



## **“You Can Detain Anyone for Anything” Iran’s Broadening Clampdown on Independent Activism**

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## I. Summary and Recommendations

Individuals from an ever widening range of groups in Iran are subject to arrest on security grounds for political activism and peaceful dissent against the government. Those arrested are frequently detained in facilities operating outside the regular prison administration, most notoriously in Section 209 of Tehran's Evin Prison, where they may be subjected to torture and abusive interrogation. After weeks or months the authorities frequently release those held on conditional bail or a suspended prison sentence, using the ever-present threat of a return to jail to intimidate them against further activism or open dissent.

Crackdowns on peaceful dissent have been a hallmark of all governments in the Islamic Republic of Iran, and there was already ample legal latitude for the persecution of government critics when Mahmoud Ahmadinejad took office in August 2005. It is the great expansion in scope and number of individuals and activities persecuted by the government that seems to distinguish the Ahmadinejad period to date.

Since August 2005 Iranian security forces have detained at least 35 members of the Iranian women's movement in Evin 209. They have also held teachers calling for better wages and pension plans, students and activists working towards social and political reform, as well as journalists and scholars with no history of activism. In the majority of these cases, the detainees have spent some or all of their detention in solitary confinement (sometimes for months), been denied access to counsel or visits with their families, and been put under severe psychological and physical pressure to give confessions, whether truthful or otherwise.

A set of laws within Iran's Islamic Penal Code entitled "Offenses Against the National and International Security of the Country" ("Security Laws"), provide the government wide scope for suppressing any peaceful activity it perceives as critical of its policies. Iranian law also has grounds for denying basic due process rights to security detainees. Although the Iranian Constitution, Code of Criminal Procedure, and the Citizens Rights Law include a number of provisions on detainees' rights and methods

of interrogation, Iranian law also includes grounds for denying some of these rights and straying from prescribed procedures. More than in any other period in recent Iranian history, the authorities have used security legislation as a pretext for politically motivated arrests and detention. Often there is no warrant or other legal basis given for the arrest; instead the authorities interrogate detainees without an attorney present with the intention of “fishing” for a charge. This report begins by outlining the due process rights under Iran’s criminal procedure code, as well as the security-related provisions that effectively undercut those rights.

Another distinguishing feature of politically motivated arrests under the Ahmadinejad administration is the focus not on individuals’ actions, but on their connections to foreign institutions, individuals, or sources of funding. The government routinely applies Iran’s broadly conceived security laws to accuse anyone from women’s rights campaigners to union organizers to student leaders of “spying,” “acting against national security,” “receiving funding from abroad,” or “planning a soft revolution.” Recent United States government policy promoting allocations of funds for “regime change” in Iran has been seized upon by the Iranian government to accuse independent Iranian civil society activists of being the agents of foreign agendas. Prominent Iranian activists have pointed out the ways that the Iranian government has exploited the US allocation of these funds in order to intensify its crackdown on civil society.

Human Rights Watch is calling on the government of Iran to amend or abolish the vague security laws and other legislation that allow the government to arbitrarily suppress and punish individuals for peaceful political expression, association and assembly in breach of international human rights treaties to which Iran is party. It is also calling on the government to treat detainees in accordance with international standards, and to either bring Evin 209 under the supervision of the regular prisons administration or shut it down.

Human Rights Watch is also calling on the US government to engage Iranian civil society regarding its funding allocations so that US support is not an easy pretext for continuing repression.

## **Key Recommendations to the Government of Iran**

*Full recommendations to the Iranian government can be found in section VII.*

- Release all individuals currently deprived of their liberty for peacefully exercising their rights to free expression, association, and assembly.
- Discipline or prosecute as appropriate officials at all levels of the Iranian Information Ministry responsible for the mistreatment of detainees at Evin 209 detention center. Bring Evin 209 under the supervision of the State Prisons and Security Corrective Measures Organization, or immediately close it.
- Amend the “Offenses against the National and International Security of the Country” (the “Security Laws”) to define both “national security” and the breaches against it in narrow terms that do not unduly infringe upon internationally guaranteed rights of free speech and assembly (provisions of the Security Laws requiring specific attention are enumerated in the “Detailed Recommendations” in section VII).
- Excise Laws in the Islamic Penal Code that criminalize “insults” against religious figures and government leaders.
- Change provisions in the Code of Criminal Procedure that allow the right to counsel to be denied in the investigative phase of pretrial detention. The government should guarantee the right of security detainees to meet in private with legal counsel of their choosing throughout the period of their detention and trial.

## **Recommendation to the Government of the United States**

- Engage with Iranian civil society groups to support projects which they believe will not provide an easy pretext for the Iranian government to repress their activities.

## II. Methodology

The Iranian government does not allow non-governmental organizations such as Human Rights Watch to enter the country for the purposes of unimpeded investigations into human rights abuses. In addition, many activists inside Iran are not comfortable carrying out extended conversations on human rights issues either over the telephone or over email. As documented in this report, the Iranian government often accuses its critics of being agents of foreign agendas. Many activists expressed to Human Rights Watch that they fear governmental surveillance of their phone and email conversations.

For this report, Human Rights Watch interviewed former Evin 209 detainees who are student activists, women's rights campaigners, and journalists. Human Rights Watch also spoke with family members of former Evin 209 detainees. In addition, Human Rights Watch consulted with experts in Iranian law and politics, some of whom were also formerly detained in Evin 209.

With the exception of three conversations over the phone and via email, Human Rights Watch conducted all of the interviews for this report using online messenger services. Human Rights Watch has a working relationship with a number of prominent Iranian activists and human rights lawyers who provided information for this report and introduced Human Rights Watch to the individuals interviewed. Human Rights Watch also conducted in person, email, and phone interviews with Iranian student activists, women's rights campaigners, and journalists who are currently in the United States and Canada.

In the case of all who remain in Iran and several who are currently abroad, Human Rights Watch has withheld names and locations out of concern for the security of interviewees and their family members.

Human Rights Watch on December 22, 2007 wrote to the head of Iran's Judiciary, Sayyed Mahmoud Hashemi Shahrdi, and Minister of Information, Gholam Hussein

Mohseni Ejhei, with questions about our findings but to January 4, 2008 received no responses.

### III. The Legal Environment

#### Iranian Legal Instruments and International Law

##### *Prohibitions on Freedom of Speech, Assembly, and Association*

A set of laws within Iran’s Islamic Penal Code, entitled “Offenses against the National and International Security of the Country” (“Security Laws”), constitute the government’s primary legal tool for stifling dissent.<sup>1</sup> These Security Laws are so broadly articulated that the government is able to punish a range of peaceful activities and free expression with the legal cover that it is protecting national security. The provisions governing security offenses have been in place since 1996, and the government has frequently relied on them to arrest perceived critics. In 1999, for example, following student demonstrations that the government forcefully suppressed, the Judiciary used these laws to charge Manouchehr Mohamedi, Gholam Reza Mohajeri-Nejad, Rahim Reza’i, and Malous Radnia with “incitement” and “receiving funds from the United States.”<sup>2</sup>

The provisions of the Security Laws prohibit various forms of speech, assembly, and expression, allowing the state arbitrarily and subjectively to judge them as being “against” the nation or its security. Article 498 of the Security Laws criminalizes the establishment of any groups that aim to “disrupt national security.”<sup>3</sup> Article 500 sets a sentence of three months to one year of imprisonment for anyone found guilty of “in any way advertising against the order of the Islamic Republic of Iran or advertising for the benefit of groups or institutions against the order.” Article 610 designates “gathering or colluding against the domestic or international security of the nation or commissioning such acts” as a crime punishable by two to five years of imprisonment.<sup>4</sup> Article 618 criminalizes “disrupting the order and comfort and calm

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<sup>1</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996.

<sup>2</sup> “Iran Threatens Revolutionary Court Trials for “Incitement,” Human Rights Watch news release, August 3, 1999, <http://hrw.org/english/docs/1999/08/03/iran1021.htm>

<sup>3</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 498.

<sup>4</sup> Ibid. Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 610.



of the general public or preventing people from work.”<sup>5</sup> In the words of an activist and law student in Iran who spoke to Human Rights Watch, “The articles on security are so general that you can detain anyone for anything and give him a prison sentence.”<sup>6</sup>

The government relies on other provisions in the Islamic Penal Code such as Articles 513 and 514, to silence perceived critics. Article 513 of the Islamic Penal Code criminalizes any “insults” to any of the “Islamic sanctities” or holy figures in Islam, while Article 514 criminalizes any “insults” directed at the first leader of the Islamic Republic of Iran, Ayatollah Khomeini, or at the current Leader. Neither article defines what constitutes “insults.”<sup>7</sup>

Iran’s Constitution provides little effective protection from such ambiguous and overbroad criminal laws. While the Constitution sets out basic rights to expression, assembly and association, these are invariably weakened by broadly defined exceptions. Article 24 of the constitution grants freedom of the press and publication “except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.”<sup>8</sup> Article 26 states that freedom of association is granted except in cases that “violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic.”<sup>9</sup> Article 27 guarantees the right to peaceful assembly again with exception of cases deemed to be “detrimental to the fundamental principles of Islam.”<sup>10</sup>

The rights to freedom of expression, assembly and association provided under international human rights law may be limited within narrowly defined boundaries. However, the overly broad exceptions contained in the Iranian constitution, security

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<sup>5</sup> Ibid. Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, art. 618.

<sup>6</sup> Human Rights Watch online messenger correspondence with student activist (name withheld), August 13, 2007

<sup>7</sup> Ibid. Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, ratified May 9, 1996, arts. 513 and 514.

<sup>8</sup> Constitution of the Islamic Republic of Iran, adopted October 24, 1979, amended July 28, 1989, art. 24.

<sup>9</sup> Ibid. Constitution of the Islamic Republic of Iran, adopted October 24, 1979, amended July 28, 1989, art. 26.

<sup>10</sup> Ibid. Constitution of the Islamic Republic of Iran, adopted October 24, 1979, amended July 28, 1989, art. 27.

laws, and the Islamic Penal Code more generally allow the government to suppress these rights beyond the limits set by international law.

A party to the ICCPR since 1975, Iran is obligated to abide by this framework. Article 21 of the ICCPR guarantees the right to peaceful assembly.<sup>11</sup> The article specifies that “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.”

The right to freedom of association is also well established in international law. The right to freedom of association may be restricted, but only on certain prescribed grounds and only when particular circumstances apply. According to Article 22 of the ICCPR:

(1) Everyone shall have the right to freedom of association with others, including to form and join trade unions for the protection of his interest;

(2) No restrictions may be placed on the exercise of this right other than those which are prescribed by 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.<sup>12</sup>

According to Prof. Manfred Nowak in his authoritative analysis of the ICCPR, the restrictions specified in Article 22(2) should be interpreted narrowly. For example, terms such as “national security” and “public safety” refer to situations involving an immediate and violent threat to the nation. “Necessary” restrictions must be

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<sup>11</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 21. Iran ratified the ICCPR in 1975.

<sup>12</sup> Ibid. ICCPR, art. 22

proportionate: that is, carefully balanced against the specific reason for the restriction being put in place.<sup>13</sup>

The UN Human Rights Committee, the international expert body that monitors state compliance with the ICCPR, has repeatedly highlighted the importance of such proportionality. In international law, “necessary” restrictions on freedom of assembly and association must be proportionate: that is, carefully balanced against the specific reason for the restriction being put in place.<sup>14</sup>

As the cases documented in this report reveal, the government’s criteria for denying the right to free assembly and association are neither proportionate nor narrow; rather, the government appears to consider any gathering that is critical of its policies as a threat to national and public security.

Similarly, the Iranian government uses its security laws and other sections in the Islamic Penal Code criminalizing speech that “insults” the “Islamic sanctities” or the Supreme Leader to restrict free speech beyond the exceptions allowed in international Law. Article 19 of the ICCPR, stipulates the right to hold and express opinions and to have access to information, and the conditions under which these rights may be restricted:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be

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<sup>13</sup> Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (Kehl am Rein: N.P. Engel, 1993), pp.386-387.

<sup>14</sup> The UN Human Rights Committee, see for example *Vladimir Petrovich Laptsevich v. Belarus*. Communication 780/1997 of the Human Rights Committee. See also Richard Fries, “The Legal Environment of Civil Society,” *The Global Civil Society Yearbook 2003*, Chapter 9, Center for the Study of Global Governance, London School of Economics, 2003.

subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- a. For respect of the rights or reputations of others;
- b. For the protection of national security or of public order (*ordre public*), or of public health or morals.

