

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

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Prosecutor Against
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Date: 25/9/88 [16 December 2009]

Number:...

Enclosure: 4703/88

In the Name of the Almighty, the Gracious, the Merciful

INDICTMENT

Honourable Head of the Military Courts in Tehran

Greetings and salutations;

The following pertains to case reference 88/5878:

A) Identity of the accused and the charges against them:

1- Lieutenant-colonel Faraj Kamijani, son of Hussein, born 1341 [1962], birth certificate number 2684-issued in Kamijan, Shi`a, FATEB¹ Unit (Head of Kahrizak Detention Centre), literate, married, no prior criminal record, resident of Tehran, detained since 25/5/88 [16 August 2009] under temporary detention order, stands charged with: [Law Respecting Legitimate Freedoms and Protecting Citizen Right

- a) **Authorizing assault causing injuries to detainees;**
- b) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights ;**
- c) **Involvement in false reporting,**
- d) **Creating public mistrust of NAJA²**

2- Officer Mohammad Khamisabadi, son of Abdollah, born 1351 [1972], birth certificate number 5-issued in Kangavar, Shi`a, FATEB Unit (Kahrizak Detention Centre), literate, married, no prior [criminal] record, serving since 1376 [1997], resident of Tehran, detained since 25/5/88 [16 August 2009] under temporary detention order, stands charged with:

- a) **Involvement in assault causing physical injuries, resulting in the intentional killing** of (deceased Mohsen Rohulamini, Amir Javadifar, and Mohammad Kamrani)
- b) **Direct participation in assault causing physical injuries, and verbal insults against complainants** (Hossein Baghban, Erfan Nazari, Masoud Ebrahimi, Hamed Sadruddini, Shahin Fathi, Mohsen Sadeghi Esfahani, Reza Tavakoli, Behnam Rezaie, Hossein Emami Taleghani, Pouria Ramezani, Nader Khaireh, Amir Asghari, Eshagh Rezaie Niaraki, Amir Aghchelou, Hamed Malekzadeh, Masoud Alizadeh, Seyed Milad Hosseini, Reza Fazeli Mostakhdem, Maisam Kargar, Ali Najjari, Mohammad Sadeghlou, Houman

¹ FATEB is a Persian acronym for Commanding Law Enforcement Agency in Greater Tehran

² NAJA is a Persian acronym for Law Enforcement Agency of the Islamic Republic

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

Rajabi, Hatef Soltani, Taha Zinali, Reza Ahmadi, Amir Imani, Ali Jalilvand, Medi Bahmanzadeh, Saman Ganji, Sadegh Sowlati, Payman Shahnabi, Mehdi Mohammadi Fard, and Hossein Nasr Esfahani);

- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**
- d) **Creating public mistrust of NAJA**

3- Officer Ebrahim Mohammadian, son of Sayfollah, born 1362 [1983], birth certificate number 2-issued in Natanz, Shi`a, citizen of Iran, literate, FATEB Unit (Kahrizak Detention Centre), no prior [criminal] record, married, resident of Tehran, detained since 25/5/88 [16 August 2009] under temporary detention order, stands charged with:

- a) **Participation in assault causing physical injuries, resulting in the intentional killing** of (deceased Mohsen Rohulamini, Amir Javadifar, and Mohammad Kamrani)
- b) **Direct participation in assault causing injuries, and verbal insults against complainants** (Hossein Baghban, Erfan Nazari, Masoud Ebrahimi, Hamed Sadruddini, Shahin Fathi, Mohsen Sadeghi Esfahani, Reza Tavakoli, Behnam Rezaie, Hossein Emami Taleghani, Pouria Ramezani, Nader Khaireh, Amir Asghari, Eshagh Rezaie Niaraki, Amir Aghchelou, Hamed Malekzadeh, Masoud Alizadeh, Seyed Milad Hosseini, Reza Fazeli Mostakhdem, Maisam Kargar, Ali Najjari, Mohammad Sadeghlou, Houman Rajabi, Hatef Soltani, Taha Zinali, Reza Ahmadi, Amir Imani, Ali Jalilvand, Medi Bahmanzadeh, Saman Ganji, Sadegh Solati, Payman Shahnabi, Seyed Masoud Razavie, Mehdi Mohammadi Fard, and Hossein Nasr Esfahani);
- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**
- d) **Creating public mistrust of NAJA**

