person's detention before his or her trial. First, when the accused is bound to escape; Second, when there is likelihood of tampering with the evidence. Third, when there is the possibility of collusion.<sup>27</sup> None of those cases applied to me. The fact that I voluntarily returned to Tehran knowing quite well that they would be waiting to arrest me at the airport and take me directly to Evin Prison, shows that I did not intend to flee. Moreover, I had not committed a crime the evidence of which I intended to destroy. Nonetheless, they had already ordered and announced my detention.
50. Indeed, all the statements I had made during the Berlin conference had been televised and broadcast worldwide, so there was no way of destroying or even denying any of it. These speeches have all been videotaped, distributed and were in the hands of the authorities. So there was no way I could get rid of the record of my speeches and written statements. I had no opportunity for collusion either. With whom could I have colluded? The Berlin conference organizers? Mr. Ganji, who was in detention at that time?! They are not supposed to keep anyone in solitary confinement more than 20 days and according to the Constitution of the Islamic Republic, the accused has to appear in court within 24 hours.<sup>28</sup>

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<sup>27</sup> See Article 32 of Iran's Code of Criminal Procedure for Public and Revolutionary Courts, *supra* note 27. Under Article 32 individuals charged with national security crimes may be temporarily detained. According to this code the defendant may appeal the temporary detention order. This provision implies that the temporary detention order should include a detailed explanation of the reasons for its issuance. However, in practice temporary detention orders do not contain adequate information. Moreover, defendants are almost never informed about or given the chance to appeal a temporary detention order.

<sup>28</sup> Article 32 of the Iranian Constitution declares, "No person may be arrested except according to and in the manner laid down in the law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must immediately be communicated and explained in writing to the accused. Within at most 24 hours the file on the case and preliminary documentation must be referred to the competent legal authority. Legal procedures must be initiated as early as possible. Anyone infringing this principle will be punished in accordance with the law."

51. Another illegal development in my case was their refusal to hold a public trial. Despite the promise they had originally made, they broke their pledge and violated the law. Their third violation of the law was their refusal to give me a choice of lawyers. I introduced a friend of mine by the name of Mr. Rahami as my defence lawyer. Mr. Rahami was a member of the clergy, a university graduate, and a lawyer. He had also served as a representative in the first *Majles*. Moreover he had defended Mr. Nouri,<sup>29</sup> and, along with Ms. Shirin Ebadi, he had represented the students involved in the student uprising of 1999.<sup>30</sup> They declined my request to have him as my lawyer.
52. I insisted on either having the lawyer of my own choosing or no lawyer at all. I eventually ended up with a court-appointed attorney. He was a cleric as well as a licensed attorney. In the end, I was satisfied with him because he defended me well.
53. Another violation of the law was that none of the five charges against me were considered illegal acts. Moreover, no evidence was ever produced to convict me of any wrongdoing. Using legal and jurisprudential precepts, my court-appointed attorney refuted all the charges and proved these accusations wrong and unfounded.
54. Their next legal error not providing me with a bill of indictment before my trial. They [briefly] showed me the text to review and to take notes with only a few days left before my hearing. However, they did not allow me to keep a copy. At the end of the second session I complained and asked for a copy that would enable me to defend my case, and they gave me the bill of indictment. But it proved to be completely useless. My indictment is accessible on my website.
55. Another illegal act was not providing me with a copy of the court's judgment [after it] sentenced me to death and two years of imprisonment. They allowed me to only read over the text and take notes to prepare my appeal. During my four-and-a-half years of incarceration I repeatedly asked to see a copy of my sentence. This was a legitimate and legally sound request that remained completely unanswered. To this day, I do not have a copy of the sentence which, by law, should be provided to either me or my lawyer
56. The law was also violated when they refused to give me the defence brief that my lawyer had prepared. It was some 70 or 80 pages long. No matter how much I insisted on having it, my court-appointed attorney refused to give it to me. After my discharge from prison my lawyer told me that Mr. Nekounam, the prosecutor of the Special Clerical Court, forbade him from handing over the defence brief. I never got to see it. So even today, some 14 years later, I do not own a copy of my lawyer's defence brief. It seems to me that they fear the distribution of the content of the brief. They have no fear of violating human rights and being criticized by the international community, but they are afraid of exposing any and all evidence against themselves.

