



On the Margins:

Arrest, Imprisonment and Execution of Kurdish
Activists in Iran Today

Iran Human Rights Documentation Center

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

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Table of Contents

Introduction.....	1
1. History and Background on Kurds in Iran.....	6
1.1 Before the Islamic Republic.....	6
1.2 After the Islamic Revolution.....	7
1.3 Rafsanjani’s Presidency.....	8
1.4 The Khatami Era.....	8
1.5 Targeting of Kurdish Activists during Ahmadinejad’s First Presidential Term (2005).....	10
1.5.1 The Killing of Shawaneh Ghaderi.....	11
2. Arrest, Imprisonment and Execution of Activists.....	12
2.1. Executed Kurdish Prisoners.....	15
2.1.1. Farzad Kamangar, Farhad Vakili, and Ali Haidarian.....	16
2.1.2. Shirin Alamhooli.....	19
2.1.3. Ehsan Fattahian.....	22
2.1.4. Fasih Yasamani.....	23
2.1.5. Hossein Khezri.....	23
2.2 Former Political Prisoners.....	24
2.2.1. Sabah Nasri.....	24
2.2.2. Yaser Goli.....	26
2.2.3. Amir Ahmadi.....	28
2.2.4. Kaveh Tahmasebi.....	29
2.2.5 Amir Babakri.....	32
2.2.6. Faegh Rourast.....	33
2.2.7. Shima Asaadi.....	35
2.2.8. Zaynab Bayazidi.....	36
2.3. Prisoners on Death Row.....	36
2.3.1. Habibollah Golparipour.....	37
2.3.2. Zanyar Moradi and Loghman Moradi.....	40
2.3.3. Habib Latifi.....	42
2.3.4. Amjad, Anvar, and Rafiq Hossein-Panahi.....	43
2.3.5. Adnan Hassanpour.....	44
2.3.6. Hiva Boutimar.....	45

3. Security Laws of the Islamic Republic of Iran and Repression of the Kurdish Community ...	46
3.1 “Security” Laws – Problems of Text and Application	46
3.1.1. The Security Laws as Applied	47
3.1.2. The Security Laws as Written	48
3.2 Islamic Republic of Iran’s Treatment of Kurdish Political and Civil Activists Violates the Iranian Constitution and laws.....	48
3.3 The Islamic Republic of Iran’s Campaign Against Kurdish Activists and International Human Rights Law	51
3.3.1 Freedom of Expression, Assembly and Association	51
3.3.2 Due Process	52
3.3.3 Detention, Interrogation and Torture	53
4. Conclusion	54
Methodology.....	55
Appendix I	56
Appendix II.....	65
Appendix III.....	77

Introduction

In July 2006, Farzad Kamangar, a high school teacher in the city of Kamyaran in the Islamic Republic of Iran (IRI) and Kurdish rights activist, was arrested by IRI security forces. Following his arrest, Kamangar was held for nearly four years in various detention centers. During Kamangar's detention, he endured repeated instances of severe torture.

In a letter Kamangar wrote from prison, his suffering speaks for itself:

They took me to a room [where they questioned me]. When writing down my information [I had to disclose] my ethnicity, and every time I answered "Kurdish," they beat me with a whip that looked like some kind of hose. They also insulted me and beat me because of my religion. They beat me to their heart's desire because of the Kurdish music that was on my mobile phone. They tied my hands, sat me in a chair, and put pressure on the sensitive parts of my body. They also took off my clothes and threatened me with rape by harassing me with batons and sticks. My left leg was badly damaged [while I was] there, and I passed out from simultaneous electric shocks and blows to my head. Ever since I regained consciousness, I feel like I have lost my sense of balance and I shake uncontrollably.¹

For years, Farzad Kamangar engaged in non-violent political activism on behalf of Iran's Kurdish minority. Government authorities reacted to Kamangar's work with arrest, detention, torture and eventually the ultimate punishment: on May 9, 2010 Kamangar was executed.

The hanging of Kamangar and four other individuals—three of whom were also Kurds—provoked an immediate outcry that extended beyond Iran's borders. International newspapers ran leading stories about the executions.² Veteran Iranian political observers speculated that the hangings signaled an effort by the government to cow Iranians in advance of the first anniversary marking the large-scale civil unrest that followed the disputed June 12, 2009 presidential election.³

Evidence released by the Iran Human Rights Documentation Center (IHRDC) and other human rights organizations has demonstrated that the IRI has engaged in a coordinated and systematic campaign of intimidation and repression of political and civil activists, journalists, academics, human rights defenders and others perceived to be opposition to the government, most visibly since the June 2009 election and subsequent protests.⁴ For the Kurdish community, however, the hangings of these individuals were part of a pattern of discrimination by the IRI that has continued unabated since well before June 2009. In the words of one veteran Kurdish activist:

While the whole of Iran discovered the brutality of the Islamic Republic of Iran following the election disputes in June 2009, we Kurds have known about it for more than 30 years, from the very establishment of the Islamic Republic.⁵

1. *Ranjnamihyih Farzad Kamangar [Farzad Kamangar's Letter of Sorrow]*, August 15, 2009, MADYAR IRAN, available at <http://www.madyariran.net/?p=1350>.
2. Nazila Fathi, *Iran Executes Five Activists, Sending Message to Critics*, NEW YORK TIMES, May 9, 2010, available at <http://www.nytimes.com/2010/05/10/world/middleeast/10iran.html>; see also Ian Black, *Kurds to Protest over Iran Executions*, THE GUARDIAN, May 10, 2010, available at <http://www.guardian.co.uk/world/2010/may/10/kurds-protest-iran-executions>.
3. Nazila Fathi, *Iran Executes Five Activists, Sending Message to Critics*, NEW YORK TIMES, May 9, 2010, available at <http://www.nytimes.com/2010/05/10/world/middleeast/10iran.html>.
4. See IHRDC, *VIOLENT AFTERMATH: THE 2009 ELECTION AND SUPPRESSION OF DISSENT IN IRAN* (February 2010), available at http://www.iranhrdc.org/english/publications/reports/3161-violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran.html#.T2_NhTEgfgw; IHRDC, *SILENCING THE WOMEN'S RIGHTS MOVEMENT IN IRAN* (August 2010), available at http://www.iranhrdc.org/english/publications/reports/3007-silencing-the-women-s-rights-movement-in-iran.html#.T2_OTTEgfgw.
5. IHRDC Interview with Heshmat Mostafa Soltani (Feb. 10, 2011) (on file with IHRDC).

While many of today's generation of Kurdish activists employ non-violent methods to advocate for their rights, Kurdish fighters (or *peshmerga*) in the late 1970s and early 1980s were actively involved in armed struggle with the IRI. Currently, the IRI views even peaceful Kurdish activists as violent separatists who threaten the Iranian state.⁶ Many peaceful political, civil and human rights activists from Iran's Kurdish minority, like Kamangar, continue to face harassment and threats of execution simply for taking steps to protect their rights as enshrined in Iran's own Constitution⁷ and the International Covenant on Civil and Political Rights (ICCPR)⁸, to which Iran is a signatory.

Evidence demonstrates that the IRI's arrest of Kurdish activists follow a pattern. First, local branches of the government's intelligence and security apparatus typically initiate a pretext for arrest, such as allegations related to other illegal activity. Most often these relate to espionage, possession of arms or other materiel, or drug trafficking.⁹ Such pretexts are not, however, always invoked—in some instances, Kurdish minorities have been targeted for simply being in possession of a pamphlet or CD made by Kurdish political parties.

Kurds have been living on the Iranian plateau for centuries. The Western border of what is now the Islamic Republic of Iran with Turkey and Iraq, where much of the Kurdish population is situated, has remained largely unaltered for five centuries despite numerous changes in the leadership of the Iranian state.¹⁰ Due to their location, the Kurds often acted as a form of customs and border police until the last century.¹¹ Today, Kurdish Iranians comprise about 10% of Iran's total population and are spread throughout Iran's northwestern region in the provinces of Kurdistan, Kermanshah, Ilam, and West Azerbaijan.¹² Although most Kurdish tribes were formerly semi-nomadic¹³, presently the Kurdish population is mostly concentrated in urban centers like Sanandaj, the provincial capital of Kurdistan, and other cities including Kermanshah, Mariwan, Saqez, Mahabad and Paveh.¹⁴ Following Iran's ethnic Azeri population, centered in the far northwestern provinces of Iran, the Kurds rank as the second largest ethnic minority population within Iran's borders.¹⁵

While accurate statistics are hard to come by, it is estimated that the majority of Kurdish Iranians are Sunni Muslims, while a sizable minority are adherents of Shi'a Islam, the official religion of the Islamic Republic of Iran. The Shi'a Kurdish population, and a smaller minority who follow the Yaresan, or Ahl-i Haqq religious tradition,¹⁶ is largely centered in Kermanshah and Ilam Provinces.¹⁷ The main languages

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6. The targeting of the Kurdish community is part of a larger pattern of repression by the IRI against Iran's minority groups. Since its inception, the IRI has often considered activism from any minority group—or indeed any of its citizens—to be a threat to the state.
 7. Article 19 [No Discrimination, No Privileges] of the Constitution of the Islamic Republic of Iran prescribes that “All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.”
 8. Article 27 of the ICCPR prescribes that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”
 9. See e.g. IHRDC Interview with Jahangir Abdollahi, (Jan. 11, 2012) (on file with IHRDC).
 10. MOSTYN, TREVOR AND HOURANI, ALBERT, EDs., *THE CAMBRIDGE ENCYCLOPEDIA OF THE MIDDLE EAST AND NORTH AFRICA*, 463-465, (1988).
 11. MOSTYN, TREVOR AND HOURANI, ALBERT, EDs., *THE CAMBRIDGE ENCYCLOPEDIA OF THE MIDDLE EAST AND NORTH AFRICA*, 463-465, (1988).
 12. The Iranian census does not take ethnicity into account. A look at the website of the Bureau of Statistics demonstrates that although many factors were considered in the analysis performed on the census, such as farming versus fishing or foresting communities and annual incomes of families in the cities versus those residing in villages or prefectures, ethnicity is in fact not one of the considerations. See generally *Iranian Bureau of Statistics*, available at <http://www.amar.org.ir/>. See also, MEHRDAD R. IZADY, *THE KURDS: A CONCISE HANDBOOK* 132-33 (1992).
 13. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 69 (1996).
 14. MEHRDAD R. IZADY, *THE KURDS: A CONCISE HANDBOOK* 132-33 (1992).
 15. NADER ENTessar, *KURDISH ETHNONATIONALISM* at 6-7 (1992) [citing Akbar Aghajanian, *Ethnic Inequality in Iran: An Overview*, *Int'l J. of Middle East Stud.* 15 (May 1983)].
 16. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 10-11 (1996).
 17. According to the general census in 2006, the population of Kurdistan province numbers 1,440,156, of which roughly 99% are Muslim. Of those Muslims, most are adherents of Shafei (a branch of Sunni Islam) and the bulk of the remainder are

spoken in the Kurdish regions of Iran are South Kurmanji (also known as Sorani), North Kurmanji (also known as Bahdinani), and Gorani.¹⁸ The ability to teach these languages in schools has long been an issue of contention between the Kurdish population and the central government in Tehran.¹⁹

Similar to the economically disadvantaged position of the Baluch and Arab ethnic minorities in Iran, the Kurds have lived in relatively impoverished circumstances over the last century.²⁰ In the mid-1970s, about 30% of Kurdish families lived below the poverty line, compared to about 21% of families in the central provinces of Iran.²¹ A relative lack of investment from Iran's central government in its provincial regions combined with insufficient and heretofore undeveloped local resources and the enduring legacies of tribal feudalism, pastoralism and incomplete land reform projects have resulted in lingering economic instability²² and mounting unemployment.²³

The Constitution of the Islamic Republic does not contain any discriminatory provisions targeting Kurdish Iranians or any other minorities, and indeed, it prohibits such mistreatment.²⁴ However, in practice, IRI officials have often targeted Kurds for any manner of public display of their ethnic culture, language or traditions.²⁵

Over the last decade, international institutions and human rights groups have grown increasingly critical of the Iranian government's treatment of the Kurdish Iranian community.²⁶ In September 2010, the United

adherents of Shi'a Islam. See *Tarikhchihyih Ustan*, [History of the Province], KURDISTAN PROVINCE, available at <http://www.ostan-kd.ir/Default.aspx?TabId=37#p0>. For further information on adherents to Sunni and Shi'a Islam as broken down by province, see *Jam'iyat-i Ahl-i Sunnat Dar Iran*, [Sunni Population in Iran], SUNNI NEWS, July 26, 2011, available at http://sunni-news.net/fa/articles.aspx?selected_article_no=16663. See also, DAVID McDOWALL, A MODERN HISTORY OF THE KURDS, 10-11 (1996).

18. MEHRDAD R. IZADY, THE KURDS: A CONCISE HANDBOOK 172 (1992). See also, DAVID McDOWALL, A MODERN HISTORY OF THE KURDS, 10 (1996).
19. In late 2010, a circular went viral on the Persian and Kurdish blogosphere stating that Persian, the national language, had to be spoken in the school system of the city of Saqqez. Shortly thereafter, the Sanandaj Office of Education issued a statement denying the veracity of the disseminated circular yet, somewhat incongruously, expressed the desire of the office of education to exclusively conduct classes in the national language—Persian. *Jalasih va Tadris bih Zaban-i Farsi bih Jayih Zaban-i Kudi dar Saqqez* [Meeting and Teaching in Persian Instead of Kurdish in Saqqez], KURDISH PERSPECTIVE, November 24, 2010, available at <http://kurdishperspective.com/read.php?id=2756>, and *Sudur-i Bakhshnamih Mabni bar Mamnu'iyat-i Istifadiah az Zaban-i Kurdi dar Madaris-i Saqqez Takzib Shud* [Issuing a Circular to Prevent the Usage of Kurdish in the Schools of Saqqez Was Denied], IRNA, November 29, 2010, available at <http://www.irna.ir/News/30097995/رودص-ايس-ايس/دش-بي-ذكت-ز-ق-س-س-ر-اد-م-ر-د-ي-د-ر-ك-ن-ا-ب-ز-ا-ه-د-ا-ف-ت-س-ا-ت-ي-ع-ن-م-ج-ر-ب-ي-ن-ب-م-ه-م-ن-ش-خ-ب>. In Iran, Kurdish language instruction is available in public educational institutions in Tehran, but not in Kurdish regions. See point 94 at *The Cultural Situation of the Kurds*, EUROPEAN UNION PARLIAMENTARY ASSEMBLY, July 7, 2006, available at <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc06/edoc11006.htm>.
20. NADER ENTESSAR, KURDISH ETHNONATIONALISM at 6-7 (1992) (citing Akbar Aghajanian, *Ethnic Inequality in Iran: An Overview*, INT'L J. OF MIDDLE EAST STUD. 15 (May 1983)).
21. NADER ENTESSAR, KURDISH ETHNONATIONALISM at 6-7 (1992) (citing Akbar Aghajanian, *Ethnic Inequality in Iran: An Overview*, INT'L J. OF MIDDLE EAST STUD. 15 (May 1983)).
22. FLOOR, WILLEM, AGRICULTURE IN QAJAR IRAN, 111 (2003). See also HALLIDAY, FRED, IRAN: DICTATORSHIP AND DEVELOPMENT, 121-123 (1979) and NADER ENTESSAR, KURDISH ETHNONATIONALISM 45 (1992).
23. Rising unemployment plagues Kurdistan province, as with the country as a whole. See *Salnamihyih Amariyih Ustan-i Kurdistan* [Annual Statistics of Kurdistan Province], KURDISTAN PROVINCE WEBSITE, available at <http://www.ostan-kd.ir/Files/1/Amar/88/Faslha/3.pdf>. Even the official representation of the province to the Islamic Consultative Assembly, Iran's parliament, has recently protested the state of affairs. See *Sa'bani dar Tazakur-i Shafahi: Amar-i Bikari dar Ustan-i Kurdistan Har Rooz Bishtar Mishavad* [Sha'bani's Verbal Warning: Rate of Unemployment Increasing in Kurdistan on a Daily Basis], ARYA NEWS, Nov. 2, 2011, available at <http://www.Aryanews.com/Lct/fa-ir/News/20111102/20111102134442703.htm>.
24. See footnote 7, *supra*.
25. According to the Newroz TV website, candidates of the last parliamentary election used Kurdish cultural tools, such as Kurdish garb and music, to attract attention while such an explicit display of Kurdish culture was previously forbidden and met with harsh treatment. *Istifadihyih Abzari az Libas va farhang-i Kurdi dar Intikhabat-i Majlis* [Using Kurdish Garb and Culture as a tool in the Parliamentary Election], NEWROZ TV, February 27, 2012, available at http://newroz.tv/farsi/index.php?option=com_content&view=article&id=8499:iranian-election&catid=1:akhbar.
26. For example see: DOCUMENTS - IRAN: FURTHER INFORMATION: EXECUTION: EXECUTION FEARS GROW FOR IRANIAN KURDS, AM-

Nations Human Rights Council's Committee on the Elimination of Racial Discrimination addressed this ongoing issue and expressed concern regarding the social, political, economic and cultural limitations imposed by the IRI on certain minority communities, including the Kurdish community.²⁷

As of the publication of this report, there are an estimated 14 Kurds on death row in Iran. The family and friends of some of these death row prisoners maintain that their loved ones are merely peaceful activists who have been wrongfully accused of involvement with armed groups.²⁸ Other prisoners do not deny their involvement with armed groups, yet maintain that they themselves did not engage in violent acts against the Iranian state.²⁹ Yet most—regardless of charge—have alternatively been subjected to coercion and torture in interrogations,³⁰ denied the right to a fair trial,³¹ and in some instances, prevented from appealing their death sentences.³²

In March 2012, the imposition of the death sentence against Kurdish political prisoners in Iran was elevated to a matter of international concern by Dr. Ahmed Shaheed, the United Nations Special Rapporteur on the human rights situation in the Islamic Republic of Iran, at the 19th regular session of the Human Rights Council in Geneva. As part of his report detailing recent human rights concerns in Iran, the Special Rapporteur appended a table listing the names and alleged offences of Kurdish political prisoners sentenced to death by the IRI.³³ In response, a number of member states voiced concern about the rising rates of execution in the IRI and the discriminatory application of the laws to ethnic minorities in Iran, and in particular the Kurds.³⁴

Should the death penalty against these activists, in fact, be implemented, they will join other Kurdish activists like Farzad Kamangar who were executed without a fair trial or basic due process safeguards. Beyond those on death row, scores of Kurdish activists continue to suffer well-documented discrimination and harassment that results in arbitrary arrests, detention, severe and prolonged torture, and unjust convictions.

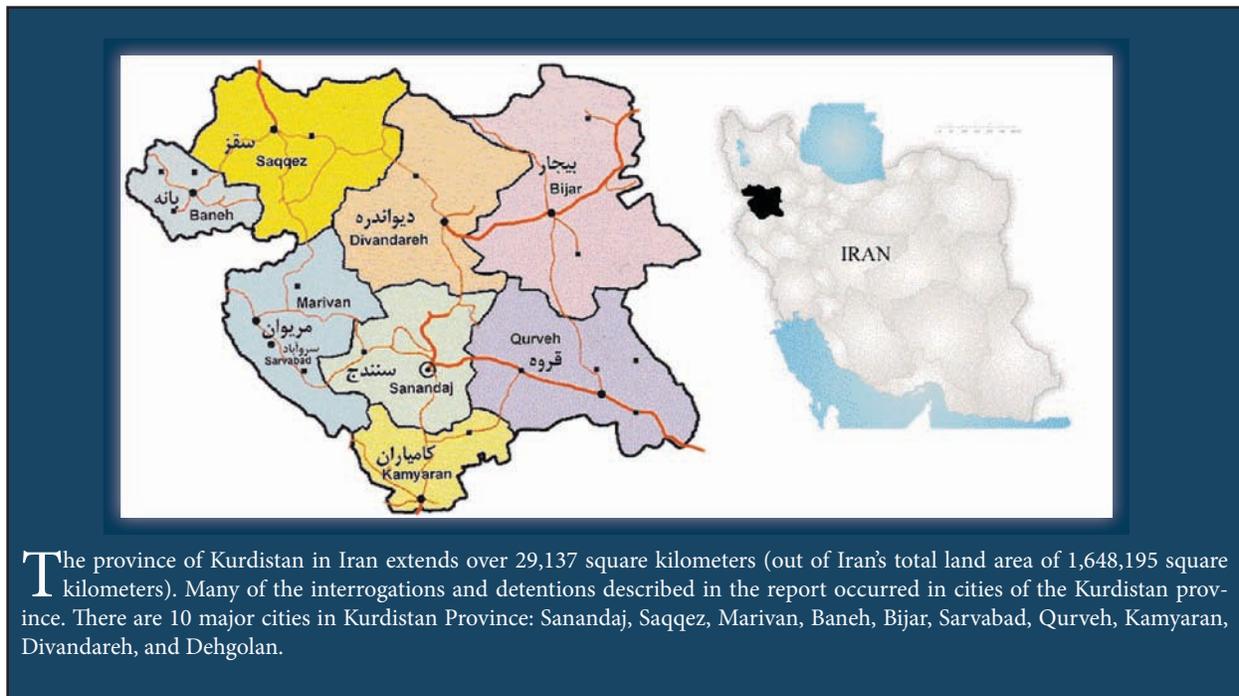
This report is the second in a series from the Iran Human Rights Documentation Center (IHRDC) on human rights abuses against Iran's Kurdish minority. IHRDC's previous report, *Haunted Memories: The Islamic Republic's Executions of Kurds in 1979*, provided a detailed account of the unlawful summary trials and executions that took place in the Kurdish regions of Iran during August and September of 1979.³⁵ This

NESTY INTERNATIONAL, February 23, 2012, available at <http://www.amnesty.org/en/library/asset/MDE13/010/2012/en/ef544c1f-9aee-469e-8314-900a9e5623a4/mde130102012en.html>; *Iran: Stop Imminent Execution of Kurdish Dissident*, HUMAN RIGHTS WATCH, June 29, 2010, available at <http://www.hrw.org/news/2010/06/29/iran-stop-imminent-execution-kurdish-dissident>.

27. Committee on the Elimination of Racial Discrimination, Seventy-seventh session 2–27 August 2010, CERD/C/IRN/CO/18-19, Report issued 20 September 2010. At paragraph 15 the Committee “expressed concern at limited enjoyment of political, economic, social and cultural rights by, inter alia, Arab, Azeri, Baluchi, Kurdish communities... and in particular with regard to housing, education, freedom of expression.”
28. See e.g. IHRDC Interview with Eghbal Moradi (Dec. 20, 2011) (on file with IHRDC).
29. *Letter from political prisoner Habibollah Golparipour to the Head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report.
30. See e.g. the cases of Zanyar and Loghman Moradi described in section 2.3.2. *infra*; see also the case of Habib Latifi described in section 2.3.3. *infra*. This is in violation of many provisions of the Constitution of the Islamic Republic of Iran, among them Article 39 which states: “the deprivation of dignity of persons who have been arrested, jailed or exiled is prohibited and subject to punishment.”
31. See the cases of Zanyar and Loghman Moradi (section 2.3.2. *infra*); Ehsan Fattahian (section 2.1.3. *infra*); Shirin Alamhooili (section 2.1.2. *infra*); Habibollah Golparipour (section 2.3.1. *infra*).
32. See e.g., the case of Ehsan Fattahian described in section 2.1.3. *infra*.
33. UN Human Rights Council, 19th session, Agenda Item 4, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, March 6, 2012 (A/HRC/19/66), available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf.
34. See IHRDC press statement, *Member States at 19th Session of UN Human Rights Council Support Work of UN Special Rapporteur on Iran; Others Claim Process is “Politicized,”* March 13, 2012, available at: <http://www.iranhrdc.org/english/news/press-statements/100000071-2012-03-13-19th-session-of-un-human-rights-council.html#.T2gQ-78VAvZc>.
35. See IHRDC, *HAUNTED MEMORIES: THE ISLAMIC REPUBLIC'S EXECUTIONS OF KURDS IN 1979* (September 2011) available at:

second report documents the Iranian government's arrests, imprisonment and executions of Kurdish political activists from Mahmoud Ahmadinejad's election to the Iranian presidency in 2005 up to the present day.

The first section of this report gives a short background and history on how the ascendancy of the current regime in Iran, the IRI, affected the Kurdish community, as well as the relationship between the Kurds and successive IRI presidents. The second section documents individual cases of the IRI's treatment of Kurdish activists, including those who were executed, those who fled Iran, and those who are currently in jail and/or on death row. The third and final section discusses the IRI's legal responsibility and obligations under international human rights law and Iranian Constitutional law.



The province of Kurdistan in Iran extends over 29,137 square kilometers (out of Iran's total land area of 1,648,195 square kilometers). Many of the interrogations and detentions described in the report occurred in cities of the Kurdistan province. There are 10 major cities in Kurdistan Province: Sanandaj, Saqqez, Marivan, Baneh, Bijar, Sarvabad, Kurveh, Kamyaran, Divandereh, and Dehgan.

1. History and Background on Kurds in Iran

1.1 Before the Islamic Republic

Political activism in Iran's Kurdish regions was a challenge to Iranian central governing authorities long before the ascendancy of the IRI in 1979. The origins of modern Kurdish political activism in Iran can be traced back to a series of broader historical trends. Traditional tribal hierarchy and the primacy of tribal identity gradually atrophied in the modern age; this was brought about both unintentionally, as nomadism gradually declined from the nineteenth century, and intentionally, as the government of Reza Shah Pahlavi—Iran's monarch of the time—enacted land confiscations, kidnapped and killed tribal leaders, and forced settlement during the early twentieth century. The subsequent replacement of tribal identification with a broader sense of ethnic unity for many Kurds partly contributed to the subsequent political activism of Iran's Kurdish community.³⁶

Since the volatile WWI period and its immediate aftermath, there have been several challenges—both popular and foreign—to ruling Iranian governments from the beginning of the Pahlavi regime in 1925 to today's Islamic Republic. In 1946, Mohammad Reza Shah Pahlavi—the heir of Reza Shah—sought to unite the Iranian public and simultaneously de-emphasize the role of religious institutions by stressing a version of Iranian nationalism that privileged Persian identity, leading to the cultural repression of ethnic minorities such as the Kurdish peoples. This—paired with increasing economic pressure on many Kurds by both the central government and their landlords, who were often former tribal leaders and their descendants—led to the development of a Kurdish resistance movement. Many of the Kurdish political parties that arose over the course of the twentieth century were shaped by this economic state of affairs and embraced socialist doctrines to various degrees.³⁷

One of those parties was the Democratic Party of Kurdistan in Iran, or KDPI, a political grouping dedicated to advancing Kurdish rights and promoting autonomy for the Kurdish regions of Iran. The KDPI was founded by Qazi Mohammad, a Kurdish political and religious leader. The Second World War saw the progressive weakening of the central government. At the same time, the Soviets desired to annex the northern parts of Iran to their country and had violated wartime agreements with their allies by keeping the Red Army in northern Iran following the conclusion of the war in furtherance of that goal.³⁸ Taking advantage of this state of affairs, the KDPI under Qazi Mohammad declared the creation of an independent Republic of Kurdistan in what is currently the province of Western Azerbaijan in Iran, with Qazi Mohammad as its President.³⁹ In March 1946, pressure from the United States and other western powers forced the Soviets to pull out of the occupied northern provinces of Iran and allowed the Iranian government to regain control of those regions, which also included the modern provinces of Eastern Azerbaijan and Ardebil. In 1947, the Shah's government executed Qazi Mohammad. In the following years, and especially after the formation of the SAVAK (the *Sazeman-e Ettela'at va Amniyat-e Keshvar*, or National Intelligence and Security Organization) in 1957, the Kurds were subject to the vagaries of Mohammad Reza Pahlavi's intelligence apparatus—as were Iranians of all ethnicities, including Persians.⁴⁰ Nonetheless, the KDPI's political vision endured: The party was forced underground in the 1950s, but it resurged in later years, despite undergoing numerous splits.⁴¹

36. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 101-02, 221-22, 255 (1996).

37. MAZIAR BEHROOZ, *REBELS WITH A CAUSE: THE FAILURE OF THE LEFT IN IRAN*, 122-23, 126 (1999). Behrooz notes that until the first years of the IRI, Kurdish parties were usually affiliated with a broader Iranian left-wing party that corresponded to their own positions. The KDPI, a mainstream socialist party at the time, was linked to the Tudeh Party, which received Soviet backing during much of the Cold War. The Komala, which embraced a Maoist tendency, was linked to the Peykar, the primary Maoist organization active in Iran.

38. STEPHEN KINZER, *ALL THE SHAH'S MEN*, 65-66 (2003).

39. Also known as the Republic of Mahabad. See DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 240-246 (1996).

40. See JEAN ALLAIN, *INTERNATIONAL LAW IN THE MIDDLE EAST: CLOSER TO POWER THAN JUSTICE*, 27-28 (2004); DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 244-245 (1996). SAVAK was the domestic security and intelligence service of Iran from 1957 to 1979 under Muhammad Reza Shah Pahlavi. HAUNTED MEMORIES, *THE ISLAMIC REPUBLIC'S EXECUTIONS OF KURDS IN 1979*, citing to NADER ENTESSAR, *KURDISH ETHNONATIONALISM* 23 (1992).

41. *Khaled Azizi: Jomhouriyeh Islami Isti'dad-i Muzakirih Nadarad* [*Khaled Azizi: Islamic Republic Is Not Negotiable*], BBC

The aftermath of the 1953 CIA-backed coup d'état of the democratically-elected government of Prime Minister Mohammad Mossadegh harshly affected the whole country, and Iran's Kurdish community suffered as Mohammad Reza Pahlavi suppressed all outward forms of opposition, including Kurdish political groups.⁴² He also took the step of prohibiting any instruction of the Kurdish language.⁴³

1.2 After the Islamic Revolution

The political shifts that brought on the onset of Iran's 1979 Revolution served as an opening for all minority communities, including Kurdish Iranians, to attempt to improve their circumstances. Many Kurdish Iranians opposed the outgoing Pahlavi regime and petitioned the new government for stronger recognition of their cultural rights and a degree of political autonomy.

In March 1979, the KDPI presented a comprehensive plan for increased political autonomy from the Iranian state (including greater cultural freedoms and independent decision-making ability within Iran) to Ayatollah Ruhollah Khomeini—the first Supreme Leader of the Islamic Republic. The plan sought to establish an elected local Kurdish parliament and local management of provincial government departments.⁴⁴ The plan did not call for separation from the Iranian state and, in fact, explicitly recognized the new government's overall authority.⁴⁵ Nevertheless, Khomeini flatly rejected the plan and publicly accused the Kurds of seeking to separate from the Iranian state.

Despite Khomeini's initial calls for a more representative and fair system for all Iranians, in practice his imposition of the principle of *velayat-e-faqih* ("Guardianship of the Jurist") resulted in discrimination against all non-Shi'a Muslims. For Kurdish Iranians—who are primarily Sunni Muslim—that discrimination ranged from exclusion from higher institutions of learning and state employment to the mistreatment of Sunni Kurdish children in primary schools.⁴⁶

Furthermore, Khomeini perceived Kurdish Iranians to be "secular" and "leftist." Khomeini did not hide his disdain for Iran's Kurdish minority, accusing them of attempting to fragment the unity of the Islamic Republic.⁴⁷ To Khomeini, the Kurdish region—which had historically acted as a safe haven for different leftist and secular political opposition groups in Iran⁴⁸—and its residents—many of whom were secular

PERSIAN, March 2, 2010, available at http://www.bbc.co.uk/persian/tv/2010/03/100301_142_hardtalk_azizi.shtml.

Khaled Azizi, the general secretary of the new KDPI, says that KDPI was founded in 1945 and about 30 years later was divided into two branches of KDPI and KDP. Jamal Abdollahzadeh, *Inshi'ab Dar Hizb-i Demokrat-i Kurdistan [Split in KDPI]*, PESHMERGEKAN, May 13, 2008, available at http://www.peshmergekan.com/index_a.php?id=2123. Kurdish Historian Jamal Abdollahzadeh says the split happened in 1979. See IHRDC, HAUNTED MEMORIES, THE ISLAMIC REPUBLIC'S EXECUTIONS OF KURDS IN 1979 (2011), page 5. KDPI changed its name in an effort to distinguish itself from the similarly named party of Mustafa Barzani—a Kurdish nationalist leader—establish in neighboring Iraq.

42. The 1953 Iranian coup d'état (known in Iran as the 28 Mordad Coup d'état) was the overthrow of the democratically-elected government of Iranian Prime Minister Mohammad Mossadegh on August 19, 1953. The coup saw the transformation of Mohammad Reza Shah Pahlavi from a constitutional monarch into an absolute ruler who relied heavily on United States support and the violent measures of the SAVAK to hold on to power until his own overthrow in the Iranian Revolution of 1979; see *Hezb-i Demokrat-i Kurdistan-i Iran 60 Salih Shud [Democratic Party of Kurdistan of Iran Turned 60]*, BBC PERSIAN, August 16, 2005, available at http://www.bbc.co.uk/persian/iran/story/2005/08/050815_mf_pdk.shtml.

