



# Covert Terror:

## Iran's Parallel Intelligence Apparatus



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Photographs used throughout the report were obtained from the respective individuals.

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Iran Human Rights Documentation  
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# 1. Introduction

This report documents the illegal activities of Iran's *nahadhayih ittila'tiyih muvazi*, or Parallel Intelligence Apparatus (PIA), linked to numerous governmental agencies and branches of the Islamic Republic of Iran. The PIA effectively operated under the authority of Iran's Supreme Leader, Ayatollah Ali Khamenei during the Presidency of reformist Mohammed Khatami, whose term lasted from 1997 to 2004. During this period, the clandestine activities of the PIA aided the conservatives in their efforts to retain control over the levers of state. Members of the PIA were responsible for the brutal intimidation and silencing of reformists, political dissidents and critics. Their primary targets were journalists, bloggers and student activists, many of whom were the beneficiaries of the relatively relaxed atmosphere that tolerated the publication and dissemination of independent sources of information (i.e., newspapers, dailies and blogs) criticizing the conservative establishment's policies. The PIA relentlessly and systematically engaged in measures to silence pro-reform voices and stifle freedom of expression in violation of Iranian and international law.

Although little, if any, official documentation exists regarding the establishment, decision-making process or inner workings of the PIA, available evidence indicates that PIA units were not only aided in their efforts by official organs of the state, but were organizationally and operationally part of executive and judicial agencies. These agencies included police and law enforcement and their affiliated intelligence offices, including the Law Enforcement Forces or *Niruyih Intizamiyih Jumhuriyih Islamiyih Iran* (NAJA), military outfits including the Islamic Revolutionary Guard Corps (IRGC or *Sipah-i Pasdaran*) and the Iranian Army, executive agencies including the Ministry of Intelligence (MOI) and the Ministry of Defense, and perhaps most troubling, the Judiciary. The PIA's activities were also supported by paramilitary and vigilante groups including the *Basij* and *Ansar-i Hizbullah*, both of which operate under the auspices of the Office of the Supreme Leader.

Reminiscent of the MOI's denial of any links to allegedly rogue intelligence agents responsible for the Chain Murders of intellectuals in 1998, the IRGC, NAJA, Army, MOI and Judiciary regularly denied the existence of parallel intelligence units and disavowed any responsibility for their unlawful arrests, detentions, interrogations and torture of victims. Yet, collaboration and cooperation between the PIA and government agencies produced a coordinated campaign to silence reform voices both inside and outside the government. The PIA's objectives were two-fold: to end the activities of the targeted individuals, and to make examples of them in order to intimidate other political activists, dissidents and members of the reformist camp into submission.

Interviews and independent research conducted by the Iran Human Rights Documentation Center (IHRDC) reveal a striking pattern of brutality. The PIA's goal was to "break" victims through the use of various tactics designed to coerce them into confessing to criminal charges manufactured by the PIA and their allies. These tactics included unlawful investigations, surveillance, arrests, searches and seizures of property, prolonged interrogations, torture, and detention in illegal (and often hidden) facilities. The confessions were often obtained under the supervision of judges or other influential members of the Judiciary. In many cases, the coerced confessions were videotaped and broadcast by state-owned media outlets such as the *Kayhan* newspaper (under the control of the Supreme Leader) and Islamic Republic of Iran Broadcasting (IRIB).

The physical and emotional toll sustained by victims of the PIA's systematic campaign is immeasurable. Victims who refused to cooperate with the demands of their captors faced indefinite detention, solitary confinement, torture and the prospect of endangering the lives of

their families and loved ones. Those who confessed implicated themselves and their friends or coworkers in manufactured conspiracies that the PIA claimed were designed and directed by foreigners wishing to foment unrest and chaos in the Islamic Republic. Regardless of the path chosen, however, most victims faced the threat of conviction based on a series of moral and national security charges that carried heavy penalties, including execution. Victims were often prosecuted in closed Revolutionary Court sessions presided over by judges who willingly ignored serious allegations, including the denial of due process rights, and/or had actively participated in the extraction of forced confessions by the PIA.

Along with IHRDC's case study *Mockery of Justice: the Framing of Siamak Pourzand* (2008), *Covert Terror: Iran's Parallel Intelligence Apparatus* presents a comprehensive study of the unlawful and brutal activities of the PIA, and reveals that their activities were aided, furthered, legitimized and coordinated by government agencies and groups linked to executive and judicial organs of the Iranian regime. This report begins with a discussion of the political atmosphere surrounding the rise of the PIA. It then provides an in-depth factual and legal analysis of their unlawful activities.



## 2. Political Background

This section provides a political backdrop to the rise of the Parallel Intelligence Apparatus (PIA) during a period of factional infighting that marked the eight years following the election of President Mohammad Khatami in 1997. Although various theories exist regarding the establishment of these parallel intelligence units, there is general consensus among political analysts that the PIA came about as a result of the ideological schism that occurred between reformist elements encouraged by the election of President Khatami, and “Old Guard” conservatives fighting to retain control. In response to their gradual loss of authority and influence over key executive posts in agencies such as the Ministry of Intelligence (MOI), the conservative establishment led by the Office of the Supreme Leader, Ayatollah Seyyed Ali Khamenei, created, nurtured and directed parallel intelligence units dedicated to crushing the reformist movement.

This section also analyzes various units and agencies identified with the work of the PIA. Evidence suggests that the PIA were not a specific entity or organization, but a network of law enforcement, security and intelligence units that conducted clandestine operations against targeted individuals in an effort to weaken and silence the reform movement in Iran. Individuals targeted included students, journalists, bloggers and other activists sympathetic to the reformists’ cause. The PIA were aided and supported in their efforts by various official organs and agencies of the state faithful to the conservative agenda, such as Iran’s law enforcement forces and high-ranking members of the Judiciary. Finally, this section provides a brief discussion of the unsuccessful (if not halfhearted) efforts of certain executive and parliamentary bodies nominally dedicated to the protection of civil liberties to rein in the PIA.

### 2.1. Khatami’s Election and the Reformist Movement

Mohammad Khatami’s landslide victory in the 1997 presidential election sharpened the factional rivalry inside the Islamic Republic of Iran. Political and ideological differences came to the fore and the contest over the future direction of society intensified.<sup>1</sup> The power struggle was primarily between two main factions known as reformists and conservatives.<sup>2</sup> Khatami recognized the strength of the reformist movement and sought to appeal to reformists by coming out against certain restrictions on individual freedoms. He advocated for a degree of social liberalization and repeatedly pledged during his election campaign to uphold the Constitution, protect the rights it guaranteed, and instill the rule of law.<sup>3</sup> For the first time since the founding of the Islamic Republic, the conservative establishment found itself on the defensive as a wave of electoral victories by pro-reform candidates ushered in a period of relaxed social and political restrictions marked by the gradual strengthening of a vibrant civil society.

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<sup>1</sup> See generally MEHDI MOSLEM, *FACTIONAL POLITICS IN POST-KHOMEINI IRAN* (2002); REZA AFSHARI, *HUMAN RIGHTS IN IRAN: THE ABUSE OF CULTURAL RELATIVISM* (2001); PATRICK CLAWSON, MICHAEL EISENSTADT, ELIYAHU KANOSVSKY, DAVID MENASHRI, *IRAN UNDER KHATAMI* (1998); DAVID MENASHRI, *POST-REVOLUTIONARY POLITICS IN IRAN: RELIGION, SOCIETY AND POWER* (2001); ALI GHEISSARI AND VALI NASR, *DEMOCRACY IN IRAN* 128-145 (2006).

<sup>2</sup> The terms “conservative” and “reformist” can be problematic in the context of Iranian politics. The term “reformist” is used in this report to refer to the political groups inside the regime who were pushing for reform – groups that would later become known as *Duvvum-i Khurdadi ha* (The May 23<sup>rd</sup> Front). The interaction between reformist and conservative elements within Iran’s clerical establishment is fluid and complex. IHRDC uses these terms for the sake of simplification, but it must be acknowledged that there are points of division and agreement between both camps on a wide range of issues, and such complexities are not easily captured by simple labels. For greater detail on the Iranian political scene during this period see MOSLEM, *supra* note 1; AFSHARI, *supra* note 1; CLAWSON *et al.*, *supra* note 1; MENASHRI, *supra* note 1; International Crisis Group (ICG), *Iran: The Struggle for the Revolution’s Soul*, August 5, 2002, available at <http://www.crisisgroup.org/home/index.cfm?id=1673&l=1> (last visited Mar. 3, 2009).

<sup>3</sup> See MENASHRI, *supra* note 1, at 80-82.

Although the election signaled the strength of popular demands for reform, it did not change the basic framework of the Islamic revolutionary system, and did not ultimately translate into deeper social reforms. The Supreme Leader, Ayatollah Seyyed Ali Khamenei, remained the most powerful political figure in the country and the conservative bloc within the clerical establishment retained control over many state institutions through which it pursued an anti-reform agenda.<sup>4</sup> The conservatives seized upon Ayatollah Khamenei's statement that "[t]oday, the enemy is striking Islam from home," and used it as justification to attack the legitimacy of the reformist movement, which they alleged was linked to western governments plotting to undermine the Islamic revolution.<sup>5</sup>

In 1998, a number of Iranian dissident intellectuals were brutally murdered in an apparently coordinated campaign that became known as the Chain Murders.<sup>6</sup> President Khatami and his allies launched executive and parliamentary investigations into the murders.<sup>7</sup> The investigations revealed an extensive network of alleged rogue intelligence elements linked to the MOI and several other intelligence units.<sup>8</sup> The Minister of Intelligence at the time, conservative cleric Dorri Najafabadi, was considered to be close to the Supreme Leader.<sup>9</sup> In 2000, President Khatami took advantage of the popular outcry provoked by the Chain Murders to appoint Ali Younesi in Najafabadi's place.<sup>10</sup> Younesi purportedly purged the MOI of elements associated with the Chain Murders.<sup>11</sup>

The resulting diminution of their influence within the MOI eventually led conservatives to maintain control through other state intelligence organs.<sup>12</sup> They turned to their most trusted and reliable allies: the Islamic Revolutionary Guard Corps (IRGC or *Sipah-i Pasdaran*), the *Niruyih*

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<sup>4</sup> IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *MOCKERY OF JUSTICE: THE FRAMING OF SIAMAK POURZAND 5-8* (2008) [hereinafter *MOCKERY OF JUSTICE*].

<sup>5</sup> MOSLEM, *supra* note 1, at 258, 262; *see also* AFSHARI, *supra* note 1, at 208; MENASHRI, *supra* note 1, at 154-155; AKBAR GANJI, TARIK KHANIHYIYH ASHBAH, ASIB SHINASIYIH GUZAR BIH DAWLAT-I DEMOCRATIC-I TAWSI'IGARA [DUNGEON OF GHOSTS, PATHOLOGY OF TRANSITION TO A DEVELOPMENTAL DEMOCRATIC STATE] 352, 425-434 (1999).

<sup>6</sup> *See Hushdar-i Ra'is-i Commission-i Amniyat-i Milliyih Majlis dar Murid-i Bazsazi-yih Sitad-i Qatlhayih Zan-jirih-i* [Warning of the Head of the National Security Commission of Majlis about the Reformation of the Board of the Chain Murders], IRANIAN STUDENT NEWS AGENCY (ISNA), 10/14/1380 (January 4, 2002), available (in Persian) at <http://isna.ir/isna/NewsView.aspx?ID=News-96091> (last visited Mar. 5, 2009) [hereinafter *ISNA, Chain Murders*] (reprinting an interview with Mohsen Mirdamadi, the head of the National Security and Foreign Policy Commission of the *Majlis*); GANJI, *supra* note 5, at 13, 18, 30 and 41.

<sup>7</sup> WILFRIED BUCHTA, *WHO RULES IRAN? THE STRUCTURE OF POWER IN THE ISLAMIC REPUBLIC* 159-70 (2000).

<sup>8</sup> *Id.* at 166-68. The presidential committee launched by Khatami uncovered the existence of three covert intelligence committees whose members came from the MOI, the Intelligence Protection Organization of the IRGC and the Office of the Supreme Leader. *Id.* at 167. These committees included an evaluation committee led by the First Deputy Intelligence Minister Pur-Mohammadi, charged with identifying intellectuals targeted for assassination; a planning committee led by Mir-Hijazi, charged with working on the logistics of the murder operations; and an executive committee led by Colonel Mohammad Baqer Zulqadr (head of the *Quds* force of the Islamic Revolutionary Guard Corps), charged with carrying out the assassinations. *Id.* at 167-68.

<sup>9</sup> BUCHTA, *supra* note 7. Akbar Ganji argues that Dorri Najafabadi was appointed Minister of Intelligence contrary to President Khatami's will in 1997. He claims that Khatami introduced him as Minister of Intelligence in his cabinet under pressure from the Supreme Leader. GANJI, *supra* note 5, at 47, 48.

<sup>10</sup> *MOCKERY OF JUSTICE, supra* note 4, at 6.

<sup>11</sup> BUCHTA, *supra* note 7, at 162-164.

<sup>12</sup> Mirdamadi claimed in the interview with ISNA that "the Chain Murder committee has reconfigured and revived itself after its nuclei was targeted earlier." ISNA, *Chain Murders, supra* note 6; Interview with a former member of the Intelligence Protection Organization of the Iranian Army, on May 2, 2008 [hereinafter Interview with Witness A]; Witness Statement of Mohsen Sazegara, prepared by IHRDC and approved by witness (Nov. 11, 2008) [hereinafter Witness Statement of Sazegara]. IHRDC interviewed Sazegara on February 14, 2008 and September 26, 2008. A copy of the Witness Statement is on file with IHRDC; Witness Statement of Hassan Zarezadeh Ardeshir, prepared by IHRDC and approved by witness (Nov. 11, 2008) [hereinafter Witness Statement of Zarezadeh]. IHRDC interviewed Zarezadeh on February 15, 2008. A copy of the Witness Statement is on file with IHRDC; *Darbariyyih Sazman-i Ittila't-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 (May 9, 2005), available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 16, 2009).

## Mohsen Sazegara

Mohsen Sazegara is a political analyst, writer and a founder of Iran's Islamic Revolutionary Guard Corps. Sazegara studied engineering at Aryamehr University in Tehran (today's Sharif University) and pursued his studies at the Illinois Institute of Technology in Chicago.



Sazegara accompanied Ayatollah Khomeini, the founder of the Islamic Republic of Iran, from Paris to Tehran in 1979. During the 1980s and 1990s, Sazegara held various government and private posts. He also founded several dailies that were eventually shut down by the government. After the closures, Sazegara became a more vocal critic of the Islamic Republic and expressed his views openly during frequent interviews with international media outlets. Sazegara announced his candidacy for Iran's presidency during the 2001 election, but was disqualified by the Council of Guardians. In 1986, he was arrested by the regime and spent 75 days in prison. In 2003 he spent 114 days in Section 325 of Evin Prison (administered by Iran's parallel intelligence apparatus) after publicly supporting student demands for reform. Sazegara was held in solitary confinement for 56 days, after which he was released on bail.

On January 31, 2004, Sazegara left Iran for England in order to receive medical treatment. From England, he moved to the United States. During the last several years, Sazegara has completed several fellowships subsidized by the Scholars at Risk Fund at Yale and Harvard. He currently lives in Washington, DC, and runs his own private research firm.

*Intizamiyeh Jumhuriyeh Islamiyeh Iran* (known as NAJA, Law Enforcement Forces or the Police), and the Iranian Army, each of which has its own intelligence and counterintelligence units.<sup>13</sup> The conservatives used these intelligence units to unlawfully collect and manufacture material incriminating individuals linked to the reformist movement. The intelligence units also set up and operated illegal detention facilities outside the control of the State Prisons Organization (SPO),<sup>14</sup> where political prisoners were intimidated and abused with impunity.<sup>15</sup>

The conservative establishment exerted substantial influence over Iran's Judiciary, and used it as an instrument to counter Khatami and his allies. Within several years of the MOI purges, Ayatollah Shahroudi, the head of the Judiciary, established three intelligence-gathering units that operated independently of the MOL. These units were ultimately accountable to the Supreme Leader, who appoints the head of the Judiciary.<sup>16</sup> The head of the Judiciary, in turn, has the authority to appoint the head of the Supreme Court and the Chief Public Prosecutor, who each have the managerial authority to appoint and dismiss their subordinates.<sup>17</sup> With the Judiciary almost entirely at the disposal of Iran's Supreme Leader, the conservative establishment

<sup>13</sup> See BUCHTA, *supra* note 7, at 165; see also MAJID MOHAMMADI, JUDICIAL REFORM AND REORGANIZATION IN 20<sup>TH</sup> CENTURY IRAN: STATE-BUILDING, MODERNIZATION, AND ISLAMICIZATION 163-164 (2008).

<sup>14</sup> The State Prison Organization (SPO) is responsible for monitoring prisons and detention facilities in Iran, and operates directly under the supervision of the head of the Judiciary. A'yin Namihyiyeh Ijra'iyeh Sazman-i Zindanha va Iqdamat-i Ta'mini va Tarbiyatiyeh Kishvar [Executive Procedure for the State Prisons and Security and Corrective Measures Organization] 1384 [adopted 1985, amended 2005], art. 1 (Iran), available (in Persian) at <http://www.prisons.ir/fa/PrisonsOrganNewFormualPart1.php> (last visited Feb. 18, 2009) [hereinafter SPO Law].

<sup>15</sup> MOHAMMADI, *supra* note 13, at 164; see also MOCKERY OF JUSTICE, *supra* note 4, at 18-21.

<sup>16</sup> See, e.g., Qanun-i Assasiyeh Jumhuriyeh Islamiyeh Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] art. 157 [hereinafter IRANIAN CONST.].

<sup>17</sup> *Id.* art. 162.

shamelessly exploited the powers granted to judicial authorities to legitimize their political objectives.<sup>18</sup>

PIA victims were charged with such crimes as:

- attempted disruption of the national security of the Islamic Republic of Iran,<sup>19</sup>
- spying, espionage and providing information to foreigners,<sup>20</sup>
- offending and insulting the authorities and officials of the Islamic Republic of Iran, in particular the Supreme Leader,<sup>21</sup> and
- provoking the armed forces to disobedience and rebellion.<sup>22</sup>

With cooperation from the Judiciary, these provisions enabled the conservatives to cover their suppression of dissent under the pretext of protecting national security. Iran's Constitution provided little effective protection. While the Constitution sets out basic rights to assembly, association and freedom of expression, these rights are weakened by broadly defined exceptions in the Penal Code and Code of Criminal Procedure. Crimes against national security are punishable by one to 12 years imprisonment unless the accused is found to be *Maharib*, in which case the crime is punishable by death.<sup>23</sup>

## 2.2. The Conservative Backlash and the Rise of the PIA

The plainclothes agents allegedly operating at the behest of (or in concert with) security and intelligence units of the Islamic Republic are referred to as *nahadhayih ittila'tiyih muvazi* or PIA by political dissidents and analysts.<sup>24</sup> These agents were associated with a host of illegal activities, including the targeting, surveillance and kidnapping of students, journalists, bloggers, intellectuals and political dissidents. Perhaps most important, the PIA are credited with establishing and running a system of secret<sup>25</sup> detention facilities in which they subjected their targets to long interrogation sessions, solitary confinement and torture.

It is believed that the PIA organizations developed as a result of the decentralized system of intelligence gathering in the Islamic Republic. Iran's government structure allows a number of

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<sup>18</sup> See MOHAMMADI, *supra* note 13, at 182-190; MENASHRI, *supra* note 1, at 148.

<sup>19</sup> Iran's Penal Code addresses crimes against national security in articles 498-512; 610-611. Qanun-i Mujazat-i Islami [Islamic Penal Code] (1379) [2001] arts. 498-512, 610-611 (Iran), *partially available (in Persian) at* [http://hoghoogh.online.fr/article.php3?id\\_article=67](http://hoghoogh.online.fr/article.php3?id_article=67) (last visited Feb. 23, 2009) [hereinafter Iran Penal Code]; *see also id.* art. 498 (mandating two to three years of imprisonment for conspiring with another, or others, to disrupt the national security of the nation), *id.* art. 499 (mandating three months' to five years' imprisonment for membership in a group identified in Article 498, unless unaware of the group's objectives), *id.* art. 500 (mandating three months to a year imprisonment for propagandizing against the Islamic Republic, or in favor of a group or organization that acts against the Islamic Republic).

<sup>20</sup> These charges were often based on meetings with foreigners or interviews with foreign media, including Radio Liberty and Voice of America, Persian Service.

<sup>21</sup> Iran's Penal Code criminalizes insults against Islam's holy figures (i.e., the twelve Imams, the great prophets and their kin, etc). If the insults are directed at the Prophet Muhammad, the crime is punishable by death. Otherwise, the individual is subject to one to five years' imprisonment. Iran Penal Code, *supra* note 19, art. 513. Insults against Khomeini and the Supreme Leader require six months' to two years' imprisonment. *Id.* art. 514. The Penal Code also criminalizes criticism of state officials working (including members of the Judiciary) in their official capacities. *Id.* art. 609.

<sup>22</sup> *See, e.g., id.* arts. 504, 512.

<sup>23</sup> Article 183 of the Islamic Penal Code of Iran defines *Maharib* as "anyone who pulls weapons with the intention to intimidate, create fear, deny freedom to the public and disrupt public security." Article 187 provides that "anyone or any group that plans to overthrow the Islamic Republic and for this purpose arranges weapons and ammunition, and also anyone who, with full awareness and free will, provides them with effective financial assistance, weapons and other necessary tools is considered *Maharib*." Article 190 states that the crime of *Maharib* is punishable by (1) killing, (2) hanging, (3) amputation of first the right hand then left leg, or (4) *Nafyih balad* [Exile]. Article 195 also prescribes crucifixion for the crime of *Maharib*.

<sup>24</sup> *See* MOCKERY OF JUSTICE, *supra* note 4, at 6; MOHAMMADI, *supra* note 13, at 163-64.

<sup>25</sup> This report uses the term "secret" to denote the illegal and hidden nature of the detention facilities administered by the PIA outside the jurisdiction of the SPO. Although some of these facilities operate in secret and undiscovered sites, the locations of many of the most notorious facilities are, in fact, common knowledge.

military and government institutions to maintain intelligence capabilities that are semi-independent from the MOI, the main executive agency tasked with monitoring and gathering intelligence.<sup>26</sup> Although the MOI maintains primacy in all national security-related issues and manages all intelligence-gathering operations, the subsidiary intelligence units are designed to act primarily in support of their parent institutions, which are in turn controlled by the Office of the Supreme Leader.<sup>27</sup> Whereas the Minister of Intelligence is appointed by the President and confirmed by the *Majlis*, the heads of the Intelligence Protection Organization of the IRGC,<sup>28</sup> the Intelligence Protection Organization of NAJA,<sup>29</sup> the Intelligence Protection Organization of the Army<sup>30</sup> and the Intelligence Protection Center of the Judiciary<sup>31</sup> are all appointed by the Supreme Leader and controlled by conservative factions loyal to him.<sup>32</sup>

According to reports and testimony provided by victims, these subsidiary intelligence units formed the heart of the PIA and were responsible for the systematic and unlawful targeting,

<sup>26</sup> See BUCHTA, *supra* note 7, at 164-66; MOCKERY OF JUSTICE, *supra* note 4, at 5-8.

<sup>27</sup> See, e.g., Qanun-i Niruyih Intizamiyih Jumphuriyih Islamiyih Iran [Law of the Law Enforcement Forces of the Islamic Republic of Iran] 1369 [1990], arts. 2, 4(4), 4(7), 5 (Iran) available (in Persian) at <http://www.police.ir/Portal/Home/Default.aspx?CategoryID=d851787c-8912-4fef-ac2c-dc9bca7f2b6b> (last visited Feb. 18, 2009) [hereinafter NAJA Law] (discussing the responsibilities of NAJA's Office of Intelligence Protection).

<sup>28</sup> See Qanun-i Muqararat-i Istikhdamiyih Sipah-i Pasdarani-i Jumphuriyih Islamiyih Iran [Law of Employment Requirements for the Sipah-i Pasdaran of the Islamic Republic of Iran] 1370 [1991], art. 229 (Iran), reprinted in Majmu'iyih Qavanin-i Niruhayih Musallah-i Jumphuriyih Islamiyih Iran [Compilation of the Laws of the Armed Forces of the Islamic Republic of Iran] Tehran 1375 [1997]. In 2006, the Supreme Leader replaced Mohammad Baqer Zulfqadr and appointed Morteza Rezai as the new head of the IRGC's intelligence unit. Global Security.Org, (May 12, 2006), available at <http://www.globalsecurity.org/wmd/library/news/iran/2006/17-120506.htm> (last visited Feb. 18, 2009).

<sup>29</sup> See NAJA Law, *supra* note 27, art. 5. The head of the Intelligence Protection Organization of NAJA during Khatami's presidency was Commander Mohammad Reza Naqdi. Interview with Witness A, *supra* note 12; see also *Darbaryyih Sazman-i Ittila't-i Muvazi, Qismat-i Dahum* [About the Parallel Intelligence System, Part Ten], GOOYA NEWS, 28/2/1384 [May 18, 2005], available (in Persian) at <http://news.gooya.com/politics/archives/029037.php> (last visited Feb. 18, 2009). Most of NAJA's PIA activity was administered through its *Amaken* office, which was deeply involved in the arrest and detention of political dissidents during the early years of Khatami's term. According to witnesses and analysts, *Amaken* was not a particularly powerful organization prior to the establishment of the PIA, but was heavily relied upon by the conservative establishment once the MOI was purged by Khatami and Younesi. Interview with Witness A, *supra* note 12; Witness Statement of Houshang Bouzari, prepared by IHRDC and approved by witness (July 29, 2008), para. 8 [hereinafter Witness Statement of Bouzari]. IHRDC interviewed Bouzari on April 17, 2008. A copy of the Statement is on file with IHRDC. See also MOCKERY OF JUSTICE, *supra* note 4, at 19-20.

<sup>30</sup> See Qanun-i Artish-i Jumphuriyih Islamiyih Iran [Law of the Military of the Islamic Republic of Iran] 1366 [1987] art. 16 (Iran), reprinted in Majmu'iyih Qavanin-i Niruhayih Musallah-i Jumphuriyih Islamiyih Iran [Compilation of the Laws of the Armed Forces of the Islamic Republic of Iran] Tehran 1375 [1997]. The head of the Intelligence Protection Organization of the Army was Mehdi Montazeri, who was later replaced by Ali Akbar Dianatfar. Interview with Witness A, *supra* note 12; see also *Maqam-i Mu'azzam-i Rahbari, Ra'is-i Jadid-i Sazman-i Hifazat-i Ittila'at-i Artish Ra Mansub Kardand* [The Supreme Leader Appoints the New Head of the Intelligence Protection Organization of the Army], Iran Newspaper, 29/8/1380 [Nov. 20, 2001], available (in Persian) at <http://www.iran-newspaper.com/1380/800829/html/politic.htm> (last visited Feb. 18, 2009).

<sup>31</sup> Mahan Abedin, *Iran's Lurking Enemy Within*, ASIA TIMES, June 8, 2006, available at <http://atimes.com/atimes/Middle-East/HF088AK03.html> (last visited Mar. 5, 2009). The infamous head of the Intelligence Protection Center of the Judiciary was Elias Mahmoudi, who was later replaced by Asqar Jahangir. Interview with Witness A, *supra* note 12. See also *Ra'is-i Jadid-i Markaz-i Hifazat-i Ittila't-i Quviih Qaza'iyih Mansub Shud* [The New head of the Intelligence Protection Center of the Judiciary is Appointed], KAYHAN, 25/11/1384 [Feb. 14, 2006], available (in Persian) at <http://www.magiran.com/npview.asp?ID=1002747> (last visited Feb. 18, 2009). In addition to the Intelligence Protection Center, the Judiciary set up two parallel intelligence units. In October 2001, it established a special committee to oversee the implementation of the Supreme Leader's foreign policy decisions and prosecute individuals who criticized those policies. MOHAMMADI, *supra* note 13, at 278. In 2004, Ayatollah Shahroudi ordered the creation of another intelligence unit dubbed the Social Intelligence Organization, which was to gather information in neighborhoods, factories, universities, schools, seminaries, and other public spaces in order to combat social vices. *Tashkil-i Yik Nahad-i Ittila'tiyih Jadid dar Quviih Qaza'iyih Iran* [Iran's Judiciary Establishes a New Intelligence Unit], BBC Persian, 17/8/1383 [Nov. 7, 2004], available (in Persian) at [http://www.bbc.co.uk/persian/iran/story/2004/11/041107\\_a\\_iran\\_judiciary.shtml](http://www.bbc.co.uk/persian/iran/story/2004/11/041107_a_iran_judiciary.shtml), (last visited Feb. 18, 2009).