Similar to the restrictions it places on freedom of assembly, the government's designation of speech that endangers national security amounts to expressions of criticism about current Iranian policies.<sup>15</sup>

Forbidding "insults" to the Supreme Leader and setting heavy punishments for so doing effectively prohibits any critical assessment of the Supreme Leader, the single most important and powerful position in the Iranian government.<sup>16</sup> In the absence of a definition of what constitutes "insults," both this article and the article criminalizing "insults" to the "Islamic sanctities" can be broadly applied to expressions of criticism about current Iranian policies.<sup>17</sup>

### *Restrictions on Detainee Rights*

The government also relies on a number of security amendments for denying the rights of detainees during arrest, interrogation, and detention outlined in the constitution and Code of Criminal Procedure. The Iranian constitution and Codes of Criminal Procedure for the Courts of General Jurisdiction and Revolutionary Courts outline the rights of detainees and set clear limits for what is permissible during arrest, interrogation, and detention. (The Revolutionary Courts were established in 1979 with the jurisdiction to try offenses such as crimes against national security, slandering the founder of the Islamic Republic and the Supreme Leader, and smuggling narcotics.)<sup>18</sup>

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<sup>15</sup> ICCPR, art. 19

<sup>16</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, Ratified May 9, 1996, art. 514.

<sup>17</sup> Ibid. Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, Ratified May 9, 1996, arts. 513 and 514.

<sup>18</sup> Official website of the Iranian Judiciary, <http://judiciary.ir/courts-revolutionarycourts-fa.html> (accessed September 19, 2007).

## Detention without charge

Article 32 of Iran's constitution requires that "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours."<sup>19</sup> Article 24 of the Code of Criminal Procedure also sets 24 hours as the limit within which authorities must provide a detainee with a written reason "in cases where the detainee must be kept in detention in order for authorities to continue their investigations."<sup>20</sup> Ordinarily, Iranian law requires a judge to authorize any pretrial detention and provide written charges within 24 hours of any arrest.<sup>21</sup> Article 32 of the Code of Criminal Procedure states that a judge may issue temporary detention orders for cases involving offenses under the Security Laws, allowing authorities to hold detainees without charge beyond the 24-hour period.<sup>22</sup> Article 33 of the code gives the accused the right to appeal his or her detention order within 10 days.<sup>23</sup> While Article 33 also states that the detainee's case must be resolved in the course of one month, it also allows the judge to renew the temporary detention order.<sup>24</sup> The codes set no limits on how many times this order may be renewed.<sup>25</sup>

International human rights law does not specify a maximum allowable period of detention before trial. The ICCPR requires that "anyone arrested or detained on a criminal charge...shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subjected to guarantees to appear for trial."<sup>26</sup> For many of the cases covered in this report, detainees have been held in largely incommunicado

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<sup>19</sup> Constitution of the Islamic Republic of Iran, adopted on October 24, 1979, amended on July 28, 1989, art. 32.

<sup>20</sup> Islamic Penal Code of Iran, art. 24.

<sup>21</sup> Ibid. Islamic Penal Code of Iran, art. 24.

<sup>22</sup> Code of the Criminal Procedure for the Courts of General Jurisdiction and Revolutionary Courts, Approved by the Islamic Consultative Assembly September 19, 1999, art. 32.

<sup>23</sup> Code of the Criminal Procedure for the Courts of General Jurisdiction and Revolutionary Courts, Approved by the Islamic Consultative Assembly September 19, 1999, art. 33.

<sup>24</sup> Ibid.

<sup>25</sup> Code of the Criminal Procedure for the Courts of General Jurisdiction and Revolutionary Courts, Approved by the Islamic Consultative Assembly September 19, 1999.

<sup>26</sup> ICCPR, art. 9(3).

detention during the pretrial investigation period. The government denied access to lawyers during this period in all of the cases covered in this report, and in some cases detainees, refused to allow little to any communication with family members or other detainees.

Police and judiciary security forces often hold people under investigation for suspected violation of the Security Laws, in pretrial investigative detention, for weeks and months without any criminal charge being brought against them and without the opportunity to appear before a judge to challenge their detention. Detainees who are released without having been charged often fear being re-arrested as a form of harassment. Several of the former detainees Human Rights Watch interviewed for this report claimed that this process is a tactic the government uses to create an atmosphere wherein activists fear that they may be re-arrested at any time. According to these activists, the government deliberately maintains open cases to intimidate its critics.

International human rights law prohibits arbitrary arrest.<sup>27</sup> An arrest or detention is arbitrary when not carried out in accordance with the law, or if the law allows for the arrest and detention of people for peacefully exercising their basic rights such as to freedom of expression, association, and assembly.<sup>28</sup>

Article 9 of the ICCPR states: “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.”<sup>29</sup> Thus, the security exceptions in Article 32 of the Code of Criminal Procedures and the ensuing articles allowing for the continued renewal of the order of temporary detention violate the ICCPR’s due process guarantees.

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<sup>27</sup> ICCPR, art. 9

<sup>28</sup> According to the UN Working Group on Arbitrary Detention, the deprivation of liberty is arbitrary when a case falls into three categories: when there is no legal basis to justify the deprivation of liberty, when the deprivation of liberty violates certain articles of the Universal Declaration of Human Rights or the ICCPR, and when international norms relating to the right to fair trial are ignored or only partially observed. UN Commission on Human Rights, Working Group on Arbitrary Detention, [http://193.194.138.190/html/menu2/7/b/arb\\_det/ardintro.htm](http://193.194.138.190/html/menu2/7/b/arb_det/ardintro.htm).

<sup>29</sup> ICCPR, art. 9(3).

## Absence of access to counsel

The right to counsel is protected under international law. The UN Working Group on Arbitrary Detention expressed concern in its June 2003 report about lack of access to counsel in Iran.<sup>30</sup> Article 35 of Iran's Constitution guarantees the right to counsel.<sup>31</sup> However, the Code of Criminal Procedure effectively undermines this right. Article 128 of the Code of Criminal Procedure states that during the investigative phase of a case, which may last up to a month (though a judge may renew this detention phase indefinitely), counsel may be denied "in cases where the issue has a secretive aspect or the judge believes that the presence of anyone other than the accused may lead to corruption."<sup>32</sup> The article also states that for crimes involving national security, "the presence of the lawyer during the investigative stage takes place with the permission of the court."<sup>33</sup> According to Iranian legal expert Mehrangiz Kar, Article 128 effectively allows the judge absolute power to deny counsel during investigations and interrogations.<sup>34</sup>

The Iranian government has also taken legislative measures to reaffirm the denial of the right to counsel at a judge's discretion. Article 133 of the Parliament's Fourth Five-Year Economic, Social and Cultural Development Plan confirms the right to counsel in all stages of the trial process but repeats almost verbatim the caveat in Article 128 that grants exception to "cases where the issue has a secretive aspect or when the judge deems that the presence of anyone other than the court would lead to corruption."<sup>35</sup>

The judiciary and police security forces routinely rely on these exceptions to deny counsel to political detainees held for suspected breach of the Security Laws. As a result, and as documented below, not only does the government subject these detainees to interrogation and detention for months on end, without charge, but they

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<sup>30</sup> Report of the Working Group on arbitrary detention, Visit to the Islamic Republic of Iran, E/CN.4/Sub.2/2003/3/Add.2, June 27, 2003.

<sup>31</sup> Constitution of the Islamic Republic of Iran, adopted on October 24, 1979, amended on July 28, 1989, art. 35.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> Mehrangiz Kar, "Defense Lawyers, Denied the Right to Defend," website of Mehrangiz Kar, August 5, 2005, <http://www.mehrangizkar.net/archives/000023.php> (accessed October 3, 2007).

<sup>35</sup> Fourth Five-Year Economic, Social and Cultural Development Plan, passed by Parliament on May 2, 2004. art. 133.

frequently do so without granting them the support, oversight, or assistance of counsel. Without the presence of counsel and the important measure of accountability such a third party's presence provides, the investigations frequently involve physical and psychological abuse of detainees.

International law provides that access to counsel must be available soon after detention.<sup>36</sup> The Human Rights Committee has noted 48 hours as the limit during which a detainee may be held without access to a lawyer.<sup>37</sup> Exceptions in Iranian law that allow for the denial of counsel are in contravention of International standards. Article 14 of the ICCPR guarantees the right of the accused to prepare a defense.<sup>38</sup> Human Rights Committee General Comment 13 states that under the ICCPR,

The accused must have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing...[T]his subparagraph requires counsel to communicate with the accused in conditions giving full respect for the confidentiality of their communications. Lawyers should be able to counsel and to represent their clients in accordance with their established professional standards and judgment without any restrictions, influences, pressures, or undue interference from any quarter.<sup>39</sup>

The UN Basic Principles on the Role of Lawyers states, "All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within hearing, of law enforcement officials."<sup>40</sup> In laws that allow the government to deny certain detainees the right to counsel, and in practice

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<sup>36</sup> See, e.g., Human Rights Committee, Concluding Observations of the Human Rights Committee: Georgia. 01/04/97. CCPR/C/79/Add.75, paragraph 27; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 17(1); Basic Principles on the Role of Lawyers, principle 1; UN Centre for Human Rights, "Human Rights and Pre-Trial Detention," June 1994, pp. 21-23.

<sup>37</sup> Concluding observations of the Human Rights Committee: Israel. 21/08/2003 CCPR/CO/78/ISR. (Concluding Observations/Comments), para. 13.

<sup>38</sup> ICCPR, art. 14 (3).

<sup>39</sup> UN doc. HRI/GEN/1/Rev.6 at 135 (2003), para.9.

<sup>40</sup> Basic Principles on the Role of Lawyers, A/CONF.144/28/Rev.1 at 118 (1990), art. 8.



regularly prohibiting security detainees the right to counsel, the Iranian government breaches its obligations under international law.

### **Incommunicado Detention**

Detainees are commonly held for long periods either incommunicado or largely incommunicado. Incommunicado detention violates important rights of detainees, including access to family and legal counsel, to be promptly brought before a judge, and to be treated with humanity and dignity.<sup>41</sup> Incommunicado detention also heightens concerns about torture and enforced disappearance. The UN Standard Minimum Rules for the Treatment of Prisoners provides that: “An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.”<sup>42</sup>

The UN Human Rights Committee, in its General Comment on the prohibition against torture, urged states to take action against incommunicado detention.<sup>43</sup> The UN Commission on Human Rights repeatedly reaffirmed this position, stating in 2005 that “prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.”<sup>44</sup>

### **Safeguards against torture and ill-treatment not upheld**

Iranian law prohibits torture and other mistreatment of all detainees during interrogation or in custody, and makes no exception for Security Law detainees or otherwise. Article 38 of Iran’s constitution states that “all forms of torture for the

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<sup>41</sup> See ICCPR, articles 10(1), 14(3), 17.

<sup>42</sup> Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977), Rule 92.

<sup>43</sup> U.N. Human Rights Committee, General Comment No. 20, para. 11.

<sup>44</sup> U.N. Commission on Human Rights, Resolution 2005/39, para. 9.

purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.”<sup>45</sup>

In 2004, the head of Iran’s Judiciary, Ayatollah Shahrudi, enacted the Citizens Rights Law, which outlined detainee rights, reiterating some of these existing prohibitions.<sup>46</sup> The law also forbade certain additional specific practices, such as blindfolding during interrogation, humiliating detainees, and interrogating detainees while sitting behind the prisoner and/or otherwise obscuring the interrogator’s face from view. The Citizens Rights Laws helped reinforce the obligation of authorities to respect the basic rights of detainees in all circumstances, regardless of the grounds for their arrest.

Prohibitions on the abuse and mistreatment of detainees, for the purpose of obtaining confessions or for no purpose at all, are also firmly enshrined in international law.

The prohibition on the torture and other mistreatment of all persons in detention is enshrined in international treaty law and is considered a fundamental principle (peremptory norm) of customary law. Article 7 of the ICCPR states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 10 states that “all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.”<sup>47</sup> Article 14 protects the right of every person “[n]ot to be compelled to testify against himself or to confess guilt.”<sup>48</sup>

Prohibitions on torture and other ill-treatment are also found in other international documents, such as the Universal Declaration of Human Rights, the Convention

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<sup>45</sup> Constitution of the Islamic Republic of Iran, adopted on October 24, 1979, amended on July 28, 1989, art. 38.