43. *Bih Ibarat-i Digar: Guftugu ba Hassan Ghazi [In Other Words: An Interview with Hassan Ghazi]*, BBC PERSIAN, February 21, 2012, available at http://www.bbc.co.uk/persian/tvandradio/2012/02/120216_hardtalk_hassan_ghazi.shtml.

44. See IHRDC Interview with Aziz Mamle (March 6, 2011) (on file with IHRDC); see also *Dar Kurdistan Niruyih Tajziyih-talab Vujud Nadarad [There Are No Separatist Forces in Kurdistan]*, ETTELAAT, March 31, 1979, page 8.

45. After a long period of organizational decline beginning in the 1950s, the KDPI experienced a renaissance during the Revolution. At this point the KDPI's policy with regard to relations with the central government in Tehran was significantly altered from its earlier incarnation to support "democracy for Iran and autonomy for Kurdistan." MAZIAR BEHROOZ, *REBELS WITH A CAUSE: THE FAILURE OF THE LEFT IN IRAN*, 132 (1999).

46. See IHRDC Interview with Ashkan Amir Hassani (Feb. 27, 2011) (on file with IHRDC); See also IHRDC Interview with Fatemeh Abdollahzadeh, (May 19, 2010) (on file with IHRDC).

47. *Imam Khomeini Khatab bih Nimayandigan-i Majlis-i Khubrigan [Imam Khomeini Addressed the Representatives of the Assembly of Experts]*, KAYHAN, August 19, 1979, 2.

48. Among those who found refuge in Iran's Kurdish region were the remnants of the *Majlis*, Iran's Parliament, who set up a

themselves, or alternatively of Sunni Muslim faith—were a threat to the principles of the nascent IRI.

For the Kurds, all of these developments dampened their initial optimism for a better life under the new regime. It became increasingly apparent that Khomeini and the ascendant IRI were going to continue in the footsteps of their predecessors. As the pattern of repression became evident, the struggle quickly turned violent as *peshmerga* clashed frequently with the new regime's *Pasdaran*—or Islamic Revolutionary Guard Corps (IRGC).⁴⁹

The Iran-Iraq war was another factor that affected the Kurdish minority's relationship with the fledgling IRI at the time. The war, which began soon after the Revolution and lasted over eight years, proved to be devastating for Kurds on both sides of the Iran-Iraq border. During wartime, Kurdish villages in Iran suffered heavily from Iraqi use of chemical weapons, including mustard gas.⁵⁰ The consequences for the Kurdish regions of Iran and Iraq were horrific.⁵¹

1.3 Rafsanjani's Presidency

Akbar Hashemi Rafsanjani took office as the President of the Islamic Republic in August 1989 following the cessation of hostilities between Iran and Iraq. Instead of battling external forces, Rafsanjani's administration now had the time and resources to focus on eliminating Iranian political opposition. The administration pursued this goal by assassinating dissidents abroad and in Iran to systematically eliminate any voice deemed threatening to the establishment. An early target was Dr. Abdul Rahman Ghassemlou, the Secretary-General of KDPI, who was gunned down by agents of the IRI at an apartment in Vienna in 1989.⁵² Later, in 1992, Dr. Mohammad Sadegh Sharafkandi—Ghassemlou's successor—along with other KDPI officials were assassinated in Berlin by IRI agents under Rafsanjani's command.⁵³

All the while, the oppression of Kurdish culture and language continued in Iran. On a positive note, the IRI began reconstruction of war-torn areas in Iran, including some Kurdish areas that were badly damaged in the Iran-Iraq war.

1.4 The Khatami Era

Kurdish hopes of liberalization were raised by the election of President Mohammad Khatami in 1997.⁵⁴ Khatami's candidacy was supported by 69% of Iran's voting population.⁵⁵ The eloquent and genial new

“free Persian government” in Kermanshah during World War I under the protection of some of the Kurdish tribes of the province after being forced to flee the capital by British and Russian forces. See MARIA O'SHEA, TRAPPED BETWEEN THE MAP AND REALITY: GEOGRAPHY AND PERCEPTIONS OF KURDISTAN, 85 (2004). See also MAZIAR BEHROOZ, REBELS WITH A CAUSE: THE FAILURE OF THE LEFT IN IRAN, 122-23 (1999).

49. Haunted Memories, The Islamic Republic's Executions of Kurds in 1979. Citing to Dilip Hiro, *Iran Under the Ayatollahs* 111 (1987).

50. *Iraq dar Jang-i Tahmili 3,500 bar Iran ra Bumbaran-i Shimia'i Kard* [During the imposed War, Iraq Chemically Bombed Iran 3,500 Times], INFORMATION BASE OF CHEMICAL WEAPONS VICTIMS, available at <http://www.chemical-victims.com/DesktopModules/News/NewsView.aspx?TabID=3961&Site=chemical&Lang=fa-IR&ItemID=39126&mid=12546&wVersion=Staging>; *Kashf-i Bomb-i Shimia'i Amal Nakardih dar Sardasht* [Discovering an Undetonated Chemical Bomb in Sardasht], BBC PERSIAN, July 13, 2011, available at http://www.bbc.co.uk/persian/iran/2011/07/110713_u02_sardasht_chemical_bomb.shtml.

51. Saddam Hussein's al-Anfal campaigns from 1986-89 alone caused an estimated 50,000 to 100,000 deaths. See GENOCIDE IN IRAQ: THE ANFAL CAMPAIGN AGAINST THE KURDS, HUMAN RIGHTS WATCH, available at <http://www.hrw.org/reports/1993/iraq-anfal/>.

52. See IHRDC, NO SAFE HAVEN: IRAN'S GLOBAL ASSASSINATION CAMPAIGN (May 2008); see also CAROL PRUNHUBER, THE PASSION AND DEATH OF RAHMAN THE KURD, DREAMING KURDISTAN (2009).

53. IHRDC, MURDER AT MYKONOS: ANATOMY OF A POLITICAL ASSASSINATION (March 2007); ROYA HAKAKIAN, ASSASSINS OF THE TURQUOISE PALACE (2011).

54. DAVID McDOWALL, A MODERN HISTORY OF THE KURDS 279 (1996).

55. See *Amarhayih Nuh Dawrth Intikhabat-i Riyasat Jumhuri* [Statistics of Nine Rounds of Presidential Elections], FARIS NEWS

President was viewed both in Iran and abroad as wanting to bring a degree of reform to Iran's politics to allow greater civil and political freedoms.⁵⁶ Khatami openly expressed his objective to increase social and political diversity and called for a "dialogue of civilizations" between Iran and the greater outside world. For the Kurds, Khatami's public statements and reformist inclinations were viewed as a much-needed shift in attitude that would hopefully send a message of change to the long-serving and ineffective conservative local authorities of the region.

Khatami's appointment of Abdollah Ramezanzadeh, a Western-educated ethnologist, as governor of Kurdistan province, was heralded as a positive early step. The first individual of Kurdish ethnicity to hold this post since the Revolution, Ramezanzadeh in turn appointed a number of Sunni Kurds to important governmental positions in the province for the first time in the history of the IRI.⁵⁷

But while Khatami's initial efforts were laudable, it quickly became apparent that his government was highly divided between reformists and more conservative elements.⁵⁸ As Ramezanzadeh became embroiled in political controversy, the schism between reformists and conservatives ultimately affected the politics of the Kurdish region. Shortly after the parliamentary elections of 2000, Ramezanzadeh accused the Guardian Council—a politically influential twelve-member body that is constitutionally mandated and appointed by the Supreme Leader of the IRI—of nullifying votes in two cities in Kurdistan province without proof of fraud.⁵⁹ Ramezanzadeh ominously warned

that the cancellation of the votes—which prevented reformist candidates from winning seats—could lead to unrest.⁶⁰ However, the Guardian Council never produced any evidence to support their decision to cancel the votes and instead retaliated by filing a complaint against Ramezanzadeh that accused him of slander.⁶¹

After Ramezanzadeh's alleged transgression, he lost his position and was succeeded by a non-Kurdish governor.⁶² Years later, in 2009, Ramezanzadeh emerged to speak out again in relation to the disputed presidential elections, an act that earned him six years in prison. He was later released on bail, but his future remains uncertain.⁶³



Abdollah Ramezanzadeh was born in 1961 in Gachsaran to a Kurdish family. He was the Governor of Kurdistan province during the first term of President Mohammad Khatami (1997–2001). During Ramezanzadeh's tenure as governor, local Sunnis were appointed to various managerial positions in Kurdistan for the first time in the history of the Islamic Republic. He later incurred the ire of Iran's Guardian Council for

challenging parliamentary election results in two cities in Kurdistan province.

Ramezanzadeh was also one of the staunch critics of Iranian President Mahmoud Ahmadinejad during the presidential election in 2009. He was arrested on June 13, 2009, a day following the disputed presidential election, and sentenced to 6 years in prison for "acting against national security" and "propaganda against the system". Since then he has been intermittently released on bail, then detained again, and his case file remains open.

AGENCY, May 16, 2009, available at <http://www.farsnews.com/newstext.php?nn=8802260290>; *Ashna'i Ba Advar-i Intikhabat-i Riyasat Jumhuri dar Iran [Introduction to Presidential Elections in Iran]*, HAMSHAHRI ONLINE, June 2, 2009, available at <http://hamshahrionline.ir/news-82636.aspx>; *Mohammad Khatami*, ENCYCLOPEDIA BRITANNICA, available at <http://www.britannica.com/EBchecked/topic/316504/Mohammad-Khatami>.

56. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS* 279 (1996).

57. MICHAEL GUNTER, *HISTORICAL DICTIONARY OF THE KURDS*, 21 (2003).

58. *Himayat-i 140 Fa'al-i Islahtlab-i Kurd az Abdollah Ramezanzadeh [140 Reformist Kurdish Activists Support Abdollah Ramezanzadeh]*, AFTAB, March 8, 2005 available at <http://www.aftabnews.ir/vdcci14q2bqs.html>.

59. *Another Reform Politician in Iran is Sentenced to a Prison Term*, NEW YORK TIMES, Dec. 18, 2001, available at <http://www.nytimes.com/2001/12/18/world/another-reform-politician-in-iran-is-sentenced-to-a-prison-term.html>.

60. *Id.*

61. *Id.*

62. *Mu'arifiyih Ustandaran-i Pishin. [Introducing Former Governors]*, KURDISTAN PROVINCE, available at <http://www.ostan-kd.ir/Default.aspx?TabID=10>.

63. *Abdollah Ramezanzadeh va Mohammad Nourizad be Zendan Baz Gardandeh Shodand [Abdollah Ramezanzadeh and Mo-*

At the beginning of Khatami's tenure, some progress was made with regard to Kurdish political, social, and economic concerns. For example, Khatami allocated substantial funds to the much-impooverished Kurdistan province, sought to empower local communities by holding town meetings with local residents, and actively promoted Kurds within his administration.⁶⁴ However, Kurdish support of the president started to dissipate after news broke of the capture of Abdullah Ocalan, a Turkish Kurd and the founder of PKK (*Party Kargaran-i Kurdistan*—Kurdistan's Workers Party) on February 15, 1999. Major demonstrations took place across all major towns and cities of the Kurdish region of Iran and even extended to Tehran.⁶⁵ The harsh reaction by security forces within Khatami's government to these demonstrations exposed the boundaries of the new president's impulses toward the Kurdish community in Iran.

The limitations of Khatami's reform agenda suddenly became apparent. Neither he nor the Kurdish governor would tolerate disorder and instead initiated a harsh crackdown on the protests.⁶⁶ At least three people died in the resulting clashes between Iranian police and Kurds on February 22, 1999, and in the days following. Scores more were injured.⁶⁷

Though the crackdown tempered the initial optimism of Kurdish activists, some feared that the alternatives to Khatami were only worse. These fears would turn out to be prophetic, as the political divide within Khatami's government between reformists and conservatives widened. One of the primary means by which anti-Khatami forces undermined the President's reformist agenda was by increasingly targeting ethnic and religious minorities. As a part of that larger agenda, the resulting repression of Kurds escalated to such an extent that in 2001 all six Kurdish members of Iran's 290 member *Majlis*—or parliament—resigned in protest.⁶⁸

1.5 Targeting of Kurdish Activists during Ahmadinejad's First Presidential Term (2005)

The 2005 Iranian Presidential election was subject to a widespread boycott by the Kurdish Iranian community.⁶⁹ The reformist Khatami was succeeded by Mahmoud Ahmadinejad, a former mayor of Tehran who ran a populist campaign against the wealthy former President Rafsanjani and was viewed as far more conservative than his predecessor.⁷⁰ Only about 25% of eligible Kurdish Iranian voters participated in the

hammad Nourizad were Returned to Prison Again], BBC PERSIAN, February 27, 2011, available at http://www.bbc.co.uk/persian/iran/2011/02/110227_117_nourizad_ramezanzadeh_evin.shtml.

64. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 279 (1996).

65. IHRDC Interview with Varya Mohammadi (Feb. 2011) (on file with IHRDC). IHRDC Interview with Hesam Dastpish, Kurdish political analyst (Feb. 22, 2012) (on file with IHRDC); *Hate-figure and Hero*, BBC NEWS, November 21, 2000, available at <http://news.bbc.co.uk/2/hi/europe/213964.stm>; see also *Ba Tajamu' Dar Barabar-i Sifarat-i Turkiyyih va Daftar-i Sazman-i Milal: Kurdhayih Iran Bih Dastgiri-yih Ocalan Itiraz Kardand [In a Gathering in Front of the Turkish Embassy and the UN Office: Iranian Kurds Protested Ocalan's Arrest]*, HAMSHAHRI ONLINE, February 20, 1999, available at <http://www.hamshahrionline.ir/hamnews/1377/771201/siasi.htm#siasi9>.

66. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 279 (1996).

67. *Three Reported Killed in Pro-Ocalan Rally in Iran*, REUTERS, Feb. 24, 1999, available at <http://groups.yahoo.com/group/MESN/message/80?var=1>.

68. HUMAN RIGHTS AND THE KURDS IN IRAN, THE KURDISH HUMAN RIGHTS PROJECT BRIEFING PAPER, August 26, 2009. For more information on the provincial breakdown of the Parliamentary representatives, see *Ghanun-i Intikhabat-i Majlis-i Shawrayih Islami, [Parliamentary Elections Law]*, GUARDIAN COUNCIL, available at <http://www.shora-gc.ir/Portal/Home/Show-Page.aspx?Object=News&ID=cd3c67a2-92b8-4135-a043-d0e5ba88a31e&LayoutID=26486264-caf3-4edb-b140-ba753a5c0890&CategoryID=ff0668dd-649c-4d53-a9ba-23ec1caed3be>.

69. HUMAN RIGHTS AND THE KURDS IN IRAN, THE KURDISH HUMAN RIGHTS PROJECT BRIEFING PAPER, August 26, 2009. Also see *Ba Tahrim-i Gustardih va Fa'al, Intikhabat-i Riyasat Jumhuri ra bih yik Shikast-i digar Barayih Diktaturiyih Velayat-i Faghih Tabdil Kunim [Let's Turn the Presidential Election to Another Failure for the Dictatorship of the Supreme Theological Mandate, by the Wide and Active Boycott]*, KOMALA, May 21, 2005, available at <http://www.komala.org/farsi/xb/xb-index/moghalat/etla-05/et-xb186.htm>; IHRDC Interview with Malakeh Alamhooli (Feb. 7, 2012)(on file with IHRDC).

70. DAVID McDOWALL, *A MODERN HISTORY OF THE KURDS*, 279; *Ashna'i Ba Advar-i Intikhabat-i Riyasat Jumhuri dar Iran, [Introduction of the Presidential Election's terms]*, HAMSHAHRI ONLINE, June 2, 2009, available at <http://hamshahrionline.ir/news-82636.aspx>.

final runoff for the June 2005 elections, compared to a 60% national turnout rate.⁷¹ From the outset of his tenure, Ahmadinejad did not make any visible effort to support Kurdish demands for representation and quickly rejected Kurdish appeals to place qualified Kurds in his new administration. Prior to taking office, Ahmadinejad's uncharitable inclination toward the Kurds was bolstered by reports that he was involved in the assassination of the KDPI Secretary-General Dr. Abdul Rahman Ghassemlou in 1989.⁷²

Following Ahmadinejad's inauguration in August 2005, the new government intensified repression against Kurdish political activists.⁷³ According to some activists, the intensification of repression under Ahmadinejad quickly outpaced his predecessors.⁷⁴

1.5.1 The Killing of Shawaneh Ghaderi

In July 2005, IRI security forces arrested Shawaneh Ghaderi, a Kurdish youth, in Mahabad in Western Azerbaijan province.⁷⁵ Shawaneh Ghaderi's brother, Ebubekir Ghaderi, recounted the story of his brother's murder:

He was killed on July 9 in the district of 'Posht tep' in Mahabad. Iranian troops, together with 60 Kurdish paramilitary Village Guards, had approached Ghaderi and a group of young Kurds sitting by a small fountain. Ghaderi had stood up and greeted the soldiers and inquired about what was going on. Without any warning, the troops shot him in the foot. Ghaderi tried to escape, begging the soldiers not to shoot. But they shot him again, but this time in the stomach. A third shot hit Ghaderi's groin area. He was still alive and the soldiers tied him to a military vehicle and dragged him around the city.⁷⁶

Ghaderi was dragged through the streets until he died.⁷⁷ Soon, conflicting stories from government officials about the reasons for the arrest emerged, including that Ghaderi was arrested because he had absconded from mandatory military service.⁷⁸ Yet the government produced no evidence in relation to these allegations

71. The exact percentage of participation was 24.66. *Intikhabat-i Riyasat Jumhur [Presidential Election]*, KURDISTAN PROVINCE, available at <http://www.ostan-kd.ir/Default.aspx?TabID=133>; David McDowall, *A Modern History of the Kurds*, 279.

72. MICHAEL GUNTER, *HISTORICAL DICTIONARY OF THE KURDS*, 22. See also *HAUNTED MEMORIES: Abdul Rahman Ghassemlou (1930-1989) was the Secretary General of the Democratic Party Kurdistan of Iran (KDPI) for 16 years until his assassination in 1989. He had a Ph.D. in Economics and was an Associate Professor in Paris and Prague. Under his leadership, the secular KDPI supported the 1979 revolution. Ghassemlou was elected to the Assembly of the Experts but was not permitted to take his seat. In the early 1980's, Ghassemlou moved to the Qandil mountains in the border of Iran and Iraq that were under Kurdish control and eventually fled to Europe. He was assassinated in 1989 during negotiations with the IRI in Vienna. See New Inquiry Targets Ahmadinejad*, LOS ANGELES TIMES, July 6, 2005, available at <http://articles.latimes.com/2005/jul/06/world/fg-iran6> and *Kurd Murder Claim Against Iran's Leader*, THE GUARDIAN, July 3, 2005, available at <http://www.guardian.co.uk/world/2005/jul/04/iran.lukeharding>.

73. IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC).

74. *Id.*

75. *Leading Human Rights Defender Detained as Protests Mount in Iran's Kurdish Region*, HUMAN RIGHTS FIRST, Aug. 3, 2005, available at: http://viva-mahabad.blogspot.com/2005_07_01_archive.html.

76. *Thousands in Mahabad protest the killing of young Kurd*, KURDISH MEDIA, July 13, 2005, available at: <http://www.kurd-media.com/article.aspx?id=7242>; "Village Guards" refers to local members of the IRGC.

77. *Marg-i Shawaneh va Na-aramihayih Mahabad: Sayir-i Vaqay'i va Pishzaminihha [Shawaneh's Death and Unrests in Mahabad: The Events Proceedings and Backgrounds]*, GOOYA NEWS, July 22, 2005 (31 Tir 1384), available at: <http://news.gooya.com/politics/archives/033631.php>; Khosro Kordpour, journalist in Mahabad: "The national police "NAJA" was looking for Shawaneh to arrest him on July 9, at 5pm. They found him in Esteghlal square and shot him. While he was injured, they tied him to a vehicle and dragged him to other place. ... He was active in the last year demonstrations in Mahabad." The third night after his burial coincided with the anniversary of the assassination of Ghassemlou on July 13th, which further fueled the protests.

78. See e.g., *Farmandar-i Mahabad: Hiy'at-i Barrisiyih Qazayayih Mahabad Subh-i Panjshanbih In Shahr ra Tark Mikunad [Governor of Mahabad: the Committee to Investigate Mahabad Events Leave the City on Thursday Morning]*, ISNA, July 20, 2005, available at <http://old.isna.ir/ISNA/NewsView.aspx?ID=News-557520>; According to ISNA, the western Azerbaijan governor, Jamshid Ansari said: "When the law enforcement forces went to serve his summons, the accused resisted arrest and the law enforcement had to use their weapon. The offender was killed by two shots." The article accuses Shawaneh of



Shawaneh Ghaderi (né Seyyed Kamal Asfarm) (1981-2005) was a Kurdish political activist who was shot dead by officers of the Iranian Law Enforcement Forces (NAJA) on July 9, 2005, in Mahabad, Iran. Graphic photos of his corpse—which showed evidence of prior beatings and injuries—circulated among Mahabad's Kurdish community following his death. The brutal nature of the killing, coupled with the photos of Ghaderi's corpse, provoked a mass public outcry and protest in Mahabad.

and conducted no follow-up investigation into his brutal death.⁷⁹

The macabre execution of Ghaderi and grisly pictures of his corpse distributed after the events set off a spark of anger within the local Kurdish community.⁸⁰ Eight days of protests followed in Mahabad and other Kurdish cities. The Iranian government responded with martial law and the deployment of large numbers of security forces to the area.⁸¹ Kurdish protesters reported many deaths.⁸² Thereafter, in October 2005, some of the Kurdish protesters were sentenced to death for their involvement in the protests. These sentences in turn provoked further protests. As the cycle of violence increased in the months following Ahmadinejad's election, it became clear that life for the country's Kurdish minority was going to become increasingly difficult.⁸³

2. Arrest, Imprisonment and Execution of Activists

While the IRI has had a fraught history with Kurdish Iranians extending back to the former's inception, witnesses claim that in the past decade, the oppression of the Kurds ramped up significantly following the inauguration of President Ahmadinejad for his first term of office.⁸⁴ Following the post-election events of June 2009 that resulted in mass civic demonstrations throughout Iran and a subsequent government crackdown, relations between the IRI and Iranian ethnic minority groups, whom the government has traditionally viewed as political opposition, have become significantly strained.

murder, destroying public properties, acts incompatible with chastity and having absconded from his military service. See also *Mardum-i Mahabad az Vaqayi'-i Akhir-i In Shahr Izhar-i Ta'asuf Mikunand*, IRNA, [The People of Mahabad Are Concerned about the Recent Events in this Town, IRNA], GOOYA NEWS, July 18, 2005 (27 Tir 1384), available at: <http://news.gooya.com/politics/archives/033379.php>; According to IRNA: "The unrest in Mahabad over the last week on account of the killing of a repeat offender in a conflict with police has worried local people, especially the people in Esteghlal square."

79. Iran: Security Forces Kill Kurdish Protesters, HUMAN RIGHTS WATCH, Aug. 11, 2005, available at: <http://www.hrw.org/en/news/2005/08/10/iran-security-forces-kill-kurdish-protestors>.
80. Mahabad dar Itiraz bih Dastgiriha Yik Parcheh Tatil Shud, [Mahabad Was Completely Shut Down in Protest to the Arrests], GOOYA NEWS, July 24, 2005, available at: <http://news.gooya.com/politics/archives/033740.php>; see also Na-aramiha dar Mahabad Idamih Darad, [The Unrests in Mahabad Continues], BBC PERSIAN, July 17, 2005, available at http://www.bbc.co.uk/persian/iran/story/2005/07/050717_sm-jb-mahabad.shtml. The manner in which Shawaneh Ghaderi was killed and the publication of photos of his dead body which provided evidence of the severe beating he was subjected to motivated the Mahabad people and spurred them to demonstrate.
81. *Ra'is-i Dadgustariyeh Azerbaijan-i Qarbi: 18 Nafar dar Rabitih ba Dargirihaiyeh Mahabad Bazdasht Shudand* [Head of West Azerbaijan's Office of Justice: 18 People Arrested in Relation to Mahabad's Conflicts], ISNA, July 24, 2005, available at <http://old.isna.ir/ISNA/NewsView.aspx?ID=News-558794>.
82. *Dar Na-aramiyeh Shahrhayeh Kurdnishin-i Qarb-i Iran Hadd-i Aqal 4 Tan Kushtih Shudand; Khashm-i Maghamat az Tawzi'i Tasavir-i Jasad-i Shawaneh Ghaderi*, [At least 4 People Were Killed in the Unrests in the Kurdish Cities of the West of Iran; The Authorities' Anger over the Distribution of Photos of Shawaneh Ghaderi's Dead Body], RADIO FARDA, July 26, 2005, available at <http://www.radiofarda.com/content/article/305859.html>; *Farmandihyeh Police-i Jumhuriyeh Islami Kustar va Sarkub-i Khushunat Amiz-i Tazahur Kunandigan dar Shahrhayeh Kurdnishin ra Inkar Kard*, [The Commander of IRI Police Denied Killing and Violent Repression of the Demonstrators in the Kurdish cities of Iran], RADIO FARDA, August 12, 2005, available at <http://www.radiofarda.com/content/article/306971.html>; The head chief of police, Ahmadi Moghadam, denied any killing and suppression of the Kurdish demonstrators in the Kurdish cities. Meanwhile human rights organizations reported that tens were killed, hundreds were injured, and thousands were arrested.
83. *Az-sargiriyeh Na-aramiha dar Manatiq-i Kurdnishin-i Iran*, [Unrests Resume in the Kurdish Areas of Iran], RADIO FARDA, August 18, 2005, available at <http://www.radiofarda.com/content/article/307421.html>.
84. See e.g., IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC); see also IHRDC Interview with Ashkan Amir Hassani (Feb. 27, 2011) (on file with IHRDC).

Today, the IRI's suspicions concerning the Kurdish minority are based on fear that Kurdish activism contains separatist undercurrents that challenge the integrity of the state. Activists asserting their Kurdish identity or who engage in social and political criticism of the IRI are prime targets for arbitrary arrest and prosecution on the pretext of endangering national security.⁸⁵ While some Kurdish political activists may engage in violent acts against the Iranian state or are involved with PJAK—an armed Kurdish political group—others only engage in peaceful civic activities, yet suffer on account of their larger group association.⁸⁶

While in the early years following the 1979 revolution, Kurdish political parties like KDPI and Komala (*Sazman-i Inqilabiyih Zahmatkishan-i Kurdistan-i Iran*, or the Organization of Revolutionary Toilers of Iranian Kurdistan) engaged in armed combat with the IRI, the leaders of these movements have since renounced violence and now only endorse peaceful means of resistance.⁸⁷ Although IRI authorities frequently accuse Kurdish Iranian political activists of taking up arms against the state, militancy in Iran's Kurdish region today is infrequent. The only political party that openly endorses militancy is PJAK.⁸⁸

The IRI's fear of separatism affects its treatment of other minority groups as well and is encouraged by its foreign adversaries.⁸⁹ This fear manifests when the IRI targets expressions of Kurdish cultural identity and Kurdish political and social activism, even if peaceful. Numerous witnesses interviewed by IHRDC stated that Iranian intelligence agents closely monitored their work on Kurdish cultural newspapers and magazines,⁹⁰ with groups that organized Kurdish cultural plays and gatherings,⁹¹ and to preserve Kurdish cultural heritage and history.⁹²

The work on these publications and events at these gatherings are closely monitored by government officials in direct violation of the Constitution of the IRI.⁹³ The *herasat*—the intelligence gathering apparatus and morality police present in all government institutions, including on university campuses—collects intelligence on Kurdish activists and sometimes reports them to local intelligence authorities.⁹⁴ When these publications and gatherings attract the attention of the authorities they are often shut down.⁹⁵ Sometimes the

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85. For a sense of the domestic narrative of the IRI with regard to these alleged connections, see *Zaminih-sazi PJAK Barayih Huzur-i America dar Marz-hayih Iran* [PJAK Laying the Groundwork for the Presence of America on Iran's Borders], Khabar Online, November 9, 2011, available at <http://www.khabaronline.ir/detail/184112/>.
86. IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC); IHRDC Interview with Jahangir Abdollahi (Jan. 11, 2012)(on file with IHRDC); IHRDC Interview with Saber Kakehassan (Jan. 11, 2012)(on file with IHRDC).
87. Komala is a leftist Kurdish political party formally established after the 1979 revolution. See Bih Ibarat-i Digar; Guftugu ba Mustafa Hijri [In Another Word; Interview with Mostafa Hijri], BBC Persian, July 27, 2011, available at http://www.bbc.co.uk/persian/tvandradio/2011/07/110727_hardtalk_mostafa_hejri.shtml. Hejri and the interviewer both mention that KDPI and Komala have forsaken armed combat and are using other means to be active inside Iran.
88. For many years, PJAK has conducted ongoing operations against Iranian security forces. See <http://articles.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Partiya-Jiyana-Azada-Kurdistane-PJAK.html> In September of 2011, the leadership of the PJAK, having seemingly failed to achieve their goals through violence, declared a unilateral ceasefire. See *Iran-Kurdish Rebel Ceasefire Holds Amid Skepticism*, PULITZER CENTER ON CRISIS REPORTING, November 7, 2011, available at <http://pulitzercenter.org/reporting/iraq-cease-fire-kurdish-rebels-iran-government>.
89. *False Flag*, FOREIGN POLICY, January 3, 2012, available at http://www.foreignpolicy.com/articles/2012/01/13/false_flag.
90. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>; IHRDC Interview with Karim (Rebin) Rahmani (Jan. 16, 2012)(on file with IHRDC); IHRDC Interview with Amir Babakri (Jan. 6, 2012)(on file with IHRDC).
91. IHRDC Interview with Khalegh Hammehzadeh (Jan. 15, 2012)(on file with IHRDC); IHRDC Interview with Jahangir Abdollahi (Jan. 11, 2012)(on file with IHRDC).
92. See e.g., IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC); IHRDC Interview with Saber Kakehassan (Jan. 11, 2012)(on file with IHRDC).
93. Article 27 of the Constitution of the IRI states, "Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved."
94. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.
95. See e.g., IHRDC Interview with Amir Babakri (Jan. 6, 2012)(on file with IHRDC); IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>; IHRDC Interview with Karim (Rebin) Rahmani (Jan. 16, 2012)(on file with IHRDC); IHRDC Interview with Jahangir Abdollahi (Jan. 11, 2012)(on file with IHRDC).

activists themselves are targeted for arrest and imprisonment.⁹⁶

Activists that engage in peaceful activities related to political parties are also a prime target of the Iranian authorities. Members of groups that offered monetary aid or emotional support to family members of killed Kurdish political party members said they were arrested by the Iranian authorities on allegations of aiding illegal groups.⁹⁷ Even poetry and literary writing—if political in tone—can land the author in jail for allegedly sympathizing with political opposition groups.⁹⁸

Once a Kurdish activist is targeted for arrest and imprisonment, they are subjected to the same pattern of mistreatment and deprivation of due process safeguards that political prisoners throughout Iran endure.⁹⁹

It is not just the activists themselves who remain at risk of harassment by authorities for their political initiatives. By extension, the family members of activists in Iran's Kurdish region are often threatened, intimidated, and otherwise harassed.¹⁰⁰ In more extreme cases, family members are imprisoned by the IRI's intelligence apparatus to exert pressure on loved ones, or forced into hiding as a result of threats of arrest.¹⁰¹

This section of the report highlights accounts of Kurdish political prisoners in Iran. Some have been executed, some have managed to flee the country, and others are currently on death row.

While their experiences and traumas are all unique, there are clear patterns in all of their accounts. They are often associated with political opposition movements absent clear evidentiary support.¹⁰² Many are arrested without charges or are not informed of the charges against them until months into their detention,¹⁰³ sometimes the charges against them are modified numerous times without adequate notice or additional case files created.¹⁰⁴ Many suffer prolonged detentions, abuse and even torture.¹⁰⁵ Together they demonstrate that the IRI is systematically targeting and violating the basic human rights of Kurdish activists.