<sup>32</sup> See BUCHTA, *supra* note 7, at 165; MOHAMMADI, *supra* note 13, at 164. In addition to these entities, the Office of the Supreme Leader has its own parallel intelligence unit – the Intelligence Organization of the Supreme Leader – which was headed by Asqar Hijazi at the time. Interview with Witness A, *supra* note 12.

surveillance, arrests, detentions, and torture of the regime's political critics.<sup>33</sup> The PIA initiated their campaign to crush the reformist movement following the purges that occurred after President Khatami's investigation into the inner workings of the MOI.<sup>34</sup> Many of the security personnel that were purged from the MOI were ultimately absorbed into the PIA by conservative elements that controlled Iran's armed forces and Judiciary.<sup>35</sup>

The decentralized structure of Iran's intelligence-gathering institutions and the purges led to a bifurcated system of intelligence operations – one controlled by reformist factions led by President Khatami and the new Minister of Intelligence, Ali Younesi, and the other led by Supreme Leader Khamenei and the various heads of the subsidiary intelligence units described above.<sup>36</sup> There is evidence that despite the complex and overlapping structure of Iran's intelligence agencies, ultimate oversight came from officials at the top of these organizations, including those close to the Office of the Supreme Leader.<sup>37</sup>

This decentralized intelligence structure was susceptible to abuse. It enabled conservatives and their allies to simply bypass, with virtual impunity, legal constraints protecting fundamental rights enshrined in Iranian and international law. Decentralization in the Iranian political system did not, in fact, lead to separation of powers or a system of checks and balances. To the contrary, the new structure further concentrated power in the hands of the Supreme Leader and his appointees in the armed forces and Judiciary, all of whom identified with the conservatives' political agenda.<sup>38</sup>

This report, therefore, uses the term "PIA" to refer not to a specific entity or organization, but to a network of official and covert security and intelligence units that conducted clandestine operations against targeted individuals as a means to weaken and silence the reformist movement in Iran. It is both the structure and illegal nature of these networks' activities that defines them as PIA. Although most of the PIA's operations were conducted by plainclothes agents, many were supported by uniformed security and intelligence agents. Additionally, these units were aided and

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<sup>33</sup> See, e.g., *Darbariyih Sazman-i Ittila'at-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 [May 9, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 18, 2009); Interview with Witness A, *supra* note 12; Witness Statement of Sazegara, *supra* note 12, paras. 4-5.

<sup>34</sup> See MOHAMMADI, *supra* note 13, at 164; Witness Statement of Bouzari, *supra* note 29, para. 8.

<sup>35</sup> Interview with Witness A, *supra* note 12; Witness Statement of Sazegara, *supra* note 12, para. 4; *Darbariyih Sazman-i Ittila'at-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 [May 9, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 18, 2009).

<sup>36</sup> MOHAMMADI, *supra* note 13, at 163; MOCKERY OF JUSTICE, *supra* note 4, at 5-8. See also Witness Statement of Shahram Rafizadeh, prepared by IHRDC and approved by witness (Feb. 26, 2009), para. 22 [hereinafter Witness Statement by Rafizadeh]. IHRDC interviewed Shahram Rafizadeh on September 12, 2008. A copy of the statement is on file with IHRDC. Witness Statement of Sazegara, *supra* note 12, paras. 3-4. It is not clear, however, whether such a bifurcated system actually operated in practice, since evidence gathered by IHRDC suggests that the MOI was involved in many of the PIA operations against political dissidents.

<sup>37</sup> According to some analysts, because the parallel institutions lacked the sweeping intelligence-gathering capabilities enjoyed by the Ministry of Intelligence, a secret committee of the heads of the parallel institutions was established to coordinate their activities. The committee reported directly to the Supreme Leader. The committee included representatives from the intelligence units still under conservative control as well as representatives of the two most important state-controlled media institutions, the Islamic Republic of Iran Broadcasting and the *Kayhan* newspaper. State-controlled media played a key role in the campaign waged against the reformists, blackening reputations and broadcasting public confessions. Witness Statement of Sazegara, *supra* note 12, paras. 5-6; *Darbariyih Sazman-i Ittila'at-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 [May 9, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 18, 2009).

<sup>38</sup> See MOCKERY OF JUSTICE, *supra* note 4, at 5-8.

supported in their efforts by other organs of the state faithful to the conservative agenda, including state media outlets such as *Kayhan* and key members of Iran's Judiciary.<sup>39</sup>

### Hassan Zarezadeh Ardeshir

Hassan Zarezadeh Ardeshir is a human rights activist and journalist who has written extensively on human rights and the political environment in Iran. He was the spokesperson of the United Student Front and the co-founder of the Student Committee for Defense of Political Prisoners, a student human rights organization in Iran. He also served as the editor-in-chief of *Jame'e Weekly*, which was banned by the government.



Zarezadeh was arrested 12 times in Iran by plainclothes agents affiliated with Iran's Ministry of Intelligence. He was detained in illegal detention facilities administered by the PIA, including Prison 59 and Khatam-ul-Anbiya.

In 2005, he was sentenced to seven years' imprisonment and forced into exile, but he is still active and closely monitors and reports on human rights violations in the country. He has been awarded several human rights and freedom grants, including the Human Rights Watch Hellman/Hammett grant in 2006. Zarezadeh currently works with Voice of America's Persian Service and lives in Washington, D.C.

High-level officials of the armed forces and the Judiciary continue to brazenly disavow any knowledge of the existence of parallel intelligence structures within their agencies.<sup>40</sup> Little official documentation exists regarding the actual makeup and identity of these organizations. As a result, it is difficult to establish, with precision, a chain of command implicating high-level government officials in connection with the detention and torture of political dissidents. It appears, however, that the PIA organizations were not staffed with rogue elements operating completely outside the purview of high level officials.

### 2.3. Government Efforts to Rein in the PIA

In 1997, President Khatami established a Constitutional Watch Committee.<sup>41</sup> The Committee was created to review complaints by Iranian citizens of violations of their constitutional rights. It received a number of complaints from individuals who alleged they were victims of arbitrary arrest, detention and torture by plainclothes agents allegedly linked to the PIA.<sup>42</sup> The Committee sent the complaints to the relevant authorities – in particular, members of the Judiciary and the Minister of Intelligence – and asked them to provide written clarification regarding the

<sup>39</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 7. For more information regarding the role of *Kayhan* and its managing editor, Hossein Shariatmadari, see *Darbariyyih Sazman-i Ittila'a t-i Muvazi, Qismat-i Chaharum* [About the Parallel Intelligence System, Part Four], GOOYA NEWS, 22/2/1384 [May 12, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028643.php> (last visited Feb. 18, 2009).

<sup>40</sup> *Iran Report*, RADIO FREE EUROPE/RADIO LIBERTY, July 16, 2001, available at <http://www.globalsecurity.org/wmd/library/news/iran/2001/26-160701.html> (last visited Mar. 5, 2009).

<sup>41</sup> See HUMAN RIGHTS WATCH, YOU CAN DETAIN ANYONE FOR ANYTHING: IRAN'S BROADENING CLAMPDOWN ON INDEPENDENT ACTIVISM 21 (2008) [hereinafter YOU CAN DETAIN ANYONE].

<sup>42</sup> MOHAMMADI, *supra* note 13, at 164.

allegations.<sup>43</sup> The Judiciary effectively ignored the Committee's request and questioned its authority.<sup>44</sup> Khatami persisted and again asked for an explanation regarding the alleged violations of constitutional and civil rights, only to be rebuffed a second time.<sup>45</sup>

Dorri Najafabadi, the acting Minister of Intelligence at the time, also failed to provide an adequate response to the Committee's request. Instead, he expressed outrage regarding the allegations: "I'm surprised the Committee is inquiring about the claims of a suspect."<sup>46</sup> Three months later and in response to a specific allegation regarding abuse and mistreatment by the PIA, Najafabadi simply provided the following retort: "[t]he person [in question] was arrested on allegations of moral, financial, and political crimes and was released after two days of interrogation."<sup>47</sup>

In 2001, members of Iran's *Majlis* (Parliament) learned of the PIA's use of illegal detention facilities to hold political prisoners.<sup>48</sup> The Article 90 Commission, composed of Parliament members and constitutionally mandated to address private complaints filed against the three branches of government,<sup>49</sup> investigated these allegations.<sup>50</sup> Ali Akbar Musavi-Khu'ini, a reformist, headed the Commission.<sup>51</sup> Musavi-Khu'ini angered the conservative establishment by investigating the existence of detention facilities in Tehran, and was imprisoned in Tehran's notorious Evin Prison.<sup>52</sup> In a 2002 press conference, Musavi-Khu'ini confirmed that there were a number of secret prisons operating outside the supervision of Iran's SPO, to which the Article 90 Commission did not have access. He went on to state:

As you know, various intelligence, security, military and law enforcement agencies had special and sometimes secret detention facilities in the past. They were not monitored and sometimes they created trouble. [For instance,] for long periods of time families of the detainees had no information about them and there was not one individual authority responsible and accountable for these locations. In fact, the law gives the State Prison

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<sup>43</sup> Letter from Constitutional Watch Committee to Ayatollah Yazdi, head of the Judiciary (Jan. 15, 1998), *reprinted in* DR. HOSSEIN MEHRPOUR, VAZIFIH YIH DUSHVAR-I NIZARAT BAR IJRAYIH QANUN-I ASASI [THE DIFFICULT TASK OF MONITORING CONSTITUTIONAL COMPLIANCE] 293 (2006) (copy on file with IHRDC); Letter from Constitutional Watch Committee to Dorri Najafabadi, Minister of Interior (Sept. 6, 1998), *reprinted in* MEHRPOUR, *supra* note 43, at 308-09 (copy on file with IHRDC).

<sup>44</sup> Letter from Ayatollah Yazdi, head of the Judiciary, to Seyyed Mohammad Khatami, President (Feb. 7, 1998), *reprinted in* MEHRPOUR, *supra* note 43, at 294 (copy on file with IHRDC).

<sup>45</sup> Letter from Seyyed Mohammad Khatami, President, to Ayatollah Yazdi, head of the Judiciary (Nov. 23, 1997), *reprinted in* MEHRPOUR, *supra* note 43, at 291-92 (copy on file with IHRDC); Letter from Seyyed Mohammad Khatami, President, to Ayatollah Yazdi, head of the Judiciary (Mar. 20, 1998), *reprinted in* MEHRPOUR, *supra* note 43, at 297-98 (copy on file with IHRDC).

<sup>46</sup> Letter from Dorri Najafabadi, Minister of Intelligence, to Constitutional Watch Committee (Nov. 15, 1998), *reprinted in* MEHRPOUR, *supra* note 43, at 310 (copy on file with IHRDC); *see also* Letter from Constitutional Watch Committee to Dorri Najafabadi, Minister of Intelligence (Dec. 14, 1998), *reprinted in* MEHRPOUR, *supra* note 43, at 312 (demanding a legitimate response to the Committee's inquiry) (copy on file with IHRDC).

<sup>47</sup> Letter from Dorri Najafabadi, Minister of Intelligence, to Constitutional Watch Committee (Feb. 7, 1999), *reprinted in* MEHRPOUR, *supra* note 43, at 313 (copy on file with IHRDC).

<sup>48</sup> YOU CAN DETAIN ANYONE, *supra* note 41, at 21.

<sup>49</sup> *See* IRANIAN CONST., *supra* note 16, art. 90. Although Article 90 of the Constitution authorizes this Commission to investigate and report on complaints filed against the government, the Commission lacks the authority to investigate complaints filed against the office of the Supreme Leader. *See* HUMAN RIGHTS WATCH, LIKE THE DEAD IN THEIR COFFINS: TORTURE, DETENTION, AND THE CRUSHING OF DISSENT IN IRAN 60-62 (2004) [hereinafter LIKE THE DEAD IN THEIR COFFINS].

<sup>50</sup> Though the Commission does not have any real enforcement powers, many victims attempted to use the public reporting mechanism of the Commission as a way to bring attention to their cases. Those who filed complaints with the Commission found the attention the filing drew to their cases beneficial, but also found that it exposed them to retaliation. LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 60.

<sup>51</sup> *Id.* at 64.

<sup>52</sup> *Id.* at 21-22. It is reported that Musavi-Khu'ini angered the conservatives by criticizing the unlawful activities of the PIA during the reform period. In mid-June 2006, Musavi-Khu'ini was arrested and imprisoned for participating in a peaceful walk in support of women's rights in Iran. *Id.* at 64.



Organization (SPO) the responsibility to monitor and administer these prisons and requires each prison to be registered with the SPO.<sup>53</sup>

Musavi-Khu'ini identified several of the detention centers that IHRDC documents in this report, including Prison 59 and *Amaken*.<sup>54</sup> Subsequent to the Article 90 Commission's investigation and waves of protests by reformists and media outlets, the PIA's use of illegal detention facilities in and around Tehran appeared to diminish.<sup>55</sup> Musavi-Khu'ini declared that both the IRGC and the MOI had provided guarantees to the Article 90 Commission that they would shut down their illegal detention facilities and transfer the detainees to Evin Prison.<sup>56</sup>

However, at least some of these facilities are still active.<sup>57</sup> These include facilities allegedly administered by the intelligence protection offices of NAJA and the IRGC. Reports also indicate that other facilities run by the MOI and the IRGC transferred their detainees to sections A and B of Evin Prison.<sup>58</sup> This move did not alter the culture of impunity that permeates all levels of activity inside the detention facilities. In fact, the MOI and the IRGC continue to enjoy absolute authority over their sections inside Evin, where detainees are routinely kept in solitary confinement for periods longer than 20 days, and subject to mistreatment and torture. Moreover, these agencies deny the SPO, the head of the Judiciary, and the General Attorney of Tehran access to these buildings.<sup>59</sup>

Presumably in response to a sharp increase in complaints regarding arbitrary arrests and detentions perpetrated by plainclothes agents allegedly linked to the PIA, the head of the Judiciary, Ayatollah Shahroudi, issued a directive in 2004 addressed to judges, law enforcement officers, inspectors and prison officials.<sup>60</sup> The directive reflected civil rights and protections already codified in Iran's Constitution and Criminal Code of Procedure (CCP). For example, it explicitly prohibited the use of arbitrary surveillance, arrests, detentions, interrogations and torture by government agents.<sup>61</sup> The directive also enumerated a host of due process safeguards, including access to legal representation and respect for the rule of law, that must be preserved at all times.<sup>62</sup> On May 5, 2004, the directive was formally approved by the *Majlis* and confirmed by

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<sup>53</sup> *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashtgahhayih Tehran* [Seyyed Ali Akbar Musavi-Khu'ini, *Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities*], ISNA 27/7/1381 (October 19, 2002), reprinted in *MOCKERY OF JUSTICE*, *supra* note 4, App. 2.

<sup>54</sup> *Id.*

<sup>55</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 14.

<sup>56</sup> *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashtgahhayih Tehran* [Seyyed Ali Akbar Musavi-Khu'ini, *Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities*], ISNA 27/7/1381, (October 19, 2002), reprinted in *MOCKERY OF JUSTICE*, *supra* note 4, App. 2.

<sup>57</sup> YOU CAN DETAIN ANYONE, *supra* note 41, at 21. Towhid Prison, for example, has since been closed. *Id.*

<sup>58</sup> See generally Witness Statement of Rafizadeh, *supra* note 36; Witness Statement of Sazegara, *supra* note 12; Witness Statement of Ensafali Hedayat, prepared by IHRDC and approved by witness (Nov. 24, 2008) [hereinafter Witness Statement of Hedayat]. IHRDC interviewed Hedayat on October 24, 2008. A copy of the Statement is on file with IHRDC. See also YOU CAN DETAIN ANYONE, *supra* note 41, at 18-23.

<sup>59</sup> Witness Statement of Ali Afshari, prepared by IHRDC and approved by witness (Oct. 29, 2008), paras. 4-6 [hereinafter Witness Statement of Afshari]. IHRDC interviewed Afshari on February 16, 2008 and September 26, 2008. A copy of the Statement is on file with IHRDC. See also *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashtgahhayih Tehran* [Seyyed Ali Akbar Musavi-Khu'ini, *Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities*], ISNA 27/7/1381 (October 19, 2002), reprinted in *MOCKERY OF JUSTICE*, *supra* note 4, App. 2.

<sup>60</sup> See YOU CAN DETAIN ANYONE, *supra* note 41, at 16.

<sup>61</sup> Nooredin Abedian, *It's All About You, Sir!*, IRAN-VA-JAHAN, May 17, 2004, available at <http://iranvajahan.net/cgi-bin/news.pl?l=en&y=2004&m=05&d=17&a=5> (last visited Feb. 11, 2009); see also YOU CAN DETAIN ANYONE, *supra* note 41, at 16.

<sup>62</sup> See YOU CAN DETAIN ANYONE, *supra* note 41, at 16.

the Guardian Council.<sup>63</sup> The new law, passed during the final year of Khatami's Presidency, is known as the Law Respecting Legitimate Freedoms and Protecting Citizen Rights (Citizen Rights Law).<sup>64</sup> Enactment of this law was widely seen as the first public acknowledgment of the practice of torture in the Islamic Republic of Iran.<sup>65</sup>

Despite the passage of the new law, conservative factions loyal to the Supreme Leader continued to consolidate power within the armed forces and the Judiciary. A detailed report to Ayatollah Shahroudi by Hojjatoleslam Abbas-Ali Alizadeh, head of the Judiciary of Tehran Province and the Civil Rights Inspectorate, indicated that allegations continued to be made of PIA activities.<sup>66</sup> According to news reports, the Inspectorate received at least 143 complaints by July 2005.<sup>67</sup> Alizadeh's report focused on the administration of several notorious illegal detention facilities run by intelligence units of the armed forces and the Judiciary, in addition to other facilities reportedly run by the Ministry of Defense, Islamic Revolutionary Tribunal of Tehran, and the Seventh District Revolutionary Prosecutor's Office.<sup>68</sup> It noted the sheer number of detention centers in and around Tehran, many of which appeared to be operating outside the law.<sup>69</sup>

The report noted that the Inspectorate's duty is to ensure that government agents comply with the law, and that those who commit acts outside the law are held accountable. Yet Alizadeh lamented the confrontational attitude of the armed forces and the Judiciary, and argued that judges should not be tools of the MOI.<sup>70</sup> Violations documented in the report included illegal use of blindfolds, detention without charges, prolonged investigations, eavesdropping and wiretapping, lack of access to lawyers, torture, prolonged solitary confinement and forced confessions.<sup>71</sup>

Despite the apparent desires of Khatami and Shahroudi to rein in the PIA, the period between 2001 and 2004 was marked by an increase in the security and intelligence functions of the Judiciary and the MOI. In October 2001, the Judiciary established a special committee to oversee the implementation of the Supreme Leader's policies in foreign relations and to prosecute individuals who criticize the Supreme National Security Council's decisions. In September 2002, the Judiciary established the Intelligence Protection Organization of the Judiciary, a notorious

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<sup>63</sup> See generally Qanun-i Ihtiram bih Azadihayih Mashru' va Hifz-i Huquq-i Shahrivandi [Law Respecting Legitimate Freedoms and Protecting Citizen Rights] (1383) [2004], available (in Persian) at <http://hoqouq.com/article-print-17.html> (last visited Feb. 23, 2009) [hereinafter Citizen Rights Law]. Many of the human rights abuses documented in this report occurred prior to the passage of the Citizen Rights Law. However, violations of the law will be noted in this report, as it was a codification of fundamental rights already guaranteed to Iranian citizens pursuant to the Constitution and other laws.

<sup>64</sup> See YOU CAN DETAIN ANYONE, *supra* note 41, at 16.

<sup>65</sup> *Id.*; Nazila Fathi, *Hardliner in Iran Back Torture Ban*, NEW YORK TIMES, May 9, 2004, available at <http://query.nytimes.com/gst/fullpage.html?res=980CEEDB153CF93AA35756C0A9629C8B63> (last visited Mar. 1, 2009); Nir Boms and Reza Bolorchi, *Iran's Summer Song of Dissent*, THE NAT'L INTEREST, June 9, 2004, available at <http://www.inthenationalinterest.com/Articles/Vol3Issue23/Vol3Issue23Boms.html> (last visited Mar. 1, 2009).

<sup>66</sup> *Id.* at 19 n. 55.

<sup>67</sup> See Citizen Rights Law, *supra* note 63; YOU CAN DETAIN ANYONE, *supra* note 41, at 19.

<sup>68</sup> *Violations of Civil Rights in Security and Intelligence Prisons and Detention Centers in Tehran*, ISNA, July 23, 2005, available at [www.iranrights.org/english/document-287.php](http://www.iranrights.org/english/document-287.php) (last visited Feb. 11, 2009) [hereinafter Alizadeh Report]. The Inspectorate was established pursuant to Article 15 of the Civil Rights Law, and is made up of representatives of the Judicial Organization of the armed forces, the Judge's Disciplinary Court, the Military Prosecutor of Tehran, the Military Prosecutor's Office, the National General Inspectorate, Deputy Director of the Judiciary, and an assistant prosecutor from the Supreme Court. Citizen Rights Law, *supra* note 41, art. 15. The Judiciary in Tehran assigned the investigation of civil rights violations to various branches of the city's judicial establishment. Alizadeh Report, *supra* note 68.

<sup>69</sup> Alizadeh Report, *supra* note 68.

<sup>70</sup> *Id.* ("We should not give in to expediency [in the execution of our laws]").

<sup>71</sup> *Id.* Alizadeh stressed that many detainees were confined to spaces of less than a single square meter. According to Shahroudi's directive, each detainee should have a space of at least 12 square meters. *Id.*

intelligence organization implicated in some of the abuses documented in this report. Finally in 2004, Shahroudi ordered the establishment of another intelligence service within the Judiciary, the Social Intelligence Organization, that was charged with responsibility for gathering information related to public vices.<sup>72</sup>

### Shahram Rafizadeh

Shahram Rafizadeh is a poet, investigative journalist and blogger. He holds a bachelors' degree in mathematics from Tehran University.

Rafizadeh began his professional life as a writer in 1993 with *Iran-i Javan*, a publication for Iran's younger generation. After 2000, he started writing political reports and wrote a book in cooperation with Nima Tamadon addressing the history of political assassinations in Iran. He later wrote three books about the Chain Murders of Iranian intellectuals by agents of the Ministry of Intelligence in the late 1990s. The first book was published in Iran, but the other two books were banned. On September 7, 2004, Rafizadeh was arrested allegedly because of his writings for *Gooya News* and *Emrooz*, two well-known reformist websites. He was held in solitary confinement for 73 days in an unknown detention facility administered by the PIA. He was severely beaten while in custody and forced to provide a televised confession implicating himself in arbitrary charges.



In late 2004, Rafizadeh escaped from Iran and resettled in Canada.

## 3. Pre-Detention Unlawful Activities of the PIA

This section focuses on the unlawful activities of the PIA prior to the detention of their targets in facilities operating outside the jurisdiction of the regime's official administrative body, the State Prisons Organization. These pre-detention activities are analyzed sequentially, from the selection, targeting and investigation of individuals to the surveillance and monitoring of their day-to-day activities. Each section provides a factual account based on witness statements and secondary sources, followed by an analysis of the domestic and international laws breached during the commission of these unlawful acts.

The individuals selected, investigated and monitored during the pre-detention phase were likely targeted because of the nature of their activities and information gathered about their private lives – information that could later be manipulated in order to achieve a broader political purpose. Many of the individuals interviewed by IHRDC believed they were targeted and arrested by plainclothes agents who were linked to (or identified with) regular law enforcement and security units such as NAJA and the MOI.

<sup>72</sup> *Tashkil-i Yik Nahad-i Ittila'atīyih Jadid dar Quwīyih Qaza'īyīh Iran* [Iran's Judiciary Establishes a New Intelligence Unit], BBC Persian, 17/8/1383 [Nov. 7, 2004], available (in Persian) at [http://www.bbc.co.uk/persian/iran/story/2004/11/041107\\_a\\_iran\\_judiciary.shtml](http://www.bbc.co.uk/persian/iran/story/2004/11/041107_a_iran_judiciary.shtml), (last visited Feb. 18, 2009).

## 3.1. Selection, Targeting and Surveillance of Victims

### 3.1.1. Facts

There is little, if any, documentation on the criteria used by the PIA to select their targets. According to some analysts and witnesses interviewed by IHRDC, the PIA had decision-making boards charged with setting the network's agenda.<sup>73</sup> A review of the individuals targeted and eventually detained suggests that they were chosen due to the nature of their political activities, their occupations, their location(s) of activity and details of their personal lives.

Moreover, interviews conducted by IHRDC indicate that while the PIA targeted activists dedicated to the peaceful promotion of democratic ideals, they generally refrained from targeting high-profile reformists. This pattern of targeting suggests that the PIA selected missions that were logistically feasible, and targets that would allow them to maximize their objectives without risking too much pushback from the reformist camp and the public at large.<sup>74</sup> The targeting and mistreatment of students, journalists and bloggers was particularly harsh, as these individuals had access to decentralized media sources (including the blogosphere) and could more effectively be used by the PIA to threaten and intimidate reformists and their allies.

Shahram Rafizadeh, a journalist and writer who was arrested in 2004 by plainclothes agents, said that "my interrogators told me that arrests are made after an investigative committee conducts investigations, analyzes case files and reaches conclusions in light of the organization's larger political goals."<sup>75</sup> Rafizadeh also provided insight into the manipulation of personal and private information for the purpose of fabricating case files against selected political dissidents:

For example they told me "we've caught you – you have security-related charges. We will use you for a political purpose. If you confess to what we designated exactly as it appears in the scenario and you play the role, you will be released. Otherwise, you will stay here and rot." Explicitly, bluntly and shamelessly they told me "we have bigger goals that are not limited to you. We caught you due to your work experience." Then they listed the special reasons that showed how I fit into their scenario, such as my work and family situation, my social and political backgrounds.<sup>76</sup>

Before arresting their targets, the PIA conducted comprehensive and thorough investigations into individuals' private lives, day-to-day activities and social contacts. These investigations often covered the target's financial accounts, and telephone calls made and received months prior to the

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<sup>73</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 22; Witness Statement of Sazegara, *supra* note 12, paras. 5-6; see *Darbariyih Sazman-i Ittila't-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 [May 9, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 18, 2009).

<sup>74</sup> For more information regarding PIA campaigns targeting pro-reform mayors, members of the Melli-Mazhabi (Religious-Nationalist) movement, cultural and intellectual figures such as Siamak Pourzand, and students, bloggers and journalists, see *Darbariyih Sazman-i Ittila'at-i Muvazi, Qismat-i Aval* [About the Parallel Intelligence System, Part One], GOOYA NEWS, 19/2/1384 [May 9, 2005], available (in Persian) at <http://mag.gooya.com/politics/archives/028463.php> (last visited Feb. 18, 2009). See also Witness Statement of Sazegara, *supra* note 12, paras. 13-16; Witness Statement of Afshari, *supra* note 59, paras. 14-19.

<sup>75</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 22. For additional information concerning the regime's campaign against political dissidents, see Shahram Rafizadeh, *Bar Ma Chih Guzasht: Matn-i Difa'iyat-i Shahram Rafizadeh; Juz'iyati az Pusht-i Pardihyih Weblag Nevisan* [What Happened to Us? The Text of Shahram Rafizadeh's Defense; Behind-the-Scenes Details of the Case Against Bloggers], Feb. 9, 2009, available (in Persian) at <http://news.g00ya.com/politics/archives/2009/02/083621.php> (last visited Feb. 15, 2009).

<sup>76</sup> Witness Statement of Rafizadeh *supra* note 36, para. 14.

subject's eventual arrest.<sup>77</sup> Evidence suggests that they were not initiated with the purpose of bringing formal charges against the individual. Rather, they were essentially fishing expeditions intended to provide the PIA with compromising or embarrassing information that could later be used to coerce subjects into curbing their political activities.