<sup>46</sup> Citizens Rights Law, ratified by parliament on April 19, 2004, amended and ratified by Parliament April 21, 2004.

<sup>47</sup> ICCPR, art. 10.

<sup>48</sup> ICCPR, art. 14.

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 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.

Human Rights Watch has documented persistent violations of Iranian and international legal prohibitions against the mistreatment of detainees during interrogation and detention, including in Section 209 of Tehran's Evin prison, which features in this report. According to what detainees have revealed in public documents and in statements made to Human Rights Watch, officials working with the Ministry of Information ignore, openly defy, or mock the prohibitions in Iran's constitution, Code of Criminal Procedures, and Citizens Rights Law as well as Iran's obligations under international law. Ministry of Information agents routinely blindfold detainees during interrogations that they carry out at all hours of the day and often for lengthy hours at a time. This report also documents allegations that Ministry of Information interrogators and guards have beaten and verbally humiliated detainees in order to obtain forced confessions.

The government has also defied Iran's own laws and international law by frequently holding Security detainees in solitary confinement for extended periods of time. In the last two years, the government has detained Iranian students, women's rights activists, journalists, and independent scholars in solitary confinement, at times for periods exceeding 200 days. This inhumane practice gravely subjects detainees to lasting psychological damage

The laws governing the Prison Authority allow for disciplinary punishment of a maximum of 20 days in solitary confinement.<sup>49</sup> International penal standards dictate that solitary confinement should be imposed only for short periods, in an individualized fashion, under strict supervision (including by a physician) and only for legitimate penal reasons of discipline or preventive security. The UN Committee on Human Rights in a general comment stated that "prolonged solitary confinement

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<sup>49</sup> Bylaws of the State Prisons and Security and Corrective Measures Organization, <http://www.prisons.ir/fa/PrisonsOrganNewFormualPart2.php#anchor01> (accessed September 21, 2007), art. 175.

of the detained or imprisoned person may amount to acts” of torture or cruel, inhuman or degrading treatment.<sup>50</sup>

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

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

It appears to be an established fact that the use of this kind of detention has allowed the extraction of “confessions” followed by “public repentance” (on television); besides their degrading nature, such statements are manifestly inadmissible as evidence.<sup>51</sup>

The Working Group noted that “such absolute solitary confinement, when it is of a long duration, can be likened to inhuman treatment within the meaning of the Convention Against Torture.”<sup>52</sup>

## Administration of Detention Facilities

Iran’s National Prison Bylaws mandate the State Prisons and Security and Corrective Measures Organization (the “Prison Authority”) to oversee all of Iran’s prisons and correctional facilities. That organization itself falls under the direct supervision of the Judiciary.<sup>53</sup>

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<sup>50</sup> U.N. Human Rights Committee, General Comment 20, Article 7, *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994), para.6.

<sup>51</sup> Report of the U.N. Working Group on Arbitrary Detention, *Visit to the Islamic Republic of Iran*, E/CN.4/2004/3/Add.2, para 55, p. 15.

<sup>52</sup> Report of the Working Group on Arbitrary Detention, E/CN.4/2004/3/Add.2, para 55, p. 16.

<sup>53</sup> Website of the State Prisons and Security and Corrective Measures Organization, [www.prisons.ir](http://www.prisons.ir) (accessed September 21, 2007).

The Iranian Judiciary is a complex institution that often reflects the highly factionalized power struggles within the Iranian government. Many of the activists and former detainees interviewed for this report told Human Rights Watch of their varied experiences with the judicial system. They described a Judiciary that is not monolithic, with branches and authorities that may act in contradiction with one another.

Human Rights Watch has in the past documented human rights violations originating with the Judiciary. While the current head of Iran's Judiciary, Ayatollah Shahrudi, has in the last several years introduced some reforms, his initiatives have not fulfilled their potentials primarily because officials who defy Shahrudi's orders and Iran's laws are rarely held accountable. For instance, despite his 2002 order banning stoning as a form of punishment, court officials from the province of Qazvin stoned to death a man convicted of adultery, Jafar Kiani, in July 2007.<sup>54</sup> The same defiance and lack of accountability is evident with respect to Iran's Citizens Rights Law, which Shahrudi enacted in 2004.<sup>55</sup> This report documents numerous instances where Ministry of Information agents have openly defied these laws without being held accountable by trial judges or other officials in the Judiciary. (The Citizens Rights Laws are covered in detail in Chapter III.)

Article 24 of the Prison Bylaws states that "judicial, executive, intelligence, police, or military organs are prohibited from having their own prisons and detention houses," and that the Prison Authority must oversee all detention and correctional facilities. Despite these legal requirements, the government operates an undetermined number of detention facilities that fall outside the auspices of the Prisons and Security and Corrective Measures Organization.<sup>56</sup> These facilities are beyond any explicit legislative authorization or oversight.

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<sup>54</sup> See "Iran: Prevent Stoning of Condemned Mother," Human Rights Watch news release, July 11, 2007, <http://hrw.org/english/docs/2007/07/11/iran16378.htm>

<sup>55</sup> Citizens Rights Law, ratified by parliament on April 19, 2004, amended and ratified by Parliament April 21, 2004.

<sup>56</sup> Human Rights Watch has previously described illegal detention facilities in Iran in a June 2004 report. See Human Rights Watch, *"Like the Dead in Their Coffins": Torture, Detention, and the Crushing of Dissent in Iran*, vol. 16, no. 2(E), June 2004, <http://hrw.org/reports/2004/irano604/index.htm>.

Of the unauthorized detention centers that are known or suspected to exist in Iran, Section 209 of Evin penitentiary is the best known. The Evin prison complex itself, located in northern Tehran, is made up of several different detention units. In addition to the holding units, workshops, and recreational areas designed for use by the general prison populations, it contains buildings that are completely out of the control of the Prison Authority.<sup>57</sup> Instead, overlapping authorities from the Judiciary, the Iranian Revolutionary Guards Corps and the Ministry of Information variously use Section 209 to detain “security prisoners.” Section 209 is not the only unit in Evin Prison that fits this description. Evin Sections 240 and 325 Aleph are also known to function as detention and interrogation units for security detainees outside the purview of the Prison Authority.<sup>58</sup> A former detainee described Section 240 as a four-story building with approximately 700 to 800 solitary cells.<sup>59</sup> The well-known journalist and political activist Akbar Ganji, who was detained in Section 240, has claimed that the Judiciary’s Security Services (*Hefazat-e Etelaat-e Ghovey-e Ghazai-e*), a force affiliated with intelligence units of the Judiciary, controls the first floor of the building, while the Police Security Forces occasionally use another section to detain and interrogate “security detainees.”<sup>60</sup>

By operating outside the supervision of the Prison Authority, the Ministry of Information and police security forces are able to have control over all aspects of detention, such as interrogation times, methods, and detainees’ access to counsel, phone calls, and visits. It also allows them to keep the status of detainees secret in certain cases, such as during the investigative pretrial detention period when no official charges have been brought.

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<sup>57</sup> *Ibid.*, and Human Rights Watch interview with former detainee and student activist Ali Afshari, February 26, 2007.

<sup>58</sup> Human Rights Watch interview with Ali Afshari, February 26, 2007. In addition to units operated from prison grounds, such as the ones inside the Evin complex, former prisoners have reported the existence of a number of detention centers at various other locations, including army or Revolutionary Guards bases. Prison 59, also known as Eshraat-Abad, located on a base belonging to the Revolutionary Guards corps, is one such detention center. Former Prison 59 detainee Fariba Davoudi Mohajer provided Human Rights Watch with background information on the detention center and her experiences of solitary confinement on its premises. Human Rights Watch interview with Fariba Davoudi Mohajer, Washington DC, March 8, 2007.

<sup>59</sup> Human Rights Watch interview with Ali Afshari, February 26, 2007.

<sup>60</sup> Akbar Ganji, “Republican Manifesto, Book 2: Boycotting the Presidential election, A step Toward democracy and Open Society,” post to “Free Ganji” (blog), May 30, 2005, <http://freeganji.blogspot.com/2005/05/republican-manifesto-ii-preface.html> (accessed July 16, 2007). For further information on forces such as the Judiciary’s Security Forces, see Human Rights Watch, “*Like the Dead in Their Coffins*,” pp. 13-16.

Under the administration of President Mohammad Khatami, Ahmadinejad's immediate predecessor, Human Rights Watch documented how the Ministry of Information deployed security forces and interrogators under their control to intimidate critics with vague charges such as "disseminating lies," "insulting the leader," or "disturbing the public mind." Authorities also occasionally brought security charges as punishment for peaceful expressions of dissent, most notably against students during protests in 1999 and 2003.<sup>61</sup> Yet the period of the Khatami administration was one of considerable reform. In 2001 various officials, such as members of the Iranian parliament, attempted to investigate claims about the existence of illegal detention centers, and the parliamentarians asked Ministry of Information officials to allow them to inspect illegal detention units within Evin complex. The Ministry gave them only partial access to the prison, and did not allow them to view Section 209 or to meet with prisoners in that unit.<sup>62</sup>

Nevertheless, after their inspection, the MPs demanded that the government close down the unauthorized facilities inside Evin complex and elsewhere in the City of Tehran.<sup>63</sup> Other than reports of the closure of Towhid Prison, a detention center where the government had held and tortured a number of activists in connection with student protests in July 1999, the government did not heed the MPs' calls.<sup>64</sup> But these calls for transparency and accountability were important steps towards officially recognizing the violations of human rights inside Iran's illegal detention centers.

The Ahmadinejad administration seems to have negated these small gains. The rise in the number and rate of detentions in unauthorized detention centers indicate that far from abandoning these practices, the government is increasingly relying on arbitrary detention and abusive interrogation methods as part of a broad crackdown on activities and forms of expression that they deem to be critical of the ruling system. Moreover, Ali Akbar Mousavi Khoini, the MP who led the demands for

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<sup>61</sup> See Human Rights Watch, *"Like the Dead in Their Coffins,"* pp. 27, 40, and "Iran Threatens Revolutionary Court Trials for "Incitement," Human Rights Watch news release, August 3, 1999, <http://hrw.org/english/docs/1999/08/03/iran1021.htm>.

<sup>62</sup> Human Rights Watch telephone interview with former parliamentarian (name withheld), February 12, 2007.

<sup>63</sup> [Ibid.] Human Rights Watch telephone interview with former parliamentarian (name withheld), February 12, 2007

<sup>64</sup> Ibid., and Human Rights Watch, *"Like the Dead in Their Coffins,"* p. 17.

visiting and closing the unauthorized detention centers, himself later spent more than 130 days in Section 209 after being arrested in June 2006 for attending a peaceful protest for women's rights (see below). Much of that time was spent in solitary confinement.<sup>65</sup>

Judging from the statements of former detainees who spoke to Human Rights Watch, the Ministry of Information, which runs Evin 209 and is responsible for all those detained and interrogated there, appears unmoved by appeals to Iran's laws and international obligations. The actions and statements of the Ministry's personnel (some of latter are reproduced in Chapter V, below) indicate that they consider themselves above the law, where they are accountable neither to the country's legal codes nor to its citizens.

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<sup>65</sup> See "Iran: Police Assault Women's Rights Demonstrators," Human Rights Watch news release, June 15, 2006, <http://hrw.org/english/docs/2006/06/15/iran13548.htm>.



## **IV. Targets of an Expanding Crackdown**

The experiences of all detainees from the various civil society sectors featured in this report have in common deprivation of the rights to freedom of speech, assembly and association that led to their arbitrary arrest, violence accompanying arrest, torture and ill-treatment in detention, and prosecution. All spent time spent in Evin 209. Experiences in detention are described in the next chapter.

Most of the individuals featured in this report are no longer being detained. Court authorities release detainees on bail without providing set trial dates or issue suspended sentences in order to keep those detained under the constant threat of re-arrest and renewed detention. These practices grant the government the appearance of leniency in allowing activists to remain outside of prison. Yet freedom in these instances is conditional, and the government always has the option to threaten setting trial dates or activating suspended sentences in order to keep activists in line.