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96. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>; IHRDC Witness Statement of Shima Asaadi, April 16, 2010, available at <http://www.iranhrdc.org/english/publications/witness-testimony/3345-witness-statement-shima-asaadi.html#.T2g7ZMVAvZc>; IHRDC Interview with Yaser Goli (Dec. 21, 2011)(on file with IHRDC).
97. IHRDC Interview with Kajal Sheikhmohammadi (Jan. 10, 2012)(on file with IHRDC); IHRDC Interview with Fatemeh Goftari (Dec. 21, 2011)(on file with IHRDC); IHRDC Witness Statement of Shima Asaadi, April 16, 2010, available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3345-witness-statement-shima-asaadi.html#.T2g7ZMVAvZc>.
98. IHRDC Interview with Shirku Jahani Asl (Jan. 26, 2012)(on file with IHRDC).
99. See, e.g., IHRDC, *VIOLENT AFTERMATH: THE 2009 ELECTION AND SUPPRESSION OF DISSENT IN IRAN* (February 2010), available at http://www.iranhrdc.org/english/publications/reports/3161-violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran.html#.T2_NhTEgfgw.
100. See e.g., IHRDC Interview with Karim (Rebin) Rahmani (Jan. 16, 2012)(on file with IHRDC).
101. See e.g., IHRDC Interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC); IHRDC Interview with Fatemeh Goftari (Dec. 21, 2011)(on file with IHRDC).
102. See e.g., IHRDC Interview with Kajal Sheikhmohammadi (Jan. 10, 2012)(on file with IHRDC). Sheikhmohammadi is a Kurdish women's activist who worked with a mothers' group that performed ceremonies for members of PJAK that were killed in battle. Although the mothers' group Sheikhmohammadi worked with did not itself engage in armed conflict, she was arrested and imprisoned for allegedly "aiding and abetting" PJAK. See also, IHRDC Interview with Amjad Hossein-Panahi (Feb. 19, 2011) (on file with IHRDC). Anvar Hossein-Panahi was accused of working with the Komala party when he was actually working for a non-governmental organization dedicated to helping individuals overcome drug addiction. See also IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC). Tahmasebi was accused of being a supporter of the Kurdish political parties, even though he denies this and maintains that he was only a member of an environmental group.
103. See e.g., *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic*, Sadegh Larijani (obtained exclusively by IHRDC), see Appendix II to this report.
104. See e.g., IHRDC Interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC); see also the case of Zanyar and Loghman Moradi as described in section 2.3.2. *infra*.
105. See e.g., IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>; IHRDC Interview with Yaser Goli (Dec. 21, 2011)(on file with IHRDC); see also the case of Habibollah Golparipour as described in section 2.3.1 *infra*; the cases of Zanyar and Loghman Moradi as described in section 2.3.2. *infra*; and the case of Habib Latifi as described in section 2.3.3. *infra*.

2.1. Executed Kurdish Prisoners

In the wake of the 2009 election protests, the IRI has engaged in a campaign of repression against scores of political and human rights activists, journalists, women's rights defenders and students. Ethnic and religious minorities were also perceived as contributing to government opposition movements and arrested on spurious and often vague allegations of having fomented the post-election violence.¹⁰⁶ Although repression and violence escalated across the country at a higher rate than in Kurdistan, members of the Kurdish minority were also targeted in the post-election crackdown.¹⁰⁷

The campaign reached a dangerous peak when, on the morning of May 9, 2010, Iranian media reported that Farzad Kamangar¹⁰⁸ and four other people were executed in connection with their alleged membership with PJAK. Kamangar, Farhad Vakili, Ali Haidarian and Shirin Alamhooli—all ethnic Kurds—were convicted of “*muharibih*”—or warring with God—for “terrorist attacks” in connection with their alleged membership in the PJAK.¹⁰⁹ (A fifth, non-Kurdish individual—Mehdi Eslamian—was also executed with the group for his alleged role in an April 2008 bombing in Shiraz, Iran purportedly committed by the *Anjoman-i Padeshahi-e Iran*, or Soldiers of the Kingdom Assembly of Iran.)

The group execution followed the November 2009 hanging of Ehsan Fattahian¹¹⁰ and the January 2010 execution of Fasih Yasamani,¹¹¹ also Kurdish political activists. Then, just months later in January 2011, another ethnic Kurd—Hossein Khezri—was put to death by the Iranian state.¹¹²

Even those in the Iranian government who once presided over governmental bodies took issue with the hangings of Kamangar, Vakili, Haidarian and Alamhooli. Mir-Hossein Mousavi, the last person to hold the post of Prime Minister of the IRI before its abolition and a major reformist candidate in the June 2009 presidential election, condemned the hangings, stating:

The sudden execution of five of the citizens of this country without giving any clear explanation regarding their charges, and the procedure of their prosecutions to the people, is similar to the unjust trend that, in the recent months, have led to the surprising sentences for many dutiful women, men and citizens of our country. When the Judiciary shifts its position from supporting the oppressed toward supporting authorities and those in power, it is hard to stop people from judging that the Judiciary sentences are unjust.¹¹³

In response to this statement, Mousavi was threatened with prosecution by Abbas Ja'fari Dowlatabadi, Tehran's Chief Prosecutor. On May 15, 2010, a few days after Mousavi's statement, Dowlatabadi warned:

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106. See e.g., IHRDC witness statement of “Soraya”, (April 2010), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3182-witness-statement-soraya.html#.T4HjQJmLPMA>. Soraya is a Christian convert and young mother of two who was arrested a few months following the disputed presidential election and accused of spying for a foreign government and contributing to the election unrest.
107. See e.g., IHRDC Interview with Ashkan Amir Hassani (Feb. 27, 2011) (on file with IHRDC).
108. See introduction to this report *supra*.
109. Meaning “being at war with God” in Shari'a law, due to the theocratic nature of the state and the governing doctrine of *Velayat-e Faghih*, whereby the clergy in power is the representative of god on earth in the absence of the Hidden Imam—and, by extension, executed the will of god—warring with the state he governs is one and the same as warring with god. For the origin of *muharibih*, see Surah al-Ma'ida, 5:33-34, Holy Qur'an. Lack of evidence in individual cases notwithstanding, many recent cases of *muharibih* present an ever-broadening definition of the crime. *Abdolfattah Soltani: Shirkat dar Rahpayma'i Tah-i Hich Unvani “Muharibih” Nist*, [Abdolfattah Soltani: Under No Condition Does Participating in a Demonstration Constitute Muharibih], RADIOFARDA, February 1, 2011, available at http://www.radiofarda.com/content/f35_Moharebe_Soltani_IV/1945119.html.
110. *5 Tan az Avamil-i Guruhak'hayih Zidd-i Inghilab Idam Shudand*, [5 Elements of the Anti-revolutionary Groups Were Executed], ISLAMIC REPUBLIC NEWS AGENCY, May 9, 2010, available at <http://www.irma.ir/NewsShow.aspx?NID=128883>.
111. *Fasih Yasamani, Zindaniyih Siyasiyih Kurd bih Dar Avikhtih Shud* [Kurdish Political Prisoner, Fasih Yasamani, Was Hanged], WEBSITE FOR IRANIAN INTEGRATION IN GERMANY, January 6, 2010, available at http://www.if-id.de/New/index.php?option=com_content&task=view&id=7363.
112. *Hossein Khezri Idam Shud* [Hossein Khezri Was Executed], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, January 15, 2011, available at <http://www.hra-news.net/component/content/article/55-1389-01-14-13-18-46/6269-1.html>.
113. See *Vakunish-i Mir Hossein Mousavi bih Idamhayih Akhir* [Mir Hossein Mousavi's Reaction to the Recent Executions], KALEME (Mousavi's Website), May 10, 2010, available at <http://www.kaleme.com/1389/02/20/klm-19032>.

He [Mousavi] has no right to question the sentences of the courts that have been confirmed and to express a view about them that would please the enemies of the Islamic system... This man's views and the support that he has provided [for those who have been executed] are tantamount to spreading lies, and expressing such views is an offence... regarding [his] trial we have left it to an appropriate time... The reason for this delay is that the time for it has not yet arrived... When the right time comes we shall act, exactly as one picks a fruit that is ripe.¹¹⁴

Following the executions, the authorities refused to give the bodies of the four executed Kurds back to their families, who had all traveled to Tehran to protest.¹¹⁵ Shirin Alamhooli's mother, sister, uncle, nephew and grandfather were all briefly arrested and released on bail, and the authorities banned mourners from the Alamhooli family house in Maku, Iran.¹¹⁶ Farzad Kamangar's family members in Kamyaran, Iran, were warned not to talk to the media, and their phone line was disconnected.¹¹⁷ Khalil Bahramian, the lawyer for Farzad Kamangar and Shirin Alamhooli was summoned for questioning after he criticized the executions.

These executions shocked many in Iran and were widely seen as an attempt to send a frightening message to those who might consider protesting on the anniversary of the election, only weeks away. Iranians from all different backgrounds demonstrated against the executions—some protesters were even subsequently arrested themselves for this expression of dissent.¹¹⁸

IHRDC has interviewed a number of former cell mates, lawyers, family members and close friends and associates of Kamangar, Vakili, Haidarian and Alamhooli. This witness testimony—in the aggregate—describes the treatment these five endured in prison and the events leading up to their deaths.

While IHRDC has spoken with sources close to Yasamani and Khezri, it is not at liberty to disclose the identity of these witnesses publicly at this point in time.

2.1.1. Farzad Kamangar, Farhad Vakili, and Ali Haidarian

Sabah Nasri, an ethnic Kurd and former political prisoner, shared a cell with Farzad Kamangar for three months in Ward 209 of Evin Prison in Tehran, and also shared a cell with Farhad Vakili.¹¹⁹ In an interview with IHRDC, Nasri recounted many details of the cases against the two men and the treatment they received inside Evin.

Nasri stated that Kamangar, Vakili, Ali Haidarian and another person who escaped arrest shared a common criminal case file. They were charged with membership in the PJAK, among other charges. Nasri recalled that the legal process in their path to execution was lacking in many respects:

They were charged with many things—however, the Ministry of Intelligence had no evidence to prove those charges in the case file, and the defendants had not confessed to them either. Their case file was very complicated and ambiguous. Eventually, the Intelligence Office supported the claims using reports from branches of its Intelligence Offices in the cities of the prisoners' residences, Sanandaj and Kamyaran, and concluded that according to the reports from their own offices, they were guilty, and the court accepted this claim. This is how they received a death sentence.¹²⁰

Another witness close to the events, whose identity IHRDC cannot disclose for security reasons, supports

114. *Tozihat-i Dadsetan-i Tehran dar bareyeh 5 Terrorist-i Edami va Hemayat-i Saran-i Fetneh az Anha* [Tehran Prosecutor's explanation on 5 executed terrorists and their support by the leaders of insurrection], FARSNEWS, May 15, 2010, available at <http://www.farsnews.com/newstext.php?nn=8902250640>.

115. IHRDC Interview with Witness A, (Feb. 9, 2012), (on file with IHRDC).

116. IHRDC Interview with Malakeh Alamhooli (Feb. 7, 2012)(on file with IHRDC).

117. *HRANA, Afzayish-i Fishar bar Khanivadhiyih Farzad Kamangar* [HRANA, Increasing Pressure on the Family of Farzad Kamangar], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, September 14, 2010, available at <http://www.hra-news.org/00/3960-1.html>.

118. *Kurds to Protest over Iran Executions*, GUARDIAN, May 10, 2010, available at <http://www.guardian.co.uk/world/2010/may/10/kurds-protest-iran-executions?INTCMP=SRCH>.

119. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

120. *Id.*

Nasri's claim about the lack of evidence against Vakili. The witness noted:

Even though we insisted on having an attorney represent him, they kept saying that he doesn't need one. This went on until Farhad was taken to court before the judge. It was in mid-winter 2008, after 18 months of withstanding all the problems and suffering in security facilities and tolerating the most inhumane torture, he faced court without an attorney. In just five minutes, they accused him of cooperating with the PKK party [...]. After 20 days [Vakili, Kamangar, and Haidarian] went to court again and, in actuality, just these five minutes were studied and the judge sentenced Farhad to death.¹²¹

Jahangir Abdollahi—a Kurdish student activist and journalist who was in the same cell as Farhad Vakili for 30 days in Evin Prison's Ward 350—confirms that interrogators from the Ministry of Intelligence and the Judiciary tried to convince Vakili to confess to the alleged crimes. Abdollahi recalled:

During the time I was in the same cell as Mr. Vakili, interrogators from the Ministry of Intelligence and the Judiciary came and called him out of the cell. When he later returned, he told me they had taken him to Ward 209 and there they had asked him to write a pardon plea to the Supreme Leader. Apparently the three of them [Kamangar, Vakili and Haidarian] had been offered that. They had told them that if they wrote the plea, they would not be executed and they would just be sentenced to life imprisonment. Mr. Vakili responded 'I am not going to write such a plea and announce my sentence whatever it is. I have no reason to ask the leader for a pardon. I have not done anything I should ask forgiveness for.' That is how they executed them after two weeks.¹²²

According to Abdollahi, the office of the prosecutor and prison inspectors were well aware of the conditions Vakili was held in, the questions he had about his case file and the fairness of his sentencing. Abdollahi recalled:

Once, when we were in the ward, the representative of the prosecutor and some inspectors came to investigate the conditions of the prison. We had 150 political prisoners in our ward. By that time, Mr. Vakili had been sent to our ward for two weeks. That day the prisoners asked their questions from the representative of the prosecutor. At the end, when the representative was going, Mr. Vakili told him that he had questions about his case too, and explained what his charges and accusations were, and told him he had been sentenced to death and then they had told him that his sentence had been reduced. He told him that he wanted to know what his sentence was: Was he being executed in the end?—or was the sentence reduced? The representative promised [Vakili] that he would follow up but, after two weeks, all of them [Kamangar, Vakili and Haidarian] were executed.¹²³

In addition to the lack of adequate legal process in these cases, Sabah Nasri and Jahangir Abdollahi also recall the brutal treatment these three men were subjected to behind bars.

Nasri related that Vakili told him about how he had been severely tortured in custody:

Farhad Vakili said many times that he was severely tortured. He had a congenital defect in his right leg. He said they tied his right foot to a chair with a rope and tied his left foot to the door handle and would open and close the door repeatedly. This caused him so much trauma and pain that he practically reached the point of unconsciousness.

When I shared a cell with Farhad Vakili a few months had passed since he was captured and the marks of torture on his body had healed. But the situation of his case file clearly showed that he was tortured a lot.¹²⁴

Abdollahi also recalled that Vakili told him about the humiliating and painful treatment that he, Kamangar and Haidarian were dealt in interrogations, including being made to strip during questioning.¹²⁵

121. IHRDC Interview with Witness A, (Feb. 9, 2012), (on file with IHRDC).

122. IHRDC Interview with Jahangir Abdollahi, (Jan. 11, 2012), (on file with IHRDC).

123. *Id.*

124. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

125. IHRDC Interview with Jahangir Abdollahi, (Jan. 11, 2012)(on file with IHRDC).

After talking to Kamangar about the treatment he endured while incarcerated, Nasri concluded that Kamangar was “tortured with the intent to kill.” According to Nasri, Kamangar told him that the torture by Iranian authorities began right after his arrest:

He told me, the first day that he and Ali Haidarian were arrested, they were taken to an unknown location and a group of six or seven men just beat them, without asking any questions [...] Farzad said that when they beat him with an electric baton he passed out and they kept pouring cold water on him to bring him back to consciousness, at which point they punched and kicked him and used batons to hit his sensitive body parts.¹²⁶

While Nasri recounted that Kamangar said the torture subsided when the latter was moved to Ward 209 in Evin Prison in Tehran, the torture resumed when he was transferred to the Kermanshah Intelligence Office for more questioning:

Farzad told me that while he was held in Kermanshah’s Intelligence Office, for 18 days he was kept in a room that was fashioned in the shape of a coffin inside the wall. In that room, he could not sit or stand and could only lie in a sleeping position. He was kept completely naked for the duration of those 18 days [...] He was only taken out of this coffin-like room for interrogation, where he then was severely tortured by a group of people.¹²⁷

According to Nasri, Kamangar said that interrogators attempted to humiliate him in different ways during the questioning, including insulting Kamangar’s family and the leaders of various Kurdish political parties. And according to Nasri, on at least one occasion, the interrogators even threatened Kamangar with sexual assault:

One time in the interrogation room, while Farzad was blindfolded, interrogators stripped him naked and threatened to rape him with a baton.¹²⁸

Statements made by Kamangar’s lawyers to the media following his execution claimed that Kamangar was innocent of all charges. Nasri’s account corroborates this claim:

To further add to the injustice, Farzad’s case file was spotless. Even Farzad’s attorney, Mr. Bahrami[an] once said that if the authorities brought even one valid document to prove the charges pinned on Farzad, he would tear up his practicing license, that is how confident he was in Farzad’s innocence of the allegations against him.¹²⁹

Regardless of the validity of the charges, Kamangar, Vakili and Haidarian were put to death by the Iranian state on May 9, 2010. Abdollahi recalled:

The day they executed [Vakili], we were playing volleyball. The guards called him and asked him to go to their commander, and then they executed him.¹³⁰

Almost two years following their execution, the Iranian state has yet to return the bodies of Kamangar, Vakili and Haidarian to their families. Also, their family members continue to suffer from state harassment and intimidation. In early January of this year, Iranian authorities arrested Farhad Vakili’s brother, Jahanbakhsh Vakili.¹³¹ The Vakili family claims that they have been subject to increased state scrutiny ever since the execution of their brother, son, and husband Farhad.¹³²

126. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

127. *Id.*

128. *Id.*

129. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

130. IHRDC Interview with Jahangir Abdollahi, (Jan. 11, 2012)(on file with IHRDC).

131. See IHRDC Interview with Witness A, (Feb. 9, 2012)(on file with IHRDC); see also *Bazdasht-i Baradar-i Farhad Vakili dar Sanandaj [Farhad Vakili’s Brother Was Detained in Sanandaj]*, HUMAN RIGHT ACTIVISTS NEWS AGENCY, January 2, 2012, available at <http://www.hra-news.org/00/10889-1.html>.

132. See IHRDC Interview with Witness A, (Feb. 9, 2012)(on file with IHRDC); see *Bazdasht-i Baradar-i Farhad Vakili dar Sanandaj [Farhad Vakili’s Brother Was Detained in Sanandaj]*, HUMAN RIGHT ACTIVISTS NEWS AGENCY, January 2, 2012, avail-

2.1.2. Shirin Alamhooli

As for Shirin Alamhooli, the content of letters she sent from jail, as well as an interview IHRDC conducted with her aunt, Malakeh Alamhooli, confirm that she was subjected to extreme and brutal physical and psychological torture prior to her execution.

According to letters Alamhooli sent from jail, she “was arrested in April 2008 in Tehran by a number of uniformed and non-uniformed security forces” and transferred directly to a “Sepah detention center” where she was held for 25 days.¹³³ In her first letter from jail, she recalled:

The minute I entered the detention centre they began beating me without asking me any questions or waiting for any answers. I spent 22 days on a hunger strike. During that time, I endured both physical and psychological torture.¹³⁴

After 25 days, she was transferred to Ward 209 of Evin Prison in Tehran where she was held in solitary confinement for six months. There, her torture continued. She was later moved to the women’s ward in Evin Prison.

Shirin Alamhooli was tried in a separate criminal case from Kamangar, Vakili, and Haidarian but on similar charges of collaboration with PJAK. On December 19, 2009, Alamhooli was sentenced to two years’ imprisonment for illegally exiting Iran and was sentenced to death on charges of *muharibih*—or “warring with God”—for her alleged involvement with PJAK. She was tried in branch 15 of the Revolutionary Court in Tehran, and her case was presided over by Judge Salavati.¹³⁵ Her lawyer—Khalil Bahramian—was informed of the decision on January 3, 2010, and appealed. The appeal was unsuccessful, however, and at 28 years of age, Alamhooli was executed on May 9, 2010.

Alamhooli was from a small village outside of the town of Maku in Iran, where access to education was limited.¹³⁶ Up until her arrest, Alamhooli was illiterate, but in prison—even amidst the frequent torture she was subjected to—she learned to write at a fifth grade primary school level.¹³⁷ She used her newly acquired writing skills to pen letters about her treatment in prison and the legal process.¹³⁸

Alamhooli’s description of the conduct of her interrogators and her trial reveal that her criminal trial lacked basic due process safeguards as enshrined in Iranian and international law. Even though Article 35 of the Iranian Constitution and Article 185 of Iran’s Criminal Procedure Code guarantee that an accused has the right to legal counsel¹³⁹, Alamhooli claimed that she had no lawyer for the first two years of her pre-trial detention. In a letter dated May 3, 2010—just six days before the eventual implementation of Alamhooli’s

able at <http://www.hra-news.org/00/10889-1.html>.

133. Read Alamhooli’s January 18, 2010 letter here: *A Letter from Death Row: Shirin Alam Hooli*, PERSIAN2ENGLISH, Feb. 1, 2010, available at <http://persian2english.com/?p=5548> (original from COMMITTEE OF HUMAN RIGHTS REPORTERS, currently unavailable); read Alamhooli’s May 3, 2010 letter here: *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.
134. *A Letter from Death Row: Shirin Alam Hooli*, PERSIAN2ENGLISH, Feb. 1, 2010, available at <http://persian2english.com/?p=5548> (original from COMMITTEE OF HUMAN RIGHTS REPORTERS, currently unavailable).
135. Note that the first names of judges are not readily publicly available in Iran, only their surnames are. Judge Salavati also presided over the case of Zanyar and Loghman Moradi, whom he sentenced to death, see section 2.3.2. *infra*.
136. IHRDC Interview with Malakeh Alamhooli (Feb. 7, 2012)(on file with IHRDC).
137. *Id.*
138. *A Letter from Death Row: Shirin Alam Hooli*, PERSIAN2ENGLISH, Feb. 1, 2010, available at <http://persian2english.com/?p=5548> (original from COMMITTEE OF HUMAN RIGHTS REPORTERS, currently unavailable); *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.
139. According to Article 35 of the Iranian Constitution, “Both parties to a lawsuit have the right in all courts of law to employ an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.” Article 185 of the Criminal Procedure Code, accordingly, has provided: “In all criminal cases, both parties can choose and introduce their own attorneys...” Additionally according to note 1 of article 186 of Criminal Procedure Code “[i]n cases of crimes punishable by *qisas* [retribution] of life [i.e. a life for a life], execution, stoning to death or life imprisonment, if the accused does not introduce his or her defense lawyer, assigning a public defender is mandatory, except for unchaste crimes in which the accused refuses the presence or introduction of a defense lawyer.”

death sentence—she wrote :

I am entering my third year of imprisonment, three years under the worst conditions behind bars in Evin Prison. I spent the first two years of my imprisonment without a lawyer and in pre-trial custody. All my inquiries about my case went unanswered until I was unjustly sentenced to death.¹⁴⁰

In that letter, she also expressed confusion about what crimes she had been charged with, as she had never been properly informed of the charges, even though Article 14(3)(a) of the ICCPR, which Iran is signatory to, mandates that an accused be properly informed of the charges against them, and in a language they understand:¹⁴¹

Why have I been imprisoned and why am I going to be executed? For what crime? Is it because I am Kurdish? If that's the case, then I must say I was born a Kurd and my language is Kurdish; the language that I use to communicate with my family, friends, and community. It is also the language I grew up with. However, I am not allowed to speak my language or read it. I am not allowed to go to school and study my own language, and I am not allowed to write it. They are telling me to deny my Kurdish identity, but if I do, that means I have to deny who I am.¹⁴²

She was not informed of the charges in a language she understood, and her court case was conducted entirely in the Farsi language—in contravention of Article 14(3)(f) of the ICCPR:¹⁴³

Mr. Judge and Interrogator: When you were interrogating me, I couldn't speak your language and couldn't understand you. I learned Farsi in the past two years in the women's ward of the prison from my friends. But you interrogated me, tried me, and sentenced me in your own language, even though I couldn't understand it and couldn't defend myself.¹⁴⁴

In this letter and in an earlier one she penned in January, a few months prior to her execution, Alamhooli described the extreme physical torture she was subjected to in her first 25 days of detention:

My interrogators were all men and I was tied to a bed. They would beat me with electrical batons, cables, and would punch and kick me until I was unconscious. At that time I still had difficulty speaking and understanding Farsi. When I was not able to answer their questions, they continued to beat me until I lost consciousness.

When it was prayer time, they would go pray. During that time, I was supposed to think so I can answer questions. Once they returned, they continued with their beatings until I lost consciousness. Then they would drench me with cold water.

[...] One day during interrogations, they kicked my stomach so hard that I had severe internal bleeding.

[...] Apparently, even that wasn't enough for the interrogators; they wanted me to suffer more. They would force me to stand up on my feet after they had beaten my feet so bad that they were

140. *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.

141. Article 14(3) of the ICCPR provides that: in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him [...]

142. *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.

143. Article 14(3) of the ICCPR, which Iran is a signatory of, provides that: in the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: [...] (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.

144. *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.

completely swollen. Then they would give me ice.

[...] On another occasion, I was blindfolded and interrogated. The interrogator burned my hand with his cigarette. On another occasion, the interrogator stood on my feet with his shoes for so long that my nails turned black and eventually fell off. Sometimes they would just force me to stand up the entire day in the interrogation room without asking me any questions, while the interrogators solved crossword puzzles. They did everything they could to make sure I suffered.¹⁴⁵

In that letter, Alamhooli also recounted the psychological torture she was subjected to:

I could hear screams of other prisoners day and night, and that really bothered me and upset me. Later, I learned that the screams had been taped in order to psychologically torture me. Sometimes I would sit in the interrogation room for hours while drops of cold water would fall on my head for hours.¹⁴⁶

Further, although Articles 38 and 39 of the Iranian Constitution clearly prohibit the use of confessions coerced through torture,¹⁴⁷ according to Alamhooli's letters, torture was part of the normal interrogation routine she was subjected to:

Another time, an interrogator (the only one I actually saw; I was always blindfolded in the presence of the other interrogators) began to ask me irrelevant questions. When I refused to answer him, he slapped me and pulled out a gun and put it to my head. He said, "Answer the questions. I know that you are a member of PJAK; you're a terrorist. Listen to me girl, it doesn't matter if you talk or not. Either way, we are happy that we've captured a PJAK member."¹⁴⁸

She also recounted being subjected to forced videotaped confessions:

Once when a doctor had come to look at my wounds, I was in a mixed state of sleep and consciousness. The doctor requested that I be transferred to the hospital. The interrogator asked, "Why does she have to go to the hospital? Can't she be treated here?" The doctor replied, "It's not for treatment. In the hospital, I can do something to her that she will start talking."

The next day I was taken to the hospital with blindfolds and handcuffs. The doctor gave me a needle. I lost complete control and apparently started talking and answering all of their questions exactly the way they wanted. They videotaped the scenario. Once I regained control of my mind, I asked them where I was and realized that I was still lying in the hospital bed. I was then transferred back to my cell.¹⁴⁹

Her letters further reveal that she did not fare much better in Ward 209 of Evin Prison in Tehran. In the letter penned several days before her execution, Alamhooli revealed that the torture caused a loss of vision, among other health troubles:

145. *A Letter from Death Row: Shirin Alam Hooli*, PERSIAN2ENGLISH, Feb. 1, 2010, available at <http://persian2english.com/?p=5548> (original from COMMITTEE OF HUMAN RIGHTS REPORTERS, currently unavailable).

146. *Id.*

147. Article 38 –All forms of torture for the purpose of obtaining confessions 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 to the law. Article 39 –“All forms of affronts to the dignity and respect of a person who is arrested, detained, imprisoned, or banished in accordance with the law, are forbidden and liable to punishment.” Also, according to article 194 of Criminal Procedure Code, judges are required to certify any confession to determine its validity and if the accused alleges that the circumstances in which the confession was made were impermissible, the judge should order a further investigation.

148. *A Letter from Death Row: Shirin Alam Hooli*, PERSIAN2ENGLISH, Feb. 1, 2010, available at <http://persian2english.com/?p=5548> (original source COMMITTEE OF HUMAN RIGHTS REPORTERS, currently unavailable).

149. *Id.*

The torture that you subjected me to has become my [worst] nightmare. I am in constant pain because of the torture. The blows to my head during the interrogation have caused major complications. Sometimes I suffer from severe headaches. I lose all sense of myself and my nose begins to bleed from the pain. This lasts for several hours before I begin to feel normal again. Your “gift” of torture has left me with damage to my eyes, which are worsening every day. My request for eyeglasses has gone unanswered. When I entered this prison, my hair was black. Now, after three years of imprisonment, my hair has begun to turn white.¹⁵⁰

Alamhooli was eventually executed on May 9, 2010. Now, almost two years following her execution, her body has still not been returned to her family.¹⁵¹

2.1.3. Ehsan Fattahian

Prior to the executions of Kamangar, Vakili, Haidarian and Alamhooli, another Kurdish activist, Ehsan Fattahian, was put to death by the IRI in the post-election crackdown on ethnic minorities.¹⁵² He was executed on November 11, 2009 in Sanandaj for allegations related to his membership in Komala.¹⁵³

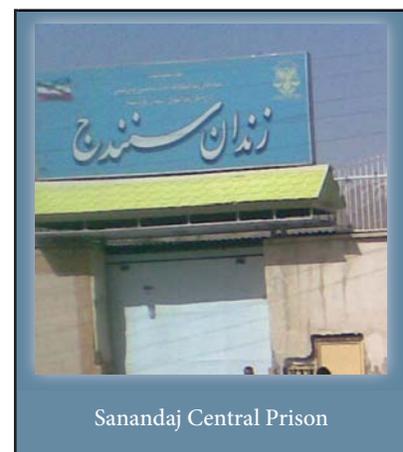
According to Lotfollah Lotfollahpour—a fellow member of Komala—Ehsan Fattahian was arrested with him in Kamyaran on or around July 19, 2008 and detained in the Sanandaj Intelligence Office for a little more than three months.¹⁵⁴

Reports from former Kurdish political prisoners who were detained with Fattahian at the Sanandaj Intelligence Office and Sanandaj prison indicate that he was subjected to torture in custody.¹⁵⁵

In an interview with IHRDC, Lotfollahpour, who was held in the Intelligence Office at the same time, said that Fattahian told him that he was whipped repeatedly with cables. The beatings broke Fattahian’s leg, and Lotfollahpour recalled that Fattahian’s leg appeared very swollen and that he had trouble walking.¹⁵⁶

Fardin Mohammadi—a Kurd arrested and imprisoned for his suspected activities with PJAK—met Fattahian in Sanandaj prison.¹⁵⁷ According to Mohammadi, both he and Fattahian were sentenced to ten years in Ramhormoz prison in Iran’s Khuzestan Province for their activities.¹⁵⁸ Both appealed their sentences—and Fattahian’s appeal came back as a death sentence.¹⁵⁹ Mohammadi recalls what happened in the lead-up to the appeal verdict:

They tortured [Fattahian] a lot. I remember that one day [...] he was taken away for three days. When I asked him where he had gone, he said that he had been taken to the Intelligence Office and had been ordered to give an interview and confess on television. But he



Sanandaj Central Prison

150. *I am a Hostage*, May 7, 2010, STOP EXECUTION AGAINST SHIRIN ALAM HOOLI, available at http://shirin-alamhooli.blogspot.com/2010/05/blog-post_611.html.

151. IHRDC Interview with Malakeh Alamhooli (Feb. 7, 2012)(on file with IHRDC).

152. *Iran Must Halt Imminent Execution of Kurdish Man*, AMNESTY INTERNATIONAL, NOV. 10, 2009, available at <http://www.amnesty.org/en/news-and-updates/news/iran-must-halt-imminent-execution-kurdish-man-20091110>.

153. *What Happened to Ehsan Fattahian?* TEHRAN BUREAU, NOV. 15, 2009, available at <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/11/what-happened-to-ehsan-fattahian-the-kurdish-activist.html>.

154. IHRDC Interview with Lotfollah Lotfollahpour (Feb. 22, 2012)(on file with IHRDC).

155. *Id*; see also IHRDC Interview with Fardin Mohammadi (Jan. 19, 2012)(on file with IHRDC).

156. IHRDC Interview with Lotfollah Lotfollahpour (Feb. 22, 2012)(on file with IHRDC).

157. IHRDC Interview with Fardin Mohammadi (Jan. 19, 2012)(on file with IHRDC).

158. *Id*.

159. *Id*.

said that he wouldn't [...] he did not accept and said he had done nothing wrong to confess. He told us they said they would execute him if he didn't confess [...] he said they could do whatever they wanted. We didn't believe [this would happen] but ten days later his [appeal] verdict came in and he had been sentenced to death.¹⁶⁰

According to Lotfollahpour, Fattahian's death sentence was due to be reviewed on November 16, 2009—instead, however, Fattahian was executed on November 11, 2009, just five days before the review.¹⁶¹

Fattahian's sudden execution shocked his former cellmates in Sanandaj prison. Lotfollahpour recalls that about 50 inmates in Fattahian's ward went on hunger strike upon hearing the news.¹⁶² Lotfollahpour claimed that the authorities added an extra year to his own prison sentence for helping lead the hunger strike.¹⁶³

Fattahian's death provoked an outcry outside the prison as well. Fatemeh Goftari—a Kurdish women's rights activist—recalled that her son, Amer Goli, and his friends organized a demonstration in Sanandaj to protest Fattahian's execution by the IRI authorities.¹⁶⁴ According to Goftari, Amer Goli was arrested for filming the demonstration and subsequently spent about 20 days in detention, where he endured beatings that caused him to have difficulties walking for months afterwards.¹⁶⁵

2.1.4. Fasih Yasamani

A few months following Fattahian's execution, Fasih Yasamani—an ethnic Kurd from the village of Hendavan of Khoy in West Azerbaijan Province—was executed in Khoy Prison.