Fariba Davoodi Mohajer, a women's rights activist, journalist and writer who was first arrested by the PIA in 2001, told IHRDC that during the course of her interrogations she came to realize that the PIA had researched her personal and family relationships. She knew this because they asked questions about events that had taken place months before her arrest. For example, they asked why she had visited or called particular people on particular days. She concluded that she had been targeted and that the PIA would exploit any perceived weakness in her family or personal life.<sup>78</sup>

The PIA's reliance on illegal investigations into the private lives of individuals was not limited to individuals in or around Tehran. Ensafali Hedayat, a prominent Iranian journalist and writer who was arrested in Tabriz in June 2003, conveyed a similar story to IHRDC:

They had searched through all my bank statements. One day during the interrogation, the interrogator asked me if I knew Mrs. Mohammadi. I was surprised. They said "You have accepted 50,000 *toman* from Mrs. Mohammadi." I had borrowed the money from my uncle's wife, Mrs. Mohammadi. I said "Yes, I know her. She is my uncle's wife." The interrogators pressured me. I said "Mrs. Mohammadi is my uncle's wife. We are family, and borrowing the money is a personal matter that has nothing to do with my social activities." But they didn't listen to me.<sup>79</sup>

### 3.1.2. Violations of Domestic and International Laws

The PIA's practice of selecting and targeting political dissidents with intent to manufacture criminal charges against them violates both Article 37 of the Constitution of the Islamic Republic of Iran (Iranian Constitution) and Article 14(2) of the International Covenant of Civil and Political Rights (ICCPR)<sup>80</sup> guaranteeing the presumption of innocence. In so far as the PIA's selection and targeting campaign was based almost entirely on the individuals' political and social beliefs, their actions also violate fundamental ICCPR provisions guaranteeing the freedom of thought,<sup>81</sup> expression<sup>82</sup> and association.<sup>83</sup> These protections are also enshrined in Iran's Constitution.<sup>84</sup>

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<sup>77</sup> See *Iran Report*, RADIO FREE EUROPE/RADIO LIBERTY, July 16, 2001, available at <http://www.globalsecurity.org/wmd/library/news/iran/2001/26-160701.html> (last visited Mar. 5, 2009) (discussing the tapping of telephone lines by various intelligence organs of the Islamic Republic); see also, Witness Statement by Sazegara, *supra* note 12, para. 6 (stating that the PIA tapped phone conversations); Witness Statement of Fariba Davoodi Mohajer, prepared by IHRDC and approved by witness (Feb. 26, 2009), para. 10-11 [hereinafter Witness Statement of Davoodi Mohajer] (stating that the PIA regularly tapped phone conversations). IHRDC interviewed Davoodi Mohajer on Sept. 23, 2008. A copy of the Statement is on file with IHRDC. Witness Statement of Zarezadeh, *supra* note 12, para. 8 (indicating that he suspected that his phone lines were being tapped). Witness Statement of Kourosh Sehati, prepared by IHRDC and approved by witness (Dec. 28, 2008), para. 25 (stating that the MOI informants and spies had infiltrated his student group) [hereinafter Witness Statement of Sehati]. IHRDC interviewed Sehati on October 26, 2008. A copy of the Statement is on file with IHRDC.

<sup>78</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 11.

<sup>79</sup> Witness Statement of Ensafali Hedayat, *supra* note 58, para. 53.

<sup>80</sup> Iranian Const. art. 37; International Covenant on Civil and Political Rights, art. 14(2), March 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR].

<sup>81</sup> *Id.* art. 18.

## Ensafali Hedayat

Ensafali Hedayat is an independent journalist who has reported extensively on human rights violations, especially those that occurred in the Iranian provinces of Ardebil, Western and Eastern Azerbaijan.

In 1994, Hedayat and a colleague were severely beaten by plainclothes men while investigating reports of illegal detention facilities run by PIA outside Tehran. He was arrested in June 2003 and spent 28 days in solitary confinement. He was severely beaten by police and plainclothes agents during his arrest and denied medical treatment while in prison. In late January 2004, he was rearrested and spent 74 days in solitary and 16 months in prison.

Hedayat currently lives in exile. In 2007, he received the Hellman/Hammett grant, administered by Human Rights Watch.



The Iranian Constitution and the ICCPR also prohibit infringement of a person's expectation of privacy.<sup>85</sup> The right to privacy is addressed in Article 25 of the Constitution, which protects private communications between citizens, including telephone conversations. These communications are accorded constitutional protection from inspection, disclosure and eavesdropping related to "all forms of covert investigation, except as provided by law."<sup>86</sup>

Article 104 of the Criminal Code of Procedure (CCP) was also triggered by the PIA's inappropriate surveillance and investigation of targets. Article 104 sets out procedural steps that must be taken before government agents may intercept communication between private citizens.<sup>87</sup> These steps include the involvement of judges and members of the Judiciary, who must approve

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<sup>82</sup> *Id.* art. 19. This right includes the "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." *Id.* art. 19(2).

<sup>83</sup> *Id.* art. 22.

<sup>84</sup> IRANIAN CONST. arts. 23, 26-27.

<sup>85</sup> For example, the Iranian Constitution provides that the "dignity, life, property, rights, [and] residence ... of individuals are inviolate." IRANIAN CONST. art. 22. The PIA's practice of data-mining or reviewing an individual's personal records, from financial statements to telephone records, clearly contravenes Article 22's guarantees.

<sup>86</sup> Article 25 states: "[t]he inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraph and telex communication, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law." IRANIAN CONST. art. 25. While a vague and ambiguous national security exception to Article 25 exists, it is unlikely that such an exception applies in cases where the government has initiated investigations not based on its genuine suspicion that targeted individuals have actually committed national security violations, but because of its desire to silence political critics.

<sup>87</sup> Qanun-i A'yin-i Dadrisiyih Dadgahhayih Umumi va Inqilab dar Umur-i Kayfari [Criminal Procedure Code for Public and Revolutionary Courts] (1379) [2001], art. 104 (Iran), available (in Persian) at [http://hoghoogh.online.fr/article.php3?id\\_article=67](http://hoghoogh.online.fr/article.php3?id_article=67) (last visited Feb. 23, 2009) [hereinafter Criminal Code of Procedure]; see also *id.* arts. 15-45; 78-111 (setting out judicial procedures that must be followed before the government can launch preliminary investigations to determine the validity of charges, including national security charges generally prosecuted in Iran's Revolutionary Courts).

each step.<sup>88</sup> In addition, the Article prohibits government agents from tapping the phones of private citizens, unless issues of national security are involved.<sup>89</sup>

Finally, the PIA's selection, targeting and surveillance of individuals based on their political beliefs violated fundamental rights enshrined in other instruments of Iranian law, such as Ayatollah Shahroudi's Citizen Rights Law that was passed by the *Majlis* and approved by the Guardian Council in 2004.<sup>90</sup> The Citizen Rights Law requires that all criminal investigations be carried out pursuant to "precise and clear" orders issued by the Judiciary, and not as a result of the abuse of power.<sup>91</sup>

## 3.2. Unlawful Arrests and Kidnappings of Victims

### 3.2.1. Facts

The PIA not only conducted illegal investigations into the private lives of their targets, but also systematically and routinely arrested individuals without providing a legal basis for their actions or affording the arrestees adequate due process. The arbitrary arrests were frequently conducted by plainclothes agents who failed to present their victims with valid arrest warrants. Many of the individuals interviewed by IHRDC said that they were picked up by plainclothes agents from law enforcement and security units such as NAJA's *Amaken* office, or the MOI. In several instances, witnesses told IHRDC that family members were either arrested or threatened if the PIA could not find their targets.<sup>92</sup>

Hassan Zarezadeh Ardeshir, a political activist with the United Students Front and founder of the Students' Committee for the Defense of Political Prisoners, described his first encounter with plainclothes agents allegedly working for NAJA. This encounter marked the beginning of a long period of detention for Zarezadeh, during which he was held incommunicado at an illegal detention facility operated by the PIA and tortured by his captors because of his vocal support for student demonstrations on Tehran University's campus in 1999.<sup>93</sup> Zarezadeh described how he was surprised by agents who confronted him as he was attempting to leave a public building after being summoned:

The moment I went to get out of the elevator, I saw some people standing right in front of me. One of the men who was standing in front of the elevator commanded me not to move and said I was under arrest. I asked for a warrant but the man commanded me to give myself up. I protested and said I would not because I did not know them. The man advised me that I should hand myself over, otherwise I would be handcuffed. He said "come on, Zareh! Give yourself up respectfully ...". Then one of the men showed me a weapon. I again asked for a warrant. The man replied that the warrant was inside the car

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<sup>88</sup> *Id.* art. 104.

<sup>89</sup> *Id.* Although many (if not most) of the victims were eventually officially or unofficially charged with national security crimes, evidence gathered by IHRDC and other human rights organizations strongly suggests that these charges were fabricated for political purposes. Witness Statement of Rafizadeh, *supra* note 36, para. 14; LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 43-55.

<sup>90</sup> See Citizen Rights Law, *supra* note 63.

<sup>91</sup> *Id.* art. 1.

<sup>92</sup> See, e.g., Witness Statement of Sehati, *supra* note 77 (indicating that MOI agents arrested and detained his younger brother after they raided his home and couldn't find him); Witness Statement of Amir Farshad Ebrahimi, prepared by IHRDC and approved by witness (Sept. 18, 2008), paras. 49-50 (indicating that PIA agents detained his grandfather in order to get to him).

<sup>93</sup> Witness Statement of Zarezadeh, *supra* note 12, paras. 3, 7, 8-12.

and pointed ... to a white *Peykan* car that was parked outside on the street. He also showed me his police ID card. When we got close to the car, I asked for the arrest warrant again. The man told me that he had forgotten the warrant. I inquired about my charges. The man said that someone had filed a complaint against me and charged me with fraud and robbery. I resisted getting into the car but they forced me to get in. The moment I was in, I was immediately blindfolded.<sup>94</sup>

Shahram Rafizadeh described a similar incident with plainclothes PIA agents apparently working for NAJA's *Amaken* office:

The day I was arrested I was working at the newspaper's office. One of my colleagues said that someone had come to talk to me. When I went down, I saw a young guy waiting for me ... When we sat to talk, he showed me a summons. I looked at the date on the summons, and realized that it had expired. I complained and informed him that the summons indicated that I should go to the *Amaken* office on September 5<sup>th</sup> at 3:30 p.m. The young man apologized and said it was an unintentional mistake. He then told me to go to *Amaken*'s office at 8:30 the next day. I accepted. He said goodbye and left.

About forty minutes passed and again one of my coworkers told me that the same person who had come to see me before had summoned me again. I became worried. The young man told me that one of the senior officers had personally come to see me and answer my questions. He added that I should walk outside [to see the officer] and ask him questions, and return after I'm done. I told him to go and said I would visit *Amaken*'s office the next day. He insisted that I should go with him now, so that I could resolve my legal issues. I insisted that he tell me if I was under arrest or would be arrested so that I could tell my brother and coworkers at the office what needs to be done in my absence. In response he said, "No, no, there is no need for that. It will only take 10 minutes – you can return to work after that." I said, "Please tell your senior officer to come here." He said, "No, he can't. You have to come with me. If you refuse, you will definitely be arrested."

As I was leaving the office, a man told me to follow him because I was under arrest. I resisted, but he showed me his gun and handcuffs. He took my hand. I realized that I had seen this man somewhere before.

Several of my coworkers and friends were standing in front of the newspaper office's gate. One of them tried to write down the car's license plate, but one of the officers got out of the car and angrily tore up the piece of paper. He advised my friends that the arrest was legal and there was no need to write down the car's license plate.<sup>95</sup>

PIA abductions often involved physical duress, beatings and violence. The arrest of Fariba Davoodi Mohajer in early 2001 is a case in point. She described to IHRDC how on a January afternoon, she was bringing her daughter home from school when she noticed some SUVs parked near her house. As she entered her home, seven or eight plainclothes men forced their way in without asking her permission or producing an arrest warrant. When she asked for their identities and why they were there, they began beating her and attempted to drag her over to their vehicles. She resisted. When she put her leg inside the door frame, someone pushed the door into her leg, forcing her to give in. Her daughter screamed for help, and her husband and son attempted to prevent her abduction. Neighbors also arrived. The fight dragged on to the point where seven or

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<sup>94</sup> *Id.* para. 8.

<sup>95</sup> Witness Statement of Rafizadeh, *supra* note 36, paras. 24-27.



eight cars of agents arrived to help her abductors and to prevent her neighbors from leaving their homes.<sup>96</sup>

In other cases, uniformed law enforcement agents openly participated in the unlawful arrests of dissidents. These law enforcement agents conducted their operations using the same illegal methods used by the plainclothes agents. The similarities in the agents' *modus operandi* strongly suggest the existence of an operational link between the PIA and regular law enforcement units, especially those affiliated with the intelligence functions of NAJA, which operated primarily through its *Amaken* office.

For example, law enforcement agents affiliated with NAJA kidnapped a former member of the hard-line *Ansar-i Hizbullah*,<sup>97</sup> Amir Farshad Ebrahimi, and deprived his family of information regarding his whereabouts. Ebrahimi was once a member of the *Basij*, a paramilitary organization linked to the Office of the Supreme Leader, as well as a former lieutenant of the *Quds* Special Forces of Islamic Revolutionary Guard Corps (IRGC). He later attended law school and resigned from *Ansar-i Hizbullah* immediately before its forces brutally attacked student demonstrators in 1999. Ebrahimi angered his former colleagues by supporting the students' demands for more political freedoms. He was arrested in the summer 1999, and suffered prolonged interrogations and severe torture at several illegal detention facilities operated by the PIA during an eight-month period.<sup>98</sup>

The following is Ebrahimi's account of his abduction:

At the time, I was living with my family in *Ghasr-i Firuzih*, which was a residential complex for Air Force officers. Around 8:00 a.m. on July 19, 1999 the doorbell rang at our house. My mom opened the door and told me that a man had come to speak with me. It was Colonel Akbar Sharafi, an intelligence officer from NAJA's Greater Tehran office, located in Tupkhanih Square. I knew him from before.

When he saw me, he said, "Come here, I want to talk to you." I knew what he wanted, so I replied, "I am busy. If there is an issue, you go and I will come [later]." He said, "No, come now." I pointed to the slippers I was wearing and asked, "Like this?" He replied, "Yes, it will be short and you'll return soon."

I was agitated, but Sharafi assured me that it's nothing serious, and added that I should talk to him as I followed him to a back alley near our residence. When I turned into this street, I realized that a *Peykan* taxi was slowly approaching us. I also noticed a plainclothes individual turn towards me from the corner of the street. When the car came close, he grabbed me and forced me into the trunk of the taxi. My mom witnessed all of this and screamed, "Help – my child is being kidnapped!" She called the entrance guard of the residential complex, but my kidnappers crashed through the gate of the complex and continued on. When we reached Ahang highway, which was close to my home and empty during that time of day, my abductors took me out of the trunk. Another one forced me to lay down on his lap while he covered my head with a blanket.<sup>99</sup>

Ensafali Hedayat's experiences confirm the existence of a cooperative and collaborative relationship between official law enforcement units such as NAJA and plainclothes agents

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<sup>96</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, paras. 13-14.

<sup>97</sup> The *Ansar-i Hizbullah* is an Islamist vigilante group that operates with the blessing of the Supreme Leader and his allies. BUCHTA, *supra* note 13, at 33. It was responsible for the attacks at Tehran University that sparked widespread student protests in July 1999. *See id.* at 188-92.

<sup>98</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 17.

<sup>99</sup> *Id.* paras. 2-4.

operating at their behest. Hedayat is a journalist who reported extensively on human rights violations committed by the regime in Iran's East Azerbaijan province and other regions of the country. He was arrested in June 2003 while covering a student demonstration in Tabriz, the capital of East Azerbaijan province. He was severely beaten by regular police and plainclothes agents during his unlawful arrest:

Seventeen or eighteen policemen attacked me near Tabriz University. This happened in the month of May 2003, from about 7:30 p.m. to 9 p.m. until after the sun went down. They beat me and hurled obscenities involving my mother and wife, such as "motherfucker," ... "son of a bitch," and others. The police kicked and hit my testicles, waist, back, buttocks, stomach, head and face. They struck at my testicles so many times that I thought I wouldn't be able to have children anymore. I bled from my anus. When a group of policemen got tired of beating me, another group replaced them. Colonel Roustai, the then-acting deputy of the intelligence office of the Law Enforcement Forces... threatened to cut my testicles and said he would kill me if I didn't leave Tabriz in six months. Under Roustai's command, they took me to the police station near Tabriz University. They confiscated my work instruments and seized all of my belongings other than my personal clothes. A while later Colonel Roustai came straight to the police station in order to beat me again .... [He] and four other people took turns beating me.<sup>100</sup>

### 3.2.2. Violations of Domestic and International Laws

Iranian law provides arrestees with numerous substantive due process protections. Many of these laws were shamelessly ignored or violated by the PIA, whose actions essentially amounted to kidnapping. For example, pursuant to Article 32 of the Iranian Constitution, individuals subject to arrest must be provided with a reason for the arrest without delay. The applicable charges must be communicated to the accused in writing.<sup>101</sup> Failure to comply with these requirements must result in punishment in accordance with the law.<sup>102</sup> Article 39 of the Iranian Constitution prohibits any and all "affronts to the dignity and repute of persons arrested."<sup>103</sup>

Additional provisions regarding the issuing of arrest warrants and the manner of arrests are codified in Iran's CCP. The CCP lays out strict guidelines that trial judges and law enforcement agencies must follow when conducting a criminal investigation. For example, all preliminary investigations leading to temporary arrests and detentions of individuals suspected of committing national security crimes must be conducted pursuant to orders issued by trial judges and overseen by the Judiciary.<sup>104</sup> Such orders must conform to strict due process standards.<sup>105</sup> Temporary arrest warrants are appealable, and are only valid for a month unless the issuing judge finds it necessary

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<sup>100</sup> Witness Statement of Hedayat, *supra* note 58, para. 21.

<sup>101</sup> IRANIAN CONST., *supra* note 16, art. 32 ("No one may be arrested except by the order of and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible.").

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

<sup>103</sup> *Id.* art. 39.

<sup>104</sup> Criminal Code of Procedure, *supra* note 87, arts. 38, 42.

<sup>105</sup> *Id.* arts. 37, 39 (requiring the Judiciary to be impartial during the investigation phase); *see also id.* art. 32 (allowing temporary arrests and detentions of suspects only when circumstantial evidence indicates that a crime has been committed).

to extend them.<sup>106</sup> If a judge fails to renew the warrant, the suspect must be allowed to post bail.<sup>107</sup>

Once a preliminary investigation indicates that a crime may have been committed, Iranian law permits courts to summon a suspect or issue an arrest warrant. Article 119 of the CCP mandates the issuance of a summons or arrest warrant, and requires that the contents be communicated to the suspect.<sup>108</sup> A warrant may only be issued if there is due cause.<sup>109</sup> Additional provisions in the CCP protect the dignity and rights of the accused during the course of an arrest. Iranian law also designates specific law enforcement agents, including NAJA and SPO employees, to act as “officers of the court” with the authority to arrest, and hold suspects and individuals convicted in courts of law.<sup>110</sup> To the extent the PIA acted outside the scope of these official channels, their actions violated Iranian law.<sup>111</sup>

Facts surrounding the arrests of dissidents also reveal the Iranian regime’s complete disregard for fundamental international norms and human rights laws. By definition, an arrest is unlawful when it is not carried out in accordance with the law, or if the law is itself arbitrary or so broadly worded as to allow for the arrest and detention of individuals engaged in the peaceful exercise of basic rights.<sup>112</sup> In almost every instance documented by IHRDC, individuals were subjected to arbitrary arrests in contravention of Article 9 of the ICCPR, which requires law enforcement officers to inform the accused of the reason for the arrest and any charges against them.<sup>113</sup> In the few instances when PIA agents produced arrest warrants, the warrants were often either substantively or procedurally defective.<sup>114</sup> Finally, violent arrests violated the victims’ universal right to be free from torture, cruel and inhuman treatment.<sup>115</sup>

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<sup>106</sup> *Id.* art. 33.

<sup>107</sup> *Id.* art. 37.

<sup>108</sup> Criminal Code of Procedure, art. 119, *supra* note 87 (“The accused shall be summoned by an arrest warrant. The arrest warrant, which contains the reasons for the summons must be read to the accused.”). Article 5 of the Citizen Rights Law reiterates that arrests and detentions are generally prohibited unless necessary, and that they must be carried out lawfully. Article 6 strictly prohibits the blindfolding and restraining of a suspect during the course of an arrest, and provides that suspects must be protected from insults and harassment. Citizen Rights Law, *supra* note 63, arts. 5, 6.

<sup>109</sup> *Id.* art. 124. Article 118 of the CCP requires that arrest warrants be issued only in cases where the penalties for alleged crimes require execution, blood money or corporal punishment. *Id.* art. 118. Other provisions require issuance of a summons. *See, e.g.*, arts. 112-16.

<sup>110</sup> *Id.* arts. 15-25.

<sup>111</sup> According to Iranian legal scholars, the conservative establishment during the Khatami era relied on various legal loopholes to justify investigations and arrests conducted by the PIA that were clearly outside the scope of the CCP’s guidelines. *See* Mehrangiz Kar, *The Silencing of Dissidents: A Legal Analysis*, at 18-19 (published by IHRDC, 2007) (arguing that the conservatives often relied on a little known commentary to Article 14 of the Law Establishing Public and Revolutionary Courts to empower intelligence and security units other than the MOI and those identified as “court officers” to initiate investigations so long as their actions could be trusted); *see also* Qanun-i Tashkil-i Dadgahhayih Umimi va Inqilab [Law Establishing Public and Revolutionary Courts] (1373) [2004], art. 14 (Iran), *available (in Persian) at* <http://tarh.majlis.ir/?ShowRule&Rid=a3aed2b3-c9a4-42a4-8bd4-7a1073d369bd> (last visited Feb. 24, 2009) (indicating that the Judiciary’s ultimate power to investigate and prosecute does not prohibit “other appropriate authorities” from initiating investigations and arresting suspects if they believe a crime has been committed).

<sup>112</sup> *See* ICCPR, *supra* note 80, art. 9(1) (“[e]veryone has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.”).

<sup>113</sup> *Id.* art. 9(2) (“Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”).

<sup>114</sup> *See, e.g.*, Witness Statement of Rafizadeh, *supra* note 36, para. 24 (stating that a summons shown to him by an *Amaken* plainclothes agent had expired).

<sup>115</sup> *See* ICCPR, *supra* note 80, art. 7.

### 3.3. Unlawful Searches and Seizures of Property

#### 3.3.1. Facts

According to witnesses interviewed by IHRDC, the PIA often searched the homes of victims either contemporaneously with unlawful arrests, or several hours or days after the victims had been transferred to an illegal detention facility. These searches were almost invariably conducted by plainclothes agents linked to law enforcement units – such as NAJA’s *Amaken* or the MOI – and often without a warrant or explanation as to why the searches were taking place.

Many of the witnesses described the aggressive and violent manner in which the PIA searched their homes and seized personal articles. The searches were not conducted in a way that suggested the agents were looking for particular articles connected to specific crimes. Rather, they were conducted in a manner that suggested the agents were on fishing expeditions for items that could later be used against the suspect. In fact, illegal searches and seizures of property owned by dissidents provided the PIA with an opportunity to collect information on the detainees’ relations with other political activists and blackmail detainees with inappropriate information concerning their private lives – information that would likely be used to harass, threaten and intimidate them into signing forced confession statements.

Fariba Davoodi Mohajer said that plainclothes agents rummaged through her home; they tore apart the house from about 3:00 p.m. until about 11:00 p.m., taking books, tapes, CDs, family photos, writings and her research notes.<sup>116</sup> Kourosh Sehati, a student activist who was arrested and detained multiple times by the PIA for his political activities, had a similar experience. Sehati told IHRDC:

Even though Ministry of Intelligence agents knew I was not armed, they entered our home without permission and with weapons drawn. Our house had four levels. They simultaneously occupied all floors and proceeded to rummage through everything violently. My mom later told me that they had kicked the door wide open and entered the house by force ... My mother ... managed to hide some of my documents and writings.<sup>117</sup>

The house of Mohsen Sazegara, an Iranian analyst and founder of the IRGC, was searched in similar fashion. After the 1997 election of Mohammad Khatami, Sazegara published several reformist newspapers that were subsequently shut down by the government. After the closures, Sazegara became more politically vocal, and spearheaded a campaign to hold a referendum on Iran’s Constitution. He was arrested several times in 2003 for his political activities. He recounted the details of the searches conducted in his home by the PIA:

Just like last time, they inspected the whole house. They looked through my computer files, personal desk, family photo albums, in the refrigerator, behind the refrigerator, our bedroom, and everywhere else. When one of the searching officers looked at my family photos, my wife protested and said that the women in the pictures were not wearing veils. The security officer responded with “There is nothing wrong with an innocent glance.” Then they inspected my CDs and DVDs to see what movies I watched. They took my checkbook and 1200 British pounds in cash. (I had borrowed this money to send for the tuition of my youngest son, who was studying in Scotland.) They took one of my most valued writings about the history of science. This writing was in fact the result of many years of work. I pleaded with the head agent to leave the writing, but he refused and

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<sup>116</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 14.

<sup>117</sup> Witness Statement of Sehati, *supra* note 77, para. 9.

assured me that it would not get lost. Unfortunately, the writing was lost, but they returned my money and computer several months later. The inspectors entered the house at 11:00 am and left the house with me at 6:00 p.m.<sup>118</sup>

Amir Farshad Ebrahimi told IHRDC:

I don't remember exactly, but I think they took me back to my home three or four days after they kidnapped me. Of course, the day after they detained me they rummaged through my house, but decided to return with me since they failed to find anything. Branch 209 of the Public Court in Tehran later provided the Article 90 Commission with a photocopy of a warrant allowing them to enter my home, but the plainclothes agents who worked for the intelligence office of NAJA failed to show anything to my mother and father that day ... During the second house search they asked me where my room was and wanted to know where I kept my personal belongings. They took my computer, monitor and printer. They never returned any of these articles.<sup>119</sup>

### 3.3.2. Violations of Domestic and International Laws

These cases document systematic violations of privacy rights guaranteed by the Iranian Constitution. Illegal searches of a detainee's home violate Article 22 of the Constitution, which states that "the property, rights, [and] residence" of the individual are "inviolable, except in cases as sanctioned by law."<sup>120</sup> The PIA repeatedly infringed upon these rights by conducting arbitrary searches of victims' homes without a warrant or summons signed by a judge.

The CCP provides additional protections regarding privacy and security in one's home or residence. Article 96 of the CCP mandates that a search of a citizen's home may be conducted only if there is "strong suspicion" that the search will reveal evidence linking the suspect to the alleged crimes.<sup>121</sup> Additionally, the CCP prohibits the inspection of "papers, writings and objects" not related to the crime, and mandates the presiding judge to treat all non-relevant objects that may have been seized with due care and to ensure that their contents are not disclosed.<sup>122</sup> These prohibitions against unreasonable searches and seizures are reiterated in Article 8 of the Citizen Rights Law, which similarly forbids searches that are not related to the commission of a crime.<sup>123</sup> Article 8 exempts personal and private belongings such as family letters, writings, pictures and videos from confiscation and inspection.<sup>124</sup>

The right to the reasonable expectation of privacy in connection to one's home and belongings is also enshrined in the ICCPR, to which Iran is a signatory. Article 17 of the Covenant states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence."<sup>125</sup> To the extent that most, if not all, of the house searches and seizures carried out by the PIA were conducted in the absence of actual criminal charges or in connection to arbitrary charges fabricated by the PIA, they violated both domestic and international protections against unlawful searches and seizures of property.

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<sup>118</sup> Witness Statement of Sazegara, *supra* note 12, para. 31.

<sup>119</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 6.

<sup>120</sup> IRANIAN CONST., *supra* note 16, art. 22.

<sup>121</sup> Criminal Code of Procedure, *supra* note 87, art. 96; *see also id.* art. 97 (permitting interference with a person's expectation of privacy for the purpose of inspection only in cases where the reasons for such investigations outweigh the individual's privacy rights).

<sup>122</sup> *Id.* art. 103.

<sup>123</sup> Citizen Rights Law, *supra* note 68, art. 8; *see also id.* art. 14 (requiring the proper treatment and protection of items seized during criminal investigations).

<sup>124</sup> Citizen Rights Law, *supra* note 68, art. 8.

<sup>125</sup> ICCPR, *supra* note 80, art. 17.

## 3.4. Transfer of Victims to Illegal Detention Facilities

### 3.4.1. Facts

The transfer of individuals targeted by the PIA for their political activities may be viewed as merely an extension of their unlawful arrests. Witnesses interviewed by IHRDC provided similar descriptions of their abductions and transfers to illegal detention facilities by plainclothes agents. The transfers almost always included forceful shoving of targets into unmarked vehicles and hooding (or covering with blankets) so they were not visible to outsiders. The drivers then circled around town for several hours in an effort to disorient the arrestees and preserve the veil of secrecy surrounding the location of their destinations: a PIA-run detention facility.

Fariba Davoodi Mohajer's abduction and transfer were typical. She told IHRDC that she was taken out of her house at about 11:00 p.m. and made to sit in a Nissan SUV.<sup>126</sup> A bag was placed over her head and she was made to put her head down.<sup>127</sup> The SUV then drove around the city for about an hour so that she would lose her bearings. When the vehicle finally stopped, she had no idea where she was.<sup>128</sup>

Another detainee described his experience this way:

Three or four hours later I was handed over to the PIA. The people had come from the Central Police Intelligence Services department, which was helping the PIA. The PIA handcuffed and blindfolded me and took me out to a Volkswagen car. The car did not go directly to its destination. It moved from one street to another ... The car was moving in circles.<sup>129</sup>

Ali Afshari described his abduction and transfer in the following manner:

They wrapped me in a blanket at 9 o'clock and put me in a car. I was blindfolded. The car circled around, and since I hadn't slept at night for a week, I vomited in the car. Eventually, that afternoon at 3 or 4 p.m., they took me to Prison 59 at Eshratyab, which was under *Sipah's* supervision. I didn't know anything about this prison previous to that point. I gathered information about Prison 59 later.<sup>130</sup>

### 3.4.2. Violations of Domestic and International Laws

The violent and secretive methods used to transfer targets to detention facilities reveal the extent to which PIA agents recognized the highly illegal nature of their activities. At a minimum, these methods trampled upon the dignity of the arrestees, and violated Article 39 of the Iranian Constitution.<sup>131</sup> Article 123 also requires security officials to immediately deliver arrestees to the Judiciary, and forbids the detention of suspects for more than 24 hours unless sanctioned by the Judiciary.<sup>132</sup> These protections are also codified in the ICCPR.<sup>133</sup>

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<sup>126</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 15-16.