4- Civilian Mohammad Reza Karami (a.k.a. Mohammad Taifil), son of Ali, born 1362 [1983], birth certificate number 7687-issued in Tehran, Shi`a, citizen of Iran, literate, resident of Terhan, prior criminal record, single, detained since 2/6/88 [24 August 2009] under temporary detention order, stands charged with:

- a) **Involvement in assault causing injuries, resulting in the intentional killing** of (deceased Mohsen Rohulamini, Amir Javadifar, and Mohammad Kamrani)
- b) **Direct participation in assault causing physical causing injuries, and verbal insults against complainants** (Hossein Baghban, Erfan Nazari, Masoud Ebrahimi, Hamed Sadruddini, Shahin Fathi, Mohsen Sadeghi Esfahani, Reza Tavakoli, Behnam Rezaie, Hossein Emami Taleghani, Pouria Ramezani, Nader Khaireh, Amir Asghari, Eshagh Rezaie Niaraki, Amir Aghchelou, Hamed Malekzadeh, Masoud Alizadeh, Seyed Milad Hosseini, Reza Fazeli Mostakhdem, Maisam Kargar, Ali Najjari, Houman Rajabi, Hatef Soltani, Taha Zinali, Reza Ahmadi, Amir Imani, Ali Jalilvand, Medi Bahmanzadeh, Saman Ganji, Sadegh Solati, Payman Shahnabi, and Hossein Nasr Esfahani and Mehdi Mohammadi Fard);

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**
- d) **Creating public mistrust of NAJA**

5- Colonel Ravanbakhsh Fallah, son of Bahram, born 1342 [1963], birth certificate number 89-issued in Roodbar, Shi`a, literate, Head of Inspections of FATEB, serving since 1360 [1981], resident of Tehran, no prior [criminal] record, married, detained from 13/6/88 [4 September 2009] to 14/9/99 [5 December 2009], released on bail with surety, stands charged with:

- a) **Involvement in false reporting;**
- b) **Negligence and violation of government regulations in carrying out duties, resulting in loss of lives and bodily harms;**
- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**
- d) **Creating public mistrust of NAJA**

6- Colonel Mohammad Amerian, son of Rahim, born 1344 [1965], birth certificate number 232-issued in Shahrood, Shi`a, citizen of Iran, literate, FATEB Unit (FATEB Director of Operations for [prison] Inspection), resident of Tehran, no prior [criminal] record, married, detained on 23/6/88 [14 September 2009] to 30/8/88 [21 November 2009], released on bail with surety, stands charged with:

- a) **Negligence and violation of government regulations in carrying out duties, resulting in loss of lives and bodily harms;**
- b) **Creating public mistrust of NAJA;**
- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**

7- Lieutenant-general Azizollah Rajabzadeh, son of Salman, born 1335 [1956], birth certificate number 1015-issued in Tehran, Commander of the Law Enforcement Agency in the Greater Tehran, Shi`a, literate, serving since 1357 [1978], no prior [criminal] record, resident of Tehran, married, free on recognizance, stands charged with:

- a) **Authorizing false reporting;**
- b) **Negligence and violation of government regulations in carrying out duties, resulting in loss of lives and bodily harms;**

8- 3rd Lieutenant Seyed Kazem Ganjbakhsh, son of Seyed Ali, born 1356 [1977], birth certificate number 655-issued in Gunabad, Shi`a, citizen of Iran, literate, with prior criminal record, FATEB Unit (Kahrizak Detention Centre), resident of Bajistan, detained from 11/6/88 [2 September 2009] to 22/9/88 [13 December 2009] under temporary detention order, released on bail with surety, stands charged with:

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

- a) **Assault causing physical injuries, and verbal insults against complainant** (Masoud Alizadeh);
- b) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;;**
- c) **Creating public mistrust of NAJA**