Yasamani was arrested in 2007, along with his 64-year-old father, Hossein Yasamani. His only accusation, as put forward by the Ministry of Intelligence, was *muharibih* through collaboration with a Kurdish party. He was tried in branch 1 of the revolutionary court of Khoy and his case file, number 10/87/870975, was processed by branch 10 of the appeal court of West Azerbaijan province. His father was sentenced to two years of discretionary imprisonment.¹⁶⁶ According to reports from human rights groups monitoring the case, the only proof against Yasamani was the complaint of the Ministry of Intelligence. Yasamani also allegedly told his attorney that he made a confession under pressure and torture.

Yasamani was executed at 4 am in the early morning of January 6, 2010. Neither his family nor his attorney was given notice of the execution. Despite his family's insistence, the Ministry of Intelligence refused to hand over Yasamani's body, and instead told the family that they would be informed of his place of burial in six months' time.¹⁶⁷ IHRDC has been informed by a source close to the family that they still have not received his body.

2.1.5. Hossein Khezri

Hossein Khezri was arrested in Kermanshah on July 31, 2008 by the Nabi Akram (“Benevolent Prophet”) division of the IRGC forces based in Kermanshah. He was in the Nabi Akram's custody for 49 days during which time he was subject to severe physical and psychological torture during interrogation.¹⁶⁸ In a letter Khezri wrote from prison, he described his torture and injuries as “beating for hours each day,”

160. *Id.*

161. IHRDC Interview with Lotfollah Lotfollahpour (Feb. 22, 2012)(on file with IHRDC).

162. *Id.*

163. *Id.*

164. IHRDC Interview with Fatemeh Goftari (Dec. 21, 2011)(on file with IHRDC).

165. *Id.*

166. A discretionary prison sentence is what is called '*habs ta'ziri*', i.e. the court recognizes that it is not prescribed by *Shari'a*.

167. *Fasih Yasamani, Zindaniyih Siyasiyih Kurd bih Dar Avikhtih Shud [Kurdish Political Prisoner, Fasih Yasamani, Was Hanged]*, WEBSITE FOR IRANIAN INTEGRATION IN GERMANY, January 6, 2010, available at http://www.if-id.de/New/index.php?option=com_content&task=view&id=7363.

168. *Hossein Khezri Idam Shud [Hossein Khezri Was Executed]*, HUMAN RIGHTS ACTIVISTS NEWS AGENCY, January 15, 2011, available at <http://www.hra-news.net/component/content/article/55-1389-01-14-13-18-46/6269-1.html>.

“psychological pressure during interrogations,” “kicking the private organs, which led to the bleeding and swelling of those parts for fourteen days,” “a long gash of 8 centimeters on the right leg due to the strong kick of the interrogator, the mark of which is still visible,” “beating the body all over with a baton,” and threats that he needed to cooperate and repeat what the interrogators wanted to him to say or else harm would befall his family.¹⁶⁹ In a news broadcast, the Iranian radio and television announced his crimes to be “participation in an armed operation and killing one of the officers of the NAJA at the Gol Sheikhan border military base in Orumiyeh in 2004.” Meanwhile, Khezri denied all charges and, during his visitation, told his family that the interrogators are desperately trying to extract a televised confession out of him.¹⁷⁰

After seven months of detention, Khezri was sentenced to death in 2009 by branch 1 of the Revolutionary Court of Orumiyeh. His only trial was a few minutes long and convened in the presence of the prosecutor and the Intelligence representative. Neither Khezri, nor his attorney, was given permission to speak at the trial.¹⁷¹ His sentence was upheld by branch 10 of the appeal court of the West Azerbaijan province and further approved by branch 31 of the Supreme Court.¹⁷²

Khezri was executed in secret on January 15, 2011; his family and attorneys were not informed of his execution. For the last 13 days of his life, Khezri was moved to the solitary cells of Orumiyeh prison and was only allowed one visitation with his brother. Prior to Khezri’s execution, his brother told the Human Rights Activists News Agency (HRANA) that he might be executed in secret.¹⁷³

2.2. Former Political Prisoners

According to several witnesses IHRDC interviewed for this report, the difference between a sentence of life and death in their cases depended on factors ranging from whether or not a defendant’s case file had been misplaced to the reasonableness of the judge assigned to adjudicate the case.¹⁷⁴ For some former political prisoners who managed to escape prison and flee Iran, the charges levied against them were not much different than those brought against other Kurdish prisoners who have been executed for their alleged crimes or who are currently on death row. Some of these prisoners even shared a cell with those who were later executed and have now come forward to detail what happened to them and their former cellmates.

2.2.1. Sabah Nasri

Sabah Nasri, the former cellmate of Farzad Kamangar and Farhad Vakili, was targeted and persecuted for his activism.¹⁷⁵ Like many of his classmates at Tehran University, Nasri participated in gatherings and protests, including those on student day (December 7) and on international mother language day (February 21). Additionally, Nasri organized many Kurdish student events across Iran and met with students studying at different universities in Tehran to discuss the issues facing Kurdish minorities in Iran.

Nasri was also the creative director of “*Rujameh*,” a magazine dedicated to Kurdish culture and community. Along with his friends, Nasri obtained a publication license to print the magazine at Tehran University.

169. *Hossein Khezri: Misdagh-i Muharibih bar Man Sadigh Nist* [Hossein Khezri: I Should Not Be Sentenced to Muharibih], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, April 16, 2010, available at <http://www.hra-news.net/685/1389-01-27-05-27-21/4966-1.html>.

170. *Hossein Khezri Idam Shud* [Hossein Khezri Was Executed], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, January 15, 2011, available at <http://www.hra-news.net/component/content/article/55-1389-01-14-13-18-46/6269-1.html>.

171. *Hossein Khezri dar Intizar-i Ijrayih Hokm bih sar Mibarad* [Hossein Khezri Awaiting Execution], HUMAN RIGHTS ACTIVISTS NEWS AGENCY, October 10, 2010, available at <http://www.hra-news.net/2/1389-01-27-05-27-21/4477-1.html>.

172. *Id.*

173. *Id.*

174. IHRDC Interview with Malakeh Alamhooli (Feb. 7, 2012)(on file with IHRDC); see also IHRDC Interview with Witness A (Feb. 9, 2012), (on file with IHRDC);

175. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>

Although *Rujameh*'s distribution license was exclusively for Tehran University, the magazine had a circulation of 3,000 copies and was distributed throughout 16 towns in Iran's Kurdish region.

The wide distribution of *Rujameh* in Sanandaj, the capital of Iran's Kurdistan province, attracted the attention of the authorities. Eventually, the Office of Culture and Islamic Guidance of Sanandaj filed a formal complaint against *Rujameh*. As a result, the magazine was forced to shut down production for four months.

Nasri's work on this publication, as well as his activism for Kurdish rights, put him on the radar of the *herasat*—the morals police in all public institutions, including universities.¹⁷⁶ In the summer of 2007, Nasri and his journalist friend, Hedayat Ghazali, were arrested by a group of plainclothes agents in Sanandaj. Nasri recalled:

We were forced into a black Peugeot and were told that [we] were going to 'offer some explanations' and 'answer a series of questions'—a process that took 18 months!¹⁷⁷

The agents took Nasri and Ghazali—also of Kurdish ethnicity and a member of the editorial board of *Rujameh*—to the Intelligence Ministry's local Office in Sanandaj. Nasri was held in a solitary cell at the Intelligence Office for 41 days and continuously interrogated during his detention.

According to Nasri, most of the interrogations focused on his activities at Tehran University and his work on *Rujameh*.¹⁷⁸ Because of the magazine's widespread audience, Nasri's interrogators assumed that there must have been a larger non-student group backing the publication, perhaps with a subversive agenda.¹⁷⁹

These weeks of interrogations marked the start of a long and twisted legal road that took Nasri and Ghazali from various detention centers in Sanandaj all the way to Evin Prison in Tehran, then back to Sanandaj, and once again returned them to Evin until they were finally released after 18 months of detention, interrogation, and torture.¹⁸⁰

During Nasri's first leg of detention at Sanandaj's Intelligence Office, the authorities would not permit Nasri or Ghazali to inform their families about their whereabouts. Eventually the authorities sent word to their families. Nasri recalled:

Eventually the authorities told my family that both Hedayat [Ghazali] and I were held at the Intelligence Office, but that they should not be hopeful that I would be released from prison unscathed. In other words, they told my family that they might as well recite my death rites.¹⁸¹

At the Intelligence Office in Sanandaj, Nasri endured days of brutal treatment. While he claimed he was not physically tortured "as bad as the others" and that the physical harm against him was "limited to slaps and punches," he conceded that the psychological effect of the legal uncertainty of his case was the worst torture of all. Even after 14 months of detention at various locations, Nasri still had not been apprised of his formal charges, a clear violation of Article 32 of the Constitution of the Islamic Republic, which provides that an accused must be informed of the charges against them within 24 hours of their arrest.¹⁸² In respect

176. The University's *Herasat* Office often reports to the local Intelligence Office about student activists who are under surveillance.

177. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

178. *Id.*

179. *Id.*

180. This is in violation of Article 38 of the Constitution of the Islamic Republic of Iran, which 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."

181. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

182. Article 32 of the constitution states, "No one may be arrested unless in accordance with the procedure laid down by law. In case of arrest, the accused must, without delay and in writing, be noticed and explained of the charge and the evidences; and the preliminary dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours and

to his transfer from the Intelligence Office to Sanandaj Central Prison, Nasri recalled:

When one is released from the Intelligence Office the assumption is that his case file is completed and the officers are ready to issue an indictment and send the defendant to court. But the first time I was moved from the Intelligence Office I had not even been informed of my charges! They took me to court with no explanation of the charges against me.¹⁸³

During their detention, Nasri and Ghazali's trials had already been delayed four times. Finally, in 2008, the case file made its way to Judge Sadat of branch 13 of the Tehran Revolutionary Court.¹⁸⁴ Nasri noted that from the start of the hearing, it was clear that Judge Sadat had not even read the case file, due to the fact that he asked what Nasri's name was several times and asked basic questions about the background of his case—such as whether Nasri was a foreigner, and why he had never been released on bail—when all of that information was clearly written in the case file. Nasri was ultimately charged with propaganda against the regime and participation in illegal gatherings, and given a two-year discretionary prison sentence.¹⁸⁵ Ghazali was convicted as well. After Nasri appealed the sentence, the appeals court sentenced him to an additional 1.5 years of imprisonment and a six-month suspended sentence to be served over the course of five years.

Nasri eventually fled Iran and is now resettled in Europe.

2.2.2. Yaser Goli

According to Yaser Goli—an ethnic Kurdish student and political activist—his skills in organizing student protests and speaking to the media made him a target for Iranian authorities.¹⁸⁶ Goli and a group of students formed a union for all Kurdish university students in Iran, called the Democratic Union of Kurdish Students in Iranian Universities—which is also known as the Kurdish Student Union (KSU). Yaser Goli stated that the goal of the Kurdish Student Union was to help civil society and to organize Kurdish student events.¹⁸⁷ According to him, “political activity was secondary; our primary focus was to further human rights and student activities.”

Under Goli's leadership, the KSU issued a statement condemning the killing of Shawaneh Ghaderi, and staged a sit-in in front of the Governor's office. The student organization also released a petition for public support. Some of the members went to Tehran to expand the organization's activities with the Office to Consolidate Unity [Tahkim Vahdat]. Most notably, they held a conference in Sanandaj, which was attended by students from 18 universities and 42 organizations from all across Iran. Goli was elected onto a 15 member Union's Central Council as the Union's Secretary General.

In November 2006, universities in Iran announced their intention to increase gender segregation at their facilities. This plan included the mandate of separate entrances for men and women. Goli and the KSU reacted quickly and called for a strike in protest. Goli also interviewed with Radio Farda—a Persian language media outlet with headquarters outside of Iran—to discuss the strike.

Soon thereafter, on the last day of his exams, government officials apprehended Goli. According to Goli:

They arrested me in front of my house at about 7:30 in the morning. I was going to my exam on

the preparations to the trial must be completed as soon as possible. The violation of this article shall be liable to punishment in accordance with the law.”

183. IHRDC Witness Statement of Sabah Nasri (Feb. 22, 2011), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3372-witness-statement-sabah.html>.

184. Judge Sadat is the head of branch 13 of the Revolutionary Court in Tehran. He is also reported to have presided over the case of Bahman Ahmadi Amouee, an imprisoned journalist and Keyvan Rafiee, a human rights activist.

185. A discretionary prison sentence is what is called ‘*habs ta'ziri*’, i.e., the court recognizes that it is not prescribed by *Shari'a*.

186. IHRDC interview with Yaser Goli (Dec. 19, 2011)(on file with IHRDC).

187. Members of the KSU have recently been targeted by Iranian authorities, see: *Pressures on Kurdish Students and Teachers in Marivan Continue*, IHRDC, February 13, 2012, available at <http://www.iranhrdc.org/english/news/inside-iran/1000000044-pressures-on-kurdish-students-and-teachers-in-marivan-continue.html#.T4Rg3VGLPMA>.

water and sewage system design. While I was standing in front of my house, someone yelled, “Mr. Goli?” I responded, “Yes?” They pointed a gun at me and instructed me to get in the car. I pleaded with them that I have an exam, and to please let me take it and I will go with you afterwards.¹⁸⁸

Goli was taken behind the university building where an interrogator known by the name of “Mr. Hatefi” questioned him about narcotics possession.¹⁸⁹ Goli denied the allegations and claimed they were fabricated. He was then taken to the Intelligence Office in Sanandaj and endured interrogation for eleven days, along with two additional days in prison, before finally being charged with a completely different offence. Goli was charged with distributing propaganda against the regime for his role in organizing the protests and eventually released on 20,000,000 Tomans (\$20,000) bail. He was never formally charged with any narcotics-related offence.

Then, just over a year later, on October 10, 2007, Goli was arrested again while turning in his paperwork for his master’s program at Azad University in Sanandaj. Goli described his arrest:

I decided to take a walk on campus and buy a newspaper. As I came up the stairs, I saw Mr. Hatefi. ‘Hello, Yaser, what are you doing here?’ he asked me. I told him that this was my university, where else would I be? At the moment, two guards picked me up by both of my arms and pushed me into their car. ‘So you’re the Yaser Goli they’ve been talking about?’ I yelled, ‘Why are you arresting me?’¹⁹⁰

Following his arrest, Goli was immediately taken to the Sanandaj Intelligence Office, where he was held incommunicado—with no permission to contact his family or a lawyer—and interrogated for the next 85 days. In respect to one interrogation session, Goli recalled:

One night, around 7 PM, they escorted me downstairs to an interrogation room. When I arrived downstairs, two men began beating me severely. I actually had orthodontist work done and my teeth were straight, but they damaged my lower jaw. They said they would beat me until my teeth fall out. At times I was thrown between both men and they took turns assaulting me. At one point, they forced me to do 200 squats while holding a chair and said ‘When you’re ready to confess, you can sit down in that chair and talk.’¹⁹¹

Eventually Goli’s mother, Fatemeh Goftari—a women’s rights activist—and Goli’s father were both arrested as well and sent to prison.¹⁹² After years of being transferred through the prison system and the judiciary, Goli and his family were released on temporary bail. With the assistance of smugglers, Goli and his family fled Iran in the winter of 2009 and escaped to neighboring Iraqi Kurdistan.

2.2.3. Amir Ahmadi



188. IHRDC interview with Yaser Goli (Dec. 19, 2011)(on file with IHRDC).

189. IHRDC is currently collecting information from various witnesses interviewed by “Mr. Hatefi” to confirm this interrogator’s real identity.

190. IHRDC Interview with Yaser Goli (Dec. 19, 2011)(on file with IHRDC).

191. *Id.*

192. IHRDC Interview with Fatemeh Goftari (Dec. 21, 2011)(on file with IHRDC).

Amir Ahmadi, a member of Komala, joined the party when he was 19 years old.¹⁹³ Since Ahmadi's brother was a well-known Kurdish political activist, the family had been closely monitored by Iranian authorities throughout the years. Ahmadi started competitive wrestling at an early age, but according to him, he could not advance in higher education or sports because of his brother's politics and his notoriety with the authorities:

The intelligence officers knocked on our door every week—I knew I couldn't [advance in sports because of this], so I didn't even think about it or try out for it.¹⁹⁴

In January 2006, Ahmadi was arrested in Sanandaj. According to Ahmadi, at this time the Ministry of Intelligence was running a massive campaign to crack down on political activists. The authorities arrived at his home when he was sleeping, woke him, and searched and confiscated his belongings. Ahmadi recalled:

They came to my home and stood at the head of my bed. They woke me up and took my things. The agents were wearing plain clothes and they were walking all around the streets. Some of them were wearing black ski masks and I could only see their eyes.¹⁹⁵

According to Ahmadi, the plainclothes agents did not bother to identify themselves, nor did they present Ahmadi with an arrest warrant or search warrant. Instead, they blindfolded him and threw him in the trunk of a car. Only when Ahmadi arrived at the Intelligence Office in Sanandaj did he realize that these plainclothes officers were from the local office of the Ministry of Intelligence.

At the Intelligence Office in Sanandaj, interrogators questioned Ahmadi about his friends and the location of hidden weapons and 110 kilograms of narcotics, accusations that Ahmadi claims were fabricated by the Ministry of Intelligence. The cells in the interrogation center were tight and confined, with only a toilet and tap inside. The interrogations lasted three or four hours a day and interrogators implemented a range of torture tactics in an effort to get Ahmadi to reveal information. These methods of torture included: hanging Ahmadi from his hands for hours, hitting him in the mouth repeatedly with a baton, and shoving pliers into his mouth while threatening to pull out his teeth.¹⁹⁶

In addition to physical torture and harassment and threatening of his family, Ahmadi was also the victim of severe psychological torture. He recounted:

They have this way of torture—that when they are torturing someone—they make sure that voices echo in all of the cells. In fact, even if they didn't torture anyone that night, they played a tape of torture sounds. This was mental torture in itself. I was in a dark room where they were playing moaning sounds. I could hear the tap leaking on the other side of the cell. Only on Thursdays or Fridays were there no interrogations. However, on those days, the mental torture was so bad that I was looking forward to Saturday when they would come and physically torture me.¹⁹⁷

After 62 days at the Intelligence Office in Sanandaj, Ahmadi was transferred to Sanandaj Central Prison and placed in quarantine. According to Ahmadi, government agents brought drugs into Sanandaj Central Prison and used the inmates to distribute them in the ward.

Prisoners on death row were under camera surveillance at all times. When prisoners made phone calls, they had to do so in front of the cameras. If they violated this rule, they would be punished and placed in solitary confinement. Ahmadi was placed in solitary confinement once:

Both hands and feet are tied in solitary confinement. We were there for three days without a

193. IHRDC Interview with Amir Ahmadi (Feb. 22, 2011)(on file with IHRDC).

194. *Id.*

195. IHRDC Interview with Amir Ahmadi (Feb. 22, 2011)(on file with IHRDC).

196. *Id.*

197. *Id.*

toilet. They do this to break a prisoner's pride.¹⁹⁸

Eventually Ahmadi was brought to court, where he was once again asked about the 110 kilograms of drugs and the weapons, accusations that the Intelligence Ministry interrogators questioned him about at the beginning of his detention. Upon denying the existence of either, Ahmadi was simply told by the interrogator—there was no judge at his first hearing—that the Intelligence Ministry does not lie. It was at this point that Ahmadi was formally charged. Additionally, Ahmadi explains that much of the questioning was about his brother. Ahmadi recalled:

They moved on to the fact that my brother was a peshmerga for the KDPI for a long time. There was a great deal of pressure on me because of this. Based on the discussion with the judge [...], I concluded that all of this was happening to me because of my brother.¹⁹⁹

Ahmadi was subsequently brought before Judge Babaei, the head of branch 1 of the Sanandaj Revolutionary Court, but the judge did not permit Ahmadi's attorney to be present.²⁰⁰ There, Ahmadi was sentenced to eight years of imprisonment, a \$7,000 fine and 100 lashes. Ahmadi recalled:

It took them a year [after my initial imprisonment] to pass down a sentence [...] My charges were based on the first hearing I had with the court interrogator Mobaraki. My charges were: 'attempt against national security through cooperation with Komala, possession of 110 kilograms of drugs with profits sent to Komala, terrorizing and mugging, and owning four AK-47s.' [...] After I received my sentence, the prosecutor appealed it. He said it was too light. All together, I was at Sanandaj Central Prison for two years.²⁰¹

As the sentence was upheld by the appeal court, Ahmadi's father passed away. Ahmadi was granted provisional release to attend his father's funeral. The appeal court had not increased the sentence because Ahmadi's family bribed them extensively. He took the opportunity while he was on furlough to escape to Iraqi Kurdistan. He is now resettled in Europe.

2.2.4. Kaveh Tahmasebi

Kaveh Tahmasebi, a Kurdish environmental and cultural rights activist, was part of a group called the Green Kurdistan Association. One of the group's campaigns was to save the Hassanabad Castle, a ruin of historical importance near Sanandaj. According to Tahmasebi, the Islamic Revolutionary Guard Corps (IRGC) wanted to build housing for its members along the hillside of the mountain where the castle was located. Tahmasebi and others distributed flyers to the local population to encourage them to protest against this plan and preserve the historic site. While the group's stated mission is solely to preserve the environment, several of the group's members have been targeted for arrest and imprisonment in recent years because their activities are viewed as a challenge to the state.²⁰²

Tahmasebi's efforts to save the castle placed him on the radar of agents from the Sanandaj Intelligence

198. *Id.*

199. IHRDC Interview with Amir Ahmadi (Feb. 22, 2011)(on file with IHRDC).

200. According to his online profile on the prisons website for Kurdistan Province, Judge Babaei (first name not publicly available) is head of Branch 1 of Sanandaj Revolutionary Court and the deputy for crime prevention in Kurdistan Province in Iran, see *Bazdid-i Mu'avin-i Pishgiri az Vuqu'i Jurm-i Dadgustariyih Kurdistan az Kanun-i Islah va Tarbiyat [Deputy of the Office of Crime Prevention of the Ministry of Justice Office of Kurdistan Visits Juvenile Correction and Rehabilitation Center]*, CENTRAL OFFICE FOR PRISONS OF KURDISTAN PROVINCE, April 13, 2011, available at http://www.kordestanprisons.ir/index.php?Module=SMMNewsAgency&SMMOp=View&SMM_CMD=&PageId=257. Judge Babaei reportedly sentenced Habibollah Latifi (a Kurdish political prisoner currently on death row, see section 2.3.3. of this report *infra*) to execution.

201. IHRDC Interview with Amir Ahmadi (Feb. 22, 2011)(on file with IHRDC).

202. See e.g., the cases of Worya Khosravi, Kamran Rahimi and Akbar Gowaili, *One Hundred Days of Ignorance on Three Activists of the Green Population in Kurdistan*, KURDISTAN PRESS AGENCY, Jan. 23, 2012, available at: <http://www.kurdpa.net/english/index.php?cat=more&id=2363>.

Office. One morning in September 2007, agents from the Intelligence Office showed up at his door and took him into custody. While activists are often arrested with no warrant and not given any paperwork, in this case, Tahmasebi's family was home and were given a signed piece of paper stating that the Intelligence Ministry officers had taken him away along with some of his possessions.

After his arrest, Tahmasebi was transferred to the Sanandaj Intelligence Office and held there in solitary confinement for one month. He recounted that the cell he was in measured three by four meters long. Other cells held groups of four or five people, but Tahmasebi was kept alone in his cell.

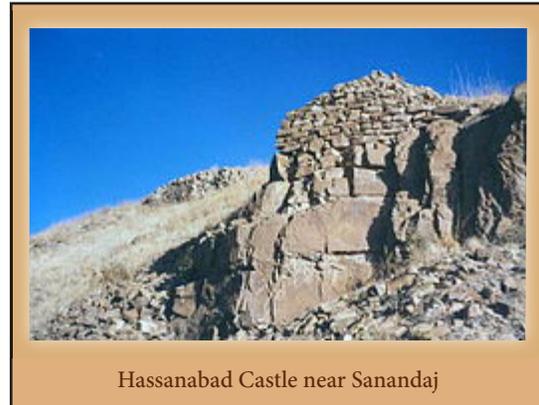
While Tahmasebi was not immediately informed of the reasons for his arrest, he came to learn the reasons in later interrogations at the Sanandaj Intelligence office. There, he learned that Intelligence Ministry agents had previously arrested someone who had implicated Tahmasebi in these events. Ultimately, Tahmasebi claimed, that person's statements were used as evidence against him:

What that person said against me became a document in the Revolutionary Court to assert that I had acted against national security by spreading propaganda against the government by distributing fliers and declarations. I admitted to spreading the printed material in question [because I did not think that I was doing anything the judiciary could construe as wrong].²⁰³

Tahmasebi recalled that he was interrogated about ten times in that month of detention. Interrogation sessions were unannounced—officers would simply show up at his cell and take him away to another room for interrogation.

The first few days after my transfer were unending torture. They beat me, slapped me in the face, and hit me in my mouth. They forced me to do many squats and squat-jumps during the questioning.²⁰⁴

His interrogators were called “Mr. Hatefi” and “Mr. Sarshari”—Tahmasebi does not know if these were their real names or simply aliases. Tahmasebi later learned that most of the other prisoners in Sanandaj were also interrogated by “Mr. Hatefi.”



Hassanabad Castle near Sanandaj

Because Tahmasebi was blindfolded during questioning, he never saw the faces of his interrogators. However, he does remember some characteristics of their voices and their roles during the questioning.

Tahmasebi recalled that “Mr. Hatefi” spoke good Kurdish in a dialect local to Sanandaj (most likely the dialect of Sorani typically spoken in Sanandaj). His voice sounded like that of a man in his mid-40s. Tahmasebi believed “Mr. Hatefi” was the senior interrogator and recalled that he was an expert in all types of interrogation techniques.

As for “Mr. Sarshari,” Tahmasebi said his voice sounded like that of an Azeri Turk and that he spoke Turkish. He believed that he was in his mid-30s.

After a month, Tahmasebi was transferred to Sanandaj central prison. Tahmasebi was not beaten in the prison and was allowed family visits.

About two months after his arrest, on a Saturday in the Persian month of Aban (October/November) in 2007, Tahmasebi was taken to court for the first time, before Judge Hassan Tayari in branch 2 of the Sanandaj Revolutionary Court. According to Tahmasebi, his trial lasted only 15 minutes. He and four of his friends were arrested and imprisoned for their participation in the Kurdistan Green Association.

Article 35 of the Iranian Constitution guarantees that “Both parties to a lawsuit have the right in all courts

203. IHRDC interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC).

204. *Id.*

of law to employ an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.” While Tahmasebi confirmed that he was permitted to hire a lawyer, he claimed he did not have the money to afford one. Contrary to the provisions of Article 35, it does not appear that any effort was made by the Iranian judiciary to provide him with counsel either.

While Tahmasebi claimed he only wanted to save the castle and preserve the region’s cultural heritage, the agents from the Sanandaj intelligence office recorded a different account in his case file. Regarding his initial court hearing, Tahmasebi recalled:

I was told [by the Judge] that according to what was gathered from the Intelligence Office, my crime was recorded as “acting against the government” and “participation in illegal gatherings,” and asked whether I accepted the charges. I said that yes, I had done so, but only according to the framework of the NGO I worked for. I had only intended to preserve the historical heritage of the place and that we at the NGO just wanted to dissuade the government from destroying the castle and the national and historical heritage [that it represented] just for the sake of building new residential apartments. [The Judge] then asked me about my relationship with Kurdish political parties and I said I was not affiliated with any of them.²⁰⁵

THE Green Kurdistan Association was established and registered in 2001 as an NGO by Ali Ashraf Sardari—a Kurdish artist—in Sanandaj. The organization promotes environmental preservation through activities like the planting of trees and the protection of local historical sites such as Hassanabad Castle (on previous page). In recent years, some of its members have been targeted and arrested.

Tahmasebi was subsequently sentenced to one year in prison. At that point, he enlisted the services of a lawyer—Nasrollah Nasri—on appeal. However, even with the retention of Nasri—a lawyer who had previously represented Kurdish political prisoners on death row, including Ehsan Fattahian²⁰⁶—Tahmasebi’s appeal proved unsuccessful. His sentence was confirmed by branch 4 of the appeal court and he remained in Sanandaj Central Prison.

But Tahmasebi’s legal woes were not yet over. After serving six months of his sentence, another charge was brought against him—this time for allegedly making an illegal border exit—and he was sentenced to an additional six months in prison.

By this point, the case against Tahmasebi began to attract international attention, and soon yet another case file was opened up against him in branch 4 of the Revolutionary Court in Sanandaj—this time for allegedly letting the foreign press know about conditions inside the prison. Tahmasebi claimed there was another reason for the new charges:

[W]e, the political prisoners, wrote two letters to Mr. Shahroudi, the head of the judiciary in Iran,²⁰⁷ and one additional one to human rights defenders. We complained about the poor conditions in the prisons and courts, whose judges who handed out unmerited *muharibih* and ‘sowing corruption on Earth’²⁰⁸ judgments against Kurdish political prisoners. At the time, Mr. Shahroudi was going to visit Kurdistan province. So the other reason [that I was hit with new charges] was obviously to try to intimidate us [into staying silent] so as not to attract negative attention [to the local authorities].²⁰⁹

Ultimately, Tahmasebi was sentenced to an additional four months’ imprisonment on the charges, resulting in a combined sentence of 22 months in prison for the three case files. He was ultimately freed from prison on June 24, 2009, after serving all 22 months of his total sentence.

While Tahmasebi loathed the random drug searches and ritual humiliation that he and other prisoners were

205. IHRDC interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC).

206. *Iran: Kurdish Activist Executed*, HUMAN RIGHTS WATCH, Nov. 11, 2009, available at: <http://www.hrw.org/news/2009/11/10/iran-halt-execution-kurdish-activist>.

207. Seyyed Mahmoud Hashemi Shahroudi was appointed as the head of Iran’s Judiciary in June 1999 and held the post for ten years until June 2009. He is currently a member of Iran’s Guardian Council.

208. Ervand Abrahamian, *Tortured Confessions*, 124 (1999). In Iran’s theocratic system, the *Shari’a*-prescribed crime of sowing corruption on Earth (*ifsad fi al-arz*) is for practical purposes roughly equivalent to treason in Western legal systems.

209. IHRDC interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC).

subjected to in Sanandaj Central Prison, he noted that he was never beaten by the prison guards there. Instead, the beatings and the physical torture he endured were reserved for his time at the Intelligence Office in Sanandaj. Tahmasebi was returned to a cell in the Intelligence Office after the opening of the third case against him. There, he was subjected to rigorous interrogations and torture.

Kaveh Tahmasebi was held at the Sanandaj Intelligence Office for questioning in his own case and then later recalled to the office for questioning about his brother, Behruz Tahmasebi, an alleged member of PJAK.²¹⁰

Eventually, after continued inquiries from the Sanandaj Intelligence Office about Tahmasebi's activities and that of his brother's, Tahmasebi fled Iran for Iraqi Kurdistan along with another member of the Kurdistan Green Association.

2.2.5 Amir Babakri

Amir Babakri worked as a teacher and as an editor for *Rewan*, a Farsi and Kurdish language newspaper published by the Yalda Youth Society, a local organization overseen by the state-sponsored National Youth Organization. *Rewan* put out social and cultural stories of interest to the Kurdish community.²¹¹ The newspaper was banned by the government in 2005 and, shortly thereafter, Babakri started to work with the Human Rights Organization of Kurdistan—a group founded by Mohammad Seddigh Kaboudvand in 2005 to protect the rights of Kurdish Iranians. In his work with the Human Rights Organization of Kurdistan (in Kurdish, the *Rexistia Mafe Mirovan li Kurdistanê*, or RMMK), Babakri was tasked with reporting human rights violations in Iran's Kurdish regions.²¹² In 2007, Babakri was arrested and detained on charges of anti-regime propaganda and membership in an illicit organization.²¹³

Babakri's arrest came after his last class one afternoon. In an interview with IHRDC, he recounted:

A number of plainclothes agents, who were local members of the Islamic Revolutionary Guard Corps (IRGC), came forth and forced me into a car and took me away.²¹⁴

He was taken to the IRGC Intelligence Office in Piranshahr for questioning. In interrogation, the authorities wanted answers to a series of questions: "Whom do you work for? Have you been working on any publications? From where do you get funding? Which country do you work for? [...] To which opposition party do you belong?" Babakri disclosed that he worked for the Youth Society, and that they operated with a permit and that his organization had nothing to do with espionage or foreigners.

After three days, Babakri was sent to the IRGC Intelligence Office in Orumiyeh, where he was kept in solitary confinement for 18 days and subjected to several episodes of severe beatings and other forms of cruel punishment. After 18 days, Babakri was sent to court in Piranshahr and informed of the charges against him. The charges included propaganda against the IRI and collaboration with an illicit organization, as the RMMK was labeled according to the charges. Babakri's bail was set at 50 million Tomans (\$50,000).²¹⁵

Babakri was tried without adequate notice in early February of 2008.²¹⁶ He was convicted and sentenced to ten months in prison by Judge Rokhi of the Revolutionary Court in Orumiyeh. An additional five months of imprisonment for Babakri was handed down from the public court of Piranshahr.