<sup>127</sup> *Id.*; see also Witness Statement of Rafizadeh, *supra* note 36, para. 4; Witness Statement of Afshari, *supra* note 59, para. 46.

<sup>128</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 16.

<sup>129</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 11.

<sup>130</sup> Witness Statement of Afshari, *supra* note 59, para. 46.

<sup>131</sup> IRANIAN CONST., *supra* note 16, art. 39.

<sup>132</sup> Criminal Code of Procedure, *supra* note 87, art. 123.

<sup>133</sup> See, e.g., ICCPR, *supra* note 80, arts. 7, 9(3). Further, there is a requirement in the United Nations' Standard Minimum Rules for the Treatment of Prisoners that detainees be allowed to alert their families of transfers to other

## 4. Unlawful Activities of the PIA at Detention Facilities

This section focuses on the unlawful activities of the PIA during the detention of their targets in illegal facilities outside the control of the country's State Prisons Organization. The section begins with brief descriptions of the most notorious illegal detention facilities, accompanied by a survey of domestic and international laws violated as a result of the establishment and operation of these facilities. Next, the section documents and analyzes legal violations committed by the PIA with respect to conditions of confinement. These conditions include the denial of access to family members, denial of due process rights, lack of accommodations for detainees, unlawful interrogations, denial of medical care, solitary confinement, psychological torture (including threats and intimidation), physical torture, and forced confessions. Each sub-section provides a factual account of the illegal actions of the PIA based on primary (eyewitness) and secondary sources, followed by a brief discussion of the domestic and international laws breached through the commission of these acts.

### 4.1. The Illegal Detention Facilities

The operation of clandestine detention facilities and prisons increased substantially during the reformist era of President Khatami from 1997 to 2005. The PIA, particularly those linked to the intelligence services of the Judiciary and the IRGC, were the primary forces behind the arbitrary arrests, detentions, coercive interrogations and torture of students, journalists, and political activists.<sup>134</sup> Most of the former detainees interviewed by IHRDC said that they were held at hidden locations and that they were severely mistreated by their captors. In this report, IHRDC has not been able to compile a complete list of all the secret prisons in Iran. However, the Center has documented a pattern of mistreatment by the PIA in some of the most notorious facilities.

Many of the illegal detention facilities covered in this report were located in and around Tehran, and were managed and operated by PIA linked to intelligence units of the MOI, IRGC, NAJA and the Army.<sup>135</sup> For example, the IRGC ran Prison 59, Vali Asr, and Section 325 of Evin Prison.<sup>136</sup> The Intelligence Office of the Army operated Detention Center 36 of Jamshidiyyih and Hishmatiyih.<sup>137</sup> Prison Jay was administered by the Intelligence Protection Organization of the Ministry of Defense.<sup>138</sup> The Protection of the Intelligence Office of Law Enforcement's Amaken managed the Mullahsadra, Vuzara, Tupkhanih, and Khatam-ul-Anbiya prisons.<sup>139</sup> The MOI administered Tawhid Detention Center, and Sections 209 and Alif of Evin Prison.<sup>140</sup>

Though many of the most notorious illegal detention facilities were located close to Tehran, the PIA also operated facilities in other areas. The issue of secret prisons outside of Tehran was not extensively addressed by the reformists or the media during the reform period. Ensafali Hedayat, a prominent Iranian journalist and writer, was detained and mistreated in one of the illegal prisons

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institutions. UNITED NATIONS, *Standard Minimum Rules for the Treatment of Prisoners*, art. 44(3), 30 August 1955; approved by the Economic and Social Council, resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 [hereinafter *Standard Minimum Rules*].

<sup>134</sup> See MOCKERY OF JUSTICE, *supra* note 4, at 6-8.

<sup>135</sup> See *id.* at 18-19; LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 13-18.

<sup>136</sup> See LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 12.

<sup>137</sup> *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashtgahhayih Tehran [Seyyed Ali Akbar Musavi-Khu'ini, Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities]*, ISNA, 07/27/1381 (October 19, 2002), available (in Persian) at <http://www.isna.ir/Main/NewsView.aspx?ID=News-166055> (last visited Mar. 16, 2009), reprinted in MOCKERY OF JUSTICE, *supra* note 4, App. 2.

<sup>138</sup> Witness Statement of Sehati, *supra* note 77, para. 32.

<sup>139</sup> See LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 18.

<sup>140</sup> *Id.* at 21-22.

in Tabriz, the capital of Eastern Azerbaijan province. He argues that reformists did not adequately address the issue of secret prisons outside of Tehran, in part because the victims held in those facilities were mostly non-reformists.<sup>141</sup>

Many of the former detainees were able to provide some description of the facilities to which they were taken. At least two described facilities located close to residential neighborhoods or inside private residences.<sup>142</sup> Their descriptions of these locations were eerily similar. Amir Farshad Ebrahimi was hooded and blindfolded in the backseat of a car with tinted windows and taken to a secret location in northern Tehran. He describes the location this way:

We entered a yard through a large gate. I was blindfolded, but I could tell that the door was big. They took me inside the building. At first they kept me in one of three bathrooms. In the first bathroom there was a washing machine, and in the second one a bunch of dirty prisoner uniforms. They finally took me to a third one. The bathrooms locked from the outside. I was there for about half an hour until someone came and took me with him.

My new detention center, to the extent that I could tell from under the blindfold, appeared to be a private residence.<sup>143</sup>

Shahram Rafizadeh's description of the detention facility to which he was temporarily transferred is similar:

In *Amaken* they forced me to change cars. They sat me in the back of a black car that had curtains. They talked to each other for a while. Then one of them hit me from behind and said, "Put your head down." Their attitude suddenly changed. They blindfolded me and took me to a different location. I think we entered a courtyard. We passed a corridor on the left side of the courtyard, and they took me into a house that appeared to be a detention center. They took my glasses, belt and shoes away. A metal door opened and they threw me in a cell. The cell was very dark. It had a large vent. I stayed there for about two hours. I could hear strange noises, but I couldn't tell what they were.<sup>144</sup>

Moreover, several detainees who were able to catch glimpses of their captors said that guards employed at the illegal detention facilities were usually dressed in plainclothes or paramilitary uniforms:

A man who was not wearing a military uniform came after half an hour and took me. None of the people who worked there were wearing military or official uniforms. They were all plainclothes. The guy who took me was wearing Kurdish pants<sup>145</sup> and an under-shirt.<sup>146</sup>

The mere establishment and administration of shadow detention facilities run by the PIA violates both Iran's domestic law and international instruments. Articles 583 and 584 of the Iranian Penal Code prohibit the detention of individuals in secret or hidden facilities.<sup>147</sup> Iran's prison system is

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<sup>141</sup> *Id.* para. 11. He further argues that some reformists who were implicated in assisting the PIA held senior positions in provinces other than Tehran. Hedayat suggests that because the reformists and those who control the media in Tehran were biased against minorities in Iran, such as the Kurds, Azeris and Arabs, they considered their claims of injustice to be less important. *Id.* para. 11.

<sup>142</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 11; Witness Statement of Rafizadeh, *supra* note 36, para. 29.

<sup>143</sup> Witness Statement of Ebrahimi, *supra* note 92, paras. 10-11.

<sup>144</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 29.

<sup>145</sup> This refers to a type of garb characterized by its baggy and loose-fitting design.

<sup>146</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 12.

<sup>147</sup> Iran Penal Code, *supra* note 19, arts. 583-84.



administered by the SPO, which falls under the direct supervision of the Judiciary.<sup>148</sup> Article 22 of the SPO Law provides that “judicial, executive, intelligence, military or police authorities are prohibited from operating their own prisons and detention facilities.”<sup>149</sup> Article 44 requires the establishment of an Office for the Protection of Prisoners’ Citizens Rights in each detention facility. The Office is responsible for monitoring and addressing potential violations of civil liberties in Iran’s jails and detention facilities.<sup>150</sup>

Despite these legal restrictions, the PIA linked with the intelligence units of the MOI, IRGC, NAJA, the Army and the Judiciary operated a number of detention facilities that fell outside the auspices of the SPO.<sup>151</sup> These detention facilities, in turn, failed to abide by any of the rules and regulations mandated by Iran’s SPO Law – from the acceptance, registration, and separation of detainees and prisoners based on their alleged crimes, to the provision of accommodations, proper punishment, allowance of family visits and eventual release of detainees. The list of violations also includes the failure of prison guards to wear designated uniforms while on duty, which provides further evidence that the detention facilities were operated or supervised by PIA agents affiliated with the intelligence units of the IRGC and other security agencies.<sup>152</sup>

The establishment of covert detention facilities by the PIA is also universally condemned in international law. It violated numerous international covenants and standards including the Universal Declaration of Human Rights,<sup>153</sup> the ICCPR<sup>154</sup> and the United Nations Resolutions on the Standard Minimum Rules<sup>155</sup> the and Basic Principles for the Treatment of Prisoners.<sup>156</sup> For example, articles 9, 10, 14, and 15 of the ICCPR provide that governments agree to properly process and account for all detainees and respect their fundamental rights.<sup>157</sup> In addition, international standards on the treatment of prisoners prohibit incommunicado detention, and require states to grant prisoners access to family, friends and legal representation.<sup>158</sup>

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<sup>148</sup> SPO Law, *supra* note 14, art.1, *see also* MOCKERY OF JUSTICE, *supra* note 4, at 7-8.

<sup>149</sup> SPO Law, *supra* note 14, art. 22. The SPO Law does, however, allow these agencies to operate detention facilities to detain and discipline their own employees. *Id.* cmt. In 2007, the head of the Judiciary, Ayatollah Shahroudi, issued a directive that acknowledged the right of intelligence and security agencies to establish and run their own detention facilities, so long as those facilities fell within the monitoring jurisdiction of the SPO. The covered agencies are the MOI, and the intelligence units of the IRGC, NAJA and the Army. *Divar-i Bazdashtgahha Balatar Miravand [The Prisons’ Walls Go Even Higher]*, ROOZ ONLINE, 20/1/1386 [4/9/2007], available (in Persian) at <http://www.roozonline.com/archives/2007/04/post-1703.php> (last visited Mar. 4, 2009).

<sup>150</sup> SPO Law, *supra* note 14, art. 44.

<sup>151</sup> *Ra’is-i Sazman-i Zindanha: Bazdashtgahha-i Vujud Darand kih Kharij az Hawzih va Ikhtiyar-i Ma Amal Mikunand [Head of the SPO: There are Detention Facilities that Operate Outside Our Jurisdiction]*, ISNA, 16/5/1385 [7/10/2006], available (in Persian) at <http://www.news.iran-emrooz.net/index.php?news1/print/10490/> (last visited Mar. 4, 2009).

<sup>152</sup> *See* SPO Law, *supra* note 14, art. 33.

<sup>153</sup> Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. Doc. A/180 (Dec. 12, 1948), arts. 6, 9, 10.

<sup>154</sup> ICCPR, *supra* note 80, arts. 7, 10. Article 7 mandates that all people, including detainees and prisoners, are to be free from torture or “cruel, inhuman or degrading treatment or punishment.” Article 10 mandates that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The Article also requires member states to segregate accused from convicted persons, and subject the former to appropriate treatment because of their “status as unconvicted persons.”

<sup>155</sup> *Standard Minimum Rules*, *supra* note 133, arts. 22-26, 33-34.

<sup>156</sup> Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990) [hereinafter Basic Principles].

<sup>157</sup> *See* Comments on Argentina, U.N. Human Rights Comm., U.N. Doc. CCPR/C/79/Add.46 (1995) (finding that Argentina’s failure to address the mass disappearance of political prisoners violated the ICCPR).

<sup>158</sup> *Standard Minimum Rules*, *supra* note, 133, art. 92 (providing 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 supervisions as are necessary in the interests of the administration of justice and of the security and good order of the institution”).

The operation of secret detention facilities also implicates international instruments concerning forced disappearances. The International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) defines an enforced disappearance as

the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.<sup>159</sup>

While Iran is not a signatory to the ICPPED, the Convention protects fundamental norms to which Iran is bound to comply. Forced disappearances violate rights related to liberty and security of the person, and the right to a fair trial. The ICPPED also makes clear that when forced disappearances linked to government agents become widespread and systematic, those responsible can be criminally liable for crimes against humanity.<sup>160</sup>

#### 4.1.1. Prison 59

Prison 59 is located on the Vali Asr military base in Eshrat abad.<sup>161</sup> Vali Asr is a vast base run by military and law enforcement agencies, while Prison 59 is administered by the Intelligence Protection Office of the Iranian Revolutionary Guard Corps (IRGC).<sup>162</sup> At least one person detained at this facility described hearing military commanders instructing their charges during military exercises.<sup>163</sup> It has been reported that the IRGC did not grant Alizadeh, the General Attorney of Greater Tehran, permission to visit this facility in 2006.<sup>164</sup> The Iranian government announced that Prison 59 was closed in 2001.<sup>165</sup> However, it appears that the facility is still active.<sup>166</sup>

Prison 59 was originally designed to hold the IRGC's military prisoners, but between 1997 and 2004 it was used to detain and interrogate political dissidents.<sup>167</sup> It appears that the IRGC began using the facility to launch investigations into students, journalists and political rights activists in 1999 after the Supreme Leader commanded the IRGC to suppress the student movement.<sup>168</sup>

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<sup>159</sup> International Convention for the Protection of all Persons from Enforced Disappearance, 23 Sept. 2005, U.N. Doc. E/CN.4/2005/WG.22/WP.1/Rev.4 (2005), available at [http://www.untreaty.un.org/English/notpubl/IV\\_16\\_english.pdf](http://www.untreaty.un.org/English/notpubl/IV_16_english.pdf) (last visited Jan. 21, 2009).

<sup>160</sup> *Id.* art. 5.

<sup>161</sup> See LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17; Kourosh Sehati, *Bih Bahanihiyih Muhakimiyih Fatimih Haqiqatju Zindan 59* [Prison 59, Under the Pretext of the Prosecution of Fatiam Haqiqatoo], Jan. 14, 2005, available (in Persian) at <http://kouros18tir.blogspot.com/2005/01/59.html> (last visited Feb. 26, 2009). Prison 59 is sometimes referred to as *Eshrat abad*.

<sup>162</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17; Witness Statement of Afshari, *supra* note 59, para. 46; Witness Statement of Zarezadeh, *supra* note 12, para. 35.

<sup>163</sup> *Id.* para. 39.

<sup>164</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 21; Witness Statement of Zarezadeh, *supra* note 12, para. 36.

<sup>165</sup> See *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashgahhayih Tehran* [Seyyed Ali Akbar Musavi-Khu'ini, Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities], ISNA 27/7/1381 (October 19, 2002), reprinted in MOCKERY OF JUSTICE, *supra* note 4, App. 2.

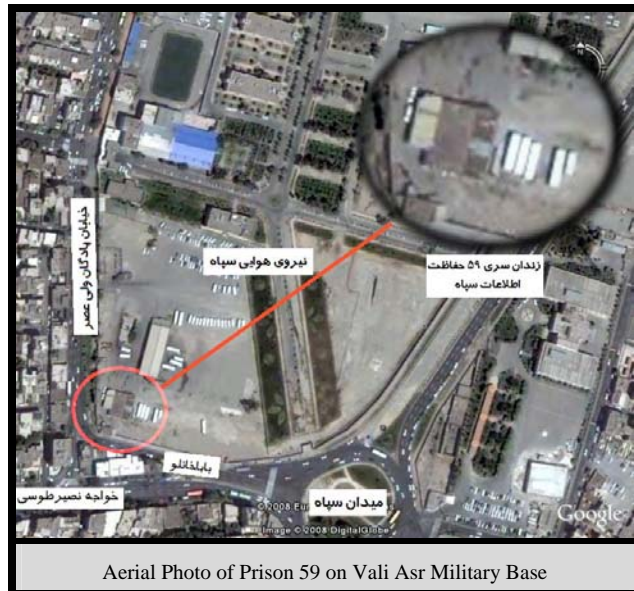
<sup>166</sup> See Press Release, Amnesty International, Arbitrary Arrest, Prisoner of Conscience: Khadija Moghaddam (f), Women Rights Defender (April 10, 2008), available at <http://www.amnestyusa.org/actioncenter/actions/uaa09308.pdf> (last visited on Feb. 27, 2009).

<sup>167</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 35.

<sup>168</sup> *Id.* para. 4; Witness Statement of Sazegara, *supra* note 12, para. 4.

Detainees describe Prison 59 as a terrible place.<sup>169</sup> They describe an unsanitary environment with no light, proper food or fresh air.<sup>170</sup> Upon entering the facility, detainees were commanded to keep silent. Each detainee was given a personal identification number.<sup>171</sup>

Prison 59 has been described as having two large holding areas monitored by video cameras, interrogation rooms and solitary cells.<sup>172</sup> Solitary wards have T-shaped hallways.<sup>173</sup> There are toilets on one side, and in front of each is a shower. The solitary cells are arranged in two parallel rows. Each cell is about 2 by 1.5 meters with a small window at the top that is covered with a wire grid and serves as a ventilator. The metal door of the cell also has two small windows that the guards can open from the outside. The guards use the upper window to check the condition of detainees. When detainees were taken for interrogation, the guards often threw a blindfold inside the cell through the upper window and ordered the detainees to wear it in preparation for their transfer to the interrogation room. The bottom window was used to supply the detainees with food. The hot air pipes that are in each cell create a heating system.<sup>174</sup>



Aerial Photo of Prison 59 on Vali Asr Military Base

One former detainee who was held in a solitary cell in Prison 59 for over five months from June through November 2001 told IHRDC that the prison had a long corridor that was connected to another, forming a “T” shape. On each side of the corridor, there were eight solitary cells. The cells on the right side of the corridor were smaller than those on the left. Room number one on the left side, which was largest, was called the “confession room.” At one end of the corridor was the interrogation room, and on the other side were restrooms and a barber.<sup>175</sup>

Ali Afshari, a former student leader who was arrested for the fourth time in 2001 because of his participation in the Berlin Conference, was transferred from Evin Prison to Prison 59 after he refused to confess to the charges made against him. He told IHRDC that he was fed false information in an effort to convince him to sign a confession.<sup>176</sup> After being broken, he was returned to his original place of detention.<sup>177</sup> Afshari told IHRDC:

I was very sick when I entered Prison 59. The prison was stuffy and hot. They registered me in the yard while I was blindfolded and threw me in a solitary cell ... My interrogator

<sup>169</sup> Witness Statement of Afshari, *supra* note 59, paras. 47-50; Witness Statement of Sehati, *supra* note 77, paras. 21-33.

<sup>170</sup> Witness Statement of Ali Afshari, *supra* note 59, para. 47; *see* LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17.

<sup>171</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17.

<sup>172</sup> *Id.*

<sup>173</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 37; Witness Statement of Sehati, *supra* note 77, para. 21.

<sup>174</sup> Witness Statement of Sehati, *supra* note 77, para. 21.

<sup>175</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 37.

<sup>176</sup> Witness Statement of Afshari, *supra* note 59, paras. 45-46.

<sup>177</sup> *Id.* para. 52. *See also* LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17 (reporting that PIA agents constantly reminded detainees that their lack of cooperation could result in their being returned to Prison 59).

told me that “[Prison 59] isn’t like the other prisons [you have been to]. You will not be pampered here. Do as you’re told or die.”... Then the other interrogator changed the subject and said that we’ve become tools of the Americans and are working to overthrow the Islamic Republic. He said I have two options: one ends at Behesht-e Zahra (the name of a well-known graveyard in Tehran), and the other results in my surrender.<sup>178</sup>

Prison 59 detainees were completely cut off from the outside world.<sup>179</sup> Visits by family members were strictly prohibited and detainees were denied access to legal counsel.<sup>180</sup> One former detainee explained that when she was allowed to use the telephone, her conversation was strictly monitored by the prison authorities.<sup>181</sup>

#### 4.1.2. *Amaken* Prison

The General Directorate of Supervising Public Premises, known as *Amaken*, is a branch of NAJA that is primarily tasked with monitoring public and private premises.<sup>182</sup> Officially, *Amaken* has a narrow mandate within Iran’s police force and is prohibited from summoning and detaining political suspects and journalists.<sup>183</sup> Notwithstanding this limitation, *Amaken*’s PIA arm was particularly active in suppressing dissidents. Other PIA-affiliated units such as the Intelligence Protection Center of the Judiciary also used *Amaken*’s facilities to carry out interrogations and detain political dissidents, journalists and students.<sup>184</sup> In fact, after 2001, it is believed that a substantial number of journalists and political activists were interrogated there.<sup>185</sup> While some Iranian analysts believe that covert interrogations at *Amaken*’s offices were conducted by NAJA agents alone, these operations were probably overseen by senior intelligence figures purged from the MOI after the Chain Murders investigations in 1998.<sup>186</sup>

During the course of the Article 90 Commission investigations into the PIA’s activities, Ali Akbar Musavi-Khu’ni inspected *Amaken*’s detention facilities. In his subsequent press conference, he said

[a]t the time of our visit, we announced that [*Amaken*] was an improper place for a detention center. [Our recommendation] was supposed to be followed up [on]. Unfortunately, the problem still exists. There is serious confusion concerning the management of this facility. It has been announced that this complex is managed by the Intelligence Protection Organization of the Judiciary. The media has reported that many people have been summoned to this facility for interrogation.<sup>187</sup>

<sup>178</sup> Witness Statement of Afshari, *supra* note 59, paras. 47.

<sup>179</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17-18; Witness Statement of Afshari, *supra* note 59.

<sup>180</sup> MOCKERY OF JUSTICE, *supra* note 4, at 19; LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 17.

<sup>181</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 39.

<sup>182</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 18; Witness Statement of Bouzari, *supra* note 29, paras. 1-3; see also *A'yin Namihyih Amaken-i Umumi* [Law of *Amaken*], available (in Persian) at <http://www.police.ir/Portal/Home/Default.aspx?CategoryID=8cbfe6bc-6e7e-4010-9131-8ac8897b4254#2> (last visited Feb. 26, 2009).

<sup>183</sup> Witness Statement of Bouzari, *supra* note 29, para. 8; *Ra'izaniha barayih Hall-i Masa'il-i Ruznamigaran va Hunarmandan Idamih Darad* [Consultation Regarding the Summoning of Journalists and Artists Continues], Feb. 17, 2002, available (in Persian) at <http://iran-newspaper.com/1380/801128/html/politic.htm> (last visited Mar. 9, 2009).

<sup>184</sup> Witness Statement of Sazegara, *supra* note 12, para. 4; Witness Statement of Zarezadeh, *supra* note 12, para. 10; Letter from Ali Reza Jabbari to Seyyed Mohammad Khatami, President (June 28, 2003), available (in Persian) at <http://www.irhumanrights.com/hoghogh7.htm> (last visited 27, 2009) (hereinafter Letter from Jabbari to Khatami).

<sup>185</sup> MOCKERY OF JUSTICE, *supra* note 4, at 19.

<sup>186</sup> Witness Statement of Sazegara, *supra* note 12, para. 4.

<sup>187</sup> *Izharat-i Seyyed Ali Akbar Musavi-Khu'ini Darbarihyih Vaz'iyat-i Zindanha va Bazdashtgahhayih Tehran* [Seyyed Ali Akbar Musavi-Khu'ini, *Majlis Representative, Makes Statement about Tehran's Prison and Detention Facilities*], ISNA 27/7/1381 (October 19, 2002), reprinted in MOCKERY OF JUSTICE, *supra* note 4, App. 2.

Former detainees held at *Amaken* describe it as a basement spread out over two floors.<sup>188</sup> Due to its small size, political detainees were often held in cells with ordinary criminals.<sup>189</sup> They were usually not held for long periods of time, but were taken there to be intimidated.<sup>190</sup> Some detainees who were summoned to *Amaken*'s office were released after short but violent interrogation sessions.<sup>191</sup> Few detainees have agreed to discuss their experiences at *Amaken*.

Those who have spoken describe an environment designed to shock them into confessing to crimes they had not committed.<sup>192</sup> Mohammad Ali Safari, a well-known Iranian attorney and journalist who was detained at *Amaken*, suffered a heart attack immediately after his release.<sup>193</sup> He did not recover and died in the hospital in late February 2002.<sup>194</sup> Before his death, he wrote a letter to the Article 90 Commission describing his experiences at the facility:

At the basement of [*Amaken*] two plainclothes men questioned me. For one and half hours they interrogated me on two issues: my journalistic and legal activities [as a defense attorney] ... They accused me of numerous crimes and insulted me a lot ... They did not give me the chance to defend myself. After one and a half hours of insults and threats, they advised me that if I didn't stop all my activities, I would be severely punished. Then they told me that this time I was treated nicely, and instructed me to leave because it was time for them to question others like me.<sup>195</sup>

*Amaken* also housed other prominent activists and journalists such as Siamak Pourzand (arrested in November 2001),<sup>196</sup> Hassan Zarezadeh Ardeshir (arrested on May 1, 2002) and Ali Reza Jabbari (arrested on December 28, 2002).<sup>197</sup> All of these detainees were transferred to *Khatam* Prison from *Amaken*.<sup>198</sup> In the following excerpt, Zarezadeh describes his transfer:

Three or four hours later, I was handed over to the PIA ... [T]hey handcuffed and blindfolded me and took me out in a Volkswagen car. The car did not go directly to its destination. It moved from one street to another and then another. The car was moving in circles. They wanted me to lose my sense of direction. Finally they took me to *Khatam-al-Anbiyah* ... prison.<sup>199</sup>

Despite the objection of reformists newspapers, the *Majlis* and the President's office, Sajadian (the head of *Amaken*) has consistently denied allegations that *Amaken*'s facilities were used unlawfully to target political dissidents.<sup>200</sup>

<sup>188</sup> MOCKERY OF JUSTICE, *supra* note 4, at 19; Witness Statement of Zarezadeh, *supra* note 12, para.10.

<sup>189</sup> MOCKERY OF JUSTICE, *supra* note 4, at 19.

<sup>190</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 18.

<sup>191</sup> INTERNATIONAL PRESS INSTITUTE, 2002 WORLD PRESS FREEDOM REVIEW: IRAN, available at [www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0004/KW0092/&year=2002](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0004/KW0092/&year=2002) (last visited Feb. 13, 2009); Letter from Jabbari to Khatami, *supra* note 184.

<sup>192</sup> MOCKERY OF JUSTICE, *supra* note 4, at 15-16, 19.

<sup>193</sup> Letter from Jabbari to Khatami, *supra* note 184.

<sup>194</sup> MOCKERY OF JUSTICE, *supra* note 4, at 16.

<sup>195</sup> *Taftish-i Aqayid, Tahdid va Shikanjihyih Ruhi dar Idarihyih Amaken, (Namihyih Zindhiyad Mohammad Ali Safari bih Commission-i Asl-i 90 [Inquisition, Coercion and Psychological Torture at Amaken (The Letter of the Late Mohammad Ali Safari to the Article 90 Commission)], May 22, 2002 (copy on file with IHRDC).*

<sup>196</sup> MOCKERY OF JUSTICE, *supra* note 4.

<sup>197</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 9; IRANIAN HUMAN RIGHTS ACTIVISTS GROUPS IN EU AND NORTH AMERICA, ANNUAL REPORT 2004 available at [www.pwoiran.com/annual%20report%20HR2004.pdf](http://www.pwoiran.com/annual%20report%20HR2004.pdf) (last visited Feb. 13, 2009).

<sup>198</sup> *Id.*

<sup>199</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 11.

<sup>200</sup> *Ihzar-i Ruznamih Nigaran Bih Idarihyih Amaken Qayr-i Qanuni Ast [The Summoning of Journalists to the Amaken Office is Illegal], NOROOZ, 28/11/1380 (February 13, 2002) (copy on file with IHRDC).*

### 4.1.3. Khatam-ul-Anbiya Prison

*Khatam* prison was not mentioned in the Article 90 Commission's findings regarding secret prisons in and around Tehran.<sup>201</sup> Its existence only became known after the Judiciary established its own intelligence unit, the Intelligence Protection Center of the Judiciary, and *Amaken* summoned journalists to its office on Ostad Mottahari Street.<sup>202</sup> *Khatam* is said to have been located inside a residential complex that belongs to the police department on Seoul Street in northern Tehran.<sup>203</sup> Part of the complex houses military officers.<sup>204</sup>

Individuals in charge of the detainees in *Khatam* sometimes referred to the facility as the "Office of the Joint Chief of Staff of Iran Police Force and the Judiciary." Other times they referred to the prison as the Mechanical and Communication Department of the Police Force.<sup>205</sup> It appears that the PIA used this facility after senior members of the IRGC promised the *Majlis* that they would shut down Prison 59, and before the IRGC and the Ministry of Intelligence established independent sections inside Evin Prison.