9- Officer Akbar Rahsepar, son of Jomeh Ali, born 1359 [1980], birth certificate number 104-issued in Khurammabad, Shi`a, citizen of Iran, literate, FATEB Unit (Kahrizak Detention Centre), serving since 1378 [1999], resident of Tehran, no prior criminal record, married, detained from 11/6/88 [2 September 2009] to 23/8/88 [14 November 2009], released on bail with surety, stands charged with:

- a) **Participating in assaults causing physical injuries, and verbal insults against complainants** (Houman Rajabi, Hatef Soltani, Taha Zainali, Mehdi Bahmanzadeh, and Saman Ganji);
- b) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;;**
- c) **Creating public mistrust of NAJA**

10- Officer Hamid Zandi, son of Ali Ghorban, born 1359 [1980], birth certificate number 2677-issued in Malayer, Shi`a, citizen of Iran, literate, married, with prior criminal record, FATEB Unit (Kahrizak Detention Centre), resident of Gharchat—Varamin, detained on 15/6/88 [6 September 2009] under temporary detention order, released on bail with surety, stands charged with:

- a) **Participating in assault causing physical injuries, and verbal insults against complainants** (Hossein Mahmoodi, Seyed Milad Hosseini, Mohammad Sadeghlou, Pouria Hossein, and Hassan Nasr Esfahani);
- b) **Creating public mistrust of NAJA;**
- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**

11- Officer Majid Varvie, son of Mahmood, born 1356 [1977], birth certificate 13718-issued in Kermanshah, Shi`a, citizen of Iran, literate, resident of Tehran, no prior criminal record, FATEB Unit (Kahrizak Detention Centre), single, detained on 23/8/88 [14 November 2009] and remained in custody due to inability to provide surety, subsequently released on bail with surety on 11/9/88 [2 December 2009], stands charged with:

- a) **Participating in assault causing physical injuries, and verbal insults against complainants** (Yaghoub Salimi, Pouria Hossein, Hossein Nasr Esfahani, Mehdi Mohammadi Fard, and Majid Nokhostin Sarbaz);
- b) **Creating public mistrust of NAJA**

12- Sergeant-major Mehdi Hosseinifar, son of Mahmood, born 1363 [1984], birth certificate 5648-issued in Tehran, Shi`a, citizen of Iran, literate, serving since 1386

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

[2007], no prior criminal record, FATEB Unit (Kahrizak Detention Centre), married, resident of Tehran, detained from 12/7/88 [4 October 2009] to 23/9/88 [14 December 2009] under temporary detention order, subsequently released on bail with surety, stands charged with:

- a) **Participating in assault causing physical injuries, and verbal insults against complainants** (Mir Masoud Razavi, Pouria Hossein, Hossein Nasr Esfahani, Yaghoub Salimi, and Mehdi Mohammadi Fard);
- b) **Creating public mistrust of NAJA;**
- c) **Denying the detainees of their constitutional rights and violating their civil rights contrary to the single-article Law Respecting Legitimate Freedoms and Protecting Citizen Rights;**

B) Procedural Synopsis:

Subsequent to the report of the Judiciary's Council of Tehran Province for the Inspection and Supervision of the Rights of Citizens and the instructions of the respected Chief Deputy of the Judiciary, and the closure of Kahrizak detention centre as per the order of the Supreme Leader, a file was opened at the Military Court of Tehran concerning the crimes committed by the authorities and officers in charge of Kahrizak detention centre. The file was then forwarded to Branch One of the Investigation Bureau for action. The results of thorough and extensive investigation and inquiries surrounding the claims, including: interviews with the complainants, witnesses, and those with information; inspection and investigation of the site; use of various methods to gather information from related sources; referral of the complainants to the Coroner's Office for forensic assessments and reports concerning the degrees of injuries sustained by the complainants and their causes, as well as determining the cause of death for those who lost their lives; summoning the accused identified in the file for further investigation; and a number of sessions of inquiry with the presence of the defendants, complainants and witnesses, is hereby noted below:

1- Background of Kahrizak detention centre and information about the actions of the authorities and officials at the detention centre based on the information gathered during the investigations and inquiries:

Kahrizak detention centre is located 15 kilometers outside of Kahrizak in the southern part of Tehran and was established for the purpose of holding detainees classified as 'thugs and louts.' The detention centre was administered exclusively by the Law Enforcement Agency of the Greater Tehran, and the State Prisons Organization had no supervisory role over the named detention centre. Overall the prison is described as follow:

- 1-1. The facilities had six wards and two quarantine units. The area of the quarantine unit where the detainees of 18 Tir 1988 [9 July 2009] were kept was approximately 65 sq. meters, with no light and no proper ventilation system.
- 1-2. Upon admission to Kahrizak prison, as per the orders of the guard in charge, the detainees were told to strip naked in front of others, some of whom—based on their claims—were kept naked for 45 minutes, at which time their underwear were taken and disposed of, and their cloths were put on them inside out. The authorities explained this action as measures to avoid infestation of parasitic insects.

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

- 1-3. All the detainees of 18 Tir [9 July] (123 individuals) were kept in a quarantine unit with an area of 65 sq. meters. The prison authorities then proceeded to add to the crowd another 37 prisoners who were already serving their sentence in Kahrizak, classified as thugs and louts. Given that it was a summer month, the air inside the quarantine was extremely hot and suffocating. Others arrested during the unrest at the time were also divided into four groups, each group held in cages that were specially designed for keeping prisoners classified as thugs and louts, within a very small space.
- 1-4. Inside the quarantine, there was insufficient space to sit down, and most of the detainees had to spend the entire night standing.
- 1-5. The only source of ventilation in the quarantine was five small windows near the ceiling, three of which, according to the complainants, were shut.
- 1-6. The quarantine had only access to two toilet facilities, one of which was out of order, and the other without a door. The detainees had to wait a long time to use the facility and had to walk in and out without shoes. Furthermore, the detention center had no shower facilities, and the detainees had no opportunity to wash themselves.
- 1-7. The said quarantine had only one water faucet, which emitted unsanitary water.
- 1-8. Gasoline fumes produced by the generators leaked inside the quarantine causing further air pollution inside the limited 65 sq. meter space.
- 1-9. One of the prisoners, named Mohammad Reza Karami, known as Mohammad Taifil, an inmate classified as a thug, with multiple criminal convictions—an unfit-violent individual—who had previously been detained in the same facilities for 13 months, was appointed by the Head of the Prison facilities (Lieutenant-colonel Kamijani) as the warden.
- 1-10. On numerous occasions, both during the admission process and while in detention, the guard and the warden (Mohammad Taifil) verbally insulted and abused the detainees and violently battered and assaulted them with PVC pipes.
- 1-11. The daily food ration was a small potato and some bread given to each detainee twice daily. This resulted in severe malnutrition of the detainees and loss strength that made them susceptible to illnesses and injuries caused by assaults. The detailed meal distribution charts found in Kahrizak records is enclosed with the conviction order (p. 35).
- 1-12. As a result of brutal physical assaults and blows inflicted by the prison guard and the inmate warden, the detainees suffered severe injuries, which, due to lack of hygiene and the dire conditions in the quarantine, turned into infectious diseases in most cases. The detainees suffered gravest assault and injuries at the time of admission by Officer Mohammadian, on 19/4/88 [10 July 2009], and by Officer Khamisabadi on 20/4/88 [11 July 2009].