However, this was not the end of Babakri's ordeal. After he completed his sentence, he was summoned to the court again by the Bureau of Court for Administrative Infractions. He was charged in relation to an

210. *Id.*

211. IHRDC interview with Amir Babakri (Jan. 6, 2012)(on file with IHRDC).

212. *Id.*

213. *Id.*

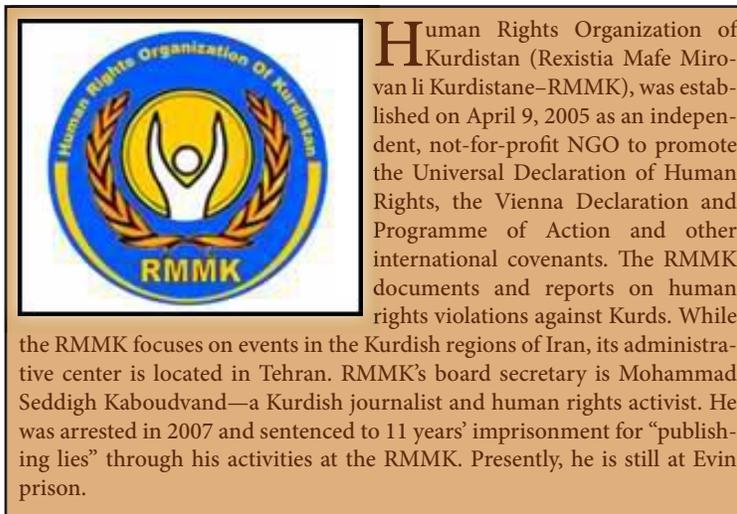
214. IHRDC interview with Amir Babakri (Jan. 6, 2012)(on file with IHRDC).

215. *Id.*

216. In violation of Article 14(3)(b) of the International Covenant on Civil and Political Rights, to which the Islamic Republic is a signatory. The clause states: "In the determination of any criminal charge against him, everyone shall be entitled to ... have adequate time and facilities for the preparation of his defence..."

administrative matter concerning his civil employment status and banished to the town of Shahin Dezh for a period of two years,²¹⁷ and was summoned to the IRGC Intelligence Office and pressured to disclose names of friends and other members of the RMMK.

When Babakri realized that the government would not stop harassing him, he concluded that he could not return to work for the RMMK organization. Before the 2009 presidential elections in Iran, he was again summoned to the IRGC Intelligence branch in Piranshahr. The local Piranshahr Intelligence Ministry agents warned Babakri against joining any political opposition movements. On account of this unabated and increasing harassment, Babakri finally decided it was best to leave Iran. Shortly thereafter, he and his family fled and resettled in neighboring Iraqi Kurdistan. Since January 2012, Babakri is living in Sweden.



2.2.6. Faegh Rourast

Like Babakri, Faegh Rourast was involved with the RMMK.²¹⁸ Rourast, a law student, worked with student organizations as well, and was the executive head of the Association of Kurdish Students for Human Rights.²¹⁹ He is also the brother-in-law of Zaynab Bayazidi, a women's rights activist who helped organize the One Million Signatures Campaign—a grassroots campaign formed in 2006 to collect one million signatures of men and women in support of reform of the IRI's discriminatory laws against women.

Rourast was initially arrested on the pretext of his association with a Kurdish opposition party—a charge he denies—and was accused of promoting anti-regime sentiment.²²⁰

In the summer of 2008, Rourast took part in a gathering in Mahabad called to protest the execution order issued against Farzad Kamangar. The various websites that announced this protest posted notices that the purpose was limited to the Kamangar execution issue and expressly discouraged anti-regime sloganeering.²²¹ IRI agents approached Rourast's father after his son's involvement in this protest and warned Rourast's father that his son's activities must cease.

But Rourast persisted, and a few months later, in August 2008, Rourast and some Tehran University students issued a statement supporting a 47-day hunger strike conducted by political prisoners. Rourast gave twelve interviews during the course of the strike and he believes this further alerted the Iranian authorities to his activities. According to Rourast:

I was a swimming instructor at the time and also worked in a family-owned shop. I received suspicious phone calls from unknown numbers. They called my house numerous times, saying that someone had immolated themselves near Mahabad, or that a landmine had blown off a man's leg, or

217. These panels are set up by the Law on Panels for Administrative Infractions (in Persian at *Qanun-i Hay'athayih Risidigi bih Takhalufat-i Idari* [Law on Panels for Administrative Infractions], LEGAL OFFICE OF THE MINISTRY OF HEALTH, AND MEDICAL EDUCATION, available at http://lawoffice.mohme.gov.ir/laws/dedicated_law/laws_all.jsp?id=3&id2=1296) to mete out professional penalties to government employees convicted of aiding “subversive” groups, among other things.

218. IHRDC interview with Faegh Rourast (Jan. 5, 2012)(on file with IHRDC).

219. *Id.*

220. *Id.*

221. *Id.*

that someone had been decapitated near the Mahabad dam, and we want to talk to your son [Faegh Rourast]. Their aim was to see if and how the news of these fabricated stories would spread. They wanted to see how my family and I reacted.²²²

Faegh Rourast made it a point not to be involved in any political party; rather he focused on being a civil and human rights activist:

[The government] wouldn't make a mockery of themselves to arrest someone like me for being a human rights activist. Above all, they are interested in branding people as spies, anti-revolutionaries and political activists for opposition parties. I really had no connection with political parties, other than a few interviews.

On January 25, 2009, two days before arresting Rourast, government agents went to his father's shop and arrested his father for propaganda against the regime and collaboration with Kurdish political parties. They also arrested his older sister and brother. According to Rourast, his relatives were arrested in order to put pressure on him; they were accused of indirectly supporting his actions by not reporting them to the authorities. Rourast believes that he was being followed for some time before his arrest:

They wanted to find out which internet café I would go to. Whom I was in contact with? [...] Almost as if they wanted me to go to these internet cafes and send word out about my father's arrest.²²³

The day after Rourast's father's arrest, the Mahabad Intelligence Office summoned several members of his family to ask questions about their connection with Zaynab Bayazidi. The Intelligence Ministry officers wanted to know where the Rourast family gathered signatures for the One Million Signatures Campaign.

On January 27, 2009, two days after the arrest of his father and other family members, Faegh Rourast was arrested. His charges related to his human rights and civic activities, including his participation in the One Million Signature Campaign. He was also charged with holding interviews with "Anti-Revolutionary" and "Anti-Islamic Republic Networks," supporting demonstrations to free Farzad Kamangar, and collaboration and membership in a Kurdish political organization under the pretext of human rights. According to Rourast, in respect to the charges of belonging to a Kurdish organization:

This is an allegation that authorities readily bring against NGOs in Kurdistan—that they have close connections to and collaborate with Kurdish political parties.²²⁴

According to Rourast, he used his time in prison productively: based on a favorable cell location, he tried to leak information out about other detainees to interested human rights organizations. Finally, in the summer of 2009, Faegh Rourast was released.

Before being released, however, Rourast gave his phone numbers to political prisoner friends so that they could report human rights violations in prison. The authorities discovered this plan.²²⁵ When Rourast returned to Mahabad, he stayed in hiding because authorities still monitored him, particularly since agents told Rourast's father that his son, Faegh, would "never learn his lesson."

Shortly after Rourast's return, his family home was raided again when Rourast was not home. Rourast feared putting his family in further danger and realized that he too would be at risk of returning to prison. He stayed in Mahabad until the afternoon of the next day, and then left Iran illegally through a border crossing used by smugglers.

2.2.7. Shima Asaadi

Shima Asaadi, an activist and a former student at Azad University in Sanandaj, was targeted by authorities

222. *Id.*

223. IHRDC interview with Faegh Rourast (Jan. 5, 2012)(on file with IHRDC).

224. *Id.*

225. *Id.*

for her support of the student branch of the KDPI and the Azarmehr Women's Organization of Sanandaj. Asaadi assisted in Azarmehr's work by gathering small amounts of money to give to the families of members of the KDPI that had been targeted by Iranian authorities for arrest, imprisonment, and sometimes execution. Ultimately, Asaadi's activities resulted in arrest on several occasions and expulsion from Azad University.²²⁶

During her time on campus, Asaadi was targeted and arrested on many occasions, apparently due to her support for the KDPI. The first time she was arrested was in the summer of 2006 because her *maghna'eh*—one form of *hejab*, or the mandatory Islamic covering for women in Iran—was pulled back too far.²²⁷ She was taken to the Social Corruption Office in Sanandaj for interrogation. When she arrived, other young men and women were already in the interrogation room as well. Asaadi recalls that throughout the questioning, the interrogator seemed most focused on the activities that connected her to the KDPI. At the time, Asaadi denied everything and reiterated that she was a student and did not know anything about a party.

In January 2008, when Shima Asaadi was in her fourth term at Azad University of Sanandaj, she received a letter from the University's *herasat* ordering the suspension of her studies, even though she had never been on student probation or had any academic problems.²²⁸ When she arrived at the *herasat* office, they informed her that she was being suspended because of her connection to the KDPI. She denied the link, but they had obtained documents including pictures of her with another KDPI member and information about the Kurdistan Democratic Party CDs she helped distribute to the people of Sanandaj.

The administration informed Asaadi that the Sanandaj Intelligence Office previously requested that the university expel her if she continued her activities with the KDPI, so Azad University's *herasat* was duty-bound to dig up intelligence about her activities and act accordingly.

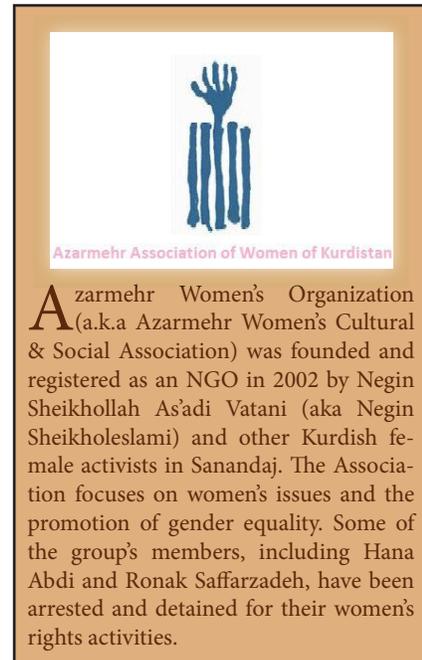
Even after Asaadi was forced to leave Azad University, she was summoned back by its *herasat* on different pretexts. Also, in the time immediately following her expulsion from university, Asaadi was subjected to harassing phone calls on a regular basis. She explains:

For a period of approximately two months, I received regular threatening telephone calls two to three times a week. They told me through the telephone that if I continued to support the Kurdistan Democratic Party, they would rape me and do other things that would cause my father and mother extreme grief. They said that I was garbage and that they had to rape me. They told me I had no family and that we (i.e., the Kurds) just wanted a free excuse to throw mud on the nation.²²⁹

After months of this harassment, Asaadi fled Iran in 2008.

2.2.8. Zaynab Bayazidi

Zaynab Bayazidi was a computer technology student at the University of Applied Sciences and Technology



226. IHRDC Witness Statement of Shima Asaadi, April 16, 2010, available at: <http://www.iranhrdc.org/english/publications/witness-testimony/3345-witness-statement-shima-asaadi.html#.T2g7ZMVAvZc>.

227. *Id.*

228. *Id.*

229. *Id.*

of Orumiyeh. She was involved in many NGOs and was active with the One Million Signatures Campaign. She also visited the families of landmine accident victims with Faegh Rourast, her colleague and brother-in-law.²³⁰ Bayazidi worked closely with RMMK:

She was active in the Association of Human Rights Activists of Iran (HRAI). She also attended poetry gatherings. ... In 2003-2004, she [Bayazidi] visited a village near Sardasht where a woman had committed self-immolation... Intelligence Ministry officers from the Sardasht Intelligence Office stopped Bayazidi on her way back. They alleged that she had left the borders of Iran illegally and entered Iraq, and that she was connected to opposition parties, [then] detained for 40 days; during which her family had no knowledge of her whereabouts.²³¹

In 2005, she was arrested in Mahabad and received a four-year discretionary sentence.²³² According to Rourast, on Sunday, July 10, 2005, the authorities summoned Bayazidi to the Intelligence Office in Mahabad for a few hours to question her about these activities.²³³ After three or four hours, her interrogation concluded and the authorities then requested that Bayazidi report to the courthouse that Wednesday for further interrogation, claiming that it would look bad if a female was repeatedly summoned to the Intelligence Office.

At that time, the authorities stated that they knew of her “malicious goals,” and alleged that she was working with political parties under the pretext of human rights. They also told her that the concept of equality between men and women was forbidden in Islam and that she should have never been involved in the One Million Signatures Campaign. Rourast mentions that after graduating, Bayazidi had been unable to find employment in her field due to the fact that she had been arrested. Further, the authorities questioned why her clothing store was named Zailan—the name of one of the founders of a Kurdish political group. Bayazidi responded that she was able to legally register that name with an IRI governmental agency that at the time had no problem with the name. After thirty-seven days of detention without any action being taken on her case, she was sentenced to four years of prison, six months of exile to be served in a prison in Zanjan, and four years of subsequent exile in Maragheh.²³⁴

Rourast believes that the authorities had a grudge against Bayazidi, given that it was the second time she was arrested. The charges against Bayazidi included “propaganda against the regime, giving interviews to anti-regime networks, and active involvement in the One Million Signatures Campaign.”²³⁵

According to Rourast, everybody was shocked by Bayazidi’s sentence because the authorities had little to no evidence against her. They never raided her home, never retrieved a computer from her, monitored her phone conversations, or confiscated any documentation or evidence.

At the time of publication of this report, Bayazidi is still serving her sentence in Iran.

2.3. Prisoners on Death Row

As of the publication of this report, 14 Kurdish political prisoners are on death row in Iran, including, in alphabetical order: Behruz Aalakhani, Ali Afshari, Rezgar (Habib) Afshari, Rashid Akhkandi, Reza Esmayeli, Habibollah Golparipour, Seyyed Sami Hosseini, Habib Latifi, Sherko Ma’arefi, Seyyed Jamal Mohammadi, Loghman Moradi, Zanyar Moradi, Anvar Rostami and Mostafa Salimi. This only accounts for the official number of recorded individuals on death row—reports from human rights defenders in the region report that other death sentences may have been issued in secret. IHRDC has also obtained information that some Kurdish Sunni religious activists are also on death row in Iran. However, their exact numbers and identities are unknown, given the reluctance of their family members to come forward and

230. IHRDC interview with Faegh Rourast (Jan. 5, 2012)(on file with IHRDC).

231. *Id.*

232. A discretionary prison sentence is what is called ‘*habs ta’ziri*’, i.e. the court recognizes that it is not prescribed by *Shari’a*.

233. IHRDC interview with Faegh Rourast (Jan. 5, 2012)(on file with IHRDC).

234. *Id.*

235. *Id.*

speak about their arrests and detention.

Exact names and numbers of individuals on death row in Iran are difficult to ascertain—for example, human rights groups and news agencies previously reported that two Kurdish political prisoners, Ghader Mohammadzadeh and Mohammad Amin Abdollahi, have been sentenced to death. While serious charges have been levied against Mohammadzadeh and Abdollahi, they have not, as of yet, been sentenced to death in Iranian courts.²³⁶

IHRDC has interviewed multiple sources close to several prisoners currently on death row—including Habibollah Golparipour, Habib Latifi, Zanyar and Loghman Moradi, Rasheed Akhkandi, Mostafa Salimi and Sherko Ma'arefi. IHRDC will continue to document these and other cases closely for the purpose of internal records and disclose information to the public wherever it does not endanger the individuals in question.

The following accounts are drawn from legal documents, prisoner letters and the testimony of former cellmates, family members and close friends and associates of those prisoners who have been sentenced to death. Some are awaiting the implementation of their death sentence while others have had their sentences commuted to lengthy prison terms.

2.3.1. Habibollah Golparipour

Habibollah (“Habib”) Golparipour, a Kurdish activist currently on death row, was arrested by IRGC forces for alleged membership in PJAK and subversive political activities in September 2009. According to copies that IHRDC has obtained of court opinions in Golparipour’s case, he has been sentenced to death for *muharibih* and *ifsad fi al-Arz* for “membership, collaboration and substantial activities benefiting the terrorist group PJAK” pursuant to articles 186²³⁷ and 190²³⁸ of the Islamic Penal Code (see Appendix I to this report for copies of the trial and appellate judgments in Golparipour’s case). In a letter obtained exclusively by IHRDC that Golparipour penned from prison and addressed to the head of the IRI Judiciary, Sadegh Larijani, Golparipour describes the torture he was subjected to in detention centers in Mahabad, Orumiyeh and Sanandaj, as well as the nature of the legal proceedings in his case (see Appendix II to this report for the full letter).

In the letter Golparipour penned from prison, he describes his arrest and subsequent multiple transfers between detention centers in Kurdistan and West Azerbaijan provinces in the fall and early winter of 2009. According to him, he was subjected to brutal torture by his interrogators at each one of these detention centers—and received the worst treatment at the IRGC detention center in Mahabad²³⁹ in the weeks directly

236. *Special Report: Ghader Mohammadzadeh and Mohammad Amin Abdollahi*, IHRDC, April 5, 2012, available at <http://www.iranhrdc.org/english/news/inside-iran/1000000086-special-report-ghader-mohammadzadeh-and-mohammad-amin-abdollahi.html#.T4CM0pmlPMA>.

237. **Chapter 7 — Muharibih and corruption on earth [ifsad-i fi al-arz]: Section 1 — Definitions: Article 186** –All the members and supporters of a group or an organized association which have waged armed rebellion against the Islamic State, whilst the core of that organization or group exists, shall be regarded as *muharibs* provided that they know the stance of that group or organization and have effective activities and efforts in support of its aims; even though, they are not engaged in the military subdivision.

Note: A united front composed of various groups and individuals shall be regarded as one [organization].

238. **Section 3 — Hadd punishment for muharibih and corruption on earth: Article 190** –Hadd punishment for *muharibih* and corruption on earth is one of the following four [punishments]:

- (a) The death penalty.
- (b) Hanging on gallows.
- (c) Amputation of right hand and then left foot.
- (d) Banishment.

239. While IHRDC has received some information indicating the location of the detention center that Golparipour was detained at in Mahabad, IHRDC cannot definitively confirm the exact location. Typically, the IRGC does not publicly disclose the location or other identifying information regarding IRGC detention centers and centers of operation in most cities in Iran.

following his initial arrest:

Over the 18 days that I was in the IRGC detention center in Mahabad, I was subjected to the harshest physical and psychological torture. For example, due to the severity of my torture, my right hand was fractured and started to bleed; eventually, under the same severe torture my right hand and foot were both broken. Because of continuous lashes from a whip, my entire body became black and blue and my skin was blistered. Along with all of this whipping and beating, I was also subjected to electrocution, including, shamefully, electrocution via my genitals. The burn scars of these electrocutions are still visible on my skin.²⁴⁰

Golparipour's letter indicates that this torture was meted for the purpose of extracting a confession from him:

Another way that my interrogator tortured me was to hang me from my hands and feet for many hours. Sometimes, these gentlemen would forget that I was hanging in the air for [as long as] two days. When this didn't satisfy them, I was hung upside down. [The torture was carried out] so that I would answer their questions to their satisfaction. Although I had confessed early on that I was a member of the PJAK group and that my activities consisted [solely] of propaganda and cultural activities, this did not satisfy my interrogator, and [he] inflicted all of this pain on me until I would satisfy their doubts and confirm their fabrications. All of this torture occurred during the 18 days that I was in the IRGC detention center.²⁴¹



Habibollah Golparipour

A subsequent transfer to the al-Mehdi IRGC detention center in Orumiyeh in October 2009 brought more interrogations and torture, according to Golparipour's account. In November 2009, Golparipour writes that he was transferred back to Mahabad and, this time, put in solitary confinement in a cell without any facilities.²⁴²

In December 2009, Golparipour was transferred to the Intelligence Ministry Office in Sanandaj. There, he says he was tortured immediately upon arrival:

The next day, my interrogation there started, but from that first day on, for a week in the jail's basement, I was subjected to hours of [unrelenting] beatings with metal posts. Worse than the physical torture was that I was forced to hear the sounds of other prisoners being tortured and view the condition of people who had been tortured previously. This sapped the little energy that I had left.

Even the guards who were only supposed to bring me food and water subjected me to vulgar insults (including some involving the honor of my family).²⁴³

Golparipour says that amidst this torture, interrogators continued to question him in a highly coercive manner:

The interrogators of the Intelligence Office of Sanandaj asked the same questions that I had already been asked in the interrogations in the Mahabad Revolutionary Guard [office] and Orumiyeh Revolutionary Guard [office] and expected new answers that confirmed their suspicions. [The interrogators of the Intelligence Office of Sanandaj] were extraordinarily insistent that I confess to involvement in military activities about which I had absolutely no knowledge. [...] They asked me to read a prewritten confession and express regret in front of a camera, and said they would help me when my indictment was issued if I did.²⁴⁴

240. *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report.

241. *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report.

242. *Id.*

243. *Id.*

244. *Id.*

Golparipour claims that he was so desperate that he even attempted suicide while at the Intelligence Office in Sanandaj:

The situation was so grave that I viewed death as preferable to this torture. With the understanding that to commit suicide was to relieve myself from my interrogators and the torture they inflicted on me, I attempted to end my life. My attempt to free myself from this horrendous situation was unsuccessful due to the interference of my guards.²⁴⁵

Then on January 18, 2010, Golparipour says he was transferred from the intelligence office to Mahabad Central Prison. Until January 2010, throughout his interrogations at detention facilities in Mahabad, Orumiyeh and Sanandaj, Golparipour was not permitted to notify his family of his condition, or to speak to an attorney.²⁴⁶ His account is corroborated by that of his father, Nasser Golparipour—in an interview with IHRDC, the elder Golparipour confirmed that he and his wife did not have any news about their son for five months, until he called them from Mahabad Central Prison and told them of this arrest months earlier.²⁴⁷

Finally, after more than five months in detention in various intelligence offices and detention centers throughout Kurdistan and West Azerbaijan provinces, Golparipour indicates that he was brought to his first “official” interrogation:

On [February 6, 2010] I was taken to the Revolutionary Court of Mahabad and was questioned by Sheikhloo, the Assistant Prosecutor; this ‘questioning’ took the form of taking my fingerprints on a piece of paper that I wasn’t even allowed to read, and nothing else. As with thousands of documents that these intelligence and security institutions write, I was simply forced to affix my fingerprint to them. Afterwards, at Sheikhloo’s order, I was transferred to [Mahabad] prison.

A little more than a month after his encounter with Sheikhloo,²⁴⁸ on March 15, 2010, Golparipour was brought before Judge Khodadadi of branch 1 of the Mahabad Revolutionary Court to face judgment on the charges related to his alleged activities with PJAK.²⁴⁹ According to Golparipour, Judge Khodadadi seemed to have already judged his case as soon as he was brought before him:

Before [saying] anything else, this judge asked me “Why didn’t you cooperate with the officers? If there were a sentence more severe than hanging, I would issue it for you and I’d put the rope around your neck myself.”²⁵⁰

As evidenced by the summary nature of the judgment in the case, Golparipour was not permitted to mount much of a defense on the charges.²⁵¹ Golparipour wrote:

I was astonished by the whole ordeal. The judge simply took the written version of the argument that my attorney, Seyyed Ehsan Mojtavi had prepared, and with that, my trial was over. Without being able to say a word in my own defense, I was condemned to the most severe penalty.²⁵²

245. *Id.*

246. *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report.

247. IHRDC interview with Nasser Golparipour (Dec. 17, 2011)(on file with IHRDC).

248. “Sheikhloo” refers to Ali Sheikhloo—in 2009, he was assistant prosecutor of Mahabad and the supervising judge of Mahabad Prison of the program to remove “dangerous behavior” from prisons (the source also names Zeynal Majidi as head of Mahabad Prison, see <http://www.dadgostary-ag.ir/tabid/72/ctl/Edit/mid/477/Code/586/Default.aspx>. Around November 29, 2010, Sheikhloo was appointed as the General and Revolutionary Prosecutor of Piranshahr, see <http://ainanews2.atorpat.com/Default.aspx?tabid=1298&articleType=ArticleView&articleId=62228>)

249. Judge Khodadadi has also sentenced other activists, like Sama Behbahani, to prison terms. See Appendix I for a copy of the original judgment signed by Judge Khodadadi and an English translation.

250. *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report. According to this evidence, Judge Khodadadi’s statement would indicate a clear violation of Article 14(2) of the International Covenant on Civil and Political Rights: Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

251. See Appendix I to this report for copies of the trial and appellate judgments in Golparipour’s case.

252. *Letter from political prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadegh Larijani* (obtained exclusively by IHRDC), see Appendix II to this report.

Nasser Golparipour's account of events is corroborative of that of his son. Nasser Golparipour said that he told Judge Khodadadi that his son was only caught with books and not arms.

He [Judge Khodadadi] told me that if they have arrested him only with a book, then there is no problem and that [he] will be released in two hours and they won't keep him long. But then two hours later, he sentenced my son to death.²⁵³

A review of the trial judgment in the case, signed by Judge Khodadadi, reveals that the only clear evidentiary claim of Golparipour's link and activities with PJAK is his "possession of hundreds of copies of books and articles related to PJAK, which had been brought [in] for distribution within the country".²⁵⁴ For this, Golparipour was sentenced to death.

The death sentence was later affirmed in a December 26, 2010 appeal judgment. The written appeal judgment also notes that a confession had been extracted from the "Mothers of Reconciliation"—the alleged "women's wing" of PJAK—about Golparipour's involvement with the group as evidenced through his purported use of safe houses. Little to no detail is provided about the identity of the individual who made the confession and the manner in which they made it.²⁵⁵

In his interview with IHRDC, Nasser Golparipour stated that he and his family get to see his son during visitation periods in prison and that his son's spirits remain high.²⁵⁶ However, following IHRDC's interview with Nasser Golparipour, Habibollah Golparipour was transferred out of Orumiyeh Prison on March 15, 2012.²⁵⁷ Recent reports indicate that he is in Semnan Central Prison in north central Iran, and that at the time of publication of this report, he is allowed only limited contact with his family.

2.3.2. Zanyar Moradi and Loghman Moradi

Zanyar Moradi and Loghman Moradi are two ethnic Kurds currently on death row and awaiting implementation of their sentence in Rajaei Shahr prison in Karaj. Zanyar and Loghman are convicted of *muharibih* on accusations that they were involved in the 2009 assassination of Saadi Shirazi, the son of the Friday prayer leader in the city of Marivan.

Zanyar Moradi was only 19 years old when he was arrested. He made his living as a trader of small goods and a driver. According to Zanyar's father, Eghbal Moradi, the family had no news of Zanyar's arrest until 2-3 months into his detention, when Zanyar managed to contact his grandfather through a prison guard who did him a favor and let his family know about his whereabouts.²⁵⁸

According to Witness C, a source close to Zanyar Moradi whose identity IHRDC cannot disclose for security reasons, Zanyar Moradi has been subjected to torture while he was at the Sanandaj Intelligence Office.²⁵⁹ He was made to lie on a bed and be whipped repeatedly with cables.

He has also been subjected to sexual threats including something called the "bottle game"—whereby interrogators would put a glass bottle on a chair and say that either the detainee should sit on the bottle or the bottle would enter them by the interrogator's force.

While in custody, Zanyar and Loghman Moradi appeared on Press TV—the IRI's English-speaking satellite

253. IHRDC interview with Nasser Golparipour (Dec. 17, 2011)(on file with IHRDC).

254. See Appendix I to this report for a copy of the trial judgment in Golparipour's case.

255. See Appendix I to this report for a copy of the appeal judgment in Golparipour's case.

256. IHRDC interview with Nasser Golparipour (Dec. 17, 2011)(on file with IHRDC).

257. IHRDC "Inside Iran" report, *Kurdish Political Prisoner Habibollah Golparipour Transferred to Undisclosed Location; at Risk of Imminent Execution*, March 16, 2012, available at <http://www.iranhrdc.org/english/news/inside-iran/1000000075-kurdish-political-prisoner-habibollah-golparipour-transferred-to-undisclosed-location-at-risk-of-imminent-execution.html#T2hXh8VAvZc>.

258. IHRDC Interview with Eghbal Moradi (Dec. 20, 2011)(on file with IHRDC).

259. IHRDC Interview with Witness C (March 27, 2012)(on file with IHRDC).

channel—and admitted to planning to kill the son of the Friday prayer leader.²⁶⁰

Witness C claims that Zanyar Moradi said this confession was given under threats of torture and duress. The “confession” was dictated to Zanyar and Loghman; they were instructed to repeat what was told to them when the camera turned on. Initially, Zanyar and Loghman refused to give the confession—but interrogators purportedly tortured them with solitary confinement, physical whipping and threats of rape until the two young men finally gave in. According to Witness C, Zanyar said the interrogators threatened “We will bring several people to rape you.” Following the confession, Zanyar remarked that the attitude of the interrogators calmed down—it seemed they had finally gotten what they wanted.

Shortly thereafter, the two men were transferred from Sanandaj Central Prison to Ward 209 in Evin Prison. There, the two men were finally brought to face trial. Up until then, they had not had legal counsel. Just two days before the trial hearing, their family finally managed to hire a lawyer.

On December 22, 2010, Zanyar and Loghman Moradi went before Judge Salavati of branch 15 of the Revolutionary Court in Tehran. Their interrogators at the Intelligence Office had exerted their influence over the two men prior to their court appearance—Witness C recalls that Zanyar Moradi told him about what happened:

The lawyer told Loghman to tell the truth in court, but Loghman said that he could not say anything in court [...] the lawyer asked Loghman why and Loghman answered that he could only say in court what the interrogators told him to [...] When they were at court, they were naïve and young and truly believed they would be freed if they kept quiet. The interrogators from the Intelligence Office told them that if they said anything different from that the interrogators had told them, then [Zanyar and Loghman] would go back to the same conditions in prison. The interrogators told [Zanyar and Loghman]: “The judge cannot do anything; we are the judges and we are the authorities and do what we like.”²⁶¹



Zanyar Moradi and Loghman Moradi at their court hearing, in a photo released by the Iranian government.

While the young men kept silent at the legal proceedings against them, Judge Salavati called them “*muharib*,” “corrupters on Earth” and said they were “condemned.”²⁶² The Friday prayer Imam was also in attendance at the hearing and said he would not forgive the blood of his son. He further ominously warned that Zanyar and Loghman “have killed a hundred people; if they go out, they will kill another hundred people.”

When Loghman attempted to say something, an intelligence agent came over and told him he had “no right” to speak. The agents from the Intelligence Office instructed Zanyar and Loghman to accept the charges—and they did, even though new charges had been added to the case that Zanyar and Loghman maintain are untrue. The new charges alleged they were members of Komala and that they maintained links to the United Kingdom. In October 2009, the head of the UK’s intelligence agency, MI6, stated that his agency has informers in Iran—and just a few weeks later, the Iranian judiciary levied new charges against Zanyar and Loghman, saying that they were spies for MI6. Zanyar and Loghman deny all the charges of involvement with the UK.

On those charges, Zanyar and Loghman were both sentenced to death. On February 14, 2011, Zanyar and Loghman Moradi were brought before Judge Salavati again, and he handed down their sentence. The verdict was confirmed by the Supreme Court.

260. See Video File: Press TV report, Iran Today—Komalah Terrorist Organization—11-12-2010—(Part2), Nov. 12, 2011, available at: <http://www.youtube.com/watch?v=KtwD4odmNgc&feature=relmfu>.

261. IHRDC Interview with Witness C (March 27, 2012)(on file with IHRDC).

262. IHRDC Interview with Witness C (March 27, 2012)(on file with IHRDC).

Zanyar Moradi's father, Eghbal Moradi, believes that his son is wholly innocent of the charges levied against him and that he has been targeted because Eghbal Moradi was a high-ranking member of Komala.²⁶³

According to Witness C, Zanyar Moradi also believes he has been used as a scapegoat for someone else's crime. He believes that they needed to blame someone for the crime and that his name was a "convenient" one because of his father's political activities.²⁶⁴

2.3.3. Habib Latifi

Habib Latifi was arrested on October 23, 2007 in the city of Sanandaj, and has been in prison since that time.²⁶⁵ He received the death penalty on July 3, 2008 after a short trial in Sanandaj.²⁶⁶ Iran's Supreme Court upheld the ruling on February 18, 2009.²⁶⁷ His death sentence is now awaiting implementation, the final stage in the legal process.²⁶⁸ As such, Latifi continues to remain at imminent risk of execution, which was originally scheduled for December 2010. The execution was temporarily stayed, most likely on account of a sustained international campaign to commute his death sentence and potentially secure his release.