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<sup>29</sup> Abdollah Nouri is a cleric and an Iranian politician who held several governmental posts. He was Minister of Interior in the first term of President Rafsanjani. He also served as the Minister of Interior in the first term of President Khatami, but he was impeached in 1998 after serving for only one year. He was subsequently appointed as a vice-president to Mohammad Khatami. He later resigned from his post to run for Tehran's city council. He received the highest number of votes in that election. In 1999, Nouri, who also published the *Khordad* newspaper, was charged with insulting sacred Islamic beliefs and national security crimes. He was tried at the Special Clerical Court and was sentenced to five years of imprisonment.

<sup>30</sup> Following the closure of the newspaper *Salam*, University of Tehran students staged a peaceful protest in July 1999. In response, plainclothes from Ansar Hezbollah, a conservative pressure group aligned with the conservative establishment, raided the University of Tehran dormitories. The raid resulted in one death and extensive damage to the dormitories. In the following days university students staged widespread protests in Tehran and clashed with security forces. Many students were arrested and several were given prison sentences. For further information on the July 1999 student protests see the Witness Statement of Behrouz Javid Tehrani at <http://www.iranhrdc.org/english/publications/witness-testimony/100000222-witness-testimony-behrouz-javid-tehrani.html> and the Witness Statement of Kourosh Sehati at <http://www.iranhrdc.org/english/publications/witness-testimony/3171-witness-statement-kourosh-sehati.html>.

57. Yet another violation was holding my trial without informing me beforehand. On the morning of the day of the trial, in October 2000, they called me from Evin Prison to the prosecutor's office to have a visit with my family after a very long time. My lawyer was also present. They informed me of my trial that day.
58. I was surprised and asked, "Why?" While in prison, as soon as I had realized that my trial date was approaching, I discussed the five charges against me with my lawyer. We decided that the lawyer would cover the legal aspects of my defence and I would cover the religious aspects.
59. I wrote some preliminary statements in my defence and brought them with me that day to discuss with my lawyer, Mr. Barzegar. But when he informed me that the trial was to take place that very day, I told him that I had no prior knowledge of that arrangement and that I did not feel prepared to defend myself. I protested and said that he, being my lawyer, should not have accepted this arrangement and should have informed me in order to enable me to prepare my defence. He had reasons [for accepting the early trial date] and told me that I had no choice but to show up in court.
60. I then asked if the trial would be public. He answered that it was not. I asked for the reason behind this decision and reminded him that I was promised a public trial. And then I announced my refusal to show up in court under those conditions. He tried to convince me otherwise. I insisted and told him that I refused to appear in a closed and illegal trial.
61. Then I went to meet Mr. Razini, the head judge of Branch One of the Special Clerical Court. He had promised me a public trial. I asked him what reason he had behind this change in our arrangement. He said that he did not know the reason and that the final decision rested with the judge presiding over my trial. I reminded him that he had promised me a public trial. He agreed [to having made that promise], but insisted that the final decision was not his. Apparently he was right.
62. I told my lawyer that I refused to appear in court under those conditions and that he was free to go to trial without me if he wanted to do so. He told me that if I did not go he would attend the trial on his own, and that my refusal to go with him would ultimately hurt my case. In the end I gave up [and appeared in court]. It was very difficult to make the decision [to appear] under those tense and stressful circumstances. My lawyer assured me that we would protest the court's decision to hold a closed trial and said that he was hopeful about the outcome. He promised to support me on this. So I accepted, and when in court, I voiced my complaint. Of course, after discovering the truth about these trials I regretted my decision to appear in court.
63. Since the trial was closed to the public, only four or five people [other than myself] were present at my trial. The judge was Mr. Mohammad Salimi, who is currently the head of the Special Clerical Court. The public prosecutor, Mr. Nekounam, his assistant, a secretary, my lawyer and I were the only people present.
64. In response to my complaints about my closed trial I was told that public trials damage public opinion. I reminded them that my charges had been broadcast all over the media. I had been bad-mouthed and branded as an apostate on television. [By that point] many [negative] things had been said about me [in the public arena]. If none of those [negative things] offended the public's religious sensitivities, why was it considered damaging to public opinion that I wanted to defend my faith in Islam?!
65. Alas! They had already made up their minds about having a closed trial. I then asked if I could, at least, have my family at the trial. I asked for my wife and children to be present, as they had come to see me earlier and were waiting outside. They declined this request too. In fact Mr. Salimi, the judge,

laughed [at the request] and said: “Now that I have already been accused of despotism, what is one more act of tyranny?!” These are the words my judge used!