### **The Women's Movement**

In recent years, women's rights activists in Iran have been among the most organized groups working toward improving the human rights situation of women, men, and children in Iran. Over the past two years their activities have largely been in the form of national campaigns, such as the One Million Signatures Campaign (a project to raise general awareness about discriminatory laws against women and working to change those laws),<sup>66</sup> the Campaign to End Stoning Forever, as well as smaller-scale projects such as the campaign to allow women's attendance at national soccer matches. Government authorities under the Ahmadinejad administration have not responded well to the work of women's rights activists and have carried out their own campaigns to silence and intimidate the movement's supporters.

Notwithstanding the constitutional protection of the right to peaceful assembly, the Iranian government has variously attempted to deny this right to women activists by

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<sup>66</sup> Website of the One Million Signatures Campaign, <http://www.wechange.info/> (accessed September 19, 2007).

refusing to issue permits, threatening organizers ahead of scheduled events, and disrupting demonstrations and arresting attendees. A woman's rights activist told Human Rights Watch,

There is a legislative directive about getting permits for demonstrations, but it's used arbitrarily. Conservative groups that gather in front of embassies don't need permits and don't have their gatherings disrupted. But groups that are seen as critical of the government, even when they have permits, are harassed. They close our NGOs, and they don't give us permits to hold seminars in public buildings. Sometimes they will give us a permit for a public gathering and then revoke it at the last minute. Before our scheduled demonstration of June 12, 2006, agents from the Ministry of Information made threatening phone calls to organizers and regular folks who had been receiving text message announcements and warned them not to attend. We had to issue several public statements that the gathering would be peaceful, but on the day of the event, the police and security forces weren't even letting people stand together in groups of two or three.<sup>67</sup>

The wave of major crackdowns on the women's movement can be traced to the summer of 2006. A pivotal event, the June 12 demonstration mentioned by the activist quoted here, is detailed below.

### *The June 12, 2006 Demonstration and its Aftermath*

A broad coalition of activists put out a call for a June 12 peaceful demonstration in Seventh Tir Square in Tehran to ask for changes to laws that discriminate against women. The demonstrators had not obtained a permit, arguing that the government denied permits on political grounds and that Article 27 of the Constitution guaranteed their right to peaceful assembly.<sup>68</sup> That day prior to the start of the demonstration at Seventh Tir Square, police and security forces arrived to prevent

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<sup>67</sup> Human Rights Watch online messenger correspondence with women's rights activist (name withheld), August 14, 2007

<sup>68</sup> Human Rights Watch online messenger correspondence with women's rights activist (name withheld), October 30, 2007

participants from joining the event, and forcibly disbanded the crowds that were gathering.<sup>69</sup> In her blog, journalist and women’s rights activist Asieh Amini, who was attending the protest, described how police and security forces attacked the demonstrators:

They said, “Get up.” We said, “We’re not doing anything, we’re just sitting here.” They said, “Get up!” We said, “Sitting in a park isn’t a crime!” They said, “We’re telling you nicely to get up or else...” And that was all the time we had for conversation. We didn’t have anything to say to each other and both sides knew this. Then they hit us, meaning, “We’re not joking!” And those of us sitting and standing said, “Why?!” They kicked us out of the park, with force and beatings. We started walking around the park calmly and peacefully. They kicked us out and beat us. Someone yelled, “Shame on you; I’m your mother.” The response was, “I don’t have a shrew like you for a mother!” and she pushed her so hard that the crowd yelled in protest. We left—they took us—to the other side of the park. We picked up the signs we had made that said “change anti-women laws” and “We want the rights of a full human being.” We started chanting, “We are women, humans, but we have no rights” and “Oh woman, oh presence of life...” This time they started hitting us from all sides. And they weren’t just men. There were women with chadors who yelled, “Don’t argue with the police,” and then when there were arguments, insults and kicks would ensue from beneath those chadors.<sup>70</sup>

On June 14, a spokesperson for the Judiciary confirmed that the security forces had arrested 42 women and 28 men on charges of “participation in an illegal assembly.”<sup>71</sup> All of these were detained in Evin 209. Authorities released from pretrial detention all but one of the 70 detainees by July 18 (Ali Akbar Mousavi Khoini, the parliamentarian mentioned above, was the only prisoner who was not released. He

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<sup>69</sup> Human Rights Watch online messenger correspondence with women’s rights activist (name withheld), August 14, 2007.

<sup>70</sup> Asieh Amini, “The Sound of Women’s Freedom is Very Close,” post to “Varesh” (blog), June 12, 2006, <http://varesh.blogfa.com/post-213.aspx> (accessed July 18, 2007).

<sup>71</sup> “Iran: Police Assault Women’s Rights Demonstrators,” Human Rights Watch News Release, June 15, 2006, <http://hrw.org/english/docs/2006/06/15/iran13548.htm>

spent an additional 130 days in Evin 209, much of that time in solitary confinement, before authorities released him in October).<sup>72</sup> However, the charges against the detainees remained outstanding, and the judiciary proceeded to prosecute some of the demonstration's organizers.

The Sixth Branch of the Revolutionary Court set March 4, 2007, as the date to try five prominent women's rights activists who had played a role in planning the demonstration: Noushin Ahmadi Khorasani, Parvin Ardalan, Shahla Entesari, Fariba Davoudi Mohajer, and Sussan Tahmasebi. On the day of the March 4 hearing, supporters of the women gathered peacefully outside the courthouse in protest of the continuing harassment of the activists. Security forces violently broke up the gathering, arrested 33 of the demonstrators, including the four women who had shown up for their court date, and transferred them to Evin 209.<sup>73</sup>

By March 8, authorities had released all but two of the women, Shadi Sadr and Mahbubeh Abbasgholizadeh, who remained in Evin 209 until their release on March 19, having spent the period March 6-15 in solitary confinement<sup>74</sup> (authorities also placed Shahla Entesari in solitary confinement, from the first day of her arrest on March 4).<sup>75</sup> All were released on bail ranging from the equivalent of US\$50,000 to \$200,000.<sup>76</sup> The March 4 trial was abandoned, but as the following sections document, the government prosecuted and convicted many women's rights activists on security charges.

On April 1, 2007, Mahboubeh Hosseinzadeh and Nahid Keshavarz, who had been among the 33 arrested in March, were arrested by security forces along with two

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<sup>72</sup> "Mousavi Khoini Freed," Iranian Student News Agency, October 22, 2006 (accessed August 10, 2007).

<sup>73</sup> "Iran: Release Women's Rights Advocates," Human Rights Watch news release, March 9, 2007, <http://hrw.org/english/docs/2007/03/07/iran15452.htm>. One of the women, Fariba Davoudi Mohajer, was outside Iran at the time of the hearings.

<sup>74</sup> "Shadi Sadr and Mahboubeh Abbasgholizadeh Released Today," *Meydaan*, March 19, 2007, <http://www.meydaan.com/English/showarticle.aspx?arid=214&cid=52> (accessed August 17, 2007).

<sup>75</sup> "Eight Women Released, 24 Women on Hunger Strike, One in Solitary Confinement," *Meydaan*, March 6, 2007, <http://www.meydaan.com/English/news.aspx?nid=211> (accessed July 17, 2007).

<sup>76</sup> "Brief Interview with Parastoo Dokouhakie After Release," *Meydaan*, March 7, 2007, <http://www.meydaan.com/English/news.aspx?nid=229> "\$200,000 bail for Mahboubeh Abbasgholizadeh and Shadi Sadr," *Meydaan*, March 16, <http://www.meydaan.com/English/news.aspx?nid=281> (both accessed July 17, 2007).

other women and a man as they prepared to collect signatures in Laleh Park in support of the One Million Signatures Campaign. After a hearing at a branch of the Revolutionary Court, officials released the other three detainees on April 3, but they transferred Hosseinzadeh and Keshavarz to Evin Prison—this time to the women’s general ward, not Section 209—on unknown charges pursuant to a judicially authorized temporary detention order.<sup>77</sup> They were released 13 days after their arrest.<sup>78</sup> It is likely that the charges against them remain outstanding.

On April 13, Asieh Amini, Shahla Entesari, Farideh Entesari, Nahid Entesari, Rezvan Moghaddam, and Azadeh Forghani responded to a summons. Officials interrogated them about their participation in the March 4 peaceful protest in front of the courthouse, and the court charged them with “illegally assembling to act against national security,” disobeying the police,” and “disturbing the general order.” Azadeh Forghani received a two-year suspended sentence, and Shahla Entesari received a three-year sentence, two-and-a-half years of which are suspended for five years.<sup>79</sup>

On April 17, the Special Security branch of Tehran’s Public Prosecutor’s office issued additional summonses against other women who had participated in the March 4 gathering: Parvin Ardalan, Noushin Ahmadi, Maryam Mirza, Elnaz Ansari, Nasreen Afzali, and Zara Amjadian.<sup>80</sup> That same day, the Sixth Branch of the Revolutionary Court in Iran also handed down sentences for two of the women who had been arrested during the June 12, 2006 demonstration in Seventh Tir Square: Soosan Tahmasebi received a sentence of two years in prison, one-and-a-half years of which was suspended. The court sentenced Fariba Mohajer Davoodi *in absentia* to four years in prison, one year of which is suspended.<sup>81</sup> Mohajer Davoodi was in the United

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<sup>77</sup>“Iran: Release Women’s Rights Activists,” Human Rights Watch news release, April 7, 2007, <http://hrw.org/english/docs/2007/04/07/iran15668.htm>.

<sup>78</sup> “Two Iranian Women Activists Released; 11 Others Summoned to Revolutionary Court,” Campaign website for the One Million Signatures Campaign, April 18, 2007, <http://wechange.info/english/spip.php?article65> (accessed August 10, 2007).

<sup>79</sup> “Unexpected Sentence for Delaram Ali, Women’s Rights Defender,” website of the One Million Signatures for Change Campaign, July 3, 2007, <http://weforchange.info/english/spip.php?article108>, (accessed July 10, 2007).

<sup>80</sup> “11 Women’s Rights Activists Summoned to Court,” *Gooya Newsletter*, April 17, 2007, <https://khabar.gooya.com/politics/archives/2007/04/058901print.php> (accessed April 19, 2007).

<sup>81</sup> “Heavy Sentences for Fariba Davoudi Mohajer and Sussan Tahmasebi,” *Iranian Labor News Agency*, April 18, 2007.

States visiting family at the time of her trial, and she has remained in the United States after the court handed down its sentence.<sup>82</sup>

On July 2, Delaram Ali, a 24-year-old sociology student and member of the Campaign for One Million Signatures, responded to a summons from Branch 15 of the Revolutionary Court by inquiring why she had been called to appear. Apparently in punishment for her challenging inquiry, the court handed down a sentence of two-and-a-half years in prison and 10 lashes for participating in the peaceful gathering of June 12, 2006.”<sup>83</sup> On November 4, an appeals court in Tehran upheld her conviction on charges of on charges of “acting against national security” and “advertising against the system” and reduced her sentence by only four months.<sup>84</sup>

## Union and Labor Activists

Over the last several years, Iranian workers have challenged government-controlled labor organizations by setting up independent unions in a range of industries throughout the country. The rise and popularity of independent labor unions among workers has alarmed the government, which has attempted to curtail the movement by arresting labor activists and disrupting public gatherings -- but not by addressing workers’ grievances. The poor state of the domestic economy and its impact on Iran’s nearly 20-million-strong labor force have meant that workers continue to be drawn toward independent organizing.

In response, the Iranian government has increasingly harassed and arbitrarily arrested members of the Iranian labor force who have spoken out and organized for improving the situation of workers in Iran. Authorities have detained independent labor leaders and ordinary workers in Evin 209, where they have treated them as security prisoners and denied them access to lawyers or family visits. The continuing persecution of labor union leader Mansour Ossanlu and a March 2007 crackdown on

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<sup>82</sup> Human Rights Watch interview with Fariba Davoudi Mohajer, Washington DC, March 8, 2007.

<sup>83</sup> “Unexpected Sentence for Delaram Ali, Women’s Rights Defender,” One Million Signatures for Change Campaign, July 3, 2007, <http://weforchange.info/english/spip.php?article108>, (accessed July 10, 2007)

<sup>84</sup> “Delaram Ali to Receive Lashings and Serve Prison Term of Two Years and Six Month,” One Million Signatures for Change Campaign, November 4, 2007, <http://www.we4change.info/english/spip.php?article160> (accessed November 5, 2007) and “Shahrudi Can Revoke the Conviction: Interview with Delaram Ali’s Lawyer, Shirin Ebadi,” Roozonline, November 5, 2007, [http://www.roozonline.com/archives/2007/11/post\\_4642.php](http://www.roozonline.com/archives/2007/11/post_4642.php), (Accessed November 5, 2007).

protesting teachers throughout the country stand out as indicators of labor's increased persecution under the Ahmadinejad administration. Both are detailed below.