Habib Latifi was an industrial engineering student at Ilam University. At trial, he was convicted for *muharibih* for membership in and alleged activities on behalf of the PJAK. His family believes that these charges have been fabricated. Habib Latifi's brother has publicly stated that his brother was concerned with cultural issues and that Habib Latifi did not participate in any bombings.

Latifi's trial was held in closed proceedings and his lawyer was not allowed to properly defend him. Fatemeh Goftari's time at the Sanandaj Intelligence Office overlapped with Latifi and, according to her, he was mistreated by prison officials:²⁶⁹

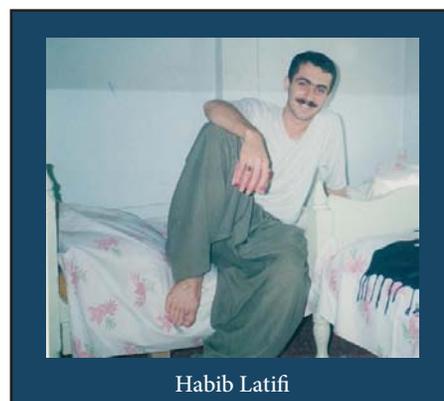
The interrogators were very violent. They brought Habibollah Latifi and asked me if, and how, I knew him. They proceeded to hit Habib. They hit him against the wall, causing his head to bleed. I will never forget that moment.

Latifi's condition in detention is reportedly deteriorating. He has also suffered from bronchitis and eye injuries during the course of his detention. In December 2010, when an announcement was made that Latifi's sentence would be implemented, his family members were arrested to prevent them from speaking to foreign media. Although they were eventually released, the authorities barred them from speaking to the media.

In October 2007, Yaser Goli was Habib Latifi's cellmate. They were classmates in high school, but lost contact until they were reunited under unfortunate circumstances as cellmates. According to Yaser Goli, Habib Latifi was ambushed during his arrest:

He told me that he received a phone call that his computer was repaired and ready for pick up. When he arrived to the computer shop, they arrested him. They beat him severely starting from the first day.²⁷⁰

Habib Latifi was charged with "acting against national security,"



Habib Latifi

263. IHRDC Interview with Eghbal Moradi (Dec. 20, 2011)(on file with IHRDC).

264. IHRDC Interview with Witness C (March 27, 2012)(on file with IHRDC).

265. *Hukm-i Idam-i Latifi dar Dayirihyih Ijrayih Ahkam* [Latifi's Execution Sentenced on Its Way to be Carried Out], ROOZONLINE, May 16, 2011, available at <http://www.roozonline.com/persian/news/newsitem/article/-8364f80b28.html>.

266. *Id.*

267. *Id.*

268. *Id.*

269. IHRDC Interview with Fatemeh Goftari (Dec. 21, 2011)(on file with IHRDC).

270. IHRDC interview with Yaser Goli (Dec. 19, 2011)(on file with IHRDC).

including allegations of a planned bombing, “propaganda against the regime” and student activism. Goli stated that Latifi told him:

Yaser, they [the interrogators] pressured me greatly and warned me that if I didn’t accept the charges, they would involve my family members in the case—that was about 15 days after my arrest.²⁷¹

Latifi also explained to Goli that the agents told him they had planted a photograph in his file to intimidate him. As of the publication of this report, Latifi remains on death row.

2.3.4. Amjad, Anvar, and Rafiq Hossein-Panahi

Amjad Hossein-Panahi came from a family of six brothers, some of whom were involved in some type of political activity.²⁷² According to Amjad, in 2000, at the age of 16, he began supporting Komala after realizing the “injustices” he faced as a Kurd. Around this time, he was identified by security-intelligence forces and was forced to leave Iranian soil, after which he openly joined Komala. Due to this, his family was subjected to harassment that escalated when he and one of his brothers, Rafiq Hossein-Panahi—who also lived in Iraqi Kurdistan—officially joined Komala.

Amjad Hossein-Panahi claims that his brother, Anvar Hossein-Panahi, was targeted by Iranian officials on account of Amjad and Rafiq Hossein-Panahi’s political activities.²⁷³ Anvar Hossein-Panahi worked on drug addiction and recovery issues and local dispute-resolution, and was not involved with Komala or any other political party.²⁷⁴ According to Amjad, plainclothes Intelligence Ministry officers arrived at Anvar’s home in two Toyota Hilux pickup trucks in November 2007 at five in the morning and arrested him. They did not have an arrest warrant. Amjad Hossein-Panahi stated that his brother, Anvar Hossein-Panahi, was blindfolded and thrown into the back of one of the trucks and was driven away to the Qorveh intelligence office.

When Anvar Hossein-Panahi was eventually tried in the summer of 2008 at the Sanandaj Revolutionary Court, he was charged with *muharibih* and collusion with the Komala party to overthrow the regime. He was sentenced to death due to these activities, yet Amjad maintains that his brother was never even involved with Komala. Anvar worked at a non-governmental organization dedicated to helping people overcome drug addiction.

Amjad believes that Anvar Hossein-Panahi was targeted to put pressure on him and his other brother, Rafiq Hossein-Panahi, who are both members of Komala. In response to his sentence, the international community rallied to pressure the IRI to overturn Anvar Hossein-Panahi’s sentence, a group of prisoners staged a hunger strike to convey their dissatisfaction²⁷⁵, and local residents demonstrated in front of the Sanandaj Court and called for the halt of Anvar’s execution.²⁷⁶ That year, Anvar’s death sentence was reduced to 16 years in prison. His sentence was then subsequently reduced to six years. Presently, Anvar Hossein-Panahi remains in Sanandaj prison, where he is not allowed furlough—which is customarily granted—and is at times barred from receiving visitors.²⁷⁷

During the time of Anvar Hossein-Panahi’s arrest, his brother – Ashraf Hossein-Panahi, a human rights and civil rights activist – began investigating Anvar’s case. According to Amjad, as a result, Ashraf received multiple threats from both the Qorveh and Sanandaj Intelligence offices to cease his investigations.²⁷⁸ By September 29, 2009, Ashraf Hossein-Panahi had collected over 5,000 signatures from trustworthy local

271. *Id.*

272. IHRDC interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC).

273. *Id.*

274. *Id.*

275. *Vaz’iyat-i Jismiyyih Vakhi’ Zindaniyyih Siyasi Anvar hossein Pananhi [Deplorable Physical Condition of Anvar Hossein Panahi, Political Prisoner]*, RADIO NEDA, June 30, 2011, available at <http://radioneda.wordpress.com/2011/06/30/rn-228/>.

276. *Payru-i Shirkat-i Mardum-i Mantaghiyyih Dehgolan [Pursuant to the Participation of the People of Dehgolan]*, CHAK NEWS, August 10, 2008, available at <http://www.chaknews.com/Farsi/news.php?readmore=134>.

277. IHRDC interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC).

278. IHRDC interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC).

sources in addition to documents proving the innocence of his brother and his cousin, Arsalan Ouliyayee.²⁷⁹ On his way to visit their lawyers in Tehran, Ashraf Hossein-Panahi was chased down by Intelligence Ministry vehicles and run over, sustaining a fatal blow to the head in the process.²⁸⁰

Although the Hossein-Panahi family pressed charges against the police force, authorities pressured them to drop the case. The Intelligence Ministry later arrested Amjad's sister, father and younger brother, Afshin, a month after they pressed charges. In custody, Afshin Hossein-Panahi endured many severe blows to the head from intelligence agents and, as a result, lost 50% of his vision. Despite this, Afshin remains in detention at Qorveh Prison in Kurdistan Province, where he is serving a one-year sentence.²⁸¹ In the interest of saving the rest of their family from government persecution, the Hossein-Panahi family withdrew the charges.²⁸²

Amjad Hossein-Panahi was also targeted and harassed for speaking out about Anvar Hossein-Panahi's death sentence.²⁸³ At one point, he received a phone call from "Mehraban," the alias of the head of the Sanandaj Intelligence Office. Mehraban warned Amjad Hossein-Panahi that if he did not cease his activities, they would kill his brother, Anvar Hossein-Panahi. According to Amjad Hossein-Panahi, Mehraban said:

If you do not stop giving interviews and curtail your political activities... in the blink of an eye, we will send an order to court for your brother to execute him the next day.²⁸⁴

As a result of this and other threats, Amjad Hossein-Panahi temporarily ceased giving interviews, although he still fears for the safety of his brother and the rest of his family in Iran.

2.3.5. Adnan Hassanpour

Born in 1981, Adnan Hassanpour, from the city of Mariwan, was a member of the editorial board of *Asu* magazine published in Kurdistan Province.²⁸⁵ Hassanpour was arrested on January 25, 2007.²⁸⁶ A close source to Hassanpour told IHRDC that Hassanpour was lured into a hotel in Mariwan and arrested upon trying to enter the building.²⁸⁷ Intelligence agents arrived at Hassanpour's mother's home and when they were refused entry, they informed his mother that he was arrested and that they intended to inspect the property. When Hassanpour's mother demanded to see a warrant, the agents went back to their cars and returned with a warrant.²⁸⁸ However, Hassanpour's family did not know which security office had arrested him or where he was held—and their attempt to find out any information was futile:

When they arrested Adnan, they took him to the Sanandaj Intelligence Office and he was detained in one of the cells there. It must have been about two or three weeks after his arrest [when his family finally determined his whereabouts].²⁸⁹

On June 12, 2007, Revolutionary Court of Mariwan, reportedly headed by Judge Soltani,²⁹⁰ found

279. See petition at *Free Anvar Hossein Panahi*, GO PETITION, July 13, 2011, available at <http://www.gopetition.com/petitions/free-anwar-hossein-panahi.html>.

280. IHRDC interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC); see also *A Sunni Prayer Imam is Assassinated*, ROOZONLINE, Oct. 7, 2008, available at: <http://www.roozonline.com/english/news3/newsitem/article/a-sunni-prayer-imam-is-assassinated.html>.

281. IHRDC interview with Amjad Hossein-Panahi (Feb. 19, 2011)(on file with IHRDC).

282. *Id.*

283. *Id.*

284. *Id.*

285. IHRDC Interview with Witness B (February 21, 2012)(on file with IHRDC).

286. *Shubihyih Swede-i Guzarishgaran-i Bidun-i Marz Jayiziyih Azadiyih Matbu'at-i 2007 ra bih Adnan Hassanpour Ihda Kard [Sweden Branch of Reporters without Borders Awarded Adnan Hassanpour with the 2007 Award for Freedom of Press]*, RSF, January 15, 2008, available at <http://www.rsf-persan.org/article16299.html>.

287. IHRDC Interview with Witness B (February 21, 2012)(on file with IHRDC).

288. IHRDC Interview with Witness B (February 21, 2012)(on file with IHRDC).

289. *Id.*

290. *Id.*

Hassanpour and Hiva Boutimar guilty of “action against national security,” “spying,” and “*muharibih*” and sentenced both to execution. His attorney and family were not alerted to this judgment until July 17, 2007. Hassanpour’s execution verdict was upheld by the Supreme Court on October 22, 2007.²⁹¹ However, on September 3, 2008, his attorney Saleh Nikbakht announced that Hassanpour’s execution verdict had been overturned, the charge of *muharibih* dismissed, and his case file sent back to branch 1 of the Revolutionary Court of Sanandaj to be re-investigated:

After the death sentence, the sentence was reduced to 31 years of imprisonment. At that time, Mr. Nikbakht told the family that he was going to work hard to reduce Adnan’s sentence. He put in a great deal of effort, and ultimately Adnan’s sentence was reduced to 16 years of imprisonment. He had been sentenced to a year of imprisonment for illegally crossing the border, which was also repealed, and now he has 15 years [of imprisonment to serve].²⁹²

Adnan Hassanpour has been deprived of many of his rights in prison. A source close to him states that his every movement, even his bathroom visits, is watched by agents in prison.²⁹³ For the first two years of his detention, he reportedly did not have permission to call his family. During that time, his only visitations with his family were in person and were conducted with great difficulty. During his detention and in protest to his treatment as well as his unfair sentencing, Hassanpour went on a fifty-day hunger strike.²⁹⁴ Hassanpour is currently in the fifth year of serving a prison term of 15 years. In the last six years, he has not been granted furlough.²⁹⁵

2.3.6. Hiva Boutimar

Hiva Boutimar, a resident of Mariwan, was active in publication of a magazine connected to the *Sabz Chiya* (Green Mountain) environmental organization in Mariwan. According to his attorney, Mohammad Saleh Nikbakht, Boutimar confessed to finding bullets and rocket-propelled grenades, which he handed over to his brother, a PJAK activist.²⁹⁶

Boutimar was arrested on December 25, 2006 at his place of work in Mariwan by agents of the Mariwan Office of Intelligence. A few hours after the arrest, plainclothes men stormed his residence, where his wife was at the time. His wife was granted visitation permission the next day for the duration of half an hour. At that time, Boutimar told her that he had not yet been questioned and that he had not been told the reason behind his arrest.²⁹⁷

Boutimar was transferred to the Sanandaj Office of Intelligence for a month before he was returned to Mariwan, during which time none of his family members had contact with him. Within a month’s time, Boutimar was tried in Mariwan.²⁹⁸ He was sentenced to execution by the Revolutionary Court of Mariwan on June 12, 2007.²⁹⁹ According to a source close to Boutimar:

291. *Shubihyih Swede-i Guzarishgaran-i Bidun-i Marz Jayiziyih Azadiyih Matbu’at-i 2007 ra bih Adnan Hassanpour Ihda Kard* [Sweden Branch of Reporters without Borders Awarded Adnan Hassanpour with the 2007 Award for Freedom of Press], RSF, January 15, 2008, available at <http://www.rsf-persan.org/article16299.html>.

292. IHRDC Interview with Witness B (February 21, 2012)(on file with IHRDC).

293. *Id.*

294. *Adnan Hassanpour, Mahrumtarin Zindaniyih Siyasi dar Kurdistan* [Adnan Hassanpour, the Most Deprived Political Prisoner in Kurdistan], KARONLINE, February 21, 2009, available at <http://www.kar-online.com/wp/2266>.

295. IHRDC Interview with Witness B (February 21, 2012)(on file with IHRDC).

296. *Ittihat-i Du Ruznamih Nigar-i Kurd-i Mahkum bih Idam* [Accusations of Two Kurdish Journalists Sentenced to Execution], BBC PERSIAN, July 31, 2007, available at http://www.bbc.co.uk/persian/iran/story/2007/07/070731_mf_kurdjournalist.shtml.

297. Interview with Witness D (January 31, 2012)(on file with IHRDC).

298. *Id.*

299. *Shubihyih Swede-i Guzarishgaran-i Bidun-i Marz Jayiziyih Azadiyih Matbu’at-i 2007 ra bih Adnan Hassanpour Ihda Kard* [Sweden Branch of Reporters without Borders Awarded Adnan Hassanpour with the 2007 Award for Freedom of Press], RSF, January 15, 2008, available at <http://www.rsf-persan.org/article16299.html>.

When he was first sentenced to death, we appealed, which went to a court in Tehran. The Tehran court vacated the sentence and stated that he should be tried again.³⁰⁰

On March 19, 2008, Boutimar was again sentenced to execution.³⁰¹

... he was sentenced to death again. His attorney appealed again, and the court in Tehran again vacated the sentence and stated that he should not be tried in Mariwan. They sent his file to Sanandaj. In the Sanandaj Court, he was sentenced to eleven years.³⁰²

In October 2009, Boutimar's execution sentence was overturned by branch 16 of the Supreme Court, dismissing his *muharibih* charges.³⁰³ In retrial, the preliminary court sentenced Boutimar to 11 years' imprisonment for propaganda against the regime and dealing armaments. However, the sentence was reduced to 8 years of imprisonment upon appeal.³⁰⁴ Boutimar also joined Hassanpour on the 47-day hunger strike to protest their conditions in detention and unfair trials.³⁰⁵

The *Sabz Chiya* organization that Boutimar worked with devoted efforts to restore the ecosystem of Zarivar Lake in Mariwan through different means and plant trees around it. Their efforts at raising environmental awareness may have negatively affected the profitability of the wood industry in Mariwan. In an interview with BBC Persian, Reza Mo'ini of Reporters Without Borders stated that, in his opinion, much of the efforts surrounding Boutimar's case file was made by "a mafia" opposed to the environmental activities of *Sabz Chiya*.³⁰⁶

3. Security Laws of the Islamic Republic of Iran and Repression of the Kurdish Community

3.1 "Security" Laws—Problems of Text and Application

As described in the testimony in this report, arrests and detentions of Kurdish activists are often not immediately followed up with formal charges until, in some cases, the actual day of the court hearing. However, in situations in which formal charges are actually brought beforehand, the charges originate from a section within Iran's Islamic Penal Code entitled "Offences against the National and International Security of the State." In certain ways, the IRI's "security" laws, similar to many other states, treat such offences more strictly. For instance, according to articles 32 and 35 of the IRI's Criminal Procedure Code, issuance of the detention warrant is not only allowed, but also, in some cases, deemed mandatory for security-related crimes. Moreover, there are practices employed by the government to repress non-violent political and civic activism, which go significantly beyond most national legal codes and beyond acceptable international norms.

300. Interview with Witness D (January 31, 2012)(on file with IHRDC).

301. *Hiva Boutimar Mujadadan bih Idalm Mahkum Shud* [*Hiva Boutimar Was Once Again Sentenced to Execution*], COMMITTEE OF HUMAN RIGHTS REPORTERS, March 19, 2008, available at <http://chr.biz/spip.php?article1309>.

302. Interview with Witness D (January 31, 2012)(on file with IHRDC).

303. *Laqv-i Hukm-i I'dam-i Hiva Boutimar* [*Canceling the Execution Order of Hiva Boutimar*], DEUTSCHE WELLE, November 4, 2009, available at <http://www.dw.de/dw/article/0,,4170322,00.html>.

304. *8 Sal Habs Barayih Hiva Boutimar* [*8 Years of Imprisonment for Hiva Boutimar*], AKHBAR ROOZ, October 21, 2009, available at <http://www.akhbar-rooz.com/news.jsp?essayId=24598>.

305. Interview with Witness D (January 31, 2012)(on file with IHRDC).

306. *Ittihat-i Du Ruznamih Nigar-i Kurd-i Mahkum bih Idam* [*Accusations of Two Kurdish Journalists Sentenced to Execution*], BBC PERSIAN, July 31, 2007, available at http://www.bbc.co.uk/persian/iran/story/2007/07/070731_mf_kurdjournalist.shtml.

The “security laws” of the IRI target the lawful activities of Kurdish activists in two basic ways. First, the means by which the security laws are applied undermine certain fundamental rights relating to freedom of expression, association, press and the umbrella of due process protections, notably lawful arrests and detentions, understandable charges and access to counsel. Second, aside from the security laws’ application, the laws themselves also codify a class of prohibitions in a manner that is so wide and vague that almost any type of activism or expression is potentially criminalized.

3.1.1. The Security Laws as Applied

Articles 186, 190 and 191 of Iran’s Islamic Penal Code³⁰⁷ are illustrative of the first problem: application. These provisions essentially prohibit an individual from taking up arms against the state or from joining and supporting a group or organization that takes up arms against the Iranian State:

Article 186 –“All the members and supporters of a group or an organized association which have waged armed rebellion against the Islamic State, whilst the core of that organization or group exists, shall be regarded as *muharibs* provided that they know the stance of that group or organization and have effective activities and efforts in support of its aims; even though, they are not engaged in the military subdivision.

Note – A united front composed of various groups and individuals shall be regarded as one [organization].”

This category of prohibition standing alone is not problematic. Many states would and do prohibit such conduct. The problem lies in its application with respect to the government’s view of Kurdish organizations. Some Kurdish organizations or civic groups that engage in non-violent activism are nevertheless classified within the ambit of these provisions. This classification process and the convictions that follow are often not based on proper evidentiary support or subject to due process.

Consequently, an individual who is affiliated with such a group can be found guilty of “*muharibih*” and “*ifsad-i fi al-arz*,” which can be, respectively, translated as “waging war [against God]” and “corruption on earth” with a possible sentence of death:

Article 190 –*Hadd* punishment for *muharibih* and corruption on earth is one of the following four [punishments]:

- (a) The death penalty.
- (b) Hanging on gallows.
- (c) Amputation of right hand and then left foot.
- (d) Banishment.

Article 191 –The judge has the discretion at choosing one of the four punishments, whether the *muharib* has killed or injured someone or has taken someone’s property or has committed none of these.

Also, even in cases of persons alleged to be associated with Kurdish organizations that have engaged in violent tactics against the Iranian state, such as PJAK, the determination of their individual guilt by Iranian courts is often lacking in proper evidentiary support. In the case of one Kurdish activist who was convicted and sentenced to imprisonment for his alleged involvement in PJAK, the written court judgment from branch 1 of the Revolutionary Court of Orumiyeh was lacking in any detailed evidentiary reasoning supporting his guilt on the charges alleged (see redacted court judgment in Appendix III to this report). Instead, from this portion of the judgment, it appears that his membership in the group and possession of arms was enough to deem him a *muharib*:

307. In the new Penal Code, which was adopted by the Parliament on January 2, 2012, these articles are changed and replaced; however, since all the legal proceedings discussed in this report were rendered in accordance with the old Penal Code, this legal discussion is based on the provisions of the old Code.

At the time of his arrest, the accused was in possession of an AK-47 and 150 bullets as well as two hand grenades. This demonstrates his enmity and opposition with the regime of Islamic Republic. If he did not shoot the bullets, it is because he did not find an opportunity to do so. Otherwise [and if he had a chance] he would activate the grenade [and use it] [...] Naturally, when someone enters the Iranian soil armed and when one of his comrades gets killed, he will not be willing to confess to his own crimes. The conditions surrounding what has transpired, does not leave any room for doubt that, with his armed presence, the accused announced his enmity with the Islamic governance of Iran. On the other hand, PKK and PJAK do not differ with one another when it comes to their mission, as explicitly stated by the Office of Intelligence. Also, the circular of the respectful head of the Judiciary, dated 1/2/84 [April 21, 2005], directed at the Islamic Revolutionary Courts across the country, states that in case of armed activity, [actions of] PJAK group will be akin to *muharibih* with Islamic Governance, which is the reason for his being a *muharib*. Therefore, after viewing the papers and content of the case file, report of the Revolutionary Guards and that he was arrested while armed, the court rejects the baseless defense of the accused and his attorney and condemns him as a criminal, citing articles 186, 190, 191, and 193 of the Islamic Penal Code, and sentences him to ten years of imprisonment in exile at Orumiye prison as well as confiscation of his gun and armaments.

3.1.2. The Security Laws as Written

Articles 498 and 499 of Iran's Islamic Penal Code are illustrative primarily of the second problem—a category of prohibited behavior that is so wide and vague that almost any form of activism and expression is criminalized. The provisions state that whoever forms or joins a group or association either inside or outside of the country, which seeks to “disturb the security of the country” will be sentenced to between 2-10 years of imprisonment.³⁰⁸ The provisions provide absolutely no definition to “disturb” or “security of the country.” Both terms, absent any codified limit, obviously lend themselves to abuse by security forces of the government. This is why, as demonstrated by the evidence underlying this report, such a wide array of Kurdish political and civic activism, which should be protected by both the Iranian Constitution and international human rights law, is actually criminalized.

Also, other provisions prohibit such a wide degree of conduct in a vague manner that renders its application susceptible to abuse by governmental authorities. Article 500 states that “Anyone who undertakes any form of propaganda against the IRI Regime, or in favor of opposition groups and organizations, shall be sentenced to three months to one year in prison.” Aside from the inherently expansive term of “any form,” there is again no definition or textual limitation to “propaganda.” Article 610 states that two or more people who “gather and collude” to commit or facilitate an act against the internal or external security of the nation will be imprisoned for between two to five years.³⁰⁹ Again, there are no codified definitions or limitations of key terms such as “gather and collude,” and “act against internal or external security.”

The wide latitude in the interpretation of these provisions on the right to freedom of association and expression results in an excessively broad ambit for charging, conviction and sentencing. As demonstrated by the evidence described in this report, the application of these provisions has been broadly employed against a wide range of Kurdish political and civic activism, even if innocuous.

3.2. The Islamic Republic of Iran's Treatment of Kurdish Political and Civil Activism Violates the Iranian Constitution and Laws

Beyond the problems of the “security laws,” the evidence outlined in this report demonstrates that the IRI is in violation of Iran's own Constitution. The areas that these violations primarily relate to are: i) arrests

308. Article 498—“Anyone, with any outlook, forms or directs a group or association or branch of an association comprised of more than 2 persons, whether inside or outside of the country, and under any name or title, which seeks to disturb the security of the country shall be sentenced to two to ten years in prison.”

Article 499—“Anyone joins any group or association or branch of an association mentioned in article 498 shall be sentenced to three months to five years in prison, unless it is proved that s/he has not been aware of its aims.”

309. Article 610—“When two or more people gather and collude to commit or facilitate an act against the internal or external security of the state, they shall be sentenced to two to five years in prison.”

and detention, ii) access to counsel, iii) interrogation methods and the use of torture, and iv) fair trial rights. The witness testimony described in this report demonstrates that the IRI is engaging in violations in each of these areas in its treatment of ethnic Kurdish activists.

i. Arrest: Some stark examples of where the IRI's conduct is clearly violative of its own Constitution in relation to the Kurds are worth noting. For instance, under Article 32 of the Iranian Constitution, if someone is arrested, they must be immediately informed of the charges against them and they must have access to judicial authorities within 24 hours of their arrest.³¹⁰ Within the context of Kurdish activists, this provision is routinely and flagrantly violated.

ii. Access to Counsel: The issue of "access to counsel" is another area where the evidence demonstrates a troubling pattern by the IRI in its treatment of the Kurds. According to Article 35 of the Iranian Constitution, "Both parties to a lawsuit have the right in all courts of law to employ an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel." Article 185 of the Criminal Procedure Code, accordingly, has provided: "In all criminal cases, both parties can choose and introduce their own attorneys..."³¹¹

In practice, however, the provisions of Article 35 are not always upheld. For example, according to Kaveh Tahmasebi, a Kurdish environmental and cultural activist who was tried on charges of endangering national security in the second branch of the Revolutionary Court in Sanandaj, he was not able to hire an attorney to represent him in the trial level proceedings against him because he could not afford to.³¹²

In addition to the shortcomings in the implementation of the right to counsel under Iranian law, there is also, a codified exemption to this right. Under Article 128 of the Criminal Procedure Code of the IRI, judges have the discretion to bar a defendant's access to lawyers in cases where there are "confidential matters or when the judge decides that the presence of another person (including the lawyer) might cause 'corruption' or in 'crimes against national security,' the presence of the lawyer is dependent on permission of the court."³¹³ Unfortunately, this exemption has become utilized extensively in cases involving Kurdish activists. While the exemption's language itself is inherently problematic, in practice it has been used to create a broad exception in Iran's own constitutional protections for accused and their right to counsel. With respect to a number of cases involving Kurdish activists, suspects have been detained for months in pre-trial detention with no access to a lawyer. Often their lawyers are only granted access to their clients after the interrogations are finished and only days before the trial.

iii. Interrogation: The Iranian Constitution has express and clear provisions prohibiting impermissible interrogation of detainees including a prohibition against torture. Articles 38 and 39 state in relevant part:

310. Article 32—"No one may be arrested unless in accordance with the procedure laid down by law. In case of arrest, the accused must, without delay and in writing, be given notice of and explained the charge and the evidence; and the preliminary dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours and the preparations to the trial must be completed as soon as possible. The violation of this article shall be liable to punishment in accordance with the law."

311. According to note 1 of article 186 of Criminal Procedure Code "[i]n cases of crimes punishable by *qisas* of life [i.e. a life for a life], execution, stoning to death or life imprisonment, if the accused does not introduce his or her defense lawyer, assigning a public defender is mandatory, except for unchaste crimes in which the accused refuses the presence or introduction of a defense lawyer."

312. IHRDC interview with Kaveh Tahmasebi (Dec. 21, 2011)(on file with IHRDC).

313. Article 128 of the Criminal Procedure Code of the IRI states:

"The accused can have one person as his or her lawyer. After the investigations are finished, and without interfering with the investigations, the lawyer can present the judge his/her statements which s/he considers necessary in revealing the truth and in defense of her/his client or in the sake of rule of law. The statements of the lawyer shall be recorded in the minutes." Note—In confidential cases, or if, according to the judge, the presence of individuals other than the accused causes corruption and further, in cases of crimes against the security of the state; the presence of the lawyer in the examining stage is subject to the permission of the court."

Article 38–All forms of torture for the purpose of obtaining confessions 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 to the law.

Article 39–All forms of affronts to the dignity and respect of a person who is arrested, detained, imprisoned, or banished in accordance with the law, are forbidden and liable to punishment.

The evidence of this report, however, demonstrates that the IRI is routinely in violation of Iran’s own Constitution in its treatment of Kurdish political and civil activists.³¹⁴ The detention practices employed against many of the Kurdish activists described in this report clearly amount to a violation of Article 39. And, as demonstrated, in some instances, detentions of some Kurdish activists also have been in violation of Article 38 and its prohibition on torture for the extraction of a confession.³¹⁵ The specific conduct that has been documented that would clearly pass the threshold of torture includes rape, excessive beating, death threats and extended solitary confinement.

It should be noted that the Iranian Constitution also prohibits the use of forced confessions as evidence against an accused. According to article 194 of Criminal Procedure Code, judges are required to certify any confession to determine its validity, and if the accused alleges that the circumstances in which the confession was made were impermissible, the judge should order a further investigation. Yet again though, in the context of many Kurdish activists, judges routinely ignore this requirement.

Both this report and previous reports by IHRDC have documented many cases where torture or other impermissible interrogation methods were utilized to obtain confessions. Furthermore, the reports have also documented several cases where, despite evidentiary prohibitions against using such confessions, accused persons were nevertheless convicted primarily on coerced and otherwise invalid confessions.³¹⁶ Perhaps most troubling is that in many instances, these confessions helped secure convictions for “*muharibih*” and an issuance of an execution sentence.

iv. Fair Trial Rights: The report has also documented the IRI’s violation of the fair trial rights of many Kurdish activists. As a general matter, fair trial rights are supposed to be guaranteed by the Iranian Constitution. Crimes punishable by the death penalty and life imprisonment and amputation shall be tried in the Provincial Criminal Court before five judges. In addition, according to Article 168 of the Constitution, political offences are required to be tried openly and in presence of the jury.³¹⁷

But there is a subset of courts designed to try offences against national security. These are known as “Revolutionary Courts” and, within their procedural schemes, the right to fair trial is significantly weakened. They are chaired by only one judge and closed to the public. These courts ignore basic rights of the convicts; for instance, they refrain from giving a copy of their judgments, and ban the accused and his/her defense lawyers from reading the dossier.

While there is a form of appellate review at the Revolutionary Courts, several witnesses, including lawyers on death row trials, former accused and family members of accused told IHRDC that, in practice, the appeals procedure is lacking. According to one family member of an executed Kurdish political activist interviewed by IHRDC, their loved one was never afforded an appeals process, and the authorities claimed it was the fault of the family for not following up with the case after the trial. Later, however, interrogators admitted that they had “lost” the defendant’s appellate case file:

314. See e.g. the case of Shirin Alamhooli described in section 2.1.2. *supra*.

315. See e.g. the case of Shirin Alamhooli described in section 2.1.2. *supra*; see also the case of Zanyar and Loghman Moradi described in section 2.3.2. *supra*.

316. Aside from the instances of impermissible confessions described in this report see e.g. IHRDC, FORCED CONFESSIONS: TARGETING IRAN’S CYBER-JOURNALISTS (Sept. 2009), available at <http://www.iranhrdc.org/english/publications/reports/3159-forced-confessions-targeting-iran-s-cyber-journalists.html#.T4OSrVGLPMA>; IHRDC, Mockery of Justice: The Framing of Siamak Pourzand (Aug. 2008), available at <http://www.iranhrdc.org/english/publications/reports/3153-mockery-of-justice-the-framing-of-siamak-pourzand.html#.T4OTKIGLPMA>.

317. It must be noted that because the “political offence” has not been defined by law, this constitutional requirement is abandoned in practice.

After the trial [...] they told us that the case was sent out but, later on, we learned that it was not. When we inquired about this, we were told that we did not follow up the case at the right time and now it was not sent out [...] Later on, the interrogator [on the case] changed [...] we were told that the case was lost!³¹⁸

While it remained unclear whether this death row prisoner's appeal slipped through the cracks on account of the negligence of the attorney on the appeal or the judicial and law enforcement authorities handling the appeal, or both, the witness interviewed by IHRDC maintains that they were later informed by interrogators that the case file had been misplaced in a drawer—and that this admission came after the execution sentence had already been carried out:

Later on, we learned that the case had not gone to the appeals court at all. The new interrogator told us that the case had been lost for a long time. The interrogator told us that it was up to the security authorities to make the decision to execute or not, and so the appeal was kind of useless. They themselves confessed this.³¹⁹

The cases pursued against many Kurdish activists have taken place in the context of these Revolutionary Courts and, consequently, there have been significant violations of fair trial rights. As described above, many of the activities they are prosecuted for fall into the ambit of the national security laws by virtue of the sheer textual breadth and imprecision of the laws. Once categorized as such, the activists are put into the “Revolutionary Court” system, where the right to fair trial and its required protections are systematically violated.