66. First they read the indictment. And since my lawyer was not prepared, he presented a short and weak oral defense and promised to write up the official defense brief shortly. The same thing happened on the second and third sessions. My second trial session was a week after the first and the third was a week after the second session.
67. [The court] issued my sentence on October 18, 2000. Since I was in prison at the time, I did not know anything about the sentence they handed down.
68. At that time public opinion was very unfavorable towards the regime, particularly towards the Special Clerical Court. Opposition was frequent and loud. In Iran, the reformist media and the sixth *Majles* were the strongest voices of protest. President Khatami and the speaker of the sixth *Majles*, Mr. [Mehdi] Karroubi, both defended my position. In Iran, the public outcry against my situation had created a tense and unpleasant atmosphere against the Special Clerical Court. Abroad, too, there was extensive outcry in my defence. In Germany, for example, since my speeches had been published and broadcast by popular media, I had become well known to the public.
69. In addition, due to my diabetes, foreign physicians--including Doctors without Borders and some German doctors--warned the government about my fragile health. The renowned German orientalist and Islamic scholar, Annemarie Schimmel, wrote a letter to Mr. Khatami and expressed her objection to my treatment. Also, some 70–80 bishops and leaders of Catholic and Protestant churches in Germany wrote and signed a letter in my defence. Given the tense anti-government atmosphere that prevailed [in Iran and abroad], the government decided that a simple televised press conference would, once and for all, take care of the situation.<sup>31</sup> Therefore, Mr. Mohseni-Eje'i held a press conference. In this interview he made reference to my charges and announced the sentences. He also announced that he was not happy with the results for the first two charges [but] that the verdict was ultimately decided by the judge. I saw Mr. Mohseni-Eje'i's press conference on TV [while I was in prison].
70. My first charge was apostasy. My second charge was attempting to overthrow the Islamic regime. But despite the media's calls for him to divulge my charges and my sentence, Mr. Mohseni-Eje'i remained silent [about the details]. In the end, when the journalists told him that they already knew of my sentence, he threatened them with prosecution should they divulge what they claimed to know. His reason was that no final verdict had yet been reached. The reality was that they were worried that my death sentence would leak out.
71. I had no information regarding my sentence for over a month after that day. On November 21 they took me to the prosecutor's office. The prosecutor, Mr. Nekounam, told me that Judge Salimi had handed down my death sentence. And then he proceeded to say that the death sentence would not be carried out. When I asked for the reason, I was told that Mr. Mohseni-Eje'i was supporting me.
72. I had [previously] been told that it is mandatory that the judge's verdict be carried out. There are two theories among my friends as to why my death sentence was not carried out. One [theory] is that they issued the sentence without ever intending to act on it just to scare me and others. I believe this to be the case. The other theory is that they actually did mean to carry out the sentence, but fear of domestic and international backlash stopped them. On the other hand, they didn't have much support in the

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<sup>31</sup> Another such letter is the RSF letter on Eshkevari from 2002 protesting his 7-year sentence in 2002: [http://archives.rsf.org/article.php3?id\\_article=4158](http://archives.rsf.org/article.php3?id_article=4158).

government either. President Khatami, Mr. Karroubi and Mr. Montazeri had all defended me.<sup>32</sup> The Association of Combatant Clerics of Tehran had come to my defense as well.<sup>33</sup> It was quite clear for everyone that the apostasy charge did not stick at all. And finally when they presented my sentence to Mr. Khamenei, he opposed it too.

73. Their plan, it seemed, was to hand out the death sentence and then coerce me to ask for pardon, at which time they would set me free. This way rather than physically executing me they would succeed in executing my character. They suggested that I write a letter to the Supreme Leader and request his intervention. I refused and stressed that this would never happen.
74. In response to their suggestion that I write to Mr. Khamenei, I expressed my confidence that he will oppose the judge's verdict for two reasons. One was the fact that he knew me from before the Revolution. Although he may not agree with me on [the] issues, he could not consider me an apostate. Secondly, since Mr. Khamenei is the *vali-e faqih* [Guardian Jurist, the Supreme Leader in Iran's current political system], he must know that my statements do not constitute apostasy. In the end, I told the assistant prosecutor, who had originally made the suggestion, that should Mr. Khamenei agree with the verdict, they must not worry. They should just go ahead and carry out the sentence. It is said that if a diabetic lives after 50 he is a recycled person! [I told him that] I was a diabetic who had [until that point] lived to be 52, so I was not worried about anything.
75. After my sentence was delivered, they only let me read it. They did not even allow me to keep my own verdict. Then they told us that my lawyer and I could appeal. So I wrote an appellate brief, which was sent to the Special Clerical Court's appeals court. My lawyer wrote an appellate brief too. The Special Clerical Court has its own independent appeals court. Eventually after spending two years in prison, the court of appeals nullified the sentence and ordered a second trial.