### *Mansour Ossanlu*

Mansour Ossanlu leads the executive committee of the Syndicate of Workers of Vahed Bus Company, an independent union. Ossanlu's first of several arrests occurred on December 22, 2005. At that time, Ossanlu and the union had called on bus drivers to refuse passengers' fares in order to protest working conditions. On December 22 police arrested him without a warrant at his home and transferred him to Evin 209.<sup>85</sup> In order to prevent a strike that workers were planning to stage on January 28, 2006 in protest of Ossanlu's continued detention, security forces also preemptively detained hundreds of drivers and several union organizers.<sup>86</sup> On January 26, security and Information forces also arrested the union's board of directors. They held all of the detainees in Evin prison Section 209 until various dates in March but never officially charged them, pursuant to Article 32 of the Code of Criminal Procedure, entitling security forces to indefinitely detain people without charge for investigation of violations of the Security Laws, and never granted them access to their lawyers.<sup>87</sup> Ossanlu remained in Evin 209 until his release on August 6, 2006.<sup>88</sup>

Authorities again arrested Ossanlu without charge on November 19, 2006, and detained him in Evin 209 until December 5. This time, during the three weeks of his detention, he spent 11 days in solitary confinement.<sup>89</sup>

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<sup>85</sup>"Iran: Release Workers Arrested for Strike," Human Rights Watch news release, February 1, 2006, <http://hrw.org/english/docs/2006/01/31/iran12581.htm>

<sup>86</sup> Ibid

<sup>87</sup> Ibid

<sup>88</sup> "Ossanlu Freed on Bail," *BBC Persian News Service*, August 9, 2006, [http://www.bbc.co.uk/persian/iran/story/2006/08/060809\\_mv-osanloo.shtml](http://www.bbc.co.uk/persian/iran/story/2006/08/060809_mv-osanloo.shtml), (accessed July 18, 2007).

<sup>89</sup> Ibid.

After his first arrest in December 2005, authorities set a bail of the equivalent of US\$150,000.<sup>90</sup> After his second arrest, he was forced to pay an additional bail of US\$30,000.

In an interview after his December release, Ossanlu described how security agents abused him at the time of his arrest:

After [being] arrest[ed] and while in the car of the security people, I received dozens of blows on my head, face, and body. They squeezed my neck with a handkerchief until I thought I would suffocate. A person named [name redacted], who was a captain in the security apparatus in the anti-narcotic section (I recognized him from an identity card I had seen a year previously), was in charge of these operations against me. They tore my coat and pulled it over my head. They kept pounding me over the head with fists that had large agate rings while saying, “pack your bags and leave this place.” All these were to create fear and trepidation in me so that I would resign from the syndicate.<sup>91</sup>

On July 10, 2007, plainclothes officers once again beat and arrested Ossanlu as he was getting off of a bus near his home.<sup>92</sup> After Ossanlu’s July 2007 detention, Hassan Hadad, the security deputy at the Tehran Prosecution Office, denied that Ossanlu was arrested for workers’ movement activities and claimed that he was detained for “distributing leaflets against the order.”<sup>93</sup>

On October 30, an appellate court in Tehran upheld a February 24, 2007 ruling by Branch 14 of the Revolutionary Court that had sentenced Ossanlu to a five-year suspended prison term on charges of “acting against national security” and

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<sup>90</sup> “Ossanlu Freed on Bail,” *BBC Persian News Service*.

<sup>91</sup> “Interview with Mansur Ossanlu, Head of Greater Tehran United Bus Company Union,” *Iran Workers’ Bulletin*, April 2007, <http://www.iran-bulletin.org/Labour/Interview%20with%20Mansur%20Osanolou.htm> (accessed July 23, 2007).

<sup>92</sup> “Ossanlu Arrested on Vahed Company Bus,” *Etemad Meli Newspaper*, July 15, 2007, [www.roozna.com/Negaresh\\_site/FullyStory/?Id-41835](http://www.roozna.com/Negaresh_site/FullyStory/?Id-41835) (accessed July 20, 2007).

<sup>93</sup> “Ossanlu Accused of ‘distributing leaflets against the order,’” *BBC Persian Service*, August 12, 2007, [http://www.bbc.co.uk/persian/iran/story/2007/08/070812\\_ka-hddad.shtml](http://www.bbc.co.uk/persian/iran/story/2007/08/070812_ka-hddad.shtml) (accessed August 13, 2007).



“propaganda against the system.”<sup>94</sup> After the ruling of the appellate court, the authorities transferred Ossanlu from Evin 209, where they were holding him since his July arrest, to the general holding units of Evin prison. <sup>95</sup> To date he remains there.

### *March 2007 Teachers Protest*

In March, teachers in numerous cities throughout Iran organized demonstrations to call for equity in pay and benefits with other governmental employees. On March 3, 2007, teachers in Tehran staged a peaceful gathering in Tehran in front of the Iranian parliament in order to protest governmental neglect of the wage and benefits situation of teachers. The demonstrations in front of the parliament continued for two weeks until March 14, when riot police and security forces arrested hundreds of the protesting teachers.<sup>96</sup> Arrests continued through mid-April.<sup>97</sup> Dozens of the teachers arrested in this sweep were detained in Evin 209. Many remained in pretrial detention in Evin 209 for up to 60 days, without any formal charge against them.<sup>98</sup>

In an open letter to the head of Iran’s Judiciary on April 26, the wives of four of the imprisoned teachers, Ali Akbar Baghani, Mohammad Taghi Fallahi, Seyyed Mahmoud Bagheri, and Ali Safar Montejabi, expressed their concern over the treatment of their husbands and the violation of their rights:

On March 20, a member of parliament quoted you as having said that participation in legal gatherings and asking for teachers’ rights is the right of the people and a manifestation of democracy. Yet despite your order to free them, nine of them have spent their [Iranian] New Year’s vacation in prison, and incredibly, the wave of arresting teachers has continued in the new year.... Honorable Ayatollah Shahrudi we are

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<sup>94</sup> “Five Year Sentence for Ossanlu Confirmed,” *BBC Persian News Service*, October 30, 2007, [http://www.bbc.co.uk/persian/iran/story/2007/10/071030\\_ka-osanlou.shtml](http://www.bbc.co.uk/persian/iran/story/2007/10/071030_ka-osanlou.shtml) (accessed October 31, 2007)

<sup>95</sup> *Ibid.*

<sup>96</sup> “Iran: Release Detained Teachers,” Human Rights Watch news release, April 14, 2007, <http://hrw.org/english/docs/2007/04/14/iran15693.htm>.

<sup>97</sup> “Iran: Release Detained Teachers,” Human Rights Watch news release, April 14, 2007, <http://hrw.org/english/docs/2007/04/14/iran15693.htm>.

<sup>98</sup> “Some of the Teachers Who Have until Now Paid a Heavy Price for their Cry for Justice,” website of the Trade Association of Tehran-Iran Teachers, July 30, 2007, <http://ksmt3.blogfa.com/post-201.aspx> (accessed July 31, 2007).

citizens of this country, and we are Muslims too. Some of our husbands are veterans of the Holy Defense [1980s Iran-Iraq war] and the revolution. Our husbands are teachers. We ask your Excellency to order that their legal rights be respected. We and our children have the right to know where our loved ones are being held, the conditions of their detention, and the charges against them. Our husbands have not even been granted the rights of ordinary prisoners.”<sup>99</sup>

The authorities eventually released all of the teachers on bail of the equivalent of US\$30,000—huge sums for teachers who had been protesting for a living wage.<sup>100</sup>

In June and July branches of Revolutionary Courts throughout Iran sentenced protesting teachers on charges such as “disrupting the general order” and “gathering and organizing to disrupt the national security of the country.”<sup>101</sup> In August, a branch of the Revolutionary Court in Tehran sentenced Ali Reza Hashemi, the superintendent of the Iranian Teachers Organization, to a three-year suspended prison sentence on charges of “provoking teachers to gather and organizing to disrupt the national security of the country.”<sup>102</sup> The government has also punished other teachers by transforming them to teaching positions in other cities or suspending them from service.<sup>103</sup>

## Students

Students, recent graduates, and individuals with ties to legally registered student and alumni activist organizations have been facing the same pattern of governmental attack as those endured by women’s rights activists and workers. Tracing the persecution of students since July 2005, one month before Ahmadinejad

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<sup>99</sup> “Families of Detained Teachers Seek Justice from Mr. Shahrudi: ‘We Have No News about our Husbands’ Situation,” website of the Trade Association of Tehran-Iran Teachers, April 27, 2007, <http://www.ksmi1.blogfa.com/post-137.aspx> (accessed August 1, 2007).

<sup>100</sup> “Some of the Teachers Who Have until Now Paid a Heavy Price for their Cry for Justice,” website of the Trade Association of Tehran-Iran Teachers, July 30, 2007, <http://ksmt3.blogfa.com/post-201.aspx> (accessed July 31, 2007).

<sup>101</sup> “Will these Charge Cause the Teachers to Stop Their Demands?” website of the Teachers Trade Association of Iran, August 15, 2007, <http://ksmt3.blogfa.com/post-219.aspx> (accessed August 16, 2007).

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

took office, Human Rights Watch documented in October 2006 the cases of 35 student activists whom the Judiciary sentenced to prison terms or fined for political activity that the government characterized as “acting against national security.”<sup>104</sup> Human Rights Watch has also documented persecution of student activists on similar charges prior to the Ahmadinejad administration, most notably following the 1999 student protests.<sup>105</sup>

On August 19, 2006, authorities arrested two recent university graduates, Abolfazl Jahandar and Kheirollah Derakhshandi.<sup>106</sup> Nearly a month later, on September 18, authorities arrested university instructor and activist Kayvon Ansari outside his home.<sup>107</sup> Agents of the Ministry of Information detained all of the men without charge and interrogated them in Evin 209. In February 2007 the Sixth Branch of the Revolutionary Court sentenced each of them to between two and three years of imprisonment on charges of “acting against national security,” “meeting and colluding to undermine national security,” and “insulting officials.” On April 4, 2007, the three appealed their cases to Branch 32 of Tehran’s Appellate Court.<sup>108</sup> On September 13, the appellate court ordered the release of Kayvon Ansari, but the cases of Jahandar and Derakhshandi are still pending appeals.<sup>109</sup>

As they did with workers and women’s rights activists, authorities intensified their harassment of students and student-affiliated activists in the spring and summer of 2007. From May through July, Ministry of Information officials arrested over 20

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<sup>104</sup> Human Rights Watch, *Iran – Denying the Right to Education*, October 19, 2006, <http://www.hrw.org/background/mena/iran1006/>.

<sup>105</sup> Human Rights Watch has previously described illegal detention facilities in Iran in Human Rights Watch, *“Like the Dead in Their Coffins”: Torture, Detention, and the Crushing of Dissent in Iran*,” vol. 16, no. 2(E), June 2004, pp. 31-43, <http://hrw.org/reports/2004/irano604/index.htm>.

<sup>106</sup> “Iran: Arbitrary Arrest/Fear for Safety/Possible Prisoners of Conscience,” Amnesty International, October 3, 2006, <http://web.amnesty.org/library/Index/ENGMD131162006> (accessed March 1, 2007). Amnesty also noted in this report that on July 9, 2006, authorities arrested independent human rights activist Kayvon Rafi without charges and transferred him to Evin prison.

<sup>107</sup> *Ibid.*

<sup>108</sup> “The Cases of Three Student Activists Kayvon Ansari, Saeed Derakhshandi, and Abolfazl Jahandar Sent to Appellate Court,” *Gooya Newsletter*, <http://1384.gooya.com/politics/archives/2007/04/058887.php> (accessed April 6, 2007).