3.3 The Islamic Republic of Iran's Campaign Against Kurdish Activists and International Human Rights Law

The violations by the IRI, as described above, also contravene several areas of international human rights law.

3.3.1 Freedom of Expression, Assembly and Association

The International Covenant on Civil and Political Rights (ICCPR), ratified by Iran in 1975, protects the rights to freedom of expression, assembly and association in articles 19,³²⁰ 21,³²¹ and 22.³²² Arrests for exercising these human rights have been declared arbitrary even in the case of legitimate security concerns.³²³

318. IHRDC Interview with Witness A, (Feb. 9, 2012), (on file with IHRDC).

319. IHRDC Interview with Witness A, (Feb. 9, 2012), (on file with IHRDC).

320. Article 19 of the ICCPR in relevant part states: “1. Everyone shall have the right to hold opinions without interference 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

321. Article 21 of the ICCPR guarantees the right to peaceful assembly and states:

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

322. Article 22 of the ICCPR guarantees the right of freedom of association and states in relevant part:

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

323. For example, according to a case against Turkey decided by the UN Working Group on Arbitrary Detention (UNWGAD), in 1991, Murat Demir and Bedii Yarci were arrested by Turkish authorities for belonging to Devrimci-Sol (a radical Marxist-Leninist political opposition group tied to the assassination of several Turkish Military Officers). The Turkish government claimed that Demir and Yarci violated the Turkish Act on Terrorist Activities, which “includes criminal offences consisting of expressions of opinion.” Despite the fact that Devrimci-Sol is a designated foreign terrorist organization the UNWGAD

The witness testimony in this report demonstrates that the IRI routinely violates its obligations under all of these articles of the ICCPR in its treatment of Kurdish political and civil activists. It is perhaps in respect to the right of expression where violations are the most flagrant. The scope of conduct that has incurred the ire of the authorities extends even to the most basic forms of expression, such as music and use of the Kurdish language.

The right of association has also been particularly undermined by the IRI with respect to Kurdish activists. The Iranian government, in its interpretation and application of its security laws has unofficially (and in some cases officially) categorized many Kurdish groups, even if non-violent in creed and practices, as engaging in *muharibih* and considers membership in these groups to constitute an act against the security of the state.

3.3.2 Due Process

International law similarly protects the due process rights of the accused. Article 9 of the ICCPR outlines the state's duty to provide due process before it limits, interferes with, or otherwise extinguishes an individual's liberty.³²⁴ Article 9(2) requires government agents to promptly inform the accused of the reasons for his or her arrest at the time of arrest, and Article 9(3) obligates it to promptly bring the accused before a judge and hold a trial within "a reasonable time."³²⁵ Article 9(3) also provides that "it shall not be the general rule that persons awaiting trial shall be detained in custody."³²⁶ Article 14(2) provides that the accused has the right to be presumed innocent.³²⁷

Article 14 (3)(b) of the ICCPR also requires that defendants be provided "adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one's] own choosing." Individuals have the right to counsel both at trial and at stages prior to trial.³²⁸ The United Nations Human Rights Committee (HRC), a body responsible for interpreting the ICCPR, has stated unequivocally that "all persons who are arrested must immediately have access to counsel ... without delay."³²⁹

determined that Demir and Yarci were arbitrarily arrested for exercising "the right to express their opinions freely and the right to be associated for political purposes." U.N. Econ. & Soc. Council [ECOSOC], Sub-Comm. on Human Rights, Working Group On Arbitrary Detention, Decision No. 43/1992 (Turkey), U.N.E/CN.4/1994/27 (Dec. 17, 1993) at 25, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/1994/27>.

324. Article 9 states:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
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.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

325. *Id.*

326. *Id.*

327. Article 14(2) – "Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

328. ICCPR Article 14(3)(b) – "States must provide adequate time and facilities for the preparation of defense and to communicate with counsel of one's own choosing."

329. Concluding observations of the Human Rights Committee: Georgia, U.N. Doc. CCPR/C/79/Add.75 ¶ 27 (1997), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=CCPR/C/79/Add.75>. See also *Berry v. Jamaica*, where the petitioner claimed he was held in detention for 2.5 months without access to legal representation. The Jamaican government failed to contest his allegations, saying only that he could have applied to Jamaican courts for a writ of habeas corpus. The HRC concluded that the government had violated articles 9(3) and 9(4) of the ICCPR by denying the petitioner access to legal representation. *Berry v. Jamaica*. Communication No. 330/1988 (7 April 1994) U.N. Doc. CCPR/C/50/D/330/1988, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=CCPR/C/50/D/330/1988>.

Additionally there are issues of language. Some of the Kurdish activists discussed in this report did not know the Farsi language at the time of their arrest and incarceration, but their interrogations and court cases were conducted entirely in Farsi.³³⁰ Article 14(3) of the ICCPR clearly provides in the determination of any criminal charge: “Everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him [...] (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court.”

Again, the witness testimony in this report demonstrates that the IRI has violated each one of these due process protections in respect to its treatment of Kurdish political prisoners. The most problematic areas concern the pattern of arrests without charges and access to counsel. It is also notable that the attorneys of some of the political prisoners described in this report were also targeted by Iranian authorities for their representation of Kurdish activists. This practice of targeting the “defenders” has been a repeated pattern by the IRI, not only with respect to the Kurds but with many other categories of accused, including women’s rights advocates and other human rights activists.

3.3.3 Detention, Interrogation and Torture

Torture and inhuman treatment are also prohibited under international law. Article 7 of the ICCPR provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”³³¹ The ICCPR’s categorical prohibition against such conduct is codified in detail in the UN’s Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment.³³² In particular, the Convention specifically prohibits any act “intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession.”³³³

The witness testimony in this report again demonstrates the IRI’s violations of international human rights law pursuant to both the ICCPR and the codification of ICCPR’s article 7, embodied in the Convention against Torture with respect to the Kurdish activist community. It is in the area of “confession” extraction where the violations are especially pervasive. Many of the interviews taken by IHRDC for this report indicate that the authorities made attempts to obtain confessions through a variety of methods, some of which reached the threshold of torture or other cruel, inhumane or degrading treatment.³³⁴ The UN Committee Against Torture has made numerous findings on whether certain types of conduct, including some interrogating techniques, reach this threshold.³³⁵ As demonstrated in this report, many Kurdish activists have been subjected to such cruel, inhumane or degrading conduct and interrogation techniques.

330. See e.g. the case of Shirin Alamhooli discussed in section 2.1.2. *supra*.

331. Article 7 of the ICCPR

332. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/39/51 (1984); 1465 UNTS 85, available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

333. Article 1 states:

1. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

334. See e.g., the cases of Farzad Kamanagar, Farhad Vakili and Ali Haidarian as described in section 2.1.1. *supra*; IHRDC Interview with Yaser Goli (Dec. 19, 2011)(on file with IHRDC); IHRDC Interview with Amir Ahmadi (Feb. 22, 2011)(on file with IHRDC); see the case of Shirin Alamhooli discussed in section 2.1.2. *supra*; the case of Zanyar and Loghman Moradi described in section 2.3.2. *supra*.

335. For example, in a case of a Serbian citizen of Romani origin the Committee made findings of torture when it found credible the applicant’s allegation that he had been arrested and severely beaten while in police custody. (Danilo Dimitrijevic v. Serbia and Montenegro, Communication No. 172/2000, U.N. Doc.CAT/C/35/D/172/2000 (2005) at ¶ 7.1)

4. Conclusion

The IRI's treatment of Kurdish activists today is a continuation of a long-term pattern of discrimination against Kurds in Iran who live, both literally and figuratively, on the margins of Iranian society. As demonstrated by the witness testimonies in this report, IRI officials are hostile to any public display of Kurdish ethnic culture, language or traditions, and view even peaceful activities with Kurdish political parties with suspicion. Many activists who seek to defend Kurdish rights are targeted for arrest, imprisonment and even execution.

At imminent risk are the estimated 14 Kurdish political prisoners currently on death row in Iran—many of whom have been coerced or tortured into giving confessions and have been denied the procedural and substantive safeguards designed to assure fair trials as provided under both Iranian and international law.

While the witness accounts provided in this report serve to highlight these concerns, other stories have not yet been told. IHRDC will continue its efforts to document the IRI's targeting of Kurdish activists and bring these issues to the attention of Iranians and the international community.

Methodology

IHRDC gathered and analyzed information for this report from the following sources:

- *Testimony of victims and witnesses.* These include 50+ witness statements taken by IHRDC attorneys from Kurdish activists, human rights defenders and journalists who were former political prisoners, and the former cell mates, lawyers, family and close friends and associates of Kurdish political prisoners who have been executed or are currently on death row. This also includes firsthand testimony in letters from prisoners obtained exclusively by IHRDC.
- *Government documents.* These include recorded public statements by state officials, statements released by Iranian government agencies, and published legal instruments.
- *Documents issued by non-governmental organizations.* These include interviews, reports and press releases written by Amnesty International, Human Rights House of Iran (RAHANA), and Human Rights Activists in Iran (HRAI).
- *Academic articles and books.* These include the works of historians and political scientists who have written about Iran and the Kurds in Iran, as well as works written by Iranians and Kurds about their experiences.
- *Media reporting.* These include articles and reports by Iranian, Kurdish, and other mass media outlets as well by Iranian and Kurdish bloggers.

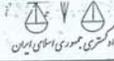
Where the report cites or relies on information provided by government actors or other involved parties, it specifies the source of such information and evaluates the information in light of the relative reliability of each source. The IHRDC has meticulously cross-checked all the sources of information used to compile this report to ensure their credibility and accuracy.

All names of places, people, organizations, etc. originally written in Farsi have been transliterated using the system of the International Journal of Middle Eastern Studies (IJMES), available at http://assets.cambridge.org/MES/mes_ifc.pdf. Under the IJMES system, names of places with an accepted English spelling and names of prominent cultural or political figures may be spelled according to the English norm.

Appendix I

Court Opinions in the Case of
Habibollah Golparipour

بسمه تعالی



بتاریخ: ۱۳۸۸/۱۲/۲۴

شماره دادنامه: ۸۸۰۹۷۴۴۳۳۱۰۰۴۳۹

اره پرونده: ۸۸۰۹۹۸۴۴۳۳۱۰۰۰۴۲

می: دادستان دادرسی عمومی و انقلاب شهرستان مهاباد

بمه: حبیب الله گل پری پور فرزند ناصر به آدرس سنندج خ

لم: محاربه و افساد فی الارض

دادگاه با بررسی اوراق و محتویات پرونده ختم رسیدگی را اختتام و بشرح ذیل مبادرت بصدور رأی مینماید:

(رای دادگاه)

خصوص اتهام حبیب الله گل پری پور فرزند ناصر ، ۲۶ ساله ، اهل شهرستان سنندج ، فاقد سابقه کیفری دائر بر اریه و افساد فی الارض از طریق عضویت ، همکاری و فعالیت مؤثر بنفع گروهک تروریستی پژاک ، دادگاه توجهاً به تویات پرونده علی الخصوص گزارشات اداره اطلاعات و اطلاعات سپاه شهرستان مهاباد ، کیفرخواست صادره از ی دادرسی عمومی و انقلاب شهرستان مهاباد ، اقرار صریح متهم در دادگاه و دادرسی به عضویت در پژاک و فعالیت تر بنفع گروهک فوق ، دستگیری متهم در حین انجام مأموریت در داخل خاک ایران به همراه صدها نسخه کتب و مقالات بوط به پژاک که برای پخش در داخل کشور آورده شده بود ، تحقیقات جامع و کافی بعمل آمده از سوی اداره اطلاعات و بر قرائن و امارات موجود در پرونده بزهداری نامبرده را محرز و مسلم دانسته با تطبیق عمل متهم با مواد قانونی بوط به محاربه و افساد فی الارض علی الخصوص مواد ۱۸۶ الی ۱۹۰ قانون مجازات اسلامی و مستنداً به مواد فوق تر ویرا به اعدام محکوم می نماید . کتابها و مقالات مکشوفه با حضور نماینده دادستان امحاء خواهند شد . رأی صادره سوری و قابل اعتراض در دیوان محترم عالی کشور می باشد . در خصوص اتهام تردد غیر مجاز از مرز مستنداً به ل ۱۵۹ قانون اساسی قرار عدم صلاحیت به شایستگی محاکم محترم عمومی شهرستان مهاباد صادر می شود ./ ب ق

بسیار
نماینده دادستان دادرسی عمومی و انقلاب مهاباد

خدادادی

رئیس دادگاه شعبه اول انقلاب اسلامی مهاباد

۸۸۰۹۷۴۴۳۳۱۰۰۴۳۹

Docket number: 8809984434100042

Verdict number: 880974433100439

Date: March 15, 2010

Prosecution: Prosecutors of the Public and Revolutionary Courts of Mahabad

Defendant: Habibollah Golparipour, son of Nasser, of [redacted], Sanandaj

Charges: *Moharebeh* and *Efsad fi al-Arz* (sowing corruption on earth)

Upon deliberating on the pages and contents of the file, the court declares the termination of proceedings and proceeds to the issue of rendering a verdict as follows:

With regard to the charges against Habibollah Golparipour, the son of Nasser, 26 years of age, from the city of Sanandaj, previously lacking a criminal record, established as [guilty of] *muharibih* and *ifsad fi al-arz* due to membership, collaboration and substantial activities benefiting the terrorist group PJAK, the court directs that:

According to the contents of the file, particularly the reports of the Intelligence office [of Mahabad] and the IRGC Intelligence [apparatus] of the city of Mahabad, the indictment issued by the Public and Revolutionary Courts of Mahabad, the unequivocal confession of membership in PJAK and effective activities on behalf of said group by the accused in court, the arrest of the accused in the course of carrying out the aforementioned functions on Iranian soil while in possession of hundreds of copies of books and articles related to PJAK which had been brought [in] for distribution within the country, comprehensive and sufficient investigations carried out by the Intelligence office and evidence and statistics in the file establishing the obvious and incontrovertible guilt of said [defendant] in conformity with practice of the accused with articles of the law related to *moharebeh* and *ifsad fi al-Arz*, particularly articles 186 to 190 of the Islamic Penal Code and according to the aforementioned documented [evidence]...

... We sentence him to death. The remaining books and articles will be destroyed in the presence of a representative of the Prosecutor's office. The verdict is issued and can be appealed to the Supreme Court. Due to the lack of competence [of this court] with respect to the charge of illegally crossing the border, in accordance of Article 159 of the Constitution, we transfer [the question] to the competence of the respected Public Courts of Mahabad.

[Signed Khodadadi, head of branch 1 of the Revolutionary Court of Mahabad]

Islamic Republic of Iran**Judiciary—Branch 31, Supreme Court****Verdict**

In the name of the Exalted

File class: 3/31/2094

Verdict number: 254/31

Date of consideration: December 26, 2010

Appellants: Mr. Khalil Bahramian and Mr. Seyyed Ehsan Seyyed Mojtavi, attorneys of convicted defendant

Subject of appeal: Verdict number 24-00439/12/88, Branch 1, Revolutionary Court of Mahabad

Panel of Branch [31]: Messrs. Seyyed Ahmad Tabataba'i, [chief] counselor and Mohammad Hossein Razi, vice member

Summary of the action of the file: [The case of] Mr. Habibollah Golparipour, the son of Nasser, born in 1363 (1984-85) is subject to the legal process [pursuant to] a charge of *moharebeh*. The named [individual] was a member of the terrorist group PJAK and joined the aforementioned group in the year 1383 (2004-05). [He] was arrested on September 27, 2009 while leaving the city of Mahabad in the direction of Orumiyeh. In addition to his confession, documents and evidence of note are as follows: two flash memory drives containing pictures related to the group [PJAK], one RAM related to a cellular phone, three code and cryptography charts, 86 individual phone numbers, and 246 PJAK books [all of which] were found with him, along with his acknowledgement with respect to six years of activity with the group. [This is supplemented by] the emergence of a confession following his arrest from the women's wing [of the PJAK] [sic] known as 'Mothers of Reconciliation,' which thus far has been composed of 8 women under the leadership of Kajal Sheikhmohammadi, which was connected to himself [defendant]. This wing is mostly composed of organizers for the 'Mothers' group have been arrested and they are from the families of those who have been killed [sic], and the urban organizational cadres of the counterrevolutionary activists [sic]...upon entering the cities [that he visited] he would contact these people and make use of their houses, which function as safe houses. After the completion of investigation of the suspect and the issuance of the penalty, the request of the file was referred to Branch 1 of the Revolutionary Court of Mahabad dated March 15, 2010. A hearing convened in the presence of the accused and his attorney. In court, the accused defended himself by saying "I reject the charge of *muharibih*, I have never been involved in armed activity, [but] I did cross the nation's borders." In relation to the charge of [providing] financial and non-financial aid to the [PJAK] group (he has confessed) the lawyer of the convicted [individual] [sic] has also stated [on appeal] that his client has not taken part in any belligerent actions but he was a member—a charge that he does not dispute, as it is true—and the accused has requested forgiveness and amnesty [for this charge] in his final defense. The [trial] court, therefore, issued a verdict citing the contents of the file [the aforementioned evidence] and the unequivocal confession of the accused regarding his membership in PJAK and his activities on behalf of the group and the fact that the arrest of the accused occurred as he was in the process of carrying out these functions on Iranian soil and was in possession of hundreds of copies of books and articles. [This is] documented. Pursuant to Articles 186 to 190 of the Islamic Penal Code the accused has been sentenced to death. The convict's lawyer protests the [guilty] verdict and has presented bills [similar to a notice of appeal] contending that [1.] his client's actions cannot be categorized as *muharibih* and [2.] that [he] does not fall under the definition of *muharib* and [3.] even presuming guilt of *muharibih*, execution is not the only punishment for the crime. Rather, there are four prescribed punishments and these punishments are not proportional with the crime [sic]. The other attorney of the accused has also presented his own protest in the bill based on what he claims is a lack of proportionality—of the determination of the punishment vis-à-vis [the nature of] the crime—of the verdict issued [by the trial court] and has declared that most of

the tens of arrested members of the PJAK group have been given ten-year prison sentences. Finally, the convicted individual's lawyers have requested a reversal [of the judgment]. The file has been sent to the Supreme Court and referred to this branch.

On the above date, the panel of the branch was convened after a reading of the report by Seyyed Ahmad Tabataba'i, expert member, and the contents of the file and the written directive Mr. Seyyed Reza Barakchian, Assistant Prosecutor of the Supreme Court summed up the request of the adoption of a suitable decision based on Shari'a and legal standards with regard to the subject of this appeal, we have rendered the [following] verdict:

In the Name of the Exalted

Verdict

Since the attorneys of the convicted individual have not stated a cause that could induce a reversal [of the original verdict] and the lack of proportionality of *muharibih* punishments is the only argument they provide, the law and the terms of the judgment the high jurists of the system have determined that there is no need for punishments of those declared *muharib* to be proportional with their actions, hence we reject the appellants' request and the verdict is affirmed.

Chief Counselor of Branch 31 of the Supreme Court: Seyyed Ahmad Tabataba'i

Vice member: Mohammad Hossein Razi

شماره دادنامه: ۹۰۰۹۹۷۰۹۰۸۷۰۰۱۹۶	شماره پرونده: ۸۹۰۹۹۸۰۰۰۲۰۱۵۴۴۴	شماره بایگانی شعبه: ۸۹۰۵۴۷	تاریخ تنظیم: ۱۳۹۰/۰۳/۱۸	«فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا»	جمهوری اسلامی ایران قوه قضاییه دادنامه
				شعبه سی و یکم دیوان عالی کشور	
«بسمه تعالی»					
شماره کلاسه: ۲۴۹۵ / ۳۱/۱۹		تاریخ رسیدگی: ۹۰/۳/۱۹		شماره دادنامه: ۳۱/۹۰۰۹۹۷۰۹۰۸۷۰۰۱۹۶	
موضوع: اعاده دادرسی					
مرجع رسیدگی: شعبه ۳۱ دیوان عالی کشور					
هیئت شعبه آقایان: سید حسین جعفری (رئیس) - سید احمد طباطبائی (مستشار)					
<p>خلاصه جریان پرونده: آقای حبیب اله گل پری پور فرزند ناصر به اتهام محاربه تحت پیگرد واقع و بموجب دادنا مه ۰۰۴۳۹ - ۸۸/۱۲/۲۴ صادره از شعبه اول دادگاه انقلاب اسلامی شهرستان مهاباد به اعدام محکوم شده است آقایان خلیل بهرامیان و سید احسان مجتوی وکلای محکوم علیه با تقدیم لوایحی به رای صادره اعتراض و پرونده طی تشریفات به این شعبه ارجاع و برابر دادنامه ۳۱/۲۵۴ - ۸۹/۵/۱۰ دادنامه بدوی ابرام گردیده است محکوم علیه زندانی با ارسال لایحه ای تقاضای اعاده دادرسی کرده پرونده به این شعبه ارجاع شده است</p> <p>هیات شعبه بتصدی امضاء کنندگان ذیل تشکیل و با قرائت گزارش آقای طباطبائی عضو ممیز به شرح ذیل رای صادر می نماید:</p>					
«رای»					
<p>تقاضای آقای حبیب اله گل پری پور فرزند ناصر که لایحه تقدیمی وی تصویری از تظلمات ادعائی وی بوده و برای مسئولین مملکتی به شرح برگ پایانی آن تقدیم شده که ریاست محترم دیوان عالی کشور نیز طی شماره ۹ آن عنوان شده است. ارسال گردیده است انطباقی با تقاضای اعاده دادرسی با تعاریف قانونی آن ندارد و تلقی احد از کارشناسان اداره دبیرخانه دیوان عالی کشور از لایحه فوق التوصیف نیز موثر در مقام نیست فلذا با اعلام عدم قابلیت طرح، مقرر می دارد پرونده فوراً به مرجع بدوی اعاده گردد.</p>					
رئیس شعبه ۳۱ دیوان عالی کشور: سید حسین جعفری			مستشار: سید احمد طباطبائی		
امضای تنظیم کننده					
نشانی: تهران - ضلع شرقی پارک شهر - ساختمان کاخ دادگستری - دیوان عالی کشور (www.divanealee.ir)					

Verdict number: 9009970908700196
Docket number: 8909980002015444
Branch record number: 890547
Date of preparation: June 8, 2011

Islamic Republic of Iran

Judiciary

Branch 31 of the Supreme Court

Written verdict

In the name of the Exalted

Class number: 19/31/2495 Date of consideration: June 9, 2011 Verdict number: 31/9009970908700196

Issue: Return to trial

[Under the] consideration of: Branch 31 of the Supreme Court

Branch panel: Seyyed Hossein Ja'fari (chief), Seyyed Ahmad Tabataba'i (counselor)

Summary of the issue of the file: Mr. Habibollah Golparipour, son of Nasser, has been subject to the legal process and according to verdict number 00439-24/12/88 issued by Branch 1 of the Revolutionary Court of Mahabad, he has been sentenced to death. Messrs. Khalil Bahramian and Seyyed Ehsan Mojtavi, attorneys for the convicted [sic] have protested the issued verdict with the presentation of bills [notices of appeal] and the file has been referred to this branch [as the next step] in the legal process. Verdict number 254/10-31/5/89, the initial verdict has been confirmed. In sending the bills, the convicted prisoner has requested a hearing and the file has been referred to this branch [sic].

The panel of the board was convened by the hand of the following signatories and with the reading of the report Mr. Tabataba'i, expert member, issues the following verdict:

Verdict

The request of Mr. Habibollah Golparipour, the son of Nasser, who has presented a portrayal of his alleged grievances for the national authorities (the final page of which includes a reference to the respected leadership of the Supreme Court [has also been mentioned] in number 9 of that title [sic]). It is submitted that the request for a hearing does not correspond to [any] legal definitions. One of the experts of the secretariat of the Supreme Court also finds the aforementioned bill [deficient]. Therefore with [this] declaration of lack of sufficient cause, the file is immediately restored to the initial reference.

Head of Branch 31 of the Supreme Court: Seyyed Hossein Ja'fari

Counselor: Seyyed Ahmad Tabataba'i

Appendix II

Letter from Political Prisoner Habibollah
Golparipour to the head of the Judiciary of
the Islamic Republic, Sadeq Larijani

در این جانب حبس است. کل بی بی پور فرزند ناصر به شما و شما سناسه ۲۶۲۴ در تاریخ ۷، ۱۲۸۸ در شهر سناسه دادگاه
 توسط نیروهای سپاه پاسداران آران شهرستان دستگیر شدیم و به اقدام کنونی در گروه پراک سرور
 نازجویی قرار گرفتیم. در بدست هجده روزی که در بازداشتگاه سپاه پاسداران معاند بودم در مراحل نازجویی
 تحت امانت توین شکنجه های فیزیکی و روحی بودم. که در خاطر شدت شکنجه ها دست است این چهار ترک خورده
 و شروع به خون ریزی کرد تا آنکه زیر همان شرایط بسیار بد و شکنجه های بد دست راستم شکسته شد. و ما ترجمه آنکه
 عزیزان با برابری سوز و غم و شتم قرار گرفتیم تمامی آنکه ما را به سپاه و کسود شهره بود و تمامی بودیم با دل زده بودیم در
 کنار این همه تنگ کاری های بی رویه و ستم با استفاده از کتک و برقی جریان الکتریسیته به دفعات بر روی بدن وارد
 می شد و قیامت سوخته تا آن همه پیش رفتن بود که به اقدام های خناسی نکرده نیز جریان (برق) می دادند تا نهایت
 مطلب به جامی رسید که دست هایم دچار لگزش شده و منور هم اکثر آن کو قتل های و کلام بر پوست بدنم داخل شده
 است.

نقصی دیگر از این نشان نازجویی آفرینان کردن من از نوا هم دست و پا بود

بطوریکه روزی از ناصیه دست به بدت می بینم سخت آفرینان می شدم و گاهی با آقا جان می رفت که نکرده دوروز است
 همین طور معلوم در همانجا ۱۳۰۴ و چون قانع نمی شدند عزیزان با هم با یاهام سلا و اردو آفرینان می کردند. تمامی این شکنجه ها
 به مدت ۱۸ روز در سپاه پاسداران صورت گرفت تا به فریب نکرده به سولای که نازجویان می کردند دست و هیچ وسیله پاسخ
 هم در حلقه کربن در هنگام دستگیری در روزهای اول به کنونی خویش در گروه پراک و فعالیت تبلیغی و فرهنگی خویش
 از کف کرده بودم و این انگار این مطالب دست نازجویان را قانع نمی کرد و مصیبت نکرده را بر این در طول این مدت اجبار
 کردند تا به شکایات و شکایات و فحش های آزار دهنده ایشان متفرخ شدم.

در مورخ ۲۲، ۷، ۸۸۷ مرا از شهرستان سناسه به بازداشتگاه المهدی سپاه پاسداران ارومیه منتقل نمودند و همان تنگ سی جانب
 توجه آن است که در همین کنیت از معا با زده ارومیه در داخل ماشین توسط مأموران به روزه متحمل شدیم و دست و پا
 قندری مأموران شهر ۴ و این در حالی بود که مأموران به روزه هم شکنجه دست آید این راستم و هم آملو کلام و شکنجه و آگاس
 دست و پا را سنا صوره می کردند.

بعد از آن که در بازداشتگاه المهدی سپاه پاسداران ارومیه در آنجا نیز به مدت ۲۵ روز دوباره در همین نازجویی سوز
 گذشته های روحی و فیزیکی قرار گرفتیم. در بازداشتگاه مذکور (المهدی) علاوه بر شکنجه فیزیکی مشابه سلا و زدن سوز
 قبلی با تهدید و شکنجه و توهین و تحقیر به اعضای خانوادام فشار روانی قرار می دادند و در می یافتن و شکنجه
 با لگن کردن مدام بلند شوهای موجود در اهدوی بازداشتگاه همواره می استراحت می ندادند و این نیز دادند و سلاخه در
 مورخ ۲۲، ۸، ۸۸۷ دوباره بازداشتگاه سپاه المهدی ارومیه به شهرستان سناسه باز آمدیم که دوباره در همین
 بازگشت به معاند و همه بار به صورت مهدی و هر چه ای که کشیدی نازجویان است تهدید و شکنجه شدم و نواز رسیدن به
 معاند برده و در داخل یک سلول انفرادی که فاقد هر گونه امکانات یک سلول بود دست و پا هفت در آن سوی
 سوزان و بدون سلفات خانواده یا در حیل یا هر شکنجه نالت و شکنجه نالت و شکنجه نالت و شکنجه نالت و شکنجه نالت
 آن آب و غذای کم را نیز می دادند.

آقا جان (مأموران اداره اطلاعات) نیزه را در مورخ ۴، ۸، ۸۸۹ از سلول انفرادی زندان معاند و از آنجا نیز در همان
 تاریخ توسط مأمورین به اداره اطلاعات شهرستان سناسه فرستادیم و در نامرکز استان سناسه ۲ اداره اطلاعات
 سناسه محبوس گشتم فردا صبح همان روز یعنی ۵، ۸، ۸۸۹ که در اداره اطلاعات سناسه بود توسط نازجویان آگاه اداره
 سر توسط دست نازجویی قرار گرفتیم.

دو همان روز اول به بعد به مدت یک هفته در زیر شکنجه سوز و شکنجه و شکنجه های فیزیکی ساقه قرار می گرفتیم. آن هم با
 سله آهنی که هیچ به تر از آن شکنجه های فیزیکی خودم سلا بیشتر از دست می نمود آن بود که نازجویان مجبور می کردند
 به هم در این افرادی که سوز شکنجه قرار می گرفتند گوش کرده و همچنین به پیش افرادی که سوز شکنجه قرار می گرفتند برده
 و ما مشاهده اوضاع این نشان شکنجه شوها آن کم اندر می را که خود داشتیم از دست می دادیم.
 حتی زندان بان هلاهی که فقط با یاستی غذا و آب برای من آوردند توسط آنکا هم سوز و شکنجه های رگبند و سوز
 قرار می گرفتیم و تمام این فشارهای فیزیکی بسیار سنگین و غیر قابل تصور فقط برای قبول این حرف ها و القابات
 نازجویان صورت می گرفت.

شرایط آنچنان شده بود که مرگ را صد بار بهتر از این شکنجه ها می دیدیم و با این استقامت که با اقدام به خودکشی
 از دست نازجویان و شکنجه ها خلاص می شوم تنها راه حیا را در این دیدیم که دست به خودکشی بزنم و اقدام نمودم
 خودکشی نیزه ناگهان مانند در دالت که همان صا از این وضعیت به وجود آمده که بسیار وحشتناک بود دوباره خلاص
 شدم

تجدیدی نیابت برده شد. در همان شعبه نیابت به من اعلام شد که شما نیابتی از دادگاه انقلاب اسلامی هستید
 طریقه و رایستی جهت باز پرس فلان بگریید و باز همان سوال ها که در دوران بازداشت و شکنجه ام کرده بودید برده شد
 و در صورت ۸۹، ۸۷، ۸۶ جواب از دادگاه انقلاب اسلامی است. به من ابلاغ شد که بنده به خاطر همان اتهامات (کفر
 در بزرگ و فعالیت مشورتی و نفی آن) با اقرار و شقعه می و مایلیون توغلی با سستی از آن گذرم!
 مرا کشتن این مسائل در صورتی وکیل بنده آقای سعید اجمل مجتبی به حکم بدوی صادره شعبه اول
 دادگاه انقلاب اسلامی همانا از اجمل و در تاریخ ۸۹، ۸۷ فقط به فرزند ابلاغ تقاضای در مورد تجدید حکم بدوی توسط دیوان
 عالی کشور شد. وطن زبان که طول کشید تا پرونده های بنده در شعبه دیوان عالی کشور مورد رسیدگی قرار گیرد فقط هفتاد و شش
 تاکنون هیچ روزش از دادنامه می بدوی و حکم صادره دیوان عالی کشور به صورت کتبی نه به بنده و نه به وکلای من ابلاغ
 نگردیده حال این بار حاجی که در متن دادنامه هم وکلای هم خودم اقدام کرده ام و من تا بدین زمان تکلیف اقدام به رای من
 هیچ جواب مشخص داده نشده است.
 مرحله دی دوم ایثارهای قانونی و منطقی وارد بر بنده:

۱-

بنده از همان روز اول که توسط نیروهای سپاه پاسداران انقلاب اسلامی معیار دستگیر و انتقالات مستقر در بازداشتگاه
 المصبر سپاه پاسداران ارومیه، اداره اطلاعات شهرستان سنندج و اداره اطلاعات شهرستان ارومیه که جنبه های طول کشید مورد
 شکنجه های شدید فیزیکی و روحی درونی قرار گرفته ام؛

انور
 الفت

حال آنکه با توجه به اصل ۲۸ قانون اساسی جمهوری اسلامی ایران آگاهانه از اطلاعاتی - اسنیدم ذکر کرده حق دانسته
 بنده را تحت انواع و اقسام شکنجه های جسمی و روحی فوق قرار دهند.