*Khatam* prison was apparently not initially designed to hold political prisoners. Detainees interviewed by IHRDC said that they encountered many individuals charged with smuggling and moral crimes. The facility is described as having 10 solitary cells on two sides of a narrow corridor that led to the restroom, bathroom and interrogation rooms. The interrogation room was small, with a table set directly in front of the entrance.<sup>206</sup>

Detainees who were initially summoned to *Amaken* often ended up in *Khatam* prison. Many of the illegal activities perpetrated by the PIA in *Amaken* simply continued, albeit with increased intensity, at *Khatam*. One detainee said that the guard told him that he'd arrived upright, but that he would leave in "horizontal" fashion.<sup>207</sup> Zarezadeh, who was held in solitary confinement during his five-month imprisonment in Prison 59 and *Amaken* before he was transferred to *Khatam*, told IHRDC that upon entering the prison a guard told him that "[h]ere, we'll skin you alive and silence you!"<sup>208</sup> Zarezadeh said that "*Khatam* was the worst of all the secret prisons [he had] ever been in."<sup>209</sup>

Zarezadeh also reported that he was forced to watch other prisoners being beaten for weeks. He said that once he saw 10 prisoners being beaten:

Their heads were beaten against the wall; they were punched in the nose, kicked in the stomach, and lashed with whips made from tires and electric cables. When the detainees were sent back to their cells, blood was streaming down their heads and faces.<sup>210</sup>

In *Khatam*, detainees were kept in solitary cells and were not allowed to take anything with them inside their cells. They were denied visits by family members, fresh air, access to health services and legal counsel. Even their use of the facility's restrooms was subject to strict control by the

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<sup>201</sup> MOCKERY OF JUSTICE, *supra* note 4, at 20-21.

<sup>202</sup> *Id.* at 15.

<sup>203</sup> *Id.* at 20-21.

<sup>204</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 6.

<sup>205</sup> Letter from Jabbari to Khatami, *supra* note 184.

<sup>206</sup> *Id.* paras. 14, 16.

<sup>207</sup> *Id.*

<sup>208</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 12.

<sup>209</sup> *Id.* para. 21.

<sup>210</sup> *Id.* para. 28.

interrogators. If a detainee resisted during interrogation sessions, he was not permitted to use the restroom more than three times a day.<sup>211</sup>

Two names are commonly mentioned in connection with the illegal activities at *Khatam* prison. The first is Hussein Khani, a pseudonym used by a man described by detainees as “fat” and “strong.” Khani was allegedly responsible for convincing detainees to confess to crimes they had not committed.<sup>212</sup> The other was Judge Ja’far Saberi Zafarqandi, head of the Special Court at Mehrabad Airport, Branch 1610.<sup>213</sup> Almost all of the detainees who were summoned to *Amaken* and transferred to *Khatam* were interrogated by Hussain Khani and indicted by Judge Zafarqandi. Reportedly, Judge Zafarqandi was at the heart of the unlawful activities committed by the PIA in the *Khatam* and *Amaken* facilities.<sup>214</sup>

#### 4.1.4. Sections 209 and 325 of Evin Prison

Sections 209 and 325 are essentially separate prisons located inside the notorious Evin complex.<sup>215</sup> These Sections operate outside of the control of Evin’s authorities and the SPO.<sup>216</sup> Section 209 is administered by PIA agents linked to the MOI, and Section 325 is administered by PIA agents connected to the IRGC.<sup>217</sup> Access to both facilities is strictly restricted to employees and senior officers of the MOI and IRGC. According to witnesses, no one (including SPO and Evin Prison officials) has access to these facilities without the express permission of the heads of those sections.<sup>218</sup>

These Sections were reportedly established after Musavi-Khu’ini brought to light the existence of illegal detention facilities in Tehran and the issue became a serious topic of conversation both inside and outside Iran.<sup>219</sup> PIA linked with the MOI, IRGC and the Intelligence Protection Center of the Judiciary, the agencies primarily responsible for detaining individuals in unlawful facilities in and around Tehran, established these sections to hide their illegal activities.<sup>220</sup>

Section 209 has 90 solitary cells in nine rows with each row holding 10 cells.<sup>221</sup> A detainee who was held in Section 209 told IHRDC that sometimes the authorities closed the main gate of one of the rows and transformed the solitary cells into one general ward. He reported that IRGC started building Section 325 far from the other sections on the southeastern part of Evin in early 2000. This section had a separate entrance that only the authorities in charge of the facility could use. Section 325 had a general ward and solitary cells. The general ward could only hold 12 people.<sup>222</sup>

The solitary cells in Section 325 were small – they measured approximately 230 cm in length, 170 cm in width, and 320 cm in height. Each cell had one small window covered with bars. Across from the window, there was a vent that blew cold and warm air into the cell. Below the

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<sup>211</sup> *Id.* paras. 13, 24, 29.

<sup>212</sup> *Id.* para. 32; Letter from Jabbari to Khatami, *supra* note 184.

<sup>213</sup> MOCKERY OF JUSTICE, *supra* note 4, at 21-22.

<sup>214</sup> Witness Statement of Zarezadeh, *supra* note 12, paras. 32-35; Letter from Jabbari to Khatami, *supra* note 184; *see also* MOCKERY OF JUSTICE, *supra* note 4, at 21-22.

<sup>215</sup> *See* LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 20-26; Witness Statement of Sazegara, *supra* note 12, para.17.

<sup>216</sup> *See* MOCKERY OF JUSTICE, *supra* note 4, at 18-19.

<sup>217</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 22. Some believe that Section 209 was under the control of PIA linked to the IRGC. *Id.*

<sup>218</sup> Witness Statement of Afshari, *supra* note 59, para. 6; Witness Statement of Sazegara, *supra* note 12, para. 17.

<sup>219</sup> *Id.* para. 5; *Id.* para. 16.

<sup>220</sup> *See* LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 21-22.

<sup>221</sup> *Id.* at 21-26.

<sup>222</sup> Witness Statement of Sazegara, *supra* note 12, paras. 17-18.

vent, there was an iron door with a barred window at the top used for monitoring the activities of the detainees. The door also had one slot at the bottom used for receiving food trays and communicating with the guards. The rooms were painted gray and covered with green carpet. Most prisoners noted the severe lack of light inside the cells.<sup>223</sup>

Detainees held in Sections 209 and 325 wore uniforms that were different from those worn by prisoners in the ordinary sections of Evin Prison. Detainees were blindfolded when they left their solitary cells. Unlike the solitary cells in Evin's main section, the cells in Sections 209 and 325 did not have restrooms. When prisoners wished to use the restrooms, they placed colored cards outside the small windows at the bottom of the cell doors. Both Sections had their own health services, despite the fact that Section 209 was located directly behind Evin's health clinic.<sup>224</sup>

Detainees told IHRDC that many prominent dissidents were imprisoned in Sections 209 and 325 after 2003. When delegates from the United Nations and the European Union visited, the dissidents were hastily transferred to the official sections of Evin Prison.<sup>225</sup> For instance, prior to United Nations representative Louis Dejeuner's 2001 visit to Tehran to meet with Ali Afshari (who was held in Section 325), PIA agents transferred Afshari to the administrative building of Evin.<sup>226</sup>

#### 4.1.5. Prison Jay

Prison Jay is an example of the close and collaborative efforts between the PIA and the Islamic Republic's military. It was used by the PIA primarily to suppress the activities of political dissidents and student activists. Prison Jay is located on a military base run by the Defense Ministry near the terminal at Mehrabad Airport in western Tehran. According to former detainees interviewed by IHRDC, Prison Jay is administered by the Intelligence Office of the Ministry of Defense.<sup>227</sup>

Ali Afshari was transferred to Prison Jay after Prison 59 (administered by IRGC) became overpopulated in May 2001. He found Prison Jay to be better equipped than other illegal detention facilities.<sup>228</sup> As in other facilities, detainees at Prison Jay were kept blindfolded, denied the right to see their families, and denied access to legal counsel.<sup>229</sup> A particular complaint of individuals detained at Prison Jay was the intensity of noise and shaking connected to commercial and military planes taking off and landing at Mehrabad Airport.<sup>230</sup> Kourosh Sehati, a student who was detained in the facility for a month together with three colleagues, told IHRDC that

They took us to a detention facility administered by the Intelligence Protection Organization of the Ministry of Defense, which we later learned was Prison Jay. All the guards at this prison wore military uniforms and boots. Our cells often shook as a result of the many planes flying overhead. Every time we used the restrooms, the guards thoroughly searched our cells. They allowed us access to fresh air, but they searched us extensively every time they did. We were subject to a lot of pressure there. One of my friends, Hamid Reza Mobin, who was younger than the rest of us and was only 19 at the

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<sup>223</sup> *Id.* para. 19.

<sup>224</sup> *Id.* paras. 17-22.

<sup>225</sup> Witness Statement of Afshari, *supra* note 59, para. 6; Witness Statement of Sazegara, *supra* note 12, para. 18.

<sup>226</sup> Witness Statement of Afshari, *supra* note 59, para. 6.

<sup>227</sup> *Id.* para. 70; Witness Statement of Sehati, *supra* note 77, para. 32.

<sup>228</sup> Witness Statement of Afshari, *supra* note 59, para. 70.

<sup>229</sup> Witness Statement of Sehati, *supra* note 77, para. 32.

<sup>230</sup> *Id.*; Witness Statement of Afshari, *supra* note 59, para. 70.



time, suffered a heart attack while in detention and was released because of his condition.<sup>231</sup>

## Kourosch Sehati

Kourosch Sehati is a human rights activist and former member of several student groups in Iran. He was also a member of the writer's council of *Huviyat-e Khish*, a weekly publication, and political editor of *Guzarish-i Ruz* newspaper, both of which are currently banned in Iran. Sehati studied agricultural engineering at the Islamic Azad University at Varamin.



Sehati was expelled from the university because of his political activities, including membership in the United Students Front. He organized and participated in the July 1999 student protests. As a result of these activities, Sehati was arrested numerous times from 2000 to 2004. He spent time in illegal detention facilities administered by Iran's PIA, including Prison 59 and Prison Jay.

In late 2004, Sehati escaped to Turkey and applied for political asylum. He resettled in the United States and lives in Washington D.C. He is currently an analyst at Voice of America's Persian service.

## 4.2. Denial of Access to Family

### 4.2.1. Facts

The PIA denied detainees access to the outside world, including contact with family, in an effort to "break" them. By cutting off contact, the PIA guaranteed that their activities would be shielded from public and legal scrutiny. Without contact with their families, the detainees could not reveal their locations, post bail, secure legal representation or gain access to needed medical care that would reveal the abuse they suffered. Also, by depriving family members access to their loved ones, the PIA interrogators could manipulate information about detainees' families in order to compel detainees to cooperate and confess to trumped up charges. PIA interrogators often bullied victims into cooperating by suggesting (or telling) them that failing to cooperate would place loved ones in harm's way.<sup>232</sup>

When family members inquired about their loved ones' whereabouts, they were not informed about the location of the detention facilities or the status of proceedings against the detainees.<sup>233</sup> In at least one case, family members were deliberately provided with wrong addresses for the detention facilities.<sup>234</sup> One detainee who was arrested by the PIA linked to NAJA explained:

When they escorted me out of the house, my mom persistently asked the inspectors where she should go to see me. They told my mom she could go to the Ministry of Intelligence. I knew they were lying, so I tried to provide her with a hint as to where she

<sup>231</sup> Witness Statement of Sehati, *supra* note 77, para. 32.

<sup>232</sup> See, e.g., Witness Statement of Rafizadeh, *supra* note 36, para. 48; see also MOCKERY OF JUSTICE, *supra* note 4, at 17-18.

<sup>233</sup> MOCKERY OF JUSTICE, *supra* note 4, at 11-15.

<sup>234</sup> See Witness Statement of Ebrahimi, *supra* note 92, paras. 7, 42.

should go. My aunt worked at the Department of Motor Vehicles,<sup>235</sup> so I said to her: “Say ‘hi’ to my aunt – these guys are her colleagues.”<sup>236</sup>

Ensafali Hedayat, who spent more than 20 days in solitary confinement after he was arrested by NAJA and plainclothes agents around Tabriz, recounted the following:

After I was arrested, my family contacted various police stations and detention centers to obtain information regarding my whereabouts. However, each time, the authorities told them that no one matching my description has been detained. After two days, I was able to notify my family (with the assistance of a guard) that I was being detained at NAJA’s intelligence office on Saeb Avenue in Tabriz. My family contacted other journalists and asked them to pressure Eini Baher, the Police commander of East Azerbaijan, to give them permission to visit and interview me, or at the very least to allow my family to visit me.<sup>237</sup>

When detainees were allowed to contact their families, their communications were monitored and controlled by the PIA. Fariba Davoodi Mohajer told IHRDC that she was rarely allowed to use the telephone and that she was only allowed to call her family at the request of the PIA. For example, they allowed her to call her husband to tell him to stop giving interviews to the foreign and national press, and to stop asking international human rights organizations for help. She was forced to assure her husband that she was fine and that she did not need an attorney. During the calls, she was blindfolded and someone stood over her head supervising her calls. When she deviated from the provided script, the calls were disconnected.<sup>238</sup>

#### 4.2.2. Violations of Domestic and International Laws

Iran’s Citizen Rights Law prohibits government agents from preventing communications between detainees and their families. Article 5 requires agents to inform families about the conditions and whereabouts of arrestees and detainees.<sup>239</sup> Iran’s SPO Law also provides detainees access rights to family members. These guarantees include the right to family visits,<sup>240</sup> communications,<sup>241</sup> and time off in cases of family emergencies.<sup>242</sup> In addition, the denial of access to family indirectly implicates a host of due process rights codified in the Iranian Constitution and the CCP. These rights include, but are not limited to, the right to acquire legal counsel in one’s defense.<sup>243</sup> Without the assistance of family members in hiring legal representation and posting of bail, due process guarantees are rendered meaningless.

Similarly, international due process guarantees including Article 9 of the ICCPR (requiring state officials to provide detainees with a reason for their arrest, and to allow them an opportunity to secure legal representation) were also violated when PIA agents denied detainees access to family.<sup>244</sup> The United Nation’s Standard Minimum Rules for the Treatment of Prisoners also

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<sup>235</sup> The Department of Motor Vehicles is affiliated with NAJA.

<sup>236</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 7.

<sup>237</sup> Witness Statement of Hedayat, *supra* note 58, para. 29.

<sup>238</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 39.

<sup>239</sup> Citizen Rights Law, *supra* note 63, art 5.

<sup>240</sup> SPO Law, *supra* note 14, arts. 180-97.

<sup>241</sup> *Id.* arts. 198-212.

<sup>242</sup> *Id.* arts. 213-229.

<sup>243</sup> See, e.g., IRANIAN CONST., *supra* note 16, art. 35; Criminal Code of Procedure, *supra* note 87, arts. 185-187.

<sup>244</sup> ICCPR, *supra* note 80, art. 9.

addresses the issue of access to family in several provisions, including Articles 37, 44, 45 and 92.<sup>245</sup>

### **4.3. Denial of Medical Care and Health Services**

#### **4.3.1. Facts**

Detainees held in secret detention facilities were denied medical care when they needed it most. The need for medical care often arose as the result of beatings and torture sustained during the course of kidnappings, lack of care during prolonged detentions, and beatings and torture sustained during the course of violent interrogations. Denial of medical care enabled the PIA to hide their treatment of political dissidents from the public. On the rare occasions that detainees were examined by physicians, the doctors were blindfolded. Medical assistance was also used as leverage during interrogation sessions.

Fariba Davoodi Mohajer, who was in extreme pain as a result of her violent arrest, told IHRDC that she repeatedly asked her interrogators for a doctor but was denied medical attention. After twelve days, a male doctor who was blindfolded examined her. They sat her down with her back to the doctor. The doctor protested, but to no avail.<sup>246</sup>

Other detainees who requested medical attention as a result of the severe injuries they sustained during their arrests were also denied care.<sup>247</sup> Some were simply kept in detention until the signs of their maltreatment and abuse, such as bruises, abated.<sup>248</sup> One detainee who was severely beaten during his arrest by police forces and plainclothes men told IHRDC that he repeatedly requested medical treatment, but that both the prison authorities and the judge presiding over his case refused to allow him to see a physician until most of his injuries had healed.<sup>249</sup>

#### **4.3.2. Violations of Domestic and International Laws**

The PIA's denial of medical care as a means to extract confessions violated Articles 7 and 10 of the ICCPR. Article 7 expressly prohibits the use of torture, cruel, inhuman, or degrading treatment or punishment, while Article 10 requires that the state treat all persons deprived of their liberty "with humanity and ... respect."<sup>250</sup> The PIA's denial of medical care to detainees may also have risen to the level of torture.<sup>251</sup>

Denial of medical care and services to detainees and prisoners is also a violation of internationally accepted standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Basic Principles for the Treatment of Prisoners.<sup>252</sup> Finally, the practice violates Iran's SPO Law, which provides that detainees and prisoners have the right to medical care, and that provision of care is the responsibility of the state.<sup>253</sup>

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<sup>245</sup> *Standard Minimum Rules*, *supra* note 133, arts. 37, 44-45, 92

<sup>246</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 30.

<sup>247</sup> *See, e.g.*, Witness Statement of Sehati, *supra* note 77, para. 20.

<sup>248</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 46.

<sup>249</sup> Witness Statement of Hedayat, *supra* note 58, paras. 49, 59.

<sup>250</sup> ICCPR, *supra* note 80, arts. 7, 10.

<sup>251</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA res. 39/46, annex, 39 UN GAOR Supp. (No. 51) at 197, UN Doc. A/39/51 (1984); 1465 UNTS 85, art. 1, *available at* <http://www2.ohchr.org/English/law/cat.htm> (last visited Mar. 9, 2009) [hereinafter Convention Against Torture].

<sup>252</sup> *Standard Minimum Rules*, *supra* note 133, arts. 22-26; Basic Principles, *supra* note 156, Principle 9.

<sup>253</sup> *See* SPO Law, *supra* note 14, arts. 110-19.

## 4.4. Lack of Basic Accommodations

### 4.4.1. Facts

Detainees at PIA-run facilities were regularly denied access to other minimum accommodations, including food, adequate lighting, clothing and toiletries.<sup>254</sup> The lack of general accommodations, particularly those related to personal hygiene, contributed to the filth and stench that pervaded illegal detention facilities operated by the PIA. This environment, in turn, contributed to the hopelessness, psychological distress and ultimate breakdowns experienced by many detainees. Former detainee Ebrahimi provided the following account regarding his captors' denial of basic necessities:

During the end of my detention, my clothes were all torn up. My clothes reeked of sweat ... But there was no one to give me a change of clothes. The only other clothes I wore during this time were the ones that I had after I was released from the hospital.<sup>255</sup>

#### Fariba Davoodi Mohajer

Fariba Davoodi Mohajer Tehrani is a writer, journalist and prominent Iranian women's rights activist. Davoodi Mohajer was one of the founders of the One Million Signature Campaign and the Campaign to End Stoning. She is also the General Secretary of the Young Journalists Association, a Board member for the Association for Defending Free Press and Freedom of Expression, and a member of the coordinating council of the Office of Strengthening Unity (Advar-e Daftar Tahkim Vahdat).



Davoodi Mohajer was arrested in mid-February 2001 by plainclothes agents at her home and placed in solitary confinement in an undisclosed men's detention facility. She was released on bail after a month. In 2003, Davoodi Mohajer was tried in Branch 26 of the Revolutionary Court and sentenced to two years' imprisonment due to her political and social activities. In 2006, she was summoned again to Branch 14 of the Revolutionary Court in Tehran. In mid-April 2007, she was sentenced to four years' imprisonment for "collusion and assembly to endanger the national security" in absentia while she was visiting her daughter in the United States.

Davoodi Mohajer currently lives in Washington, D.C. and writes for Persian news outlets, including *Gozaar*, *Gooya*, and *Yas-e-No Press*. In 2007, she received the annual human rights award from Human Rights First for her efforts in promoting women's rights in Iran.

Another detainee told a similar story:

I wore the same clothes during the entire duration of my detention. My outfit consisted of a short-sleeved shirt with pants and an undershirt. My clothes were extremely dirty, and I

<sup>254</sup> See LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 12-26; MOCKERY OF JUSTICE, *supra* note 4, at 35-38.

<sup>255</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 12.

asked the custodian to allow me to wash my clothes. Only once did they allow me to wash and dry them in my solitary cell.<sup>256</sup>

While men and women were both subject to serious mistreatment during their detention, women detainees faced unique challenges. These challenges stemmed from the absence of female personnel employed at the PIA detention facilities, which was often accompanied by a lack of accommodations, including access to feminine hygiene products, separate showers and private restrooms.

Davoodi Mohajer told IHRDC that feminine hygiene products were not available, so she asked that a woman be brought so that she could request them. On two occasions, the same woman was brought but she was blindfolded. The woman told Davoodi Mohajer that she had worked in the prisons for more than fifteen years, but had never seen a case like hers. The prison employee said that she too did not know where they were and that she had been brought to the location after being driven around the city for a while.<sup>257</sup>

Perhaps more difficult than the lack of access to feminine hygiene products were the absence of separate accommodations, particularly shower facilities and restrooms. Davoodi Mohajer explained that her bladder had been injured when she was arrested and that she therefore needed to frequently use the restroom. When she was in her cell, she was not permitted to use a restroom and had to use a bottle instead. As her injury worsened, however, she was permitted to use the restroom during interrogations. She also told IHRDC that she could not take a shower with the door closed. She was told that if she wanted to take a shower, one of the male guards would stand behind the door but that it had to stay open. Although the guard assured her that he would stand with his back towards her, she was never able to convince herself to take a shower in the presence of a male guard.<sup>258</sup>

Davoodi Mohajer also experienced severe emotional and psychological anxiety in anticipation of behavior and intimidation that amounted to sexual harassment. She explained that her worries were not unfounded. One of the night guards regularly watched her through the small window in her cell door for ten or fifteen minutes at a time. She did not like the way he looked at her, so she covered herself with the three dirty blankets that had been issued to her (one was covered in the vomit of another detainee). The guard, however, continued to stare at her for no reason.<sup>259</sup>

#### **4.4.2. Violations of Domestic and International Laws**

The lack of proper accommodations in PIA-run detention facilities violated Iranian laws requiring detention facilities and prisons to provide proper food, shelter, and personal hygiene to inmates.<sup>260</sup> In addition, housing women detainees in facilities that lacked female guards and separate accommodations violated Iranian law, which strictly prohibits the mixing of men and women prison populations.<sup>261</sup>

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<sup>256</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 42.

<sup>257</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 32.

<sup>258</sup> *Id.*, paras. 29-34.

<sup>259</sup> *Id.* at 35.

<sup>260</sup> *See, e.g.*, SPO Law, *supra* note 14, art. 71 (requiring basic minimum shelter, including a bed, mattress, pillow, and blankets), art. 93 (requiring three courses of food a day), 95 (providing minimum standards regarding the type of food fed to prisoners and detainees), art. 96 (discussing the provision of necessary kitchen tools for prisoners and detainees), art. 104 (requiring regular cleaning and disinfecting of prisons and detention centers), art. 106 (requiring access to light and fresh air), art. 108 (addressing the availability of adequate hot water, restroom and shower facilities).

<sup>261</sup> *Id.* art. 65. Article 65 requires all prisoners to be classified and separated based on various factors, including their age, sex, and physical and mental condition.

This lack of separate accommodations for women also breached international standards for the treatment of detainees and prisoners.<sup>262</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners provides that women must be held separately from men and supervised by women guards.<sup>263</sup> They also require that all prisoners be granted proper facilities and materials to maintain their personal hygiene.<sup>264</sup> Moreover, the PIA's failure to provide separate accommodations for female detainees arguably violated provisions of the ICCPR, including Article 7 prohibiting "cruel, inhuman or degrading treatment." This practice inevitably leads to verbal, psychological and physical assaults, including sexual harassment and abuse, of female detainees.

## 4.5. Denial of Access to Legal Representation and Other Due Process Rights

### 4.5.1. Facts

Most of the detainees interviewed by IHRDC were not informed of the charges against them either during their arrests or within twenty-four hours of arriving at their detention facilities, as prescribed by Iranian law. At least one detainee was not told of the charges against him until after he was convicted.<sup>265</sup>

Similarly, most were denied access to lawyers, or family members and colleagues who could assist in the hiring of legal counsel. This denial of fundamental due process rights gave PIA interrogators free reign to subject the detainees to unlawful interrogations accompanied by torture – tactics which ultimately led to forced confessions. Without the assistance of counsel, detainees were rendered defenseless against irrelevant, arbitrary and inappropriate questions by interrogators interested in delving into detainees' personal, religious and ideological beliefs. The information gathered from these unlawful sessions was, in turn, used to prosecute the detainees on charges related to breach of national security laws, insulting Islam or insulting high-ranking religious figures such as the Supreme Leader.

The following statement comes from one detainee who was repeatedly questioned about his loyalty to the Supreme Leader:

Interrogators didn't inform me of my charges, but started interrogating me based on my beliefs. I asked for an attorney. One of the interrogators responded with: "You think you are in the U.S.?"<sup>266</sup>

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<sup>262</sup> When the International Committee for the Red Cross visits prisons, it uses the standards set forth in the Geneva Conventions to gauge conditions, including the sections on the treatment of women in prison. The Geneva Conventions mandate that incarcerated women be protected from attacks on their honor, and that they be given separate premises and all necessary sanitary conveniences. *See* THE INTERNATIONAL COMMITTEE OF THE RED CROSS, *ICRC Visits to People Deprived of their Freedom, Special Protection for Women and Children in Prison*, available at [www.icrc.org/web/eng/siteeng0.nsf/html/C6D4A57C8CC6E166C12572720053660D?OpenDocument&Style=Custo\\_Final.3&View=defaultBody6](http://www.icrc.org/web/eng/siteeng0.nsf/html/C6D4A57C8CC6E166C12572720053660D?OpenDocument&Style=Custo_Final.3&View=defaultBody6) (last visited Feb. 26, 2009). While the Geneva Conventions are a part of the humanitarian law applicable in times of conflict, they represent an important body of fundamental norms that should be respected at all times. *See id.* For more information on the rights of incarcerated women, *see* PENAL REFORM INTERNATIONAL, *Penal Reform Briefing No. 3: Women in Prison*, available at [www.penalreform.org/penal-reform-briefing-no.3-women-in-prison.html](http://www.penalreform.org/penal-reform-briefing-no.3-women-in-prison.html) (last visited Feb. 26, 2009); Jenni Gainsborough, *Women in Prison: International Problems and Human Rights Based Approaches to Reform*, 17 WILL. & MARY J. WOMEN & L. 271 (2008).

<sup>263</sup> *Standard Minimum Rules*, *supra* note 133, para. 8(a).

<sup>264</sup> *Id.* paras. 12-16.

<sup>265</sup> *See* Letter from Ali Afshari, Student Activist to Ayatollah Shahroudi, head of the Judiciary (Aug. 14, 2005) (copy on file with IHRDC).

<sup>266</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 18.

Kouros Sehati, who was arrested and tried many times in both the Revolutionary and Public Courts, provided the following regarding the PIA's refusal to allow him access to a lawyer:

The first time I had a lawyer in court, but I didn't hire one after that. After my first trial, I came to the conclusion that having or not having a lawyer didn't really affect the court's ruling because lawyers don't have access to the case files. Once Mohammad Ali Safari, a 70-year-old lawyer, volunteered to defend me. He was arrested and imprisoned.<sup>267</sup>

The denial of access to legal representation is well documented in IHRDC's report on the arbitrary arrest and detention of Siamak Pourzand. According to Mehrangiz Kar, Siamak Pourzand's wife, the family's request that Pourzand be represented by Shirin Ebadi was denied by Judge Zafarqandi of the Revolutionary Court:

I asked Shirin Ebadi to represent my husband and she accepted the case ... When she submitted her legal representation forms to the court, Judge Zafarqandi denied her the right to represent Siamak. She told me that Judge Zafarqandi received her very rudely and alleged that she was an abettor and a suspect in the case. She told me that she had never been scared in her whole life as much as she was scared by the threatening words of Judge Zafarqandi.<sup>268</sup>

Indeed, Ebadi's case was not unique. Many attorneys who accepted cases of individuals targeted by the PIA were themselves arrested, detained and harassed. Like Ebadi, Nasser Zarafshan, a well-known attorney representing many journalists and writers, was arrested in late 2000 and held in Evin Prison until his sentencing in March 2002 after a closed trial. Zarafshan was sentenced to three years in prison for "weapons and alcohol possession" and two years for "disseminating secret information."<sup>269</sup>

#### 4.5.2. Violations of Domestic and International Laws

The Iranian Constitution provides for pretrial (and general) due process guarantees, including equality before the law,<sup>270</sup> the swift charging of an arrestee pursuant to established laws,<sup>271</sup> judicial access and recourse to a competent court,<sup>272</sup> and the presumption of innocence.<sup>273</sup> Arguably the most fundamental pretrial right implicated in the PIA's detention of political dissidents, however, is Article 35 of the Iranian Constitution granting citizens the right to legal counsel "in all courts of law."<sup>274</sup> There are no provisions in the Constitution that suspend a person's right to counsel even in matters concerning national security. This fundamental guarantee is also codified in Articles 128, 185 and 186 of the CCP,<sup>275</sup> and Article 3 of the Citizen Rights Law.<sup>276</sup>

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<sup>267</sup> Witness Statement of Sehati, *supra* note 77, para.38.