### **The UN Human Rights Delegation Visit**

76. In 2003 a human rights delegation from the UN came to Iran to inspect prison conditions.<sup>34</sup> The delegation was led by Mr. Louis Joinet. They visited and interviewed some political prisoners and others. Mr. Ganji and I were in Evin Prison at the time, and we were among those who met this delegation. Their delegation included the French lawyer Mr. Joinet, an interpreter who was a French-Algerian woman; and one other gentleman.
77. On the day of his visit he asked our wardens to leave as soon as he walked into our cell. The three of them were left alone with me in the cell. They asked: "Have you [ever] been tortured?" to which I responded: "If by torture you mean physical torture, no, never. They have not even insulted me in any way. But to be held in solitary confinement in the Islamic Republic's prison should be considered torture." I said, "In the Islamic Republic of Iran torture is of two kinds, only one of which is familiar to you Western jurists. The other kind is hard for you to comprehend. You can understand the meaning of solitary confinement. Solitary confinement, and particularly solitary confinement in the Islamic Republic, is a form of torture.. The second kind of torture is the one which you Westerners don't understand. It is called the torture of interrogation."

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<sup>32</sup> Grand Ayatollah Montazeri did not have an official position at that time.

<sup>33</sup> Founded in 1988, the Association of Combatant Clerics is a reformist political organization. Prominent members of the organization include former President Mohammad Khatami, former Majles Speaker Mehdi Karroubi, and influential cleric Mohammad Mousavi Khoeiniha.

<sup>34</sup> The Working Group on Arbitrary Detention was established by the former Commission on Human Rights in 1992. The Working Group on Arbitrary Detention visited Iran from February 15 to February 27, 2003. Following this visit the delegation published its findings in a report published in June 2003. The report is available at <http://www.refworld.org/docid/4090ffd30.html>.



78. I told them that I had been interrogated and questioned for 100 hours in the Special Clerical Court and then for 150 hours in the Revolutionary Court. These interrogations resembled inquisitions. I told them that even according to Constitution of the Islamic Republic none of my charges could be categorized as criminal acts. I related to them that all the questions asked of me during the interrogation sessions revolved around what I had said, what I had written, and who had interviewed me. All of these questions had to do with ideas, with what was in my head. Can thoughts alone be considered criminal acts? I told them that for hours my interrogator would question me about simple and stupid incidents like casual conversations with people. Westerners don't get it. The West has not had to deal with the Inquisition for ages, and such incidents are very rare in advanced countries.
79. Because I was not sure that I would be able to meet with the UN delegation in the absence of prison authorities, I had put whatever I wanted to say to them in writing. I was hoping to have the chance to discuss my situation with them both orally and in writing. The meeting took place in the manner I had hoped for and I was able to provide an oral explanation as well as my written statement. In my written statement I listed 14 counts of violations of the law that had taken place in my case. In fact, the 14 counts that I listed did not include violations of any internationally-recognized human rights, just the violation of the laws of the Islamic Republic.

## Second Trial

80. I was tried [under the same charges] again in the summer of 2003 and sentenced to seven years of imprisonment in total. The trial judge was Mr. Ali Razini. I received [a sentence of] four years' imprisonment for "insulting sacred [Islamic] beliefs," simply because I had stated that the veil should be a matter of choice, not compulsion. I also received a two-year sentence for "disseminating falsehoods", including statements I had made about the chain murders in Iran<sup>35</sup> and a one-year [sentence] for participating in the Berlin conference. Eventually, after four-and-a-half years of incarceration I was freed pursuant to Article 38 of the Islamic Penal Code. This provision is referred to as the conditional discharge [provision]. I was released on February 5, 2005.