۲-

در مورد بازجویی سپاه پاسداران معیار ارومیه و سپاه پاسداران المصبر و اداره اطلاعات سنندج و ارومیه؛ آیا بگریز
 این نیست که این ارگان ها طبق قوانین کفیزی دستگاه قضائی هنوز ضابطین دادگستری محسوب می شوند حال با توجه
 به این قانون (ماده ۵۸ آئین دادرسی کفیزی) مگر تحت نظارت و ولایت استقام قضائی در کسب جرم و بیان جرم
 مستقیمی و دلایل جرم اقدام نمی کنند پس در این میان آیا تمام شکنجه های فیزیکی - روحی که در جریان بازجویی به هم
 گرفته می شود در دستور قضائی های دستگاه قضائی بوده یا آری این بازجوها خود اقدام سر خود و غیر قانونی می دانند؟ آیا اگر
 قاضی یا مقام قضائی شهرستان معیار یا سنندج و ارومیه دستور قضائی منین بر اعمال شکنجه را داده اند یا به توسط دادگاه
 عالی انتظامات قضات به خلاف ایشان رسیدگی شود و یا اگر بازجویان سپاه پاسداران اسلامی و اداره اطلاعات
 به میزان ظلم بطریق قضائی تحت الامر دستگاه قضائی خود سرانه و فقط با تشفی من و هم تشفی من و زبانی و
 غیر قانونی خود اقدام به شکنجه (فیزیکی - روحی) منینا می بنده کرده اند از تمامی اشکال که مستقیم است بازجویی و
 مرا دستگیر کرده و تعاضا دارم که به تک آف ایشان و هر ایم ایشان در دادگاه منینا رسیدگی گردد

۳-

هیچ کس را نمی توان دستگیر کرد مگر به حکم و ترتیبی که قانون معین می کند و در صورت بازداشت موضوعی انجام باید
 ذکر و دلایل بلافاصله کتبا به مستخدم ابلاغ و مشخص شود و حداقل ظرف مدت ۲۴ ساعت و چهار ساعت نیز در صورتی
 به مراجع صالحه قضائی ارسال و مقدمات محاکمه در سریع وقت فراهم گردد متعلا از این اصل طبق قانون
 مجازات می شود. خوب این متن کامل اصل سی و دوم قانون اساسی کشورمان است. حال شما به من بگریزید چه راه
 هنگام دستگیری بنده فقط اطلاعات آن هم به طور تقاضای بنده گفته شده و هم چندین ماه در بیخ و خم بازداشتگاه
 ارگان های اطلاعاتی و امنیتی مورد شکنجه قرار گرفتیم در فرض آنا یا ان مقدمات محاکمه را در سریع وقت فراهم کردند
 (یک سال) البته فراترینینا هم قانون عمل کنند در باز پرس منینا محبت کردند و در مرحله دادگاهی قاضی گفت: اگر با نظر از ایام
 حکم بود برایت صادر می کردم اول سفین! خوب ایشان هم به خاطر همین موضوع در سریع وقت می خواستند دادگاه
 بدون کشیدن ذنایات بنده در فرض حدوداً ۵ بیخ و حقیقت تمام گردید و سرافرا حکم به ایلام منینا بجزید؟

۴-

حکم صریح و هیئت کسی که به حکم قانون دستگیر، بازداشت، زندانی یا تبعید شده به هر صورت که باشد منینا
 و موجب مجازات است این هم اصل سی و دوم قانون اساسی جمهوری اسلامی ایران؛ ولی متأسفانه بطوریکه
 که در شرح و ابلاغ دستگیری و ایام بازداشت و شکنجه که اشاره کردم حکم توسط زندان منینا محاکمه صورت
 گرفت، حال من دانم این معنیست و مجازات علاوه بر آفتابان بازجویی سپاه پاسداران و اداره اطلاعات، شکل حال
 زندان بان های بازداشتگاه های ارگان های امنیتی مربوط نیز می شود یا نه؟

۵-

۵-

طبق قانون اصل پنجاه و هفتم قانون اساسی کشور جمهوری اسلامی ایران هر سه قوه ی موجود در کشور مستقل از یک دیگرند؛ ولی باز بنده شاهد بودم که در پیرونده ی قضایی، دادگاه، که خود یکی از زیر سهمی های دستگاه مستقل قضائی کشور است. نه جای آنکه مستندات خود و سوالات متعدد و حتی طبقات متعدد در رسیدگی به موضوع یعنی لغتاً مربوط رادر دستور کار خویش قرار دهد به جملی پیرونده سازی های مجعول دستگاه های امنیتی - اطلاعاتی استناد و چون با سایرین هم کاری نکرد طای مستثنی ترین حکم را هم در رس گنم فریب کجا نیست بر سر مستقلانه ی مستندات موجود پیرونده توسط قاضی، فقط طرف دعوای کشور (اطلاعات و سیاه) هدا که می نوشتند بود دلیل کرده بودند از این (قاضی دادگاه) نیز پیرونده است. جان آنکه این از دلایلی اثبات جرم یا وجود شاهد سرد عادل محافل و بانواع نیست و با اقتدار فر دستم در حالی که در مورد موضوع و سرور اتعاصی پیرونده می نیده هیچ یک از این موارد وجود داشت و من قاضی دادگاه بایم توضیح به استقلال قضائی خویش و یا به هر علت دیگری که برایم معلوم محرز نیست که طرف قضایات کرد و دانش رفت که حتی فلان و نه صد بان در قرآن کریم فرموده اند

«و اذا حکمتم بین الناس ان حکموا بالعدل» و چون در میان مردم به داوری نشستی به عدل داوری کنید

۶-

یکی از موارد استثنائی تشکیلی پیرونده برایم در مورد همین اقدام (کسویت درینک رضایت خویش) در دروغ و شکر استنادهای بعضی دادگاه انقلاب اسلامی معنادار و هم نشنیدم و حال جانب تر صدور دو رای مستندات و مستخیر ازین دادگاه انقلاب اسلامی معنادار که رای بر اعلام بنده صادر فرموده بودند! دوین دادگاه انقلاب اسلامی شنیدم صدور قرار و توقیفی - ایلین قضائی! حال کسویت از هر دو دادگاه محترم سوال فرمایید که اولاً برای کسویت شخصاً کسویت هم متکلم شده در پیرونده در دروغ و شکر استنادهای مستندات بار گردیده!؟

ثانیاً. برای همان اقدام دادگاه انقلاب معنادار اقدام دادگاه انقلاب شنیدم و کسویت ی. لطیفی توانی صادر کرده اند آیا این موضوع در تاریخ دادگاه انقلاب کشور حتی شاید دنیا سابقه داشته و دیگر آنکه این اشهر مجازات دادگاه انقلاب معنادار نوعی القاء و حتی نشانند آن نیست که قضای استان آنخ توسط ارگان های امنیتی بسیار ویژه تر صیفاً شده و دادگاه مربوطه نیز همان کار را به نظریه های مثلاً کارگزار سیاسی ارگان دعای سرور و کسویت می دهند. و هیچ تلاش، پرس و جوی و حتی شنیدن اظهارات متهم را برای صدور رای به کار نمی نیند. آیا این نیست استقلال قاضی!؟

۷-

احکام دادگاه بانه مستقل و مستند به سواد قانونی را هم در این کشور با شنیدن که بر اساس آن حکم صادر شده است. این هم اصل یکصد و هفت و ششم قانون اساسی جمهوری اسلامی ایران حال سوالی که مطرح است قاضی دادگاه محترم با توجه به کدام استدلالات و مستندات قانونی را همول حکم به این سنگین صادر فرموده!؟ آیا واقعاً کسویت در شکر آن هم در قضیت فریختن و تبلیغ آن منوط به ارائه حکم اعلام می گردد؟! در حالی که هیچ شکله و دلیل مستند و قانونی و حتی اقلاری هم نیست که بنده رای به اعدام محکم نموده ام! در قضایات سوالی در پیش می آید که آن که مستندات دادگاه چه بوده؟ چون بنده هنوز طایفه کتبی نه از رای دادگاه اولیه نیز از دیوان کسویت که در دست نزارم تا آنرا مطالعه کنم و نتیجه برایم بخیر نگردد. قاضی دادگاه بر چه چیز صارا دلته حاجی قضایات معذره رساله اشهر مجازات محکم نموده!؟

۸-

اصل بیانات است و هیچ کس از نظر قانون مجرم شناخته نمی شود مگر آنکه مجرم او در دادگاه صلاحه ثابت گردد خوب این هم متن کامل اصل سی و هفتم قانون اساسی جمهوری اسلامی ایران است. ولی موضوعی که برایم جانب است و برای سوال این است که در باره کسویت گفته شده «مجرم او در دادگاه صلاحه ثابت نگردد» ولی من دانم که در میان قضایات و قضای مجرم بنده در دادگاه صالحه کسویت در باره استکراهی ارگان های امنیتی در پیرونده شکر ثابت گردیده نه نوزاد است و یا صراحتاً دیگر سلسله ای در این زمینه حکم اعدام و جرم کارها به بنده زده نند!؟

۹-

حلیق قوانین آکسین دادری کسویت پس از شناسی رای بنده در دادگاه می صادره نکات ذیل را رعایت کنید:

الف) شماره دادنامه با ذکر تاریخ و شماره پیرونده
ب) مشخصات دادگاه رسیدگی کننده و قاضی آن

ان
انگشت

۱۳-
 نیده با توجه به این ضمیمه و این گفتارهای خوش هر ضمیمه نیز از ارجح و اقسام آن گفته چنانچه فزونی روحی قرار گرفته به هیچ وجه از القابات واهی
 و سخن خندانیه باز عیون جواب مثبت نداده ام یعنی به طور واضح هیچ اقرار صحت بر ادبیات واهی نشان نداده ام چگونه به
 اشرف مجازات محکوم می شود!؟

انگشت
 اثر
 نویسنده

۱۴-
 حال اگر نیده نباشد تا آنست که کتفه های (منبرکین - روحی) اشیا را بنمایم و اعیاناً به جرمی یا خلافی غیر واقع معترف باشیم
 درگاه بایستی بر این من حکم مجازات اعدام را صادر کند؟ یعنی اصول و قوانین نوت شده کشور در کتاب قانون همبستگی
 اسلامی ایران به چه منبرکین که حالت خصمانه دارد و هیچ گونه ضمانت امراض ندارد!؟
 البته خوب بقتانده نیده به خاطر این گناهی و اثبات آن کتفه ها در اصل کتفم و در این اکتفا نادرست است کدام.
 بهر از اشاره به منبر اصل قانون اساسی همبستگی اسلامی ایران و بعضی سوارا کشین دادرس کتفیری و استبداد سطحی نیده
 در عنوان یک سخن و ندر ایدانی که مورد ظلم قرار گرفته ام و خواص آن همست که حکم صادره حداقل با اعمال که نیده انجام
 داده ام و طبق قوانین همبستگی اسلامی ایران جرم محسوب می شود؟ سزا همبستگی باشد یعنی در این اعلام این که حکم اعدام با
 جرم مورد کتفم هم خوانی ندارد. حال با توجه به آن که مراحل درگاه های بدوی دیوان عالی کشور طی کرده و هنوز
 دستگاه قضایی از اجحاف و اوردن مدارای سارین نشود است. لذا با توجه به این موضوع که حداقل چهار ظلم و جور
 و ستم در دنیا و کفرت به یاسی تمامی مراحل آن نوت شده می شود به آگاهی آن مقام مسوول می رانم که این جنبه قضایی
 رسیدگی می رود و عادلانه به نیده خوش را خورده و من خواهم تمامی مراحل اولیه رسیدگی و تحقیق و بازجویی و بازپرسی و
 درگاه می دیوان عالی هم صورت ریزد و قانون مندر بر این واقعاً حق بشود چون نیده با توجه به آنکه در این سوارا رسیدگی
 شود در زندان محبوس است ۵ روز اکتفم ندر خورده و من دادستان محبان در امور از مطلقان مانده اعلام کرد که تمام رسیدگی
 سزانه خواهد بود و اکنون بعد از انتقال به زندان ارومیه کلاً فهمیدیم که اشیا نیده هیچ قدری در این راستا نیده از استانه نیست
 در این اکثرین بار بر خود فرض من دانم که حداقل تطام خواصی خوش این گناهی ترین مقام قضایی کشور در این باشد که
 با نظارت و رسیدگی سزا حکم ناکلد لانه اعلام نیده کتفمست و واقعاً کتفیری که با نیده انتساب همخوانی داشته باشد بر این مدار
 شود نه اشرف مجازات!؟

Translation: Letter from Political Prisoner Habibollah Golparipour to the head of the Judiciary of the Islamic Republic, Sadeq Larijani

The undersigned, Habib...¹ Golparipour, the son of Nasser, with *shenasnameh* identification number 2664, was arrested by the IRGC forces of the city of Mahabad on September 26, 2009 and was interrogated under the charge of membership in the PJAK group. Over the 18 days that I was in the IRGC detention center in Mahabad, I was subjected to the harshest physical and psychological torture. For example, due to the severity of my torture, my right hand was fractured and started to bleed; eventually, under the same severe torture my right hand and foot were both broken. Because of continuous lashes from a whip, my entire body became black and blue and my skin was blistered. Along with all of this whipping and beating, I was also subjected to electrocution, including, shamefully, electrocution via my genitals. The burn scars of these electrocutions are still visible on my skin.

Another way that my interrogator tortured me was to hang me from my hands and feet for many hours. Sometimes, these gentlemen would forget that I was hanging in the air for [as long as] two days. When this didn't satisfy them, I was hung upside down. [The torture was carried out] so that I would answer their questions to their satisfaction. Although I had confessed early on that I was a member of the PJAK group and that my activities consisted [solely] of propaganda and cultural activities, this did not satisfy my interrogator, and [he] inflicted all of this pain on me until I would satisfy their doubts and confirm their fabrications. All of this torture occurred during the 18 days that I was in the IRGC jail.

On October 14, 2009, they transferred me from the IRGC detention center in Mahabad to the Al-Mehdi IRGC detention center in Orumiyeh. It is worth noting that as I was being transported from Mahabad to Orumiyeh, I was subjected to slaps, punches and kicks in the car during the whole trip, although they could see my broken hand and foot and the burn scars on my body.

After being situated in the Al-Mehdi jail, for 35 days I was subjected to further interrogation in the form of more physical and psychological torture. In the aforementioned jail (Al-Mehdi), in addition to the physical torture, they also threatened to kill me, insulted and belittled my family, and put substantial psychological pressure on me. By raising the volume of the speakers in the corridors of the jail, they did not give me even a few hours of rest. Finally, on November 18, 2009, I was returned to Mahabad from the Al-Mehdi jail. In the style of my interrogators, I was threatened with death again during my return trip. After arriving back in Mahabad, I was put in solitary confinement in a cell that did not have any facilities for the period of one week in severe cold without being allowed visits from my family or an attorney. If they could, they probably would have taken away the little food and water that was provided for me.

On December 25, 2009, these gentlemen (the officers of the local Unintelligence office) [sic] took me from my cell to the jail building #2 of the Intelligence Ministry office of Sanandaj. The next day, my interrogation there started, but from that first day on for a week in the jail's basement I was subjected to hours of [unrelenting] beatings with metal posts. Worse than the physical torture was being forced to hear the sounds of other prisoners being tortured and being taken to view the condition of people who had been tortured previously. This sapped the little energy that I had left.

Even the guards who were only supposed to bring me food and water subjected me to vulgar insults (including some involving the honor of my family). All of this [abuse] was done to make me more susceptible to the words and intentions of my interrogators.

The situation was so grave that I viewed death as preferable to this torture. With the understanding that to commit suicide was to relieve myself from my interrogators and the torture they inflicted on me, I attempted to end my life. My attempt to free myself from this horrendous situation was unsuccessful due to the interference of my guards.

The interrogators of the Intelligence office of Sanandaj asked the same questions that I had already been asked and expected new answers that confirmed their suspicions. They were extraordinarily insistent

1. The prisoner's full name is Habibollah Golparipour, but he omits the 'Allah' from his name when writing it, a custom among devout believers.

that I confess to involvement in military activities about which I had absolutely no knowledge. In this Intelligence office, they purport to be simply researching all of their accusations. They had no evidence against me, and the reason that they kept insisting that I confess and thereby confirm their insinuations and nonsensical comments regarding things that I have never done nor been able to do is unclear to me. The interesting part is that the interrogators were referring to events that occurred on dates when I was actually not even in Iran, because I was in the [PJAK] camp in Iraq on those dates. [When I told them this,] my interrogators started to give me false promises in order to trick me. They asked me to read a pre-written confession and express regret in front of a camera. I did not accept any of their allegations except that regarding my involvement in the PJAK.

Finally, on January 18, 2010, I was sent to Mahabad Prison from the Intelligence office's jail. During this [preceding] period, my family was never notified of my condition. After all of these transfers from one location to another, on January 4, 1388, I found myself in the Orumiyeh Intelligence office. During this period of one month [sic], I was not physically tortured, and according to the interrogators, I was only there due to the vagaries of the legal process. They told me that my interrogation was complete and that I was just there for administrative purposes, and I understood that if I was not being tortured, that wasn't because it [not torturing me] was important for them, but rather that they were keeping me there to collect overtime and bonuses [from the Ministry]. After that month, when the Intelligence office's profiteering ended, they transferred me to the City Prison of Mahabad. On the date of February 6, 2010, I was taken to the Revolutionary Court of Mahabad and was questioned by Sheikhloo, the Assistant Prosecutor; this 'questioning' took the form of taking my fingerprints on a piece of paper that I wasn't even allowed to read, and nothing else. As with thousands of documents that these intelligence and security institutions write, I was simply forced to affix my fingerprint to them. Afterwards, at Sheikhloo's order, I was transferred to the prison. After these few seconds of official interrogation, on the March 15, 2010, for the first and last time, for a few minutes in Branch 1 of the Revolutionary Court of Mahabad presided by Judge Khodadadi, I was sentenced to death. Before [saying] anything else, this judge asked me "Why didn't you cooperate with the officers? If there were a sentence more severe than hanging, I would issue it for you and I'd put the rope around your neck myself."

I was astonished by the whole ordeal. The judge simply took the written version of the argument that my attorney, Seyyed Ehsan Mojtavi, had prepared, and with that, my trial was over. Without being able to say a word in my own defence, I was condemned to the most severe penalty.

Ultimately, on April 6, 2010, a middle-aged person whose professional credentials were never made clear to me condemned me to this ultimate penalty, execution, by reading a few of the following lines:

Mr. Habib... Golparipour, you are found guilty of the crimes of *muharibih* and *mo'fsid fi al-arz* (sowing corruption on earth), membership in the PJAK group and performing activities on behalf of the PJAK group, and based on the documentary evidence gathered by the IRGC and the Intelligence office, you are condemned to death.

More interesting still is that on the March 24, 2010, I was sent to the proxy branch of the Revolutionary Court of Mahabad from the Mahabad Prison. The same questions were repeated and on September 8, 2010, I received a response from the Revolutionary Court of Sanandaj for the same accusations (membership in PJAK, etc), which set a bail of 10 million Tomans (\$10,000) for me. Prior to this, my attorney, Seyyed Ehsan Mojtavi, protested the initial verdict of Branch 1 of the Revolutionary Court of Mahabad. I was told on August 30, 2010 that the verdict had been affirmed by the Supreme Court. This decision only took a few months, but neither my attorney nor I have yet received any written confirmation of this ruling from the Supreme Court.

The second phase of legal and logical shortcomings of my case:

1. From day one of my arrest, I was subjected to numerous forms of physical, emotional and psychological torture. Pursuant to Article 38 of the Constitution of the Islamic Republic of Iran, were the aforementioned security and intelligence institutions permitted to treat me this way?
2. Given that the IRGC of Mahabad and the Al-Mahdi IRGC (of Orumiyeh) and the Intelligence offices of Orumiyeh and Sanandaj were operating as extensions of the criminal justice system of the Islamic Republic, and given that they were acting under Article 15 of the Criminal Code, it can be either concluded that they were operating under the orders of the judges of the judiciary or that they were acting on their own contrary to the law. If the former is the case, the violations of the law implicit in my torture should be investigated by the Special Disciplinary Court for Judges. If not, then my interrogators tortured me illegally of their own volition, and I intend to pursue complaints against each and every one of them, and I demand that the courts prosecute each one of them for every single crime they've committed.
3. *“No one can be arrested without the presence of some law justifying the arrest. Charges pertaining to an arrest must be submitted to the arrestee in written form. Within 24 hours the file must be referred to the competent court and trial proceedings must be initiated as soon as possible. Any authority that violates this law will be punished according to law.”* This, in fact, is the complete text of Article 32 of the Constitution of our nation. Now, tell me why, at the moment of my arrest, some accusations against me were made—only verbally—and thereafter I endured months of torture, and when I was taken to court, the proceedings against me were decided in such a speedy way that I didn't get a chance to say a word in my defence, and the judge told me that if there were a sentence more severe than hanging, he'd give it to me, and after five minutes without hearing my defence, I was out of the courtroom.
4. *“The deprivation of dignity of persons who have been arrested, jailed or exiled is prohibited and subject to punishment.”* This is Article 39 of the Constitution of the Islamic Republic. I don't know if this applies to the guards at the prison who also deprived me of dignity, or just to the IRGC interrogators.
5. According to Article 57 of the Constitution of the Islamic Republic, the three branches of government are independent. But, then again, I was witness to the fact that in a judicial case, the judicial branch, which is one of the independent branches, fully accepted the fabrication of evidence against me without examining evidence on its own, and issued the death sentence against me since I did not cooperate with the officers [of the IRGC]. Whatever charges the Judiciary brought against me had been dictated to them. The veracity of such accusations can only be established by a “just, wise, adult male” [i.e., a competent witness in Islamic law] or via confessions by the defendant. In my case, neither one applied. But at court, the judge either neglected his professional independence, or, for reasons not apparent to me, displayed partiality when he issued his judgement and forgot that in the Qur'an, the Forgiving God has said “When you sit among people to judge, do it with justice.”
6. One of the significant questions about my case is that I have received two different sentences for the same charge in two different cities: in the Revolutionary Court of Mahabad, execution, and in the Revolutionary Court of Sanandaj, [presumably a prison sentence with] a bail of \$10,000. How can the same file receive two different sentences for the same crime? In the history of the Revolutionary Courts of this country, or even the courts of the world, is there any precedent for this? [Evidently the authorities] in the province of Western Azerbaijan are functioning with some sort of special independence. Is this [what is meant by] judicial independence?
7. *“The verdicts of courts must be well-reasoned and supported by evidence with reference to justice and the principles of the law in accordance with which they are delivered.”* This is the text of Article 166 of the Constitution of the Islamic Republic. Where in my sentence is this text realized? Do my membership in the PJAK and my cultural and propaganda activities merit the death sentence? There is neither logical evidence nor any witnesses to confirm the charges,

and since I do not have an official written version of my sentence either from the trial court or the Supreme Court, I cannot say on what principles the judge based his issuance of the ultimate penalty.

8. *“The basic principle is innocence until proof of guilt has been established in a competent court.”* This is the full text of Article 37 of the Constitution of the Islamic Republic. It’s interesting for me that in the last clause they say that guilt of a crime must be proven in a competent court—in my case, this guilt was proven neither in a competent court nor even in the jails where I was tortured.
9. According to the Criminal Code, a written judgement should be issued with:
 - a. The identifying code of the sentence with date and docket number
 - b. The identifying information about the issuing court and the presiding judge thereon
 - c. Specifications about the two feuding parties to the case
 - d. The reasons and evidence for the judgement
 - e. The nature of the sentence and the law upon which it is based

After the written judgement is signed, it should be documented in court records and a copy of the judgement should be given to the feuding parties. Why do I not have any such written documents? Isn’t it my right to at least have a written copy of my death sentence? Isn’t it my right to know what my sentence was based upon? Why was I [found guilty of] sowing corruption on earth? Is this too much to ask? Isn’t this illegal? Shouldn’t they pay a penalty for it? They haven’t given me a written copy of the judgement because they didn’t want me to write a complaint. If those who are supposed to set the standard of law (judges) are acting so unlawfully, what do they expect from me or from my interrogators? We are certain to never achieve real justice as long as our judges—those who are the sources of justice [in society] and who purport to defend against injustice and cruelty—employ the kind of logic [that I’ve observed].

10. The judgement was based on the charges brought by the Intelligence Ministry and the IRGC. In the absence of confession or testimony, I believe that my prosecution has occurred outside the framework set by the Constitution of the Islamic Republic. Iran has signed three human rights instruments, of which the most important is the Universal Declaration of Human Rights. The observance of human rights has been acknowledged in the Constitution. During the whole five months of my imprisonment [before having my first hearing], the state was in contravention of Article 32 of the Constitution, which states that charges must be made clear within 24 hours of arrest.
11. The judge never investigated my character. According to the Criminal Code, the judge should first ask about the identity and character of the accused. Also, they must ask his address and then explain the reasons for his arrest. Deceptive questions and questions designed to trick the accused into accidentally implying guilt are forbidden, as is forcing the accused to confess against his will. If the accused refuses to answer a question, that refusal should be included in the record. None of these rules were observed in my prosecution. Is this judicial apparatus truly the inheritor of ‘Ali?
12. Article 168 –*Political and press offenses will be tried openly and in the presence of a jury, in courts of justice. The manner of the selection of the jury, its powers, and the definition of political offenses, will be determined by law in accordance with Islamic criteria.* As I’ve indicated above, this wasn’t the case with my trial. Political charges were brought against me, but there was no ... jury present for my brief, one-minute show trial.
13. I was completely innocent and was not informed of the charges against me before my trial, and I did not accept or confirm any of the charges. If I never confessed to a crime [and in the absence of any other evidence confirming guilt], why have I been sentenced to death?

14. Would the court still have sentenced me to death if I were not able to withstand the physical and psychological torture inflicted upon me, and therefore confessed to the crimes of which I was accused? Does this mean that the principles and laws laid out in the Islamic Republic's founding documents have no practical use beyond appearance? Fortunately, because I was innocent, I endured all of the torture and did not make any false confessions. After citing all of the relevant Articles of the Constitution of the Islamic Republic above, as an Iranian citizen who has been victimized, I want the sentence that I receive to be in accordance with what I have done. [But] that sentence has no correlation with what I have done [it is disproportionate]. Consequently I, the undersigned, would like for my file to be justly reviewed. One time, in order to have my voice heard by the judicial authorities, I went on hunger strike for 15 days in Mahabad Prison. The prosecutor in Mahabad promised that the legal process would be respected and now, after being transferred to Orumiyeh Prison, I have come to fully understand that he never took any such steps. Therefore, for the last time, I bring it upon myself for you, the highest authority of the judiciary of the nation, to hear the voice of an innocent victim. May it be that under your supervision, the unjust sentence of death be rescinded, and may it be that I receive a sentence that I deserve, not the ultimate penalty.

Appendix III

Judgement of an Individual Accused of
Collaboration with PJAK

فلاتتبعوا الهوی ان تعدلوا

دادنامه

دادگاه

شعبه صالح

مرجع رسیدگی کننده: شعبه اول دادگاه انقلاب اسلامی ارومیه

تاریخ:

کلاس: دادنامه

متهم:

اتهام: دائر بر عضویت در گروهک پژاک و حضور مسلحانه در خاک کشور ایران

دادگاه با بررسی اوراق و محتویات پرونده ختم رسیدگی را اعلام و بشرح زیر مبادرت به اصدار رای می نماید.

« رای دادگاه »

بموجب کفرخواست صادره آقای

بازداشت موقت متهم است به عضویت در گروهک پژاک و حضور مسلحانه در خاک کشور ایران با این توضیح که متهم چندین سال قبل به عضویت رسمی گروهک P.K.K در آمده و بعداً به پژاک پیوسته است با اینکه این دو گروه هیچگونه فرقی از نظر تشکیلاتی ندارند و از یک سیاست واحد پیروی می نمایند و آن هم مخالفت و معاندت با نظام جمهوری اسلامی می باشد.

و متهم در حین دستگیری دارای سلاح کلاشینکف با یکصد و پنجاه تیر جنگی و دو عدد نارنجک بوده است که این حاکی از عناد و مخالفت وی با نظام جمهوری اسلامی می باشد و اگر هم تیراندازی نکرده فرصت پیدا نکرده اند و الا نارنجک را چکار می کرده و البته در ساعت [] کسی با آن وضعیت حاضر به شهادت نمی باشد و مسلم است کسی بصورت مسلحانه وارد خاک ایران شود و یکی از همراهانشان به هلاکت می رسد حاضر به اقرار به حرم خویش نمی گردد و احوال حاکم بر ما نحن فیه برای انسان جای شبهه باقی نمی گذارد که متهم با حضور مسلحانه خویش دشمنی خود را با حکومت اسلامی ایران اعلام می نماید و از طرفی گروهک ک.ک.س و پژاک از نظر اهداف با هم فرق ندارند و اداره اطلاعات هم صراحتاً " به این امر صحه گذاشته است و بخشنامه ریاست محترم قوه قضائیه بتاريخ ۸۴/۲/۱۱ خطاب به دادگاههای انقلاب اسلامی سراسر کشور مبنی بر اینکه در صورت عملکرد مسلحانه گروهک پژاک محاربه با نظام اسلامی می باشد این هم دلیل محارب بودن می باشد. فلذا دادگاه با ملاحظه اوراق و محتویات پرونده، گزارش سپاه پاسداران و دستگیری وی در حال مسلحانه با رد دفاعیات بلاوجه متهم و وکیل شان نامبرده را مجرم دانسته با استناد به ماده ۱۸۶، ۱۹۰، ۱۹۱، ۱۹۳ از قانون مجازات اسلامی نامبرده را به تحمل ده سال حبس بصورت تبعید در زندان ارومیه و ضبط اسلحه و مهمات محکوم می نماید. رای صادره حضوری ظرف بیست روز پس از ابلاغ قابل اعتراض در دیوانعالی کشور می باشد. / ۱

درویشی

رئیس شعبه اول دادگاه انقلاب اسلامی ارومیه



Judgement

Court: Branch 1, Revolutionary Court of Orumiyeh

Fa La Tatabi'u al-Hawa An Ta'addalu [Follow not low desires
so that you may be able to act equitably]

Date: [redacted]

Processing Authority: Branch 1, Revolutionary Court of Orumiyeh

Classification: [redacted]

Judgement: [redacted]

Defendant: [redacted]

Accusation: membership in the PJAK group and armed presence on the Iranian soil.

Upon deliberating on the pages and contents of the file, the court declares the termination of proceedings and proceeds to the issue of rendering a verdict as follows.

According to the indictment issued, [redacted] has been temporarily detained under the charge of membership in the PJAK group and the possession of arms on Iranian soil. The accused became an official member of the PKK a few years ago and later joined the PJAK. In terms of organization, the two groups have no difference [with one another] and both groups follow a united policy of opposition and enmity with the Islamic Republic. [Redacted]... and at the time of his arrest, the accused was in possession of an AK-47 and 150 bullets as well as two hand grenades. This demonstrates his enmity with and opposition to the regime of Islamic Republic. If he did not shoot the bullets, it is because he did not find an opportunity to do so. Otherwise what was the use of [having] the grenade [sic]? And of course at the hour of [redacted] no one prepares to enter martyrdom in that condition [sic]! It is clear that when someone enters Iranian soil armed and one of his comrades gets killed, he will not be willing to confess to his own crimes. The prevailing circumstances do not leave any room for doubt that, with his armed presence, the accused announced his enmity with the Islamic government of Iran. On the other hand, PKK and PJAK do not differ with one another when it comes to their mission [as] explicitly confirmed by the Office of Intelligence. Also, the circular of the respected head of the Judiciary dated April 21, 2005, directed at the Islamic Revolutionary Courts across the country, states that the armed actions of the PJAK group are *muharibih* against the Islamic government, which is the reason for a finding of *muharib*. Therefore, after viewing the papers and content of the case file, the report of the Revolutionary Guards and [the fact that] that he was arrested while armed, the court rejects the baseless defense of the accused and his attorney and condemns him as a criminal, citing articles 186, 190, 191, and 193 of the Islamic Penal Code, and sentences him to ten years of imprisonment in exile at Orumiyeh prison as well as confiscation of his gun and ammunition. This verdict can be appealed to the Supreme Court in person within 20 days of its issuance.

Darvishi

Head of the Branch 1 of the Revolutionary Court of Orumiyeh

Copy is equal to original

[SIGN AND SEAL]

Look for IHRDC's upcoming report on abuses against the Ahvazi Arab ethnic minority in Iran, due to be released in March 2013.



Zaynab Jalalian (pictured above) is a Kurdish Iranian political activist who was arrested in 2007 in Kermanshah. While in custody she has reportedly been severely physically and psychologically tortured and subjected to long periods of solitary confinement. In 2009, in a trial that reportedly only lasted a few minutes, she was sentenced to death on charges of *muharibih*—or “warring with God”—for her alleged involvement with PJAK. In December 2011, Jalalian’s lawyer announced that her sentence had been commuted from execution to life imprisonment. Jalalian is currently incarcerated in Kermanshah prison.