<sup>268</sup> MOCKERY OF JUSTICE, *supra* note 4, at 22.

<sup>269</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 44, n.105.

<sup>270</sup> IRANIAN CONST., *supra* note 16, art. 20.

<sup>271</sup> *Id.* art. 32.

<sup>272</sup> *Id.* art. 34.

<sup>273</sup> *Id.* art. 37.

<sup>274</sup> *Id.* art. 35.

<sup>275</sup> See, e.g., Criminal Code of Procedure, *supra* note 87, arts. 128, 185-86. According to the CCP, however, a judge may limit or prohibit a lawyer's access to his or her client during the investigation phase of a trial if issues of national security are involved. *Id.* art. 128. According to some legal scholars, Article 128 opens the door for abuse against reformists during Khatami's Presidency. See Mehrangiz Kar, *Prison, A Tool for Persecution Against Reformers: A Legal Commentary on Prison Conditions During the Reform Era*, at 6 (published by IHRDC, 2007). Kar explains that lack of representation during the critical investigation phase allowed interrogators to rely on torture to extract confessions from their victims. She cites the case of Ali Afshari, who acknowledged that his videotaped and aired confession by Islamic Republic of Iran Broadcasting was secured after he was tortured. *Id.*

<sup>276</sup> Citizen Rights Law, *supra* note 63, art. 3 ("Judges and prosecutors are required to respect the right of the accused (or respondents) to defend themselves and provide them with opportunities to employ lawyers and experts.").

Additionally, Iran's Constitution requires that the government submit provisional charges to competent judicial authorities within twenty-four hours of arrest.<sup>277</sup> Article 32 explicitly requires that charges filed against the accused be communicated in writing, and that a "provisional dossier" explaining the charges be "forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible."<sup>278</sup> Articles 24, 129, and 192 of the CCP oblige the authorities to inform the accused of the charges and the reasons for such charges.<sup>279</sup>

Further due process protections are enshrined in the CCP. For example, Article 123 prohibits the detention of an accused for more than twenty-four hours unless such detention is approved by a competent member of the Judiciary.<sup>280</sup> Article 127 mandates that an official investigation into the alleged crimes must begin within twenty-four hours, or else the detention is deemed illegal and the perpetrators must be punished accordingly.<sup>281</sup>

The ICCPR's Article 9 protections are inextricably linked to member states' duty to provide judicial due process before it limits, interferes with, or otherwise extinguishes an individual's right to liberty. The confinement of political dissidents in illegal detention facilities undoubtedly violates Article 9(2) of the ICCPR requiring government agents to promptly inform the accused of the reasons for his arrest at the time of arrest,<sup>282</sup> and Article 9(3) obligating the state to promptly bring the accused before a judge so that he shall be subject to trial within "a reasonable time." Moreover, Article 9(3) states that "it shall not be the general rule that persons awaiting trial shall be detained in custody."<sup>283</sup> Related to these rights is Article 9(4), which provides that anyone detained "shall be entitled to take proceedings before a court" in order to decide the "lawfulness of his detention and order his release if the detention is not lawful."<sup>284</sup> Article 14(b) mandates that states provide "adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one's] own choosing."<sup>285</sup>

## 4.6. Unlawful Interrogations

The goal of all PIA interrogations was to "break" detainees so they would confess to crimes which they had either not committed, or are vaguely defined in Iran's Penal Code. To achieve this goal, PIA agents employed a variety of interrogation tactics. These tactics may generally be divided into "soft" tactics – subtle interrogation methods designed to trick, confuse or lull detainees into submission – and "hard" tactics, including intimidation, threats, assaults and torture. This section focuses on the PIA's use of "soft" tactics, including but not limited to lengthy interrogation sessions, use of several interrogators at the same time, "free writing" exercises, bribery and financial inducements, and other relatively subtle methods used to coerce confessions. When these tactics failed to yield results, interrogators often resorted to more violent methods.

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<sup>277</sup> IRANIAN CONST., *supra* note 16, art. 32.

<sup>278</sup> *Id.*; *see also* Citizen Rights Law, *supra* note 63, art. 5.

<sup>279</sup> Criminal Code of Procedure, *supra* note 87, arts. 24, 129, 192.

<sup>280</sup> *Id.* art. 123.

<sup>281</sup> *Id.* art. 127.

<sup>282</sup> ICCPR, *supra* note 80, art. 9(2).

<sup>283</sup> *Id.* art. 9(3).

<sup>284</sup> *Id.* art. 9(4). Victims of unlawful arrests must be entitled to compensation. *See id.* art. 9(5).

<sup>285</sup> *Id.* art. 14(b).



### 4.6.1. Facts

Interrogations were conducted with an eye towards connecting student activists and political dissidents to offenses that would trigger the applicability of the national security laws, and/or destroy the detainees' moral credibility and reputation. Many of the detainees were accused by their interrogators of involvement in espionage, connections to foreign institutions, and receiving funding from foreign intelligence institutions or known Iranian dissidents such as Ayatollah Montazeri or Saeed Hajjarian.<sup>286</sup> Under Iran's Penal Code, most of these offenses carry severe sentences, including death.<sup>287</sup>

Without fail, interrogation sessions were conducted in the absence of legal counsel or representation. All former detainees interviewed for this report were kept blindfolded during their interrogation sessions (and periods of detention). Even when detainees were taken to the restroom, they were required to cover their eyes:

Going to the bathroom was also a problem. They refused to take off my blindfold. A male guard would hold one end of a rope and I would hold the other end. They would then transfer me from the narrow hallway to the bathroom, and would not allow me to stay there for more than a few minutes.<sup>288</sup>

Another detainee told IHRDC:

When I was taken for interrogation, I was blindfolded. When I wanted to use the restroom, I was blindfolded.<sup>289</sup>

Interrogation sessions often lasted for hours, and were conducted by rotating interrogators at random hours throughout the night. In some cases, sessions lasted for four consecutive nights. Detainees were often not allowed to use the restrooms while undergoing interrogation. The only break detainees were permitted was during prayers. Some detainees reported that they were not allowed to return to their cells for days until they agreed to participate in the interrogators' plot to uncover alleged reformist conspiracies. Between interrogation sessions, detainees were usually held in solitary confinement and subjected to sleep deprivation.<sup>290</sup>

Shahram Rafizadeh, who spent over 40 days in solitary confinement, told IHRDC that

[d]uring these continuous interrogations, I was constantly beaten up. The interrogations never let up. They were conducted at all hours, all the time. They always wanted me to give in to their demands and act out the written script they had prepared for me.<sup>291</sup>

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<sup>286</sup> Ayatollah Montazeri was Ayatollah Khomeini's handpicked successor. He was officially selected as Khomeini's successor in 1985 by the Assembly of Experts, but was later disqualified because of his criticism of the government and its revolutionary policies. MENASHRI, *supra* note 1, at 16. He is currently under house arrest in Qom. *Id.*; *see also* BUCHTA, *supra* note 7, at 92-94. Saeed Hajjarian was a former employee of the MOI who served on a tripartite commission appointed by then-President Khatami to investigate the Chain Murders. BUCHTA, *supra* note 7, at 158. He was shot in the head by assailants and severely paralyzed in 2000. *Id.* at 204. According to reformists, he was targeted because of his role in uncovering the MOI's involvement in the Chain Murders, and his support of the reform movement in general. *Id.* at 205.

<sup>287</sup> *See* Iran Penal Code, *supra* note 19, Book 2, parts 1, 2; *see also* MOCKERY OF JUSTICE, *supra* note 4.

<sup>288</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 33.

<sup>289</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 24.

<sup>290</sup> *Id.* para. 20; Witness Statement of Davoodi Mohajer, *supra* note 77, paras. 27, 31; Witness Statement of Afshari, *supra* note 12, paras. 43-50.

<sup>291</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 31.

Interviews conducted by IHRDC reveal a pattern of tactics used by the PIA during the interrogation process. Many of the sessions began with the detainees being told to engage in a form of “free writing,” during which they were instructed to write about their social, political and personal lives, including the people they knew and how they knew them.<sup>292</sup> These “free writing” sessions often lasted for hours:

The free writings were, in fact, a way to trap the detainees. They were the first documents used against the accused. The interrogators questioned each sentence written and posed new questions based on the answers we provided. They questioned every aspect of our lives, and ruthlessly violated our personal and private space. Then they used the information they gathered to defame us. Most detainees broke during this period, and gave into the wicked schemes designed by the interrogators. For example, they usually asked us if we knew a particular person of the opposite sex. If you say “no,” they torture you. If you say “yes,” they have you because such an admission is the beginning of your troubles – it ultimately leads to a false accusation regarding an illicit sexual relationship. After that they tell you that they prefer not to expose your sexual relationship, but that they will only do so if you agree to play your role in their scenario. In this way, free writings and the questions that accompany them led the way to the specific charges against you.<sup>293</sup>

The results of a detainee’s “free writings” would ultimately form the basis for question-and-answer interrogation sessions. During these sessions, interrogators questioned the detainees about events, issues and names mentioned in the “free writings” in order to find vulnerabilities, gaps or inconsistencies in their accounts. Interrogators were particularly interested in detainees’ accounts of contacts with members of the opposite sex, or individuals located outside the country. Later, the interrogators moved from questions focusing on personal and private matters to those regarding detainees’ political opinions.<sup>294</sup>

Interrogations were usually conducted in small rooms.<sup>295</sup> The manner and tone of the interrogations were aggressive. Many detainees reported that they were simultaneously interrogated by several individuals.<sup>296</sup> For example, Fariba Davoodi Mohajer told IHRDC that she was interrogated in a tiny room. Her interrogators made her sit on a chair in front of a desk facing a wall. A very bright light was pointed at her face. For hours, two or three interrogators sat behind her, asking her questions and demanding that she write her confession.<sup>297</sup>

Another detainee who was held in *Khatam* Prison offered a similar story:

Three investigators were interrogating me at one time. One of them usually stood behind me, the second sat right in front of me, while the third one moved around the table and shouted, insulted and cursed me. They wanted to humiliate me, demoralize me, and destroy any shred of dignity I possessed. In a word, they wanted to “break” me. I was especially afraid of the man who stood behind me. I was afraid he would hit me at any time. He was a strong, fat man. He often shouted and intimidated me and told me if I didn’t confess, I would be severely tortured.<sup>298</sup>

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<sup>292</sup> See *id.* para. 45; Witness Statement of Afshari, *supra* note 59, para. 60.

<sup>293</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 45.

<sup>294</sup> See *id.*; Witness Statement of Davoodi Mohajer, *supra* note 77, paras. 20, 25-26; Witness Statement of Afshari, *supra* note 59, paras. 47, 49; Witness Statement of Hedayat, *supra* note 58, paras. 53-55.

<sup>295</sup> See Witness Statement of Zarezadeh, *supra* note 12, para. 14.

<sup>296</sup> *Id.* para. 22; Witness Statement of Rafizadeh, *supra* note 36, para. 48; Witness Statement of Sehati, *supra* note 77, para. 13.

<sup>297</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 19.

<sup>298</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 22.

Individuals interviewed by IHRDC indicated that the interrogators assigned to their cases soon after their arrival seemed inexperienced and knew very little about their backgrounds.<sup>299</sup> These interrogators spent some time familiarizing themselves with the case by asking many general questions:

My investigator did not know anything about me and the reasons I was arrested. He asked general questions. He did not know anything about me, but he was collecting evidence against me every day from my own testimonies. He was coming up with new questions and new allegations after every interrogation session until he implicated me with some crimes.<sup>300</sup>

As one former detainee told IHRDC, the role of interrogators was not to uncover the facts but to fabricate evidence.<sup>301</sup> The information gathered during the question-and-answer sessions was later used by more experienced interrogators. Detainees told IHRDC that the questions became more involved and sophisticated, and moved away from factual events to issues of personal and political opinion.<sup>302</sup> For example, Ali Afshari, who was arrested by PIA agents linked to the MOI and imprisoned in Prison 240 of Evin,<sup>303</sup> told IHRDC:

They also questioned my beliefs and ideas. They told me to give them my views about the reformists and describe my (and the other students') positions regarding current events. Or they asked what I thought about the Chain Murders. They always had their own preconceived notions and ideas, and wanted to force them on me.<sup>304</sup>

Fariba Davoodi Mohajer recounted similar questioning about her personal and political opinions. Describing the sessions as inquisitions, she said that with threats and intimidation while in a small room, she was questioned about her personal convictions. For example, she was asked whether she believed in the Supreme Leadership of Ayatollah Khamenei, whether she believed in democracy, whether she believed in the Guardianship of the Jurist (*Velayate Faqih*), and whether she followed Ayatollah Montazeri. None of the questions related to possible criminal charges.<sup>305</sup>

Some detainees were bribed and offered financial and political rewards for cooperating with the authorities and spying on others. They were instructed to provide reports on their friends' activities. Detainees were promised that if they agreed to provide reports, they would receive professional and monetary benefits, such as career advancements, titles to new homes and scholarship opportunities to study abroad.<sup>306</sup> Davoodi Mohajer told IHRDC that her interrogators told her that she could have a calm and comfortable life if she cooperated. She was assured that she could continue criticizing the government but only on the condition that she keep them

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<sup>299</sup> *Id.* para. 30; Witness Statement of Rafizadeh, *supra* note 36, para. 12.

<sup>300</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 30.

<sup>301</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 20.

<sup>302</sup> *Id.* paras. 26-28; Witness Statement of Afshari, *supra* note 59, para. 49; Witness Statement of Hedayat, *supra* note 58, paras. 53-55; Witness Statement of Rafizadeh, *supra* note 36, paras. 11-12.

<sup>303</sup> According to Human Rights Watch, Section 240 of Evin Prison is under the control of the Intelligence Protection Center of the Judiciary. *LIKE THE DEAD IN THEIR COFFINS*, *supra* note 49, at 21-22, 24. Reports indicate that Section 240 is located at the basement of a building on the prison grounds. *Id.* at 24. Akbar Ganji, a well-known political dissident who was imprisoned by the PIA, reports that he was held in Section 240. *YOU CAN DETAIN ANYONE*, *supra* note 41, at 20.

<sup>304</sup> Witness Statement of Afshari, *supra* note 59, para. 49.

<sup>305</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 25-26.

<sup>306</sup> *Id.* para. 30; Witness Statement of Zarezadeh, *supra* note 12, para. 31.

informed about the opposition.<sup>307</sup> Her interrogators also forced her to repeat for many days that she hated her husband and that she was in love with a fellow political activist.<sup>308</sup>

After long periods of harsh interrogations, detainees were told they would be released if they confessed. Some detainees confessed after they realized that their resistance would be futile, and that they could no longer tolerate the devastating stress and pressure of prolonged interrogations (and the abuse that accompanied them).<sup>309</sup> At least one witness acknowledged that he became suicidal. After he attempted and failed to take his own life, he gave into the demands of his interrogators.<sup>310</sup>

Those who continued to resist the demands of interrogators were subjected to additional threats, assaults, solitary confinement and torture. In such cases, interrogators often outsourced interrogations to other illegal facilities in an effort to subject a detainee to a new and unfamiliar environment. Outsourcing usually occurred after a detainee had been imprisoned multiple times at the same facility and was familiar with the interrogation methods conducted there.<sup>311</sup> For example, Ali Afshari, who was arrested by the MOI, did not confess to the charges that were brought against him while in Evin Prison. As a consequence, he was transferred to Prison 59, and later to Prison Jay. When he gave in to the demands of his interrogators, he was transferred back to Evin.<sup>312</sup>

The PIA interrogators sought to discover and fabricate evidence that could be used to charge detainees. Ensafali Hedayat told IHRDC that

[w]hen I asked what my charges were and why they weren't asking me questions related to them, the investigators responded that they would discover the main issues related to my charges during the interrogation. In reality, they had no evidence regarding any of my activities. They simply wanted to use the interrogations to fabricate evidence against me and others whom I was in contact with. They wanted to use my confessions to put pressure on me and my colleagues.<sup>313</sup>

He went on:

For example, once I was very troubled by the crying and pleading that I could hear from my solitary cell. I told my interrogators that I would answer their questions if they let me go home. They agreed. I answered their questions and they took me home that night. Then the interrogators used those same answers that were obtained under conditions of terror and pressure as evidence against me in the court.<sup>314</sup>

#### **4.6.2. Violations of Domestic and International Laws**

Without doubt, the PIA's "soft" interrogation tactics violated a host of civil rights guarantees provided by Iranian law. Iran's Citizen Rights Law, passed in 2004, reflects many of these guarantees. They include prohibitions against interrogations conducted in secret or illegal

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<sup>307</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 28.

<sup>308</sup> *Id.* para. 20.

<sup>309</sup> MOCKERY OF JUSTICE, *supra* note 4, at 29-30.

<sup>310</sup> Witness Statement of Afshari, *supra* note 59, para. 67.

<sup>311</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 34.

<sup>312</sup> Witness Statement of Afshari, *supra* note 59, paras. 45-47, 70.

<sup>313</sup> Witness Statement of Hedayat, *supra* note 58, para. 55.

<sup>314</sup> *Id.* para. 62.

detention facilities;<sup>315</sup> interrogations conducted by individuals hiding their identities;<sup>316</sup> forced confessions;<sup>317</sup> and unclear, vague or personal questions unrelated to the commission of a crime.<sup>318</sup> In so far as the “soft” tactics used by the PIA forced detainees to confess or acquiesce to that which they did not believe, they were also a violation of Article 23 of the Iranian Constitution, which guarantees the right to freedom of thought.<sup>319</sup>

Similarly, the “soft” interrogation tactics used by the PIA interrogators violated several provisions of the ICCPR, including Article 18, which protects an individual’s right to freedom of thought and conscience.<sup>320</sup> Such interrogations also violated Article 10(1) of the ICCPR guaranteeing “all persons deprived of their liberty” the right to be “treated with humanity and with respect.”<sup>321</sup> It may also be argued that “soft” interrogation tactics, including “free writing” exercises and other interrogation methods designed to convince or trick detainees into admitting guilt, violate Article 14(g) of the ICCPR.<sup>322</sup>

## 4.7. Solitary Confinement

### 4.7.1. Facts

The undisclosed locations of the illegal detention facilities run by the PIA, the lack of access to family members and counsel, and the unlawful manner in which the detainees were arrested and transferred to these facilities all contributed to the success of the PIA’s strategy of silencing their targets. Yet, it was their heavy reliance on solitary confinement that often led to the “breaking” of detainees.

The PIA regularly used solitary confinement, not as punishment for undisciplined detainees, but to force those who refused to cooperate to confess. Long periods of silence and inactivity during solitary confinement were often immediately followed by intense, violent and long interrogation sessions conducted by several PIA agents. The PIA agents were aware that “mental and physical deterioration occurred more quickly [during] solitary” confinement.<sup>323</sup> This repeating pattern of sensory deprivation followed by sensory overload eventually took its psychological toll.<sup>324</sup>

In 2004, the United Nations Working Group on Arbitrary Detention condemned the widespread and long-term use of solitary confinement in Iran:

[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 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 long periods.

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<sup>315</sup> Citizen Rights Law, *supra* note 63, art. 7.

<sup>316</sup> *Id.* art. 6.

<sup>317</sup> *Id.* art. 9.

<sup>318</sup> *Id.* art. 11; *see also* art. 129 of the CCP, which prohibits judges from asking deceiving or leading questions, or from degrading or forcing a suspect to answer such questions during an investigation.

<sup>319</sup> IRANIAN CONST., *supra* note 16, art. 23.

<sup>320</sup> ICCPR, *supra* note 80, art. 18.

<sup>321</sup> *Id.* art. 10(1).

<sup>322</sup> *Id.* art. 14(g) (“[i]n the determination of any criminal charge against him, everyone shall be entitled to ... not be compelled to testify against himself or to confess to guilt”).

<sup>323</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 26.

<sup>324</sup> *Id.* at 20-21.

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>325</sup>

Solitary confinement has been referred to by former PIA detainees as “white torture,” because of the deep and long-lasting psychological damage it caused.<sup>326</sup> One former detainee described the effects of such confinement in Evin Prison’s Section 240:

Since I left Evin, I have not been able to sleep without sleeping pills. It is terrible. The loneliness never leaves you, long after you are “free.” Every door that is closed on you, it affects you. This is why we call it “white torture.” They get what they want without having to hit you. They know enough about you to control the information that you get: they can make you believe that the president has resigned, that they have your wife, that someone you trust has told them lies about you. You begin to break. And once you break, they have control. And then you begin to confess.<sup>327</sup>

Detainees subjected to solitary confinement were often kept incommunicado in small cells measuring 1.5m by 2m.<sup>328</sup> Most of these cells were located underground, and lit with artificial twenty-four hour light. Detainees held in solitary confinement cells in Section 209 of Evin Prison reported that guards often supplied detainees with only blankets, a pair of slippers, and a disposable cup.<sup>329</sup>

Many detainees said that their cells resembled closets or coffins.<sup>330</sup> A victim who was held incommunicado in solitary confinement for eight months from mid-July 1999 to March 19, 2000, told IHRDC:

They made me go upstairs. There was a closet against the wall. They threw me inside the closet. The closet was suffocating. There was no room for me to lie down or breathe comfortably. When I would lean on one side, I would hit the other side. When I stood, my head hit the top of the closet. There was no space; it was like a casket.<sup>331</sup>

Another detainee told IHRDC that the cell he was kept in allowed him no space to maneuver:

On each side of the corridor, there were nine solitary cells, each measuring a meter and a half long and a meter wide. The cells were so small that you couldn’t turn around inside them. If you were facing one way and wanted to turn around, you had to walk backwards.<sup>332</sup>

In many cases, detainees were kept in solitary confinement in one of these cells for months at a time.<sup>333</sup> One detainee interviewed by IHRDC stated that he spent 128 continuous days, or nearly four months, in solitary confinement.<sup>334</sup> His experience was typical of many of the former

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<sup>325</sup> U.N. Econ. & Soc. Council, Working Group on Arbitrary Detention, *Civil and Political Rights, Including the Question of Torture and Detention*, paras. 54, 55, June 27, 2003, U.N. Doc. E/CN.4/2004/3/Add.2 [hereinafter Report of the Working Group on Arbitrary Detention].

<sup>326</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 19-21.

<sup>327</sup> Statement by Ebrahim Nabavi (Jan. 8, 2004), *quoted in id.* at 19-20.

<sup>328</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 19-21; Witness Statement of Rafizadeh, *supra* note 36, para. 38.

<sup>329</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 21-22.

<sup>330</sup> *Id.* at 23.

<sup>331</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 12.

<sup>332</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 38.

<sup>333</sup> Witness Statement of Ebrahimi, *supra* note 92, paras. 12, 54; Letter from Ali Afshari to Ayatollah Shahroudi, head of the Judiciary, August 14, 2005 (copy on file with IHRDC).

<sup>334</sup> Letter from Ali Afshari to Ayatollah Shahroudi, head of the Judiciary, August 14, 2005 (copy on file with IHRDC).

detainees whose testimonies have been documented by IHRDC and other human rights organizations.<sup>335</sup>

Detainees interviewed by IHRDC described the devastating impact of being held both incommunicado and in solitary confinement. Days and months would go by in solitary confinement, without detainees being informed of their charges, why they were being held in solitary confinement, or whether they would ever be released.<sup>336</sup> Sometimes interrogators informed detainees that they would be released into the public ward of the facility on the condition that they sign a confession or videotape a recantation.<sup>337</sup> Many acknowledged that after about a month, they were unable to tolerate the pressure of solitary confinement, and agreed to these terms.<sup>338</sup>

The harm inflicted by solitary confinement was exacerbated by other aspects of detention, such as sleep deprivation, lack of access to medical care, torture, and verbal threats to torture the detainees:

During the first 30 to 40 days, the interrogation and torture continued nonstop. I spent most of this time in the interrogation room. They didn't allow me to return to my cell. They wanted to beat me up, whip me and torment me so I would break and surrender. The physical torture continued until I broke. As soon as I broke, the frequency of torture lessened, and the interrogations shifted to bargaining over what I should confess to .... I think it was during the 26<sup>th</sup> and 27<sup>th</sup> day that I finally submitted to the interrogators and could no longer resist. I stayed there for 73 days. Afterwards, they transferred me to Section 240 of Evin Prison, which was under the control of the Intelligence Protection Organization of the Judiciary.<sup>339</sup>

Another former detainee said that, while in solitary confinement, detainees were not allowed to knock on doors or call the guards. Instead, detainees were given a card and were instructed to hold it out through a small slot below the door of their cell when they needed assistance or wished to use the restroom.<sup>340</sup>

All of this was designed to weaken the detainees' resolve. Reports compiled by human rights organizations indicate that as detainees' time in solitary confinement lengthened, they began to manifest serious physical and psychological symptoms as a result of the isolation, lack of fresh air and limited mobility.<sup>341</sup> Physical symptoms were often accompanied by severe weight loss.<sup>342</sup> Detainees pointed to the deafening silence as the major factor leading to their submission:

There is no sound. Once in a while, you would hear the call to prayer ... After three days, it becomes so, so difficult. Different people break at different times. We used to talk about when people would "break" [*buridan*]. Some people broke after a few days, some could last much, much longer. It is absolute silence [*sukut-i mutlaq*]. After three days, I just wanted any words. Even if it was swearing, even if it was a harsh interrogation.<sup>343</sup>

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<sup>335</sup> See, e.g., LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 19-26.

<sup>336</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 12.

<sup>337</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 23.

<sup>338</sup> *Id.* at 24.

<sup>339</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 37.

<sup>340</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 17.

<sup>341</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 25.

<sup>342</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 46.

<sup>343</sup> Statement of Massoud Behnoud (Dec. 20, 2003), *quoted in* LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 23-24.

## 4.7.2. Violations of Domestic and International Laws

In its Basic Principles for the Treatment of Prisoners, the United Nations has called for the abolition of solitary confinement as a punishment.<sup>344</sup> In fact, the use of solitary confinement as a strategy to punish detainees may provide the basis for establishing the inhuman treatment of prisoners under international law.<sup>345</sup> The likelihood that this practice constitutes torture is even stronger if solitary confinement is used as a long-term strategy to “break” detainees in order to force confessions.

The United Nations Working Group on Arbitrary Detention noted as much in its 2004 report on Iran’s widespread use of solitary confinement prisons, stating 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>346</sup> Similarly, the United Nations Human Rights Committee has noted that prolonged solitary confinement may amount to acts of torture or cruel, inhuman or degrading treatment in violation of Article 7 (and Article 10) of the ICCPR.<sup>347</sup>

If used at all, solitary confinement should be imposed only for a short period of time, in an individualized fashion, under strict supervision (including by a physician), and only for legitimate penal reasons of discipline or preventive security measures.<sup>348</sup> Indeed, Iran’s SPO Law provides that while solitary confinement may be used as a form of disciplinary punishment, it may not be used for prolonged periods of time.<sup>349</sup>

## 4.8. Threats, Intimidation and Psychological Torture

### 4.8.1. Facts

Intimidation and threats were prevalent in the secret facilities run by the PIA. These threats were part of a multi-pronged strategy to create an environment devoid of any hope – one which would eventually lead to the submission of detainees. Detainees indicated that the interrogations went hand-in-hand with verbal threats and intimidation, all of which amounted to psychological torture intended to break down the detainees’ sense of dignity and self.

The threats and intimidation may generally be categorized in the following manner: verbal threats of violence and torture against the detainee’s health or life; threats against or false information regarding the detainee’s family or loved ones; mock executions; threats of severe punishment based on convictions of alleged moral or national security crimes; and forced witnessing (or hearing) of the torture of fellow detainees. These psychological torture tactics were used liberally during both interrogation sessions and solitary confinement.

All of the former detainees IHRDC interviewed recalled that the verbal assaults and threats began as soon as they arrived at the illegal detention facilities. Examples included “Here we will skin

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<sup>344</sup> Basic Principles, *supra* note 156, Principle 7.

<sup>345</sup> See, e.g., The Istanbul Statement on the Use and Effects of Solitary Confinement, Dec. 9, 2007, available at [www.humanrights.dk/files/pdf/Engelsk/International/Istanbul\\_expert\\_statement\\_on\\_sc.pdf](http://www.humanrights.dk/files/pdf/Engelsk/International/Istanbul_expert_statement_on_sc.pdf) (last visited Feb. 15, 2009) [hereinafter “The Istanbul Statement”].

<sup>346</sup> Report of the Working Group on Arbitrary Detention, *supra* note 325, para. 55.

<sup>347</sup> U.N. Human Rights Committee, General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. Hri/Gen/1/Rev.1 at 1994, para. 6; see also NIHAL JAYAWICKRAMA, THE JUDICIAL APPLICATION OF HUMAN RIGHTS LAW 318 (2002).