<sup>109</sup> “Dr. Kayvon Ansari is Free,” *Advaar Student News Service*, September 13, 2007, <http://www.advarnews.us/university/5792.aspx> (accessed September 14, 2007)

students and activists on charges under the Security Laws, including “acting against national security” and “colluding against the order.”<sup>110</sup>

They also arrested eight student editors and activists for allegedly “insulting state leaders,” “inciting public opinion,” and “printing inflammatory and derogatory materials” in student publications at Amir Kabir University.<sup>111</sup> Article 514 of the Islamic Penal Code sets a punishment of six months to two years of imprisonment for anyone who insults Ayatollah Khomeini or the person currently occupying the position of Supreme Leader.<sup>112</sup> Article 698 of the Islamic Penal Code sets a sentence of two months to two years or 74 lashes for “printing lies in order to incite public opinion.”<sup>113</sup> According to a student activist at the university who spoke to Human Rights Watch, students had immediately stated that they had no part in the publications, which appeared on April 30, 2007:

As soon as the publications appeared, the editors of the four papers, *Rivar*, *Sar Khat*, *Sahar*, and *Atiyeh*, announced that the copies were faked and denied that they had any role in producing them. They went to the office of the Executive Administrator of the University, Alireza Rahayee, to ask for an investigation into the matter, but university security forcefully prevented them from doing so. In the following days, the students denied their connection to the publications in a number of gatherings.<sup>114</sup>

The government went forward with issuing arrest and search warrants for the eight students.<sup>115</sup> Three of them—Majid Tavakoli, Ahmad Ghasaban, and Ehsan Mansouri—were eventually prosecuted (the other five were released),<sup>116</sup> and on October 3, 2007,

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<sup>110</sup> “Iran: Jailed Students Abused to Obtain Forced Confessions,” Human Rights Watch news release, July 27, 2007, <http://hrw.org/english/docs/2007/07/27/iran16512.htm>.

<sup>111</sup> *Ibid.*

<sup>112</sup> Islamic Penal Code of Iran, Article 514.

<sup>113</sup> Islamic Penal Code of Iran, Article 698.

<sup>114</sup> Human Rights Watch email correspondence with student activist (name withheld), July 25, 2007.

<sup>115</sup> Human Rights Watch online messenger correspondence with student activist (name withheld), August 17, 2007.

<sup>116</sup> Human Rights Watch online messenger correspondence with student activist (name withheld), August 17, 2007, and “Letter From Five of the Freed Students to the Organization for the Defense of the Prisoners Rights, the Islamic Commission for

Branch 6 of the Revolutionary Court sentenced them to three, two-and-a-half, and two years of imprisonment, respectively.<sup>117</sup>

On July 9, 2007, six students from Amir Kabir University staged a peaceful sit-in in commemoration of the anniversary of student protests in 1999 that the government had violently suppressed.<sup>118</sup> They were also expressing their objection to the continued detention of their classmates held in connection with the allegedly inflammatory publications. According to reports from activists, police and plainclothes officers forcefully disrupted the demonstration, arresting the six and transferring them to Evin 209.<sup>119</sup>

The six protesting students were members of the Central Council of the Office to Foster Unity, the main reformist student organization in Iran.<sup>120</sup> Later on the same morning of their arrests, authorities arrived at the Office of the Alumni Association of Iran, which is associated with the Office to Foster Unity. Plainclothes officers fired bullets into the air before they forcefully entered the premises and arrested 10 students and activists there.<sup>121</sup>

Sources in Iran who have been in touch with the families of the students and activists detained on July 19 told Human Rights Watch that the Ministry of Information was holding them in solitary confinement and pressuring them to confess to acts they have not committed, such as being connected to forces outside the country and planning to implement a “soft revolution” in Iran. These reports indicate that authorities may be attempting to build charges of “espionage” and

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Human Rights, and the Organization for the Defenders of Human Rights,” *Amir Kabir University Newsletter*, August 19, 2007, <http://www.autnews.info/archives/1386,05,0004510> (accessed August 20, 2007).

<sup>117</sup> “The Handing Down of Heavy Sentences for Three Polytechnic Students,” Website of *Advaar Tahkeem Vahdat*, October 3, 2007, <http://www.advarnews.us/university/5907.aspx> (accessed October 10, 2007).

<sup>118</sup> The Iranian Judiciary’s closure of a reformist newspaper triggered student protests on the Tehran University campus on July 8, 1999 (18th of Tir in the Iranian calendar). After a peaceful student demonstration, police and plainclothes security forces raided a dormitory, beating students and trapping many in their rooms. Protests then erupted beyond the university, growing to a weeklong event. More than 25,000 people eventually participated in the protests, making it the largest political demonstration since the 1979 Islamic Revolution.

<sup>119</sup> “Iran: Jailed Students Abused to Obtain Forced Confessions,” Human Rights Watch news release, July 27, 2007, <http://hrw.org/english/docs/2007/07/27/iran16512.htm>

<sup>120</sup> Human Rights Watch email correspondence with student activist (name withheld), July 25, 2007

<sup>121</sup> *Ibid.*

“acting against national security” against the detainees, which can carry heavy prison sentences. The cases fit the broader pattern of persecuting independent social and political activists whom the government perceives as critics.<sup>122</sup>

The government has released all of the students and activists arrested in May and July of 2007, with the exception of Majid Tavakoli, Ahmad Ghasaban, and Ehsan Mansouri, whose prosecution and conviction is mentioned above.

## **Independent Journalists, Scholars, and Activists**

Many of the people detained since the inauguration of the Ahmadinejad administration are associated with broadly defined movements, such as student groups, women’s rights campaigns, or independent labor organizations. Yet the government also has targeted independent scholars, journalists, and activists who do not directly affiliate themselves with any of these movements, arbitrarily arresting and detaining them in Evin 209 and subsequently accusing them on familiar charges of being “spies,” having “relationships with foreigners,” “receiving funds from foreigners,” and “acting against national security.”

### *Ayatollah Kazemi Boroujerdi*

The authorities have targeted Islamic clerics who are critical of the government’s policies. On October 8, 2006, authorities arrested Ayatollah Kazemi Boroujerdi at his house in Tehran and transferred him to Evin 209.<sup>123</sup> Boroujerdi espouses an interpretation of Islam that calls for the separation of religion and politics.<sup>124</sup> On October 10, two days after police arrested Boroujerdi, the semi-official *Kayhan* newspaper ran an article entitled, “Propagating Islam with the Assistance of the BBC and CIA,” accusing the cleric of working as an agent of foreign institutions.<sup>125</sup> In June 2007 Boroujerdi appeared before the Special Clerical Court, but the authorities have

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<sup>122</sup> Human Rights Watch email correspondence with student activist (name withheld), July 25, 2007.

<sup>123</sup> “Iran Arrests Controversial Cleric,” *BBC News Online*, October 8, 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/6032217.stm](http://news.bbc.co.uk/2/hi/middle_east/6032217.stm) (accessed July 17, 2007).

<sup>124</sup> *Ibid.*

<sup>125</sup> “Further Information on Arbitrary Arrest/Fear for Safety/Possible Prisoners of Conscience,” Amnesty International, October 13, 2006, <http://web.amnesty.org/library/index/ENGMDE131202006?open&of=ENG-IRN> (accessed July 17, 2007).

not clarified the exact nature of his charges and his sentence.<sup>126</sup> (Ayatollah Khomeini established the Special Clerical Courts in 1987 to try clerics accused of committing crimes.<sup>127</sup> These courts are overseen directly by the Supreme Leader rather than the Judiciary; critics have claimed that is the government uses it to punish clerics it views as challenging the ruling order.<sup>128</sup>) Boroujerdi is imprisoned in Section 209 of Evin Prison.<sup>129</sup>

### *Ali Farahbakhsh, Haleh Esfandiari, and Kian Tajbakhsh*

The cases of journalist Ali Farahbakhsh as well as Iranian-American scholars Haleh Esfandiari and Kian Tajbakhsh exemplify a pattern of detention and interrogation that has become commonplace in Iran during the two years of Ahmadinejad's administration.

On November 26, 2006, the security forces in Tehran detained Ali Farahbakhsh, a journalist and economist, one week after he had returned from a conference for journalists held in India. Farahbakhsh, who has no known history of political or social activism, was an independent researcher of economics and had previously worked as the editor of the economic section of the newspaper *Sarmaye*.<sup>130</sup> The fact that Farahbakhsh was not engaged in any political writing or activities prior to his arrest made his case particularly puzzling.

Farahbakhsh had spent the week prior to his detention in daily interrogation sessions that lasted until late at night, when authorities would take him back home. Farahbakhsh's family told Human Rights Watch that during the first week of interrogations when agents from the Ministry of Information allowed him to return

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<sup>126</sup> Golnaz Esfandiari, "Iran: Reports of Death Sentence Spark Concern over Ayatollah's Fate," *Radio Free Europe*, July 3, 2007. <http://www.rferl.org/featuresarticle/2007/07/39ce027c-2184-46f9-992a-e751f500d35c.html> (accessed July 18, 2007).

<sup>127</sup> Wilfried Buchta, *Who Rules Iran: The Structure of Power in the Islamic Republic of Iran* (Washington, DC: Washington Institute for Near East Policy, 2001), p. 19.

<sup>128</sup> *Ibid*, p. 97.

<sup>129</sup> Human Rights Watch email correspondence with Ayatollah Boroujerdi follower (name withheld), September 23, 2007.

<sup>130</sup> Human Rights Watch telephone interview with journalist Omid Memarian, February 20, 2007, and "Ali Farahbakhsh Sentenced to Three Years in Jail," BBC Persian News Service, May 15, 2007, [http://www.bbc.co.uk/persian/iran/story/2007/05/070515\\_ka-farahbakhsh.shtml](http://www.bbc.co.uk/persian/iran/story/2007/05/070515_ka-farahbakhsh.shtml) (accessed July 18, 2007).

home at the end of the day, they pressured him to sign confessions admitting to the charges of “espionage” that they would later bring against him.<sup>131</sup>

The authorities did not announce any formal charges during the interrogations or upon his subsequent arrest and transfer to Evin prison, where he spent 44 days in solitary confinement in Section 209. In interviews with the press and multiple letters to Ayatollah Shahrudi, the head of Iran’s Judiciary, Farahbakhsh’s family expressed their concern about his deteriorating health and lack of proper medical care in prison.<sup>132</sup> On February 4, 2007, over two months after Farahbakhsh’s arrest, his lawyer, Sayyed Mahmoud Alizadeh Tabatabayee, said in reports to the Iranian Labor News Agency that the government had charged his client with “espionage,” but had denied him the opportunity to examine Farahbakhsh’s case file. Tabatabayee met his client for the first time on the first day of the March trial.

On March 26, Branch Six of Iran’s Revolutionary Court sentenced Farahbakhsh to a three-year prison term on charges of “espionage” and “taking money from foreigners.”<sup>133</sup> It appears that he may have been charged under Article 508 of the Islamic Penal Code, which states that “whoever collaborates in any way with a group or hostile foreign sources against the Islamic Republic of Iran” may be sentenced to one to ten years in prison.<sup>134</sup> The law does not specifically define what counts as collaboration or what constitutes working against the government.

After 318 days in prison, 45 of which were spent in solitary confinement, the authorities released Farahbaksh on September 26.<sup>135</sup>

Haleh Esfandiari, a 67-year old dual Iranian and American citizen who heads the Middle East program at the Woodrow Wilson International Center for Scholars in

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<sup>131</sup> “Iran: Activists Barred from Traveling Abroad,” Human Rights Watch news release, February 8, 2007, <http://hrw.org/english/docs/2007/02/08/iran15283.htm>.

<sup>132</sup> Iranian Association of Journalists, “Second Letter from the Family of Farahbakhsh to the Head of the Judiciary,” May 15, 2007, <http://aoij.ir/000659.php> (accessed May 17, 2007).

<sup>133</sup> “Ali Farahbakhsh Sentenced to Three Years in Jail,” BBC Persian News Service.

<sup>134</sup> Islamic Penal Code of Iran, Article 508.

<sup>135</sup> “Journalist Ali Farahbakhsh Freed from Prison,” *Gooya Newsletter*, September 27, 2007, <http://news.gooya.com/politics/archives/2007/10/063733.php> (accessed September 27, 2007).



Washington, DC, traveled to Iran in December 2006 to visit her ailing 93-year-old mother. Prior to her planned departure from Iran on December 30, armed and masked men stopped her taxi and seized both of her passports. Iranian authorities did not return her passports and instead subjected her to repeated and protracted interrogation sessions.<sup>136</sup>

On May 8, officials at the Ministry of Information arrested Esfandiari without warrant and later accused her of “furthering the interests of foreign powers,” “espionage,” “planning the soft overthrow of the government,” and “acting against national security.”<sup>137</sup> They transferred her to Evin, where they placed her in solitary confinement in Section 209 and denied her access to her lawyer and family visits.<sup>138</sup> Esfandiari’s case received wide international media attention, and human rights organizations around the world protested her detention.<sup>139</sup> On August 21 the authorities released her on US\$300,000 bail.<sup>140</sup> On September 2, Ministry of Information agents returned Esfandiari’s passport, and she returned to the United States on September 7.<sup>141</sup> However, the government’s case against Esfandiari remains open.