## The National-Religious Case

81. In the spring of 2001 [during the course of my prison sentence] I was interrogated for my affiliation with the National-Religious movement. Others arrested on the same charge were Mr. Sahabi, Dr. Peyman, and a number of our other friends. I was taken from Evin Prison to Detention Center 59, the IRGC detention center in Eshratyab, where I was placed in solitary confinement.<sup>36</sup> I was interrogated orally and in writing for roughly 150 hours over three-and-a-half months. These interrogations covered National-Religious cases and were mostly based on public and political statements I had made. The Berlin conference was only alluded to a few times during these interrogations.
82. After three and half months [in Detention Center 59] they took me back to Evin Prison. My interrogator there was connected to Branch 26 of the Revolutionary Court [of Tehran]. He told me that as far as they were concerned my file was clear. But I was told that they had to deliver my file to

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<sup>35</sup> The term "chain murders" refers to a series of assassinations carried out by agents of the Ministry of Intelligence in the 1990's. Following the assassination of a number of writers and political activists in 1998, the Ministry of Intelligence admitted that "rogue elements" from within the ministry were responsible for the assassinations. See <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2011/01/the-chain-murders-killing-dissidents-and-intellectuals-1988-1998.html>.

<sup>36</sup> Colloquially called "Eshratyab Prison", Detention Center 59 in Tehran is among the most well-known of the detention centers operated by the Intelligence Division of the IRGC. See <http://ebrat-iran-news.blogspot.com/2011/01/66.html> [in Persian].

the Special Clerical Court since that court had to make the final decision. The Special Clerical Court did not try me again. I think my case file is still open. However, my friends were tried and sentenced to four to eleven years of imprisonment.

### **Defrocking**

83. I have posted my pictures on my site in the gallery section. There is a picture of my arrest that shows me walking out of my house clothed in my clerical garb, carrying a briefcase. Behind me in the picture are Mr. Zeidabadi and an agent of the Special Clerical Court. There is also a picture of me leaving the prison after four and a half years. In this picture, I am carrying the same briefcase, but instead of my garb I am wearing a sports jacket. I was also officially defrocked in my first court sentence. Both pictures were taken by my son Rouhollah.
84. I wore my clerical garb during my first day in prison. On the second day, however, Mr. Nekounam ordered his assistant to forbid me to wear my garb, at which time I stopped wearing it. Being stripped of my cloak and robe, I was left with my pajamas. I had no pants and did not look presentable. So I had to call home and ask them to bring me a pair of pants. That was the last time I wore my clerical garb. This treatment was one example of the 14 counts of illegal acts against me. They took away my religious garb prior to my trial and before the judge's ruling.
85. Although I live far from Iran and the reach of the government, I refuse to wear my garb for two reasons. First, even if they change their minds and ask me to wear my garb again, I will refuse and never again take up the clerical garb. The garb was never significant to me. It was just something I wore. The aspect which was important to me, and which I still believe to be true, is that in Iran, this garb commands respect and influence among the masses in a manner that is not available to a non-cleric.
86. Before the Revolution, I believed that by wearing this garb I would be better able to serve the [opposition] movement. I realized that the garb enabled me to communicate with the religious stratum in the mosques. My clerical garb became a tool that allowed me to talk to people and create awareness in their midst. After getting into the *Majles* I stopped giving sermons, and I no longer earned money from religious activities. I no longer went to Qom. Nor did I receive the seminary student allowance.
87. Now, as for my most important reason for refusing to wear the cleric's garb: when they took away my garb, and after the horrible experiences that I had in prison, and after I saw with what cruelty and injustice with which they treat people—which is far worse than you could ever imagine—[I began to dislike this clerical garb]. There are times when you hear about oppression and atrocities inflicted on others, feel angry, and at most empathize with the victims. But to experience it all first hand is something else. Although they did not treat me as badly [as they do others], witnessing the lawlessness and oppression that is prevalent took away all my trust in this system. I am now repulsed by that garb, and I will never wear it again.
88. My other important reason for not wearing the clerical garb is that although one can freely wear one's religious garb abroad, I don't believe it would do anyone any good. I believe that the reason I was insulted during the entirety of my three days in Berlin with phrases like "Get lost, mullah!" was the garb I was wearing, which to foreigners is the symbol of Islam and the Islamic Republic. In Special Clerical Court I reminded Mr. Nekounam: "For three days in Berlin I was insulted with

profanity and was called a mercenary of the Islamic Republic. Now you accuse me of trying to overthrow the Islamic Republic!" "The truth is," I said, "that because they did not have access to you [and the Islamic Republic] they swore at me instead!"

89. Most importantly, ever since I came abroad, especially for the first two years, I have been constantly thinking of going back to Iran. If I wear the clerical garb and travel to Iran then they would take me to prison for disobeying their order.