<sup>348</sup> The Istanbul Statement, *supra* note 345.

<sup>349</sup> SPO Law, *supra* note 14, art. 175(4).



you alive” and “You have come here vertical but will leave horizontal.”<sup>350</sup> One witness recalled being forced to listen to looped audiotapes for hours on end. They cycled through the following messages: “Woe to the forgotten captive!” and “the Truth shall set you free.”<sup>351</sup>

Hassan Zarezadeh Ardeshir recounted similar memories:

When I was taken to *Khatam*, my main interrogator, who was a fat and strong man and was respected by the other guards, asked me if I knew where I was. I told him I was at a center that belonged to the police. He said I was wrong. He told me it was Towhid No. Two. Towhid was the name of a dangerous secret prison that Khatami’s government had shut down. He told me it was the “second Towhid.” He wanted to scare me by implying that there was no rule of law here, no accountability; they were operating above the law and they could do anything they wanted to me.<sup>352</sup>

After their arrival, the persistent and deliberate stream of verbal assaults usually began with the announcement of serious but arbitrary charges against the detainees.<sup>353</sup> The threats were often accompanied by “mercy offerings” – a classic carrot and stick approach used to simultaneously intimidate and coax victims into self-incrimination.<sup>354</sup> For example, interrogators often promised detainees assistance if they cooperated and provided information or testimony against others. Amir Farshad Ebrahimi, who was put in solitary confinement for two months and subjected to other severe ill-treatment, told IHRDC that

[t]hey repeated the same talks, linking me to foreign intelligence organizations. I said that I never had any contacts with these organizations. Then the threats and intimidations started. They said that I should have become wiser, so that they wouldn’t have to repeat what they’d done to me for the past two months again. They promised that if I cooperated, they would help me.<sup>355</sup>

When more subtle tactics failed to work, detainees were often faced with more overt forms of intimidation, including the threat of physical and sexual violence. These threats were often employed when the detainees were exhausted and in shock due to sleep deprivation, long interrogations and persistent beatings. Ali Afshari told IHRDC that

[o]ne of the interrogators came and began to describe different forms of torture, including beatings and sexual assault. For example, he would whisper in my ear that in case I didn’t surrender and confess, they would rape me. Then he started to describe how they would do it. He said that they would insert a bottle in my anus, or hang me from the ceiling by my head and whip me until I’m close to death. Or he’d tell me that they will pull out my fingernails and toenails and keep me in prison for 20 years. They created a very horrifying environment for me. They did all this after they deprived me of sleep and increased the interrogation sessions in an attempt to break me.<sup>356</sup>

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<sup>350</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 12; see also Letter from Jabbari to Khatami, *supra* note 184.

<sup>351</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 23.

<sup>352</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 23.

<sup>353</sup> *Id.* paras. 30-31; Witness Statement of Sehati, *supra* note 77, para. 13.

<sup>354</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 31.

<sup>355</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 24.

<sup>356</sup> Witness Statement of Afshari, *supra* note 59, para. 50.

Former detainees also told IHRDC that they were often left in an interrogation room and made to listen to a detainee in the next room begging, shrieking and asking for mercy.<sup>357</sup> Zarezadeh, a detainee who was held in *Khatam* in early 2000, described this:

After some time in *Khatam*, I was made to watch how the investigators beat other prisoners. The prisoners were miserably asking for mercy but they were still beating them. It was a very horrible scene. It was killing me. Then they would threaten me, and tell me that if I did not cooperate I would be similarly tortured.<sup>358</sup>

Mock executions were another method of intimidation used by the PIA. Ali Afshari was subjected to a mock execution.<sup>359</sup> He acknowledged that “everyone has a breaking point,” and that he reached his when faced with what he thought was imminent death:

One of my interrogators who was playing the role of the bad cop said that I should get ready to be executed. He took me out of the cell and dragged me to the courtyard of Evin Prison so that he could carry out the execution. At the same time, I heard another interrogator (who played the role of the good cop) beg the judges on the phone to show mercy on me. Then someone else said, “No, that’s not possible. The execution has to be carried out.” Again the interrogator who played the role of good cop approached the bad cop and asked him to show mercy on me. And again the bad cop said, “No, this guy is a lost cause.” Then the good cop came to me and begged me to think about my parents and confess – otherwise I would be executed by firing squad. The back and forth between the two interrogators lasted half an hour. I was completely broken.<sup>360</sup>

Another detainee who was a student when arrested told IHRDC that he was threatened with execution when he resisted cooperating with his captors:

The Brigadier-General of the Revolutionary Guards approached me and insisted that I confess to having links with foreign agencies. He said they had sentenced some students to death. He said four people had already been executed, and that I shouldn’t do something stupid to increase that number to five.<sup>361</sup>

According to most detainees, the most troubling and devastating threats hurled against them involved those concerning the safety of their family members and loved ones. Many detainees were threatened with the arrest of their family members, and indefinite imprisonment if they failed to cooperate with the interrogators.<sup>362</sup> Fariba Davoodi Mohajer was told that she would be responsible for the death of her mother who had supposedly fallen sick after her imprisonment. She was told that she would never again see her mother unless she confessed.<sup>363</sup>

Amir Farshad Ebrahimi described how he felt when he was insulted by a former colleague, now a member of NAJA:

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<sup>357</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 23; Witness Statement of Hedayat, *supra* note 58, paras. 50, 62.

<sup>358</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 25.

<sup>359</sup> Witness Statement of Afshari, *supra* note 59, para. 55; *see also* Witness Statement of Ebrahimi, *supra* note 92, para. 15 (stating that when he was ordered to strip down and stand against the wall, he thought he would be executed).

<sup>360</sup> Witness Statement of Afshari, *supra* note 59, para. 55.

<sup>361</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 25.

<sup>362</sup> Witness Statement of Afshari, *supra* note 59, para. 60; Witness Statement of Rafizadeh, *supra* note 36, para. 33; Witness Statement of Davoodi Mohajer, *supra* note 77, paras. 9, 21.

<sup>363</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 21.

Brigadier-General Mohammad Ali Najafi, commander of the Intelligence Office of Law Enforcement Forces, personally beat me with punches and kicks. He cursed at me. He insulted my mother and sister. These insults caused me great pain and humiliated me more than the physical torture I endured.<sup>364</sup>

A student activist who was imprisoned in late 1999 for the third time by the MOI reported “[t]hey threatened to arrest and torture my family members, and said that they will arrest my dad, sister and friends.”<sup>365</sup> Another detainee who was arrested in 2004 echoed the same threat in an interview with IHRDC:

They said that they would arrest my son and torture my husband. They said no one knows, or will ever know, where I am. That if I didn’t give in to their demands I would stay in this prison for a very long time. A couple of times they threatened to detain me with AIDS-infected prisoners so that I, too, would contract AIDS.<sup>366</sup>

Yet another detainee described a similar threat to his family, the reputation of his wife and the honor of his family:

Emotional torture regularly accompanied physical torture. The emotional torture varied, usually beginning with threats to me and ending with threats against my family. For example, they threatened to arrest my father and torture him in my presence, or they said that I have an adorable family and that I shouldn’t do anything to lose them for good ... They threatened to kill my family in a planned traffic accident – hundreds of traffic accidents happen in Tehran every day. This could have been just another one of them. But the worst threats were directed against my wife. They said, “We will arrest and bring your wife here, and you know what will happen to her next.” The thought sent shivers down my spine. They were savages, and capable of anything.<sup>367</sup>

Sons, daughters and underage relatives of the detainees were not spared insults and threats:

They accused my nine-year-old daughter with indecent acts. When I protested and mentioned that my daughter was a child, they insulted and scorned me and said that I knew nothing about my daughter.<sup>368</sup>

#### **4.8.2. Violations of Domestic and International Laws**

Under international law, intimidation and threats may qualify as torture if they cause severe pain and suffering, and are used for the purpose of intimidating or forcing a detainee to confess or reveal information.<sup>369</sup> Article 1 of the Convention Against Torture (CAT) defines torture in terms of inflicting severe pain and suffering, either physical or psychological, for the purposes of intimidating a person with the acquiescence of a public official.<sup>370</sup> Although the Islamic Republic is not a signatory to the CAT, the prohibition against torture is considered a part of customary

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<sup>364</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 28.

<sup>365</sup> Witness Statement of Afshari, *supra* note 59, para. 55.

<sup>366</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 21.

<sup>367</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 33.

<sup>368</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 24.

<sup>369</sup> *See, e.g.*, Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Declaration on Degrading Treatment), art. 1, Dec. 9, 1975, G.A. res. 3452 (XXX). Undoubtedly, verbal assaults, threats and intimidations also violate Articles 7 and 10 of the ICCPR. ICCPR, *supra* note 80, arts. 7, 10.

<sup>370</sup> Convention Against Torture, *supra* note 251, art. 1.

international law, and any violation thereof may constitute the commission of an international crime.<sup>371</sup>

Iranian law also provides several provisions guaranteeing the mental and psychological well-being of Iranian citizens, including detainees and prisoners. Articles 22 and 39 of the Iranian Constitution prohibit affronts to the dignity of individuals generally, and the dignity of arrestees and detainees specifically.<sup>372</sup> Article 43 of the SPO Law requires the monitoring of detainees' physical and psychological well-being.<sup>373</sup> Article 6 of the Citizen Rights Law expressly forbids the harassment and insulting of detainees.<sup>374</sup>

## 4.9. Physical Torture

### 4.9.1. Facts

Physical torture in PIA-run detention facilities included physical blows to the body via punching, kicking and whipping, electric shock, hanging upside down on a rope, sleep deprivation and asphyxiation.<sup>375</sup> Many of the detainees interviewed by IHRDC were subject to severe physical punishment. Some detainees were beaten at the first interrogation session; others were subjected to physical punishment after their interrogators were unable to break their resolve with psychological torture. The interviews suggest that the PIA interrogators were prone to use violence against those detainees who were highly educated and better equipped to withstand psychological torture. In order to humiliate this set of prisoners and make them believe their fate was dependent on the will of their captors, they were beaten early in their interrogations by ordinary guards.

Between interrogation sessions, detainees were usually held in solitary confinement and subjected to sleep deprivation.<sup>376</sup> Ali Afshari, who was arrested and outsourced for interrogation from Evin Prison to Prison 59, noted that “[in Prison 59] sleep deprivation was practiced severely and extensively ... Once they kept me awake for four consecutive nights.”<sup>377</sup> Afshari was subject to sleep deprivation after an argument with his lead interrogator who challenged him to a scholarly debate:

Sleep deprivation was such that they kept me standing all the time. As soon as I would fall asleep, someone would pull my hair and lift me up and make me stand. I was dizzy and confused. I was completely disoriented.<sup>378</sup>

Hassan Zarezadeh Ardeshir, a writer and prominent journalist, recalled the first night when he was interrogated:

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<sup>371</sup> See AMNESTY INTERNATIONAL, TORTURE AND THE LAW, Nov. 2001 (compiled by Vienna Colucci), available at [www.amnestyusa.org/war-on-terror/reports-statements-and-issue-briefs/torture-and-the-law/page.do?id=1107981](http://www.amnestyusa.org/war-on-terror/reports-statements-and-issue-briefs/torture-and-the-law/page.do?id=1107981) (last visited Feb. 15, 2009).

<sup>372</sup> IRANIAN CONST., *supra* note 16, arts. 22, 39.

<sup>373</sup> SPO Law, *supra* note 14, art. 43.

<sup>374</sup> Citizen Rights Law, *supra* note 63, art. 6.

<sup>375</sup> Witness Statement of Ebrahimi, *supra* note 92, paras. 27-28, 57-59; Witness Statement of Zarezadeh, *supra* note 12, paras. 16, 28; Witness Statement of Rafizadeh, *supra* note 36, paras. 30-40.

<sup>376</sup> Witness Statement of Rafizadeh, *supra* note 36, paras. 26, 30; Witness Statement of Ebrahimi, *supra* note 92, paras. 27-28, 58-59; Witness Statement of Zarezadeh, *supra* note 12, paras. 12, 28.

<sup>377</sup> Witness Statement of Afshari, *supra* note 59, para. 50.

<sup>378</sup> *Id.*

On the first night I was taken for interrogation, the first question I was asked was why I had called other students to join the demonstration. I delayed answering, and then I refused to answer his question. The fat interrogator got up from his chair. When he got behind me, he punched me so hard that my head crashed into the wall. I was not expecting it. Everything turned dark for a while. I was not able to see anything. Then he told me that here was the place where I should talk. If I did not, I would be cut into pieces. Then he lifted me up in the air with his strong hands and wanted to throw me against the wall, but he didn't. Two or three other investigators were watching us. They did not object. I was handed paper and instructed to write answers to questions about my group, my personal relations with the West and foreign groups, getting money from the West, and my political and social activities in the universities, newspapers and political and social groups.<sup>379</sup>

Rafizadeh was beaten during his first interrogation session:

I was blindfolded. They handcuffed and dragged me to a chair. A low voice asked me, "Do you know where you are?" I said "No." The voice said, "[You are] in the miracle room." I grinned. "The Miracle Room" was the name of one of the articles I had written. It wasn't long until a bunch of people started punching and kicking me. I was blindfolded, and couldn't see how many they were. I don't know how long it lasted. After they beat me, I fell unconscious for some time. They carried me to the restroom. They sprayed water on my face and I regained consciousness. I washed my face and I noticed that my nose was bleeding. When I washed my nose in the bathroom, my entire hand was covered in blood.<sup>380</sup>

Rafizadeh was repeatedly beaten by his captors while in solitary confinement until he broke:

During these continuous interrogations, I was constantly beaten up ... They smashed my head against the wall a couple of times. I screamed from the pain ... they wanted me to submit to their demands. During these torture sessions, anything could have happened to me. I could lose an eye. My nose could break, or I could have suffered from breathing complications as a result of the repeated blows to my head and forehead. They had slapped and punched my face so many times that my face had gone numb.<sup>381</sup>

Rafizadeh continued:

Physical beatings did not only include punching and kicking. Once they smashed a wash bowl that was in the interrogation room on my head. On other occasions, they whipped my back and feet with cable wires. When I resisted, they whipped me all over – on my back, butt, and legs – all the way down to my heels. I don't know how many times they whipped me. It varied. Sometimes they hit me ten times, sometimes twenty or thirty, and other times more. There were short pauses between the torture sessions, during which the interrogators asked more questions. If they didn't get the answer they wanted, the torture continued.<sup>382</sup>

Detainees were beaten repeatedly until they confessed. When detainees fell unconscious, they were sent to their cells until they recovered and were then brought back for another round of interrogations. Rafizadeh continued:

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<sup>379</sup> Witness Statement of Zarezadeh, *supra* note 12, para. 26.

<sup>380</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 30.

<sup>381</sup> *Id.* para. 31.

<sup>382</sup> *Id.* para. 32.

When I collapsed from the physical and psychological torture, they said, “Take him away until he comes to again.” When I regained composure, the whole thing would start all over again. The beatings, the cable wires, the insults and threats – they started again, but this time with more viciousness.<sup>383</sup>

Detainees who were imprisoned in facilities that resembled private houses told IHRDC that they were usually taken to the basement of the complex for beatings; before the beatings started, the interrogators would turn on a ventilation machine. Apparently, the interrogators wanted to muffle the voices of the victims and subject them to psychological torture by exposing them to loud noises.<sup>384</sup> Rafizadeh explained:

Usually, during the torture sessions they turned on an air ventilator that created a dreadful sound. This machine was located above the cells. The machine’s loud noise doubled the prisoners’ physical and psychological anguish and drove them insane. How long can a person listen to a grating noise? Five minutes? Ten minutes? An hour? But this noise continued on for eighteen hours straight. During this time, the prisoners couldn’t communicate. They wouldn’t hear each others’ voices. This noise also drowned out the groaning of the detainees during their torture sessions.<sup>385</sup>

### Amir Farshad Ebrahimi

Amir Farshad Ebrahimi is a filmmaker, lawyer and human rights activist. He received his master’s degree in law from Tehran University in 2002 and his Ph.D. in human rights from Middle East Technical University, Turkey in 2006. He also holds a master’s degree in film from Tehran University (1997).



Ebrahimi joined the *Quds* forces, the Islamic Revolutionary Guard Corp’s elite commando unit, in 1993 after graduating from high school. Later he became a member of the *Ansar-i Hezbollah*, a paramilitary Islamist group supported by the regime. In 1999, Ebrahimi resigned from *Ansar-i Hezbollah* after learning of the group’s plans to attack student demonstrators at Tehran University. He joined the student movement and supported their political demands. As a result of this support, Ebrahimi was detained, tortured and severely mistreated in illegal detention facilities run by Iran’s PIA. After his release, Ebrahimi filed a complaint with the help of his lawyer, Nobel Laureate Shirin Ebadi, against his captors. Due to threats, he went into hiding but was forced to come out after his family received numerous threats. Ebrahimi turned himself in to the Judiciary and was rearrested on May 24, 2000. He was held in illegal detention facilities run by the PIA, including Prison 59 and Section 209 of Evin Prison. Ebrahimi spent a total of four years in prison, 18 months of which were in solitary confinement. After his release, he was targeted for assassination and left the country.

Ebrahimi currently lives in Germany and works with Radio Multicult in Berlin.

<sup>383</sup> *Id.* para. 34.

<sup>384</sup> Witness Statement of Ebrahimi, *supra* note 92, para. 14; Witness Statement of Rafizadeh, *supra* note 36, para. 35.

<sup>385</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 35.

Amir Farshad Ebrahimi described his beating in the basement of the unlawful facility where he was held:

It was dark. They forced me to stand facing the wall. Someone put a plastic band in my mouth. This band pulled my lips in opposite directions; its strings passed behind my ears and were tied behind my neck. Then they put a bag over my head that reached down towards my neck. This bag was suffocating because they tied the open end. After that they ordered me to take off my clothes. I could not believe it. To be honest, I was terrified. I thought they were going to execute me. Thousands of horrible thoughts came to me. Are they going to execute me by a firing squad? What other type of torture are they planning to do to me? They tied my hands behind my back with handcuffs, and ordered me to stay in that position.

About ten minutes passed. I cannot explain my emotions with words. I just can't. All of a sudden, without any warning I was punched and kicked. Several guys – I think there were at least three of them – attacked me ... They kicked my back and I hit the ground. They didn't care where the kicks and punches landed ... They struck my head and face ... One of them said, "You think you are so strong that you can resist us? We can get anyone to talk." Then they cursed at me and my family. I was shocked ... The [beatings] went on for half an hour. After that, the torturers left. They didn't say a thing. I could not breathe and was in pain. All I was wearing was underwear. Otherwise I was completely naked. Then someone came and told me to get up. I had no energy to get up. I could not get up. My body hurt. Two people grabbed me and lifted me off the ground. I couldn't tell who they were because I was still wearing the bag over my head. I could not go up the stairs, so the two of them dragged me up. My shins kept hitting the edge of the stairs and making noises. It hurt so much that I told them to leave me be – I wanted to climb up on my own.<sup>386</sup>

Ebrahimi was beaten for a second time three months after the first round of beating. He said:

I spent another month in that condition in the closet. It was the third month when they took me to the basement again. I knew that they were going to beat me again. I got weak in the knees and fear filled me.

This time they tied my legs with ropes and made a strong knot. There were two people. I knew one of them, Colonel Akbar Sharafi of the Intelligence Office of the Law Enforcement Forces. Some minutes later, they turned on a tape of Holy Quran recital (or was it a radio that was telling the news of the provincial areas – I do not recall exactly?). Then they hung me upside down. I was really scared and thought that I would definitely die or suffocate. I begged them to stop. They pulled my legs up high to the point where my hands reached the ground. I was in that position for several hours and other than a few kicks and slaps they left me alone. Around evening time they released me and laid me down. I asked for water, and they brought me water. After fifteen minutes, I vomited everything that was in my stomach.<sup>387</sup>

Ebrahimi was so severely beaten during one of these brutal interrogation sessions that his head needed stitches:

They put an elastic band in my mouth and a bag over my head and started beating me with a wooden stick. I think 3 or 4 people were hitting me at the same time. One of the

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<sup>386</sup> Witness Statement of Ebrahimi, *supra* note 92, paras. 15-16.

<sup>387</sup> *Id.* paras. 26-27.

first blows hit the left side of my head. Blood gushed out of my head. I could not scream because there was an elastic band in my mouth. Another blow hit my chin, and my chin exploded. Soon the bag over my head was soaked in blood. When the blood poured out of the bag, they became alarmed and stopped beating me. They dragged me out of the basement.

They sat me in one of the bathrooms. I didn't even have the energy to shriek. Someone came to stitch up my head and chin. He was very rough, and stitched violently. He didn't use anesthesia, nor was he gentle with the stitching. He wiped off my face with my own dirty clothes and then started stitching up the wound. I started screaming, but to no avail. During those first moments I remember having told the stitching guy to at least give me anesthetic to numb the pain, but Najafi, who was standing next to me, told me that they will only do so once my brain is smashed into my skull. I finally passed out from the pain and continuous bleeding from my head. I don't know what happened next. When I awoke, I saw that my arm was attached to an IV and I was back in my coffin-like cell.<sup>388</sup>

#### 4.9.2. Violations of Domestic and International Laws

Iranian law prohibits torture and other mistreatment of detainees without exception. Article 38 of the Constitution states that “all forms of torture for the purpose of extracting confession or acquiring information are forbidden,” and that “[c]ompulsion of individuals to testify, confess, or take an oath is not permissible.”<sup>389</sup> Article 578 of Iran's Penal Code imposes similar restrictions on any government official who tortures an accused in order to secure a confession.<sup>390</sup> Moreover, Article 175 of the SPO Law prohibits prisons and detention facilities from administering corporal or physical punishment.<sup>391</sup> The passage of the Citizen Rights Law in 2004 reinforces the obligation of authorities to respect the basic rights of detainees in all circumstances, regardless of the grounds for their arrests.<sup>392</sup>

Torture is prohibited under international law. This absolute prohibition is codified in the Convention Against Torture,<sup>393</sup> but is also found in other international instruments, including the Universal Declaration of Human Rights, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the UN Standard Minimum Rules for the Treatment of Prisoners.<sup>394</sup> Article 7 of the ICCPR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>395</sup> Article 10 provides that “all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human persons.”<sup>396</sup>

#### 4.10. Forced Confessions

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<sup>388</sup> *Id.* paras. 28-29.

<sup>389</sup> IRANIAN CONST., *supra* note 16, art. 38.

<sup>390</sup> Iran Penal Code, *supra* note 19, art. 578.

<sup>391</sup> SPO Law, *supra* note 14, art. 175.

<sup>392</sup> Citizen Rights Law, *supra* note 63, arts. 1, 6, 9.

<sup>393</sup> Convention Against Torture, *supra* note 251.

<sup>394</sup> *See, e.g.*, Universal Declaration of Human Rights, art. 5, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN General Assembly, Principles 6, 33, resolution / adopted by the General Assembly, 9 December 1988. A/RES/43/173, available at <http://www.unhcr.org/refworld/docid/3b00f219c.html> (last visited Mar. 9, 2009); *Standard Minimum Rules*, *supra* note 133, para. 31.

<sup>395</sup> ICCPR, *supra* note 80, art. 7.

<sup>396</sup> *Id.* art. 10.



#### 4.10.1. Facts

The PIA used forced confessions to discredit detainees linked to the reform movement. After breaking their resolve, the interrogators forced detainees to admit guilt, express remorse and beg for forgiveness during videotaped confessions.<sup>397</sup> Detainees told IHRDC that the videotaped confessions were carefully orchestrated performances with scripts composed by interrogators who wanted the detainees to simply act out their scenes. Many of the scripts were based on censored information extracted from the victims during their long interrogation sessions.

##### Ali Afshari

Ali Afshari is a political analyst, human rights advocate and former leader of a Central Council of Office for Strengthening Unity. Afshari received his master's degree in industrial engineering from Amir Kabir University of Technology in Iran. He is the author of numerous articles on the promotion of human rights and democracy in Iran and the wider Middle East.



Afshari was first arrested in 1996 for his student activities. In April 2000, he was again arrested because of his participation at the Berlin Conference and was released on bail after two months.

He was later tried and convicted of various national security charges for which he was sentenced to one year imprisonment. Afshari was rearrested in December 2000 because of his continued involvement with the student movement and criticism of the Supreme Leader. He was held in solitary confinement for 329 days and subjected to mistreatment and torture in numerous illegal detention facilities run by Iran's parallel intelligence apparatus. He was released on bail in December 2001. In March 2002, Afshari was rearrested and transferred to the general ward of Evin Prison, where he served one year for participating in the Berlin Conference and one year for managing a mass student demonstration in 1999. He was released in December 2003.

Afshari left Iran in 2005. After leaving the country, the Judiciary sentenced him to an additional six years' imprisonment and five years probation. Afshari currently lives in Washington, D.C. and is pursuing his Ph.D. in systems engineering at George Washington University.

Some detainees told IHRDC that the forced confessions essentially turned into bargaining sessions between them and their interrogators regarding the content of the scripts. They reported that interrogators behind the scenes reviewed and revised the text of the confessions. Other interrogators then went back and forth between the two sides in order to reach consensus on the final text. After repeated exchanges, the two sides would eventually agree upon the final draft.

Ali Afshari, who suffered one-and-a-half years of mistreatment after his fourth arrest, told IHRDC that when he realized the interrogators wanted him to testify against others and he was unable to tolerate the torture anymore, he consented to be videotaped. Afshari's case is emblematic of the way confessions were conducted in PIA-run facilities. Afshari told IHRDC that he agreed to address the following points:

<sup>397</sup> MOCKERY OF JUSTICE, *supra* note 4, at 29-30.

First, that the student movement had deviated and is engaged in illegal political and destructive activities against the regime. I argued that this was not the case, but my arguments made things more difficult and prompted the interrogator to increase his pressure on me. Second, that the student movement was under the leadership of the reformists and took orders from them, and that it was fighting to fulfill the reformists' plan to take over. Obviously, this was not true. But the interrogators wanted me to reflect their opinions, in my own words, in front of the camera.<sup>398</sup>

After agreement was reached, training for videotaping began. In anticipation of the videotaping, detainees were properly taken care of so that there were no visible signs of abuse or torture. Detainees were then trained on how to read and act during the taping sessions. This required them to sit in front of a TV camera and rehearse their parts until the interrogators were satisfied that the confessions looked natural:

My taped confession consisted of me reading over my "free writings," which had been dictated to me by my interrogators over and over again. They asked me to address and confess to six charges in front of the camera during the half an hour taping. This event was coordinated and happened in the office of the head of Evin Prison. The videotaping was staged as news ... The third shooting, which was in fact the taping of my confession and acceptance of the six charges brought against me, took place in Prosecutor Mortazavi's office.<sup>399</sup>

Rafizadeh also said that his injuries were allowed to heal before he was filmed:

When I surrendered, they asked me to prepare myself for a confession on TV. At this point all my facial bruises had healed. This was a part of their plan all along: the physical torture continued until the accused surrendered. Once that happened, the investigations, free writings and case file manipulations ... began, and continued until the individual [was] ready for a TV confession. At that point there were no signs of physical torture left on his body. There were, of course, some visible signs of abuse. For example, the prisoner appeared sickly and malnourished ... When they videotaped me, my weight had dropped from 95 kilograms to 45 kilograms. There was no meat left on my bones and my finger and toenails were very long.<sup>400</sup>

Amir Farshad Ebrahimi, who was arrested in the summer of 1999 for participating in a student demonstration, told IHRDC how his interrogators wanted him to confess:

I said: "Tell me what you want."

They said: "You know. Have you seen the taped confessions of other prisoners?"

I said: "No I don't know, tell me."

They said: "First you should introduce yourself. Then you should say that I would like to clarify certain things for everyone, because I want people to know and be aware. And then confess that you have been in contact with the British and Canadian Embassies for a long time, and that you joined *Ansar-i-Hezbollah* pursuant to their orders. [You should tell everyone] that your goal has always been the destruction [of the regime], and the gathering of information for foreigners."

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<sup>398</sup> Witness Statement of Afshari, *supra* note 59, para. 62.

<sup>399</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 48.

<sup>400</sup> *Id.* para. 46.

I protested and said these allegations were completely unfounded. I didn't even know where the Canadian Embassy was. And I had only gone to the British embassy once to request a visa for medical purposes, because as you know I was wounded on the Iran-Iraq war front and required medical care outside of the country.

The arguments started up and resulted in an altercation when I refused to accept their demands yet again. They had just opened up the stitches on my head and chin the day before. Despite this, they ordered me to the basement again.