According to statements by both Esfandiari’s family and her employers at the Woodrow Wilson Center, Esfandiari’s interrogators had pressured her to implicate

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<sup>136</sup> “Iran: End Harassment of Dual Nationals,” Human Rights Watch news release, May 31, 2007, <http://hrw.org/english/docs/2007/05/31/iran16025.htm>.

<sup>137</sup> “Iran: Cancel Televised ‘Confessions,’” Human Rights Watch news release, July 18, 2007, <http://hrw.org/english/docs/2007/07/18/iran16414.htm>.

<sup>138</sup> *Ibid.*

<sup>139</sup> Human Rights Watch, Amnesty International, the Committee of Concerned Scientists, and the Nobel Women’s Initiative were among the groups that called for the release of Haleh Esfandiari. Further details can be found on the website of the Campaign to Free Haleh Esfandiari, <http://www.freehaleh.org/> (accessed August 17, 2007). A group of women senators from the United States wrote a letter asking the UN to pressure Iran into releasing Haleh Esfandiari. See “Women Senators Call on the UN to Press Iran for Immediate Release of Haleh Esfandiari and Parinaz Azima,” website of Senator Hillary Rodham Clinton, May 18, 2007, <http://www.senate.gov/~clinton/news/statements/record.cfm?id=274751> (accessed September 19, 2007). Iranian Nobel Peace Prize winner Shirin Ebadi also called on the UN Human Rights Council to work for her release. See “Iran’s Ebadi Complains to UN Over Detained US-Iranian,” Agence France-Presse, August 6, 2007, [http://ca.news.yahoo.com/s/afp/070806/world/iran\\_us\\_justice\\_rights\\_37](http://ca.news.yahoo.com/s/afp/070806/world/iran_us_justice_rights_37) (accessed September 19, 2007).

<sup>140</sup> “Court Official Says that Haleh Esfandiari Freed, Most Likely the Detention of Kian Tajbakhsh will be changed to Release on Bail in Next Few Days,” Iranian Student News Agency, August 21, 2007, <http://isna.ir/Main/NewsView.aspx?ID=News-983508>, (accessed August 21, 2007).

<sup>141</sup> Robin Wright, “Freed by Iran, Scholar Reunites with her Family,” *Washington Post*, September 7, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/06/AR2007090602375.html> (accessed September 19, 2007); and Nazila Fathi, “Freed Scholar Leaves Iran, Another Still Held,” *New York Times*, September 3, 2007, <http://www.nytimes.com/2007/09/03/world/middleeast/03cnd-tehran.html> (accessed September 19, 2007).

herself and the Woodrow Wilson Center “in activities in which it had no part.”<sup>142</sup> Since her release, she has not provided much commentary on her experience, other than to note that solitary confinement was hard for someone her age.<sup>143</sup>

Agents from the Ministry of Information arrested Kian Tajbakhsh at his home on May 11, 2007, on the same charges under the Security Laws of “furthering the interests of foreign powers,” “espionage,” “planning the soft overthrow of the government,” and “acting against national security.”<sup>144</sup> The government apparently focused on Tajbakhsh because of his ties with foreign institutions, namely the Soros Foundation, for whom he worked as a consultant. An urban planner and scholar, Tajbakhsh had also worked with a number of Iranian organizations and ministries.<sup>145</sup>

On the day of his arrest, agents of the Ministry of Information transferred Tajbakhsh to the solitary confinement cells of Evin 209.<sup>146</sup> They released him on September 20 on \$100,000 bail.<sup>147</sup> The charges against him remain outstanding, and he remains in Iran.

On July 18 and 19, Channel One on Iranian Television broadcast the “confessions” of Esfandiari and Tajbakhsh in a program called “In the Name of Democracy.” The government’s airing of the show while the two remained in largely incommunicado detention without access to their lawyers raised concerns about how the government might later use their statements against them.<sup>148</sup>

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<sup>142</sup> “Statement on the arrest of Haleh Esfandiari, director of the Woodrow Wilson Center’s Middle East Program,” May 21, 2007, website of the Woodrow Wilson International Center for Scholars, [http://www.wilsoncenter.org/index.cfm?fuseaction=topics.item&news\\_id=236704&topic\\_id=1426](http://www.wilsoncenter.org/index.cfm?fuseaction=topics.item&news_id=236704&topic_id=1426) (accessed May 21, 2007)

<sup>143</sup> “Esfandiari: I was not ill-treated in Detention,” *BBC Persian News Service*, [http://www.bbc.co.uk/persian/iran/story/2007/09/070909\\_me\\_halehesfandiari\\_dc.shtml](http://www.bbc.co.uk/persian/iran/story/2007/09/070909_me_halehesfandiari_dc.shtml) (accessed October 3, 2007).

<sup>144</sup> “Iran: Cancel Televised ‘Confessions,’” Human Rights Watch news release, July 18, 2007, <http://hrw.org/english/docs/2007/07/18/iran16414.htm>.

<sup>145</sup> “Soros Responds to Charges Against Dr. Kian Tajbakhsh,” website of the Open Society Institute, May 29, 2007, [http://www.soros.org/newsroom/news/response\\_20070529](http://www.soros.org/newsroom/news/response_20070529) (accessed May 29, 2007).

<sup>146</sup> “Iran: Another Iranian American Scholar Detained,” Human Rights Watch news release, May 24, 2007, <http://hrw.org/english/docs/2007/05/24/iran15993.htm>.

<sup>147</sup> “Iran Frees US Iranian from Prison,” *BBC News Online*, September 20, 2007, [http://news.bbc.co.uk/2/hi/middle\\_east/7004148.stm](http://news.bbc.co.uk/2/hi/middle_east/7004148.stm) (accessed September 20, 2007).

<sup>148</sup> “Iran: Cancel Televised ‘Confessions,’” Human Rights Watch news release, July 18, 2007, <http://hrw.org/english/docs/2007/07/18/iran16414.htm>.

Authorities detained another Iranian-American, Ali Shakeri, a peace activist, on May 8, 2007, as he was leaving Iran.<sup>149</sup> Initially, the government denied that they had detained him; three weeks after his detention, on May 29, the Judiciary's spokesman, Alireza Jamshidi, said, "Shakeri is not in detention, and there are no charges against him."<sup>150</sup> On June 10, however, Mohammad Ali Hosseini, the spokesman for Iran's Foreign Ministry, confirmed that the Judiciary had arrested Shakeri, but did not address the charges against him.<sup>151</sup> On September 21, three days before authorities released Ali Shakeri, Kaveh Shakeri reported to Human Rights Watch that the government had brought no charges against his father or even provided an explanation for his arrest.<sup>152</sup>

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<sup>149</sup> "Iran: Another Iranian American Scholar Detained," Human Rights Watch news release, May 24, 2007, <http://hrw.org/english/docs/2007/05/24/iran15993.htm>.

<sup>150</sup> "Iran: End Harassment of Dual Nationals," Human Rights Watch news release, May 31, 2007, <http://hrw.org/english/docs/2007/05/31/iran16025.htm>.

<sup>151</sup> "Iran Confirms Arrest of Ali Shakeri," BBC Persian News Service, June 11, 2007, [http://www.bbc.co.uk/persian/iran/story/2007/06/070610\\_an-shakeri.shtml](http://www.bbc.co.uk/persian/iran/story/2007/06/070610_an-shakeri.shtml) (accessed July 13, 2007).

<sup>152</sup> Human Rights Watch telephone interview with Kaveh Shakeri, September 21, 2007.

## V. Ill-treatment of Detained Activists at Evin 209

“Security” detainees held in Evin 209 often face the prospect of ill-treatment during interrogation and detention. Prolonged interrogation while blindfolded and without counsel, lack of access to phone calls or visits with family members, and confinement in solitary cells are among the routine experiences of detainees. In some instances, Ministry of Information personnel subject detainees to sleep deprivation, threats, and other forms of physical and psychological ill-treatment.

### Ill-treatment during Interrogation

In a July 24, 2007 open letter to Ayatollah Shahrudi, head of the Judiciary, the families of detained students Majid Tavakoli, Ahmad Ghasaban, and Ehsan Mansouri wrote that prison officials were physically and psychologically mistreating those at Evin 209 to coerce them into making self-incriminating statements and to implicate other students. Based on conversations with their sons and the statements of five students released on bail on July 18, the families alleged that authorities had subjected their children to 24-hour interrogation sessions, sleep deprivation, and threats against them and their families. The families also said that security agents had confined the detainees in cells with dangerous convicted prisoners, beaten them with cables and fists, and forced them to remain standing for long periods of time.<sup>153</sup>

A student activist imprisoned in July 2007 reported to Human Rights Watch how interrogators treated him and fellow students:

I was interrogated every single day. I had three interrogators but others had more. One of my friends was interrogated by seven different people at the same time. In my case, sometimes one would interrogate me, other times two would show up, and sometimes all three would be in there. Their whole aim was to get me to confess to things in a way

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<sup>153</sup> “The Complaint Letter of the Families of Majid Tavakoli, Ahmad Ghasaban, and Eshan Mansouri,” Advaar News, *Amir Kabir University Newsletter*, July 11, 2007, <http://www.advarnews.us/university/5426.aspx> (accessed August 24, 2007) and Human Rights Watch email correspondence with student activist (name withheld), July 25, 2007.

that carried the heaviest penalties. For example, I had once participated in a peaceful gathering on campus with a couple of other people, and they tried to get me to say that I had “disrupted the general order” by doing that and thereby had “endangered national security.” They used all kinds of pressures to get me and the others to say these things. They would insult us and our family in the most vulgar ways. Or they would threaten to beat us or throw us in the cells of dangerous criminals like Al-Qaeda members. They would threaten rape with soda bottles or hot eggs. They also would give us false news about our loved ones and brought forged documents to scare us. They told one guy that his dad had been fired because of him and showed him a piece of paper on official looking letterhead. Or they’d say, “Your mother is in the critical care unit of the hospital and she’s dying,” and they would bring fake medical files. They’d try to demean us in various ways. We would have to take off our pants and underwear and lay on the ground, and then they would say sexually degrading things to us. There were also physical pressures. They would keep us in interrogation for seven or eight hours without letting us eat or use the restroom. They would also blast loud noises into our cells when we weren’t in interrogation.

They also hit us. They punched my back so hard the first day that I had to take strong painkillers the whole time I was in detention. Sometimes they would make me do repetitive movements or stand with one leg bent. If I put my leg down, they would pull down my pants and underwear, and then when I would try to pull them back up, they would kick me in the face.<sup>154</sup>

Journalist Jila Baniyaghoub was among the 33 women arrested on March 4, 2007. Her writings document the interrogation practices she experienced at Evin 209:

The interrogations weren’t at a specific time. They would begin first thing in the morning and continue until the middle of the night and

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<sup>154</sup> Human Rights Watch online messenger correspondence with student activist (name withheld), August 17, 2007.

sometimes until the next morning. They dedicated the first days to interrogating the very young girls, which had made us hopeful that they would release them sooner. But this was a vain hope. They hadn't released many people in these few days. When the guard opened the cell door and called my name loudly, I was totally asleep. It seems that he had called me a few times and I hadn't heard. I'd had my head under the cover because it was so cold, so I shook myself and pushed the cover aside. I was really sleepy and couldn't open my eyes. I looked at the female guard with difficulty. She said "Get up. Your expert is ready. You have to go to interrogation." By "expert," she meant interrogator, but the interrogators in Evin's security unit called themselves experts, and that's what the prisoners called them too. The hands of the clock showed 12:30 [a.m.]. I said to myself, "The interrogator doesn't want us to sleep, and he/she doesn't want to sleep either." The guard said, "Put on the blindfolds." With my half-open eyes, I picked up one of the blindfolds that were in the corner of the cell so that I could cover my eyes when leaving the women's units.<sup>155</sup>

Baniyaghoub goes on to describe her first interrogation session, where, blindfolded, her interrogator told her to write in depth about all of her "political, social, and cultural activities" while blindfolded. She says that when she pointed out that the Citizens Rights Law enacted by the Iran's head of Judiciary, Ayatollah Shahrudi, prohibit the questioning of prisoners while blindfolded, the interrogator interrupted her, stating that "I know what Mr. Shahrudi has said, but this is the prison of the Ministry of Information and has its own special rules."<sup>156</sup>

Another women's rights activist described her experience of being questioned blindfolded, facing a wall, punished when she tried to object, and pressured to sign a false confession:

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<sup>155</sup> Jila Baniyaghoub, "What Happened to us in 209 Evin (Part Two)," *Gooya Newsletter*, June 8, 2007, <http://khabar.gooya.com/columnists/archives/2007/06/060217print.php>, (accessed June 8, 2007).