The torture this time was more violent than before. This time they beat me, not with a wooden stick, but with a round metal rod. I sustained a broken rib and elbow as a result of the beatings. Believe me, I actually heard my elbow crack! I collapsed and passed out. When I awoke, I realized someone was pouring water on my face and head with a bucket. In less than five to ten minutes, my hand swelled. It had turned black and the swelling was dangerously increasing by the minute. They had removed my blindfold. Najafi came down and mercilessly poked at my swollen hand with his fingers. I was in pain. Half an hour passed. They called an ambulance and a plainclothes individual sat next to me in the car and blindfolded me. My pain got worse.<sup>401</sup>

#### **4.10.2. Violations of Domestic and International Laws**

Both Iranian and international law explicitly prohibit the use of confessions extracted through force, intimidation and torture. Article 38 of the Iranian Constitution states:

All forms of torture for the 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>402</sup>

This prohibition is also reflected in Article 9 of the Citizen Rights Law and Article 129 of the CCP.<sup>403</sup> Finally, Article 14(g) of the ICCPR stipulates that a prisoner shall not be compelled to confess his guilt.<sup>404</sup>

## **5. Judicial Complicity and Denial of a Fair Hearing**

Iran's Judiciary was deeply involved in the systematic human rights abuses perpetrated by the PIA. This section documents and discusses the complicity of the Judiciary in the denial of fundamental due process rights to victims unlawfully arrested, detained and tortured by the PIA. Although the Judiciary's security and intelligence units (i.e., the Intelligence Protection Center) played a critical and direct role in the activities of the PIA, this section focuses on the relationship between the official (i.e., judicial) functions of this branch and the denial of fundamental due process rights.

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<sup>401</sup> Witness Statement of Ebrahimi, *supra* note 92, paras. 32-35.

<sup>402</sup> IRANIAN CONST., *supra* note 16, art. 38.

<sup>403</sup> Citizen Rights Law, *supra* note 63, art. 9; Criminal Code of Procedure, *supra* note 87, art. 129. Article 129 requires that interrogation questions be necessary and clear. Interrogations may not be accompanied by manipulation, duress or compulsion. Article 131 requires that answers to questions posed during interrogations must not be altered or changed by the interrogators. *Id.* art. 131.

<sup>404</sup> ICCPR, *supra* note 80, art. 14(g).

The Judiciary was not only unwilling to check the abuses of the PIA, but played an active role in denying victims fair hearings pursuant to Iranian and international law. This denial included, but was not limited to, the denial of the right to counsel, participation of members of the Judiciary (including judges) in interrogation sessions, visits by members of the Judiciary to illegal detention facilities, taping of forced confessions, intimidation, harassment and beatings of detainees, and denial of open trials.

The Iran Constitution vests the Supreme Leader with absolute power to determine and oversee the policies of the Judiciary.<sup>405</sup> The Constitution also grants the head of the Judiciary, an appointee of the Supreme Leader, the power to appoint, dismiss, transfer, promote and discipline judges and subordinates.<sup>406</sup> The head of the Judiciary appoints the Chief of the Supreme Court, the general prosecutor, and the heads of the Revolutionary, Military, Clergy, Administrative and General Courts.<sup>407</sup> In addition, he has the authority to introduce the Minister of Justice.<sup>408</sup>

Due to this structure, Iran's Judiciary is particularly prone to pressure from political forces seeking to exert their influence over the courts. Since the founding of the Islamic Republic, thousands of clerics and revolutionary ideologues have been appointed to judicial and administrative posts within the Judiciary.<sup>409</sup> As a result, both the Judiciary's competence and independence are severely undermined. Not only are virtually all the high-ranking officials of the Judiciary directly or indirectly appointed by the Supreme Leader, but the Judiciary's power may not be checked by any of the other branches, as the elected President and the *Majlis* have no control over the selection of judges.

The Judiciary helped consolidate the regime's power and legitimize crackdowns on political dissidents.<sup>410</sup> Conservatives were particularly successful in exploiting the powers granted to judicial authorities to give a patina of legality to their activities.<sup>411</sup> For example, Article 26 of Iran's Criminal Code of Procedure authorizes the head of each legal division to assign a case to relevant branches. Although the law provides strict guidelines on how cases can be referred to a court, it also gives prosecutors discretion to decide which type of court shall have jurisdiction to rule over a particular case.<sup>412</sup>

The Special Court of Mehrabad (Branch 1610), was especially sympathetic to the conservative agenda.<sup>413</sup> The presiding judge of the Special Court of Mehrabad was Judge Ja'far Saberi Zafarqandi.<sup>414</sup> Together with Saeed Mortazavi (Tehran's Public Prosecutor) and Judge Haddad (the Head of Branch 26 of the Revolutionary Court), Zafarqandi was heavily involved in the extrajudicial activities of the PIA.<sup>415</sup> As a result, almost all PIA victims were denied fair trials. The judges did not respect the principle of innocence until proven guilty, and in many cases, the

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<sup>405</sup> IRANIAN CONST., *supra* note 16, preamble, art. 5; *see also* BUCHTA, *supra* note 7, at 46.

<sup>406</sup> IRANIAN CONST., *supra* note 16, art. 158.

<sup>407</sup> *See* MOCKERY OF JUSTICE, *supra* note 4, at 5-8.

<sup>408</sup> IRANIAN CONST., *supra* note, art. 160.

<sup>409</sup> MOHAMMADI, *supra* note 13, at 130-136.

<sup>410</sup> *Id.* at 124-126.

<sup>411</sup> *Id.* at 182-190; MENASHRI, *supra* note 1, at 148.

<sup>412</sup> Criminal Code of Procedure, *supra* note 87, art. 26.

<sup>413</sup> Nazanin Namdar, *Dadsarayih Furudgah, Qanuni ya Qayr-i Qanuni?* [Is the Airport Prosecution Office Legal or Illegal?], ROOZ ONLINE, 28/6/1384 (September 19, 2005) (copy on file with IHRDC).

<sup>414</sup> *Id.* Unlike Iran's Revolutionary and Public Courts, the Special Courts have territorially limited and legally narrow jurisdictions. For example, some Special Courts have jurisdiction over specific types of crimes such as embezzlement, economic crimes and internet crimes. The Special Court of Mehrabad has jurisdiction over crimes committed inside Mehrabad Airport, Tehran's former international airport, which would normally involve customs violations and drug trafficking. *See id.* For more information regarding Judge Zafarqandi, *see* MOCKERY OF JUSTICE, *supra* note 4, at 25-28.

<sup>415</sup> Witness Statement of Sazegara, *supra* note 12, para. 6.

verdicts were reported in newspapers sympathetic to the cause of the PIA weeks before the official announcement.<sup>416</sup>

## 5.1. Facts

IHRDC and other human rights organizations have gathered troubling evidence indicating that some high-profile members of the Judiciary, particularly Judge Zafarqandi and Prosecutor Saeed Mortazavi, were intimately aware of and involved in the unlawful activities of the PIA during the detention phase.<sup>417</sup> This blurring of the boundaries between investigators and judges deprived detainees of the fundamental presumption of innocence enshrined in Iranian and international law. According to Human Rights Watch:

Judges who hear cases where defendants have been abducted by plainclothes agents and kept incommunicado in illegal detention centers reinforce the perception among prisoners that these “parallel institutions” are supported by the government. The Judiciary is not merely ignoring violations of the law being committed in order to deliver those who criticize the government to the courtroom; it is directly sanctioning these violations.<sup>418</sup>

Kourosch Sehati, a student activist, described numerous instances of judicial misconduct by judges and clerks. For example, Judge Haddad denied his lawyer adequate access to his case file.<sup>419</sup> Perhaps more troubling, however, are Sehati’s description of the Judiciary’s involvement in his arbitrary arrest, incommunicado detention and unlawful interrogation:

During the first night of my arrest, the judge’s clerk came to explain my charges. When I slightly removed my blindfold so that I could sign the charge sheet, he slapped me hard. When I asked him why he hit me, he said, “You are right; you would have eventually seen my face in court anyway. It doesn’t matter – it was just a slap.”<sup>420</sup>

Sehati also explained that

[a]fter four days, they took us to Branch 26 of the Revolutionary Court. We waited for a while until they came for us. I asked them to contact my family to at least let them know that I had been arrested, but they refused to comply. Judge Haddad said, “Since your case file is security-related, we will announce that you are alive and healthy but will not tell anyone where you are. We will take you where no one can find you.”<sup>421</sup>

Judge Zafarqandi, the judge of the Special Court of Mehrabad (Branch 1610) was similarly involved in the extrajudicial detention and unlawful interrogation of political dissidents. Hassan Zarezadeh describes his encounters with Judge Zafarqandi as follows:

After two weeks of torture and mistreatment, Judge Saberi Zafarqandi from Mehrabad Airport Court came to the prison to see my file. The PIA did not have an official document with which to arrest me and just got verbal permission on the phone. Actually, I was held in *Khatam* without any legal permit until Zafarqandi came there. But when he saw me, he punched me from behind.

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<sup>416</sup> *Id.* para. 5; Witness Statement of Rafizadeh, *supra* note 36, paras. 5, 7; *see also* MOCKERY OF JUSTICE, *supra* note 4, at 25.

<sup>417</sup> *See* Letter from Jabbari to Khatami, *supra* note 184.

<sup>418</sup> LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 46.

<sup>419</sup> Witness Statement of Sehati, *supra* note 77, paras. 19, 38.

<sup>420</sup> *Id.* para. 13.

<sup>421</sup> *Id.* para. 19.

I was charged for the first time there ... They wanted to justify my arrest retrospectively. After charging me with several crimes, such as acting against national security, I was asked if I accepted the charges. I told them I did not. I noticed the charge sheet did not have a date. They wanted to backdate the charge sheet and show that all things had been conducted legally. I protested and said I was not signing it. Judge Saberi Zafarqandi hit me on the back of the head and told me to sign and date the charge sheet for the day I was arrested.<sup>422</sup>

Ali Afshari recounted the following:

One day the head of the Revolutionary Court, Mr. Mobasheri, came to Detention Center 59 in my solitary cell and asked if I accepted my confessions. I was still afraid. I suggested that I didn't. But when I met with my judge I openly told him everything. Instead of throwing out my confessions, he warned me that I would create difficulties for myself and my condition would worsen, but that the decision was up to me. He refused to accept responsibility and claimed that he wasn't involved in the interrogation process.<sup>423</sup>

Shahram Rafizadeh told IHRDC that his taped confession took place in the office of Saeed Mortazavi, Tehran's Public Prosecutor and that the taping was accompanied by intimidation and threats. Rafizadeh's interrogator threatened his family: "You have three adorable kids. Take care of them." Then Mortazavi chimed in and said, "If, God forbid, they have an accident and die, what would happen?" Mortazavi continued: "Be careful not to make any mistakes or something bad will happen to your family and kids, and you'll regret your actions for the rest of your life."<sup>424</sup> Rafizadeh explained that after receiving these threats, he was "completely broken." He submitted to the will of his interrogators and recorded the taped confession as demanded.

Kourosh Sehati provided IHRDC with a similar account:

Judge Haddad, the head of Branch 26 of the Revolutionary Court, came to see me at Prison 59 in Eshratyabad. But he'd come to threaten me instead of talking about my charges. He said, "You have to tape a TV interview asking for forgiveness for your past activities."<sup>425</sup>

Moreover, evidence gathered by IHRDC suggests a routine and systematic disregard by the Judiciary of the detainees' complaints regarding the mistreatment they suffered. For example, when judges visited detainees in secret facilities, they did not listen to the detainees' complaints and ignored visible signs of mistreatment, abuse and torture. Ensafali Hedayat told IHRDC that he asked a judge to look into the injuries he had sustained as a result of beatings by police and plainclothes agents prior to his kidnapping. The judge's dismissive attitude shocked him:

I spoke with Judge Abizadeh for a short while in detention. The judge's behavior took me by surprise. He didn't once ask why my eye, face, chin, head, forehead and body were swollen and bruised. He didn't ask "Would you like to be seen by a physician or a medical examiner?" Nor did he ask "Would you like to complain about anyone?" I told the judge that I was beaten and am in prison for no reason at all. Instead, Abizadeh asked me if I accepted my charges. I said, "No, I did not." Then the judge issued my arrest

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<sup>422</sup> Witness Statement of Zarezadeh, *supra* note 12, paras. 32-33.

<sup>423</sup> Witness Statement of Afshari, *supra* note 59, para. 69.

<sup>424</sup> Witness Statement of Rafizadeh, *supra* note 36, para. 48.

<sup>425</sup> Witness Statement of Sehati, *supra* note 77, para. 27.

warrant according to the wishes of NAJA's Intelligence Protection Center. The warrant was issued for an unspecified period of time ...<sup>426</sup>

In some cases, judges attempted to dissuade detainees from pursuing claims against plainclothes PIA agents. When Ensafali Hedayat threatened to file claims against his attackers, the judge presiding over his case put a condition on his release. The judge promised that Hedayat would be released if he withdrew his complaints. Hedayat rejected the offer and remained in custody for another month, despite suffering from serious bleeding caused by the injuries he had sustained. Hedayat was denied proper medical treatment during that time:

One day, the judge of the First Branch of Revolutionary Court, Mr. Naghvi, came to see me in the Public Prison, and informed me that if I withdrew my complaints against the Law Enforcement Forces and plainclothes individuals who mistreated me, I could be released with bail. I did not agree, and told the judge that I would not do it. My court was postponed because of my complaint, and I stayed in prison for another month and half ... My internal bleeding worsened due to lack of access to a doctor and warm water.<sup>427</sup>

He continued:

During the trial, I complained about several illegal interactions to the judge in my case. One of these was my arrest warrant. I argued in the court and said that according to the law, the state should put forth compelling evidence against the accused, based upon which the judge must issue the arrest warrant. I challenged the judge to provide evidence justifying the issuing and extension of my arrest warrant on two occasions. The judge failed to respond.<sup>428</sup>

After his release, Hedayat decided to use all available legal avenues to bring to account the police officers and the plainclothes PIA agents responsible for his arrest, detention and torture. In addition to writing a detailed letter to President Khatami describing the mistreatment he had suffered, he submitted numerous complaints to both the public and military courts in East Azerbaijan province. He explained the results of his actions:

The military prosecutor forwarded my complaint to the Second Branch of Military Court, which was under the auspices of Judge Mahmoudian ... I thoroughly briefed Judge Mahmoudian about my complaint, and informed him that I am filing a claim against NAJA and plainclothes individuals who attacked and beat me. Judge Mahmoudian scolded me. He said "It was your fault for going in front of the University. You shouldn't have gone. Why did you go? Does this country have laws or not? When the police requested you not to go, why did you? This is the punishment for a disobedient individual." I argued with the judge and hopelessly left.<sup>429</sup>

Hedayat then filed a complaint with the Public Court. A year after submitting his complaint, he was summoned to court:

A year after I submitted my complaint, the 38<sup>th</sup> Branch of the Public Court summoned me to court. I took a copy of my complaint with me. But I was subjected to interrogations there. I told the magistrate that the individuals who attacked me were wearing plainclothes, but they were military individuals and addressed each other with military

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<sup>426</sup> Witness Statement of Hedayat, *supra* note 58, para. 26.

<sup>427</sup> *Id.* para. 59.

<sup>428</sup> *Id.* para. 62.

<sup>429</sup> *Id.* para. 65.

titles, such as colonel, etc. And that I saw some of them in the intelligence office of the Law Enforcement Forces a couple of times.<sup>430</sup>

Nothing happened as a result of these complaints. Fearing for his life, Hedayat resettled in Canada in 2007. Four years after filing his complaint and while living in exile, he received a letter from the Minister of Justice instructing him to appear again at the Public Court in Iran.<sup>431</sup>

Evidence gathered by IHRDC and other human rights organizations also establishes that judges and members of the Judiciary routinely denied PIA detainees open and public trials, ostensibly due to the sensitive nature of the charges. In a letter, Ali Afshari told the head of the Judiciary, Ayatollah Shahroudi, that he had been denied access to a defense attorney, and that his attorney had not been allowed to review his case file. Afshari also complained that Judge Haddad refused to give him a public trial without providing a valid reason.<sup>432</sup>

Similarly, Ensafali Hedayat, Shahram Rafizadeh and Fariba Davoodi Mohajer were all tried and convicted during closed court sessions, and without the assistance of counsel. Hedyat told IHRDC that during his first trial, he told the court that pursuant to Iran's Press Law, he should be tried in an open session and before a jury given that his charges were related to his activities as a journalist. Although his later court sessions were public, he was denied access to proper legal representation and to a jury.<sup>433</sup> Ali Afshari appealed, but the higher court affirmed the lower court's decisions.<sup>434</sup>

The involvement of judges in the PIA's activities did not cease after the detainees were released from detention. Davoodi Mohajer explained that after her release from a month of solitary confinement, she was frequently summoned to appear before Judge Haddad and interrogated about her social and political activities. The interrogations took place in a room next to the judge's office and were coordinated by PIA agents with Judge Haddad, who was in charge of the interrogations. They started at 9:00 a.m., sometimes ending at midday but sometimes lasting until 10:00 p.m.

She remembers spending the first three days after her release in the judge's office, after which she was interrogated two or three times a week. After a month, the interrogations took place about once a week, except for the times she was called in when something happened in Tehran. Sometimes the judge told her to cooperate and listen to her interrogators or she would be charged. Other times, he interrogated her himself while she sat facing a wall. He once told her that the reformist period was over, and that the reformists are crushed and defeated.<sup>435</sup>

## 5.2. Violations of Domestic and International Laws

Article 14 of the ICCPR provides that every person is "entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law" in accordance with international standards codified in the United Nations Basic Principles on the Independence of the Judiciary.<sup>436</sup> This guarantee requires that member states' tribunals exercise proper subject matter,

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<sup>430</sup> *Id.* para. 66.

<sup>431</sup> *Id.* para. 67.

<sup>432</sup> Letter from Ali Afshari, student activist, to Ayatollah Shahroudi, head of the Judiciary (Aug. 14, 2005) (copy on file with IHRDC) [hereinafter Letter of Afshari to Shahroudi].

<sup>433</sup> Witness Statement of Hedayat, *supra* note 58, para. 61.

<sup>434</sup> Witness Statement of Afshari, *supra* note 59, paras. 37-38.

<sup>435</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 49.

<sup>436</sup> ICCPR, *supra* note 80, art. 14.



territorial and temporal jurisdiction over the accused, pursuant to established laws.<sup>437</sup> A tribunal's independence assumes a separation of powers in which the courts and judiciary are institutionally insulated from improper interference and persuasion by other branches of government.<sup>438</sup> Finally, impartiality requires that the Judiciary conduct proceedings fairly and free of bias regarding the ultimate outcome of the case.<sup>439</sup>

In 2001, the United Nations Special Rapporteur on the Independence of Judges and Lawyers voiced particular concern regarding a reported statement by the First Deputy of the head of the Judiciary, Hadi Marvi, in which he said that judges must obey the Supreme Leader and have no independence in judgment.<sup>440</sup> The personal involvement of judges during unlawful detention and prosecution indicates more than a mere structural problem regarding the multifunctional role of judges. The United Nations Working Group found this multiplicity of the function of the judge who acts in succession as prosecutor, then investigator magistrate, and last as sentencing judge “to vitiate the right to due process” and incompatible with guarantees of due process, including the essential norms of the impartiality of judges and assumption of innocence.<sup>441</sup>

Under Article 34 of the Iranian Constitution, every citizen has the right to seek justice and access to competent courts. No person can be barred from courts “to which he has a legal right of recourse.”<sup>442</sup> Pursuant to Article 165 of the Constitution, “trials are to be held openly, and members of the public may attend without any restrictions unless the court determines that an open trial would be detrimental to public morality or discipline, or in case of private disputes, both parties request not to hold open hearings.”<sup>443</sup> Political and press-related cases must be tried before a jury, but the appointed bodies of government appoint the jury members for these trials from a pool of high-ranking officials. According to Article 168 of the Constitution, “political and press offenses will be tried openly and in the presence of a jury, in courts of justice.”<sup>444</sup>

## 6. Unlawful Activities of the PIA Post-Detention

This section documents the unlawful activities of the PIA after release of detainees. In addition to employing traditional methods of surveillance, harassment and intimidation documented in the previous sections, the PIA relied on “soft arrests” and mandatory check-ins whereby victims were summoned to law enforcement or judiciary offices to report on their recent activities. These “soft arrests” were devastatingly effective in spreading fear among the PIA’s victims and chilling their activities.

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<sup>437</sup> UN Basic Principles on the Independence of the Judiciary, para. 5, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32, U.N. Doc. A/RES/40/32 (Nov. 29, 1985) and 40/146, U.N. Doc. A/RES/40/146 (Dec. 13, 1985) [Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders, U.N. Doc. A/CONF.121/22/Rev.1 at 59 (1985)].

<sup>438</sup> *Id.* paras. 1-2, 4, 6. The UN Basic Principles on the Independence of the Judiciary identifies additional features necessary to achieve judicial independence, including objective requirements used to select judges and assess their qualifications, guaranteed tenure, and fair disciplinary proceedings for the removal of judges. *Id.* paras. 10-20.

<sup>439</sup> *Id.* paras. 2, 8.

<sup>440</sup> Report of the Special Rapporteur on the Independence of Judges and Lawyers, Dato’ Param Cumaraswamy, February 1, 2001, E/CN. 4/2001/65 at 116.

<sup>441</sup> See Report of the Working Group on Arbitrary Detention, *supra* note 325, paras. 54-55; see also AMNESTY INTERNATIONAL, IRAN: A LEGAL SYSTEM THAT FAILS TO PROTECT FREEDOM OF EXPRESSION AND ASSOCIATION 9-13 (2001).

<sup>442</sup> IRANIAN CONST., *supra* note 16, art. 34 (“It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have the right of access to such courts, and no one can be barred from courts to which he has a legal right of recourse”). Article 214 of the CCP mandates that all rulings by the court be made pursuant to applicable law. Criminal Code of Procedure, *supra* note 87, art. 214.

<sup>443</sup> *Id.* art. 165; see also Criminal Code of Procedure, *supra* note 87, art. 188 (allowing the judge discretion to conduct closed trial sessions in cases where issues of morality, private or family matters or security or religious sensitivities are at issue).

<sup>444</sup> *Id.* art. 168; see also LIKE THE DEAD IN THEIR COFFINS, *supra* note 49, at 45-46.

## 6.1. Facts

For many victims of the PIA, the nightmare did not end after release from detention. They had not recovered from the trauma they suffered, yet were forced to deal with the constant fear of surveillance and the threat of unannounced visits. The PIA continued to harass victims by making threatening phone calls, arbitrarily summoning them to appear in court, monitoring their activities, and intruding in their personal lives. The post-release surveillance of the detainees by the PIA created an environment of perpetual fear – one that prevented them from exercising their right of freedom of expression, or even carrying out their daily activities.

Fariba Davoodi Mohajer told IHRDC that after she was released after a month of solitary confinement, she was constantly under surveillance and threatened. From time to time, her car was stopped and she was interrogated. She explained that she was frequently summoned to appear before Judge Haddad and interrogated about her recent social and political activities.<sup>445</sup>

Fariba Davoodi Mohajer also told IHRDC that she was constantly followed by PIA agents. She was always nervous because she never knew when they would appear and threaten or arrest her. For example, once at about 8:00 p.m. on Shahrak Gharb Avenue in front of the Karaj Golestan, a man threatened her with a gun. He told her to follow him quietly without making a scene. He brought her to a back alley where he and others, one of whom she believed she recognized from prison, told her to stop her political activities and to stop speaking to the media. Although the encounter was brief, they assured her they would not be as understanding the next time.<sup>446</sup>

She was stopped in a similar fashion late one evening during the *Ramadan* month (November) in 2001. Two of her colleagues had been arrested, so she was worried. She stopped her car because she had a flat tire. A man immediately entered her car and sat next to her. Two others were on a motorcycle. They took her to a back alley and threatened to hurt her family unless she stopped her political activities.<sup>447</sup> Her third stop followed a similar pattern: as she was preparing to participate in a political demonstration in a parking lot, she was approached by a man. The man was carrying a gun under his coat and instructed her to not participate.<sup>448</sup>

As a result of these incidents, Davoodi Mohajer developed serious psychological problems. For example, even though she was raised in Tehran and knew her neighborhood, she often had difficulty finding her way home. She continued to have nightmares involving torture, insults and humiliations, and sometimes fell out of bed.<sup>449</sup>

Other PIA victims were also required to meet with senior intelligence or police officers during periodic check-in sessions, usually once or twice a month. The victims were forced to brief the officers about their activities. Ensafali Hedayat, a prominent Iranian journalist, who was assigned to meet with a senior police officer in Eastern Azerbaijan, described one such visit:

Colonel Roustai told me to leave Tabriz. During the beatings that occurred in the police station close to the Tabriz University, he told me “that if I didn’t leave [Tabriz], [he] would cut my balls off.” I indicated this in the extensive letter I wrote to Seyyed Mohammad Khatami, in which I mentioned that I am a journalist and that I’d like to continue to stay in the city of my birth. Despite these threats, I stayed in Tabriz and continued my work as a journalist. But every so often, I would be interrogated by the intelligence agency of NAJA. They referred to these interrogations as “friendly encounters.” These friendly encounters were intended to be mutually beneficial. I had the phone number of the intelligence office’s director, and if I ever encountered any security

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<sup>445</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, paras. 49-50.

<sup>446</sup> *Id.* para. 52.

<sup>447</sup> *Id.* para. 53.

<sup>448</sup> *Id.* para. 54.

<sup>449</sup> Witness Statement of Davoodi Mohajer, *supra* note 77, para. 45. A PIA agent affiliated with NAJA described “soft arrest” to Davoodi Mohajer as a method used to imprison targets in an open and public space. These arrests consisted of harassing telephone calls, surveillance, and periodic summoning of individuals to a police station for the purpose of having them report their recent activities. *Id.* para. 46.

problems, I could contact him. But I never called him – instead he would often call me and tell me that he wanted to see me for lunch. I would then go to see him and he would ask me questions about my work and activities.<sup>450</sup>

In other cases, victims were kidnapped by intelligence officers of the MOI and held in undisclosed locations. They were interrogated and often threatened with harm if they did not stop their political activities. Kourosh Sehati, a student activist, told IHRDC that he was leaving a meeting on the commemoration of the anniversary of the deaths of Dariush and Parvaneh Forouhar<sup>451</sup> in December 2002. As he entered his car, a plainclothes agent knocked on his car window:

I thought he was a beggar. I asked him, “What do you want?” The man said, “Open the door; I want to sit in the back.” I understood what the matter was. I opened the door. He got in and sat in the back seat ... He commanded me to “Sit right here.” A short while later, his boss arrived. He did not allow me to turn around and look at him. He knew my name and called me by it ... He asked me “if I wanted to leave my car at this place or take it with me.” I said “[I prefer] to leave it here.” Then he blindfolded me and took me to another car, which was an old Mercedes Benz. From there, they took me to the investigations office of the MOI ... By law they did not have the right to detain anyone there because it’s not an official detention center. But the MOI unlawfully used this location as a temporary detention facility to intimidate the accused. I was threatened there and warned not to participate in the anniversary of the deaths of Dariush and Parvaneh Forouhar. They released me a few hours later.<sup>452</sup>

## 7. Conclusion

The Iranian government’s persistent failure to address these gross deprivations of fundamental rights seriously impedes the establishment of civil society and the rule of law in Iran for at least two reasons. First, the regime’s failure to provide redress to victims constitutes a continuing violation of Iranian and international law. Second, the government’s reluctance to address crimes committed by the PIA during the reformist era indicates its unwillingness to tackle the fundamental institutional and structural flaws that enabled the creation and operation of the organizations. The more conservative factions used the PIA to clandestinely hold onto power without factional accountability or political bargaining. Although PIA activities later dramatically decreased as a result of the closing ideological gap between the Office of the Supreme Leader and President Ahmadinejad, there is no reason to believe the political balance between reformists and conservatives will remain forever static.

Insulated from the view of relatives and fellow citizens, the PIA’s activities have remained unknown to the world outside Iran. The repeated passage of laws prohibiting precisely the conduct of PIA agents and countenanced by the Judiciary reflect either a sad demonstration that the official government policies were shams, or that the deceptions reached even those in high government positions. The fact that the main targets of the PIA were intellectuals, journalists, and students meant that those in the best position to reveal the regime’s human rights violations and damage to civil society were silenced. It is the hope of the IHRDC that, at the very least, this report (and its companion *Mockery of Justice*) informs, educates and inspires victims, human rights advocates, government authorities and members of the public.

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<sup>450</sup> Witness Statement of Hedayat, *supra* note 58, para. 45.

<sup>451</sup> Dariush and Parvaneh Forouhar were two well-known intellectuals murdered by agents of the MOI during the Chain Murders campaign. *See* BUCHTA, *supra* note 7, at 156-59.

<sup>452</sup> Witness Statement of Sehati, *supra* note 77, para. 34.







**Look for the following forthcoming IHRDC Reports:**

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## Mohammad Ali Safari

Mohammad Ali Safari was a prominent Iranian attorney who defended political prisoners and civil society activists. A prolific writer, he also published many books and articles. In January 2002, he was arrested by plainclothes agents and brutally interrogated in an unlawful detention facility. As a result, he suffered a heart attack immediately following his release, and died in hospital in late February 2002.

This report documents the illegal activities of Iran's *nahadhayih ittila'atiyih muvazi*, or Parallel Intelligence Apparatus, who were responsible for the brutal intimidation and silencing of individuals like Safari.