<sup>156</sup> Ibid.

My interrogations lasted anywhere from one to seven hours. I objected to being interrogated in the middle of the night, and my interrogator said, “I’m only interrogating you at night because I want to let you go sooner.” I was blindfolded, and he told me to sit down on the chair facing the wall. I turned the chair around and lifted my blindfolds when he left the room. When he came back and saw me, he was really angry and yelled at me to put on my blindfold and turn around. I wrote letters of objection about our treatment—a lot of the women did—but they ignored us. One of my interrogators got so mad about this that he tore up the paper and threw the pieces on my head. For the first couple of days, we hadn’t been able to make phone calls. Once we’d been allowed to make some calls, the interrogators tried to use them against us. They’d threaten to cut off our phone access when we didn’t make statements they wanted us to make. Sometimes we’d be in the middle of a conversation with a family member, and they would cut off the line in the middle.<sup>157</sup>

## **Solitary Confinement**

Ministry of Information agents were in charge of the detention and interrogation of the students and activists arrested in May and July 2007.<sup>158</sup> A student activist detained during these sweeps described his detention and interrogation experience in Evin 209 to Human Rights Watch:

They put me in solitary confinement from the first night. The cell was about 3 by 4 meters. It was carpeted, had a sink, and a single lamplight that was always on. There was a small window that was always open, but it had bars, and they had welded a metal sheet with holes across the window so not much air could come through. My cell didn’t get much light because of the metal sheet either, but I could still tell whether it was night or day. The cell was the only place I could take off my blindfolds. I complained to the Ministry of Information guards

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<sup>157</sup> Human Rights Watch online messenger correspondence with women’s rights activist (name withheld), August 14, 2007.

<sup>158</sup> Human Rights Watch online messenger correspondence with student activist (name withheld), August 17, 2007.

and interrogators that keeping me blindfolded was in violation the Citizens Rights Laws. They would either ignore me or make fun of me. For example, when they wanted to take me to interrogation, they would give me the blindfolds and say, “Here, put on these violations of your Citizens Rights.” If I said that there were certain rules that they had to follow in detention centers, they would make fun of me and say, “This isn’t a detention center; it is purgatory.” I asked about access to a lawyer or calling a lawyer, but I spent my entire time in detention in a solitary cell, without being able to contact anybody.<sup>159</sup>

The security forces at Evin held at least seven of the teachers who took part in the March 2007 demonstrations in solitary confinement for periods ranging from 16 to 60 days.<sup>160</sup> One of the four whose wives wrote in objection to their detention (see above), Mohammad Bagheri, spent 33 days in solitary confinement.<sup>161</sup>

As noted above, Ali Farahbaksh spent 45 of his 318 days in prison in solitary confinement. Kian Tajbakhsh was in solitary confinement from the day of his arrest, May 11, 2007, until his release on bail on September 20, 2007. Haleh Esfandiari was in solitary confinement in Evin 209 without access to her lawyer for almost four months.

A woman activist arrested on March 4 described how the police and security forces blindfolded them on arrival at Evin 209, and how one women’s rights protestor was taken immediately into solitary confinement:

The police and security forces arrested us and took us to the police detention center on Vozara Street. They asked some of the women a few questions, and they told us to gather our stuff because we were being released. We were all really happy and got on the bus thinking we would be freed, but then they took us to Evin, straight to 209. That was a really

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<sup>159</sup> Ibid.

<sup>160</sup> “Some of the Teachers Who Have until Now Paid a Heavy Price for their Cry for Justice,” website of the Trade Association of Tehran-Iran Teachers, July 30, 2007, <http://ksmt3.blogfa.com/post-201.aspx> (accessed July 31, 2007).

<sup>161</sup> Ibid.



terrible moment. We didn't know what we were being charged with or what was going to happen to us. The guards blindfolded us at the entrance of 209. Almost everyone objected at once to this, but they ignored us. I think to scare us for speaking out, they took one of us to solitary confinement right away.<sup>162</sup>

This woman emphasized to Human Rights Watch, however, that compared to what has been alleged about the Information Ministry agents' treatment of students and other activists in the detention facility, the agents treated the women detainees relatively well.

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<sup>162</sup> Human Rights Watch online messenger correspondence with women's rights activist (name withheld), August 15, 2007

## VI. Exploiting Heightened Iranian-US Tensions

The Iranian government has long applied the broadly conceived security laws to accuse civil society activists of collusion with foreign powers. Specifically, it has used the hostile relationship between the United States and Iran as an excuse to suppress peaceful expressions of dissent and accuse activists of receiving funds from the US government. After peaceful student demonstrations in 1999, for example, the government broadcast “confessions” of detained student leaders who claimed on television that “we have received financial assistance from America on three or four occasions to organize student movements.”<sup>163</sup>

The Ahmadinejad administration has made particular use of widely applicable charges such as “receiving funds from foreigners” to persecute civil society activists of all stripes. At the same time, US President George W. Bush has played into this strategy by opening promoting the use of US funds for “regime change” in Iran. For instance, on February 14, 2006, Secretary of State Condoleezza Rice called on the Senate Foreign Relations Committee to substantially increase its existing democracy funding for Iran and announced that “the United States will actively confront the aggressive policies of the Iranian regime. At the same time, we will work to support the aspirations of the Iranian people for freedom and democracy in their country.”<sup>164</sup> The Iranian government in turn has used rhetoric that pairs support for democracy in Iran with an expressed desire to confront the Iranian government to accuse independent Iranian civil society activists of being the agents of foreign agendas.

Prominent Iranian activists, decrying the adverse impact on Iranian civil society, have criticized the US government’s allocation of funds. In a May 2007 opinion piece in the *International Herald Tribune*, Iranian Nobel laureate and human rights activist Shirin Ebadi attributed recent arrests in Iran both to the country’s internal politics and to US foreign policy:

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<sup>163</sup> “Iran Threatens Revolutionary Court Trials for “Incitement,” Human Rights Watch news release, August 3, 1999, <http://hrw.org/english/docs/1999/08/03/iran1021.htm>.

<sup>164</sup> “Rice Signals Shift in Iran Policy,” *BBC News Online*, <http://news.bbc.co.uk/2/hi/americas/4719890.stm> (accessed September 19, 2007).

The recent arrests, including the detention of Hossein Mousavian, a former nuclear negotiator and a close aid to former president and losing 2005 presidential candidate Akbar Hashemi Rafsanjani, should be viewed as Ahmadinejad's retaliation against the more moderate faction. But the most important reason has to do with President George W. Bush's policy toward Iran. Last year, the administration requested and received \$75 million from Congress to "bring" democracy to Iran.<sup>165</sup>

Well-known human rights activist Emad Baghi and political dissident Akbar Ganji have similarly criticized US policy.<sup>166</sup> In an open letter to United Nations Secretary-General Ban Ki-moon, Ganji pointed out the ways that the Iranian government has exploited US funding of Iranians in order to intensify its crackdown on activists:

Exploiting the danger posed by the US, the Iranian regime has put military-security forces in charge of the government, shut down all independent domestic media, and is imprisoning human rights activists on the pretext that they are all agents of a foreign enemy. The Bush administration, for its part, by approving a fund for democracy assistance in Iran, which has in fact being (sic) largely spent on official institutions and media affiliated with the US government, had made it easy for the Iranian regime to describe its opponents as mercenaries of the US and to crush them with impunity.<sup>167</sup>

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<sup>165</sup> Shirin Ebadi and Muhammad Sahimi, "The Follies of Bush's Iran Policy," *International Herald Tribune*, May 30, 2007, <http://www.iht.com/articles/2007/05/30/opinion/edebadi.php> (accessed September 23, 2007).

<sup>166</sup> Scott Macleod, "Did the U.S. Incite Iran's Crackdown," *Time*, June 5, 2007, <http://www.time.com/time/world/article/0,8599,1629590,00.html> (accessed September 23, 2007) and Akbar Ganji, "Iran's Future: an Open Letter," *Open Democracy*, September 24, 2007, [http://www.opendemocracy.net/article/democracy\\_power/iran\\_democracy/akbar\\_ganji](http://www.opendemocracy.net/article/democracy_power/iran_democracy/akbar_ganji) (accessed September 24, 2007). Website of the State Prisons and Security and Corrective Measures Organization, [www.prisons.ir](http://www.prisons.ir) (accessed September 21, 2007).

<sup>167</sup> Akbar Ganji, "Iran's Future: an Open Letter," *Open Democracy*, September 24, 2007, [http://www.opendemocracy.net/article/democracy\\_power/iran\\_democracy/akbar\\_ganji](http://www.opendemocracy.net/article/democracy_power/iran_democracy/akbar_ganji) (accessed September 24, 2007).

## VII. Recommendations

The government of Iran should:

### *Arbitrary Arrests and Treatment in Detention*

- Release all individuals currently deprived of their liberty for peacefully exercising their rights to free expression, association, and assembly;
- Ensure that all persons deprived of their liberty receive family visits, and inform families about the location and status of their family members in detention;
- Abolish the use of prolonged solitary confinement;
- Investigate and respond promptly to all complaints of torture and ill-treatment;
- Discipline or prosecute as appropriate officials at all levels of the Iranian Information Ministry responsible for the mistreatment of detainees at Evin 209 detention center;
- Bring Evin 209 under the supervision of the State Prisons and Security Corrective Measures Organization or shut it down.

### *Legal Reform*

- Amend or abolish the vague security laws under the Islamic Penal Code, entitled “Offenses against the National and International Security of the Country” (the “Security Laws”) and other legislation under the Islamic Penal Code that permits the government to arbitrarily suppress and punish individuals for peaceful political expression, in breach of its international legal obligations, on grounds that “national security” is being endangered, including the following provisions:
  - Article 498 of the Security Laws, which criminalizes the establishment of any group that aims to “disrupt national security”;<sup>168</sup>
  - Article 500, which sets a sentence of three months to one year of imprisonment for anyone found guilty of “in any way advertising against the order of the Islamic Republic of Iran or advertising for the benefit of groups or institutions against the order”;

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<sup>168</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, Ratified May 9, 1996, art. 498

- Article 610, which designates “gathering or colluding against the domestic or international security of the nation or commissioning such acts” as a crime punishable from two to five years of imprisonment;<sup>169</sup>
- Article 618, which criminalizes “disrupting the order and comfort and calm of the general public or preventing people from work” and allows for a sentence of 3 months to one year, and up to 74 lashes;<sup>170</sup>
- Article 513 of the Islamic Penal Code, which criminalizes any “insults” to any of the “Islamic sanctities” or holy figures in Islam and carries a punishment of one to five years, and in some instances may carry a death penalty;
- Article 514, which criminalizes any “insults” directed at the first Leader of the Islamic Republic of Iran, Ayatollah Khomeini or at the current Leader may be sentenced to six months to two years in prison.
- Define both “national security” and the breaches against it in narrow terms that do not unduly infringe on internationally guaranteed rights of free expression, association and assembly;
- Excise from the Islamic Penal Code the laws that criminalize “insults” against religious figures and government leaders;
- Change provisions in the Code of Criminal Procedure that allow the right to counsel to be denied in the investigative phase of pre-trial detention. The government should guarantee the right of security detainees to meet in private with legal counsel throughout the period of their detention and trial;
- Take steps to uphold the Citizens Rights Laws, enacted by head of Judiciary Ayatollah Shahrudi on 2004, in Iran’s detention centers. Unlike other laws with a security caveat, the Citizens Rights Laws are intended to be applicable in all circumstances.

### **The Government of the United States should:**

- Engage with Iranian civil society groups to support projects which they believe will not provide an easy pretext for the Iranian government to repress their activities.

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<sup>169</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, Ratified May 9, 1996, art. 610.

<sup>170</sup> Islamic Penal Code, Book Five, State Administered Punishments and Deterrents, Ratified May 9, 1996, art. 618.

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