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

- 1-13. Despite the presence of a physician in Kahrizak, conditions at the detention centre was extremely unsanitary and a foul odor saturated the air inside the quarantine. The detainees were routinely denied request for transfer to the infirmary, and those who were granted medical attention, were not treated properly and the prescribed medications were not provided to them.
- 1-14. There was no carpet or rug in the quarantine, and all detainees were walking barefoot. As a result of the unsanitary conditions, all detainees developed eye infections and some had fainted with froth coming out of their mouths.
- 1-15. According to the complainants, a number of prisoners classified as thugs and louts who shared the quarantine with them, roamed around fully or partially naked. This also indicates the authorities' negligence and careless attitude in respect of moral and religious standards at the detention centre.
- 1-16. There were no opportunities and/or proper areas at the detention centre for performing obligatory prayers and/or other religious observances.
- 1-17. From the time of the detainees' arrest, until their transfer to Evin prison, their families were worried and bewildered, not having any knowledge of their children's fate and whereabouts. Hoping to locate their children, the families contacted the Coroner's Office, courts, hospitals, and medical emergency units. Despite the fact that every detainee had provided two addresses and two telephone numbers at the time of their admission, no steps were taken [to inform their respective families].
- 1-18. Physical evidence of assault on bodies of some of the detainees, despite the passage of months from infliction of the wounds in Kahrizak, was observed during the inquiry. The evidence of wounds were also recorded and verified by the forensic report issued by the Coroner's Office. (pp. 629, 639, 786, 878, 978, etc.)
- 1-19. Despite the efforts of some detainees in drawing to attention of the guards the critical condition of some of the detainees, the authorities in charge of the transfer of prisoners from Kahrizak to Evin prison (including Officer Ganjbakhsh and Rahsepar) were grossly indifferent towards the general condition of the detainees and continued harassing and insulting them.
- 1-20. The said officers in charge of the transfer denied prisoners of water. And once at Evin, while the late Rohulamini was already in coma upon arrival, Officer Ganjbakhsh again dealt with the matter with complete disregard.
- 1-21. Lieutenant-colonel Kamijani, who was fully aware of the assaults and injuries inflicted upon the detainees by the officers, subsequent to the death of one of the detainees named Amir Javadifar, in order to shirk responsibility and fabricate the cause of death as meningitis, approached the head of the Medical Clinic at the FATEB Unit, Dr. Farahmandpour, and asked him to confirm Javadifar's cause of death as meningitis, and the place of death in Kahrizak. To this end, Colonel Kamijani went as far as preparing a written text and asking Dr. Farahmandpour to

sign it, which he declined. Subsequently, Colonel Toumari, administrator at Commander Rajabzadeh's office, contacted Dr. Farhmandpour by phone and asked him to sign the report, which he again declined. Lieutenant-colonel Kamijani then approached Dr. Pourandarjani, staff physician at Kahrizak infirmary, and asked him to sign the report. Dr. Pourandarjani also declined the request of the head of the prison.

Ultimately, a fabricated report addressed to the Public and Revolutionary Prosecutor of Tehran was prepared by Colonel Fallah and signed by Lieutenant-colonel Kamijani. The report indicated that "1. Mohsen Rohulamini, subsequent to his arrival to Evin, in front of other detainees from the quarantine, developed compulsion and was transferred by the prison infirmary to the Shohada-y Tajrish Hospital; 2. According to the diagnosis of all three hospitals, i.e., Mehr, Shohada-y Tajrish, and Loghman, the three detainees died as a result of meningitis, and the cause of death was determined and declared to be the said illness; 3. The infirmary at Kahrizak also reported the primary reason for the death of detainee Javadifar as respiratory condition, meningitis, and heart failure; 4. No assault and/or injuries were inflicted upon the detainees at the facilities." (pp. 2691-2692, Vol. 14 of the file)

It is noted that the accused Fallah and Kamijani claim that the text of the fabricated report was given to them by the former Public Prosecutor of Tehran, Mr. Saeed Mortazavi, and that it was Mr. Mortazavi who had asked them to submit such report as it was in the best interest of the Public Prosecutor of Tehran. (p. 1814, Vol. 9 of file) Furthermore, according to page 1985, volume 10 of the file, Colonel Fallah claims the Tehran's Public Prosecutor's Office had contacted Commander Rajabzadeh's office and conveyed to them the wishes of the Prosecutor of Tehran, subsequent to which Commander Rajabzadeh instructed that the request be complied with.

2- The admission processes of the post-election detainees at Kahrizak:

- 2-1. On 25/3/88 [15 June 2009], Masoud Mir Razavi was the first individual to be admitted as a result of the post-election incidents at Kahrizak by the security police of FATEB. He was subsequently released from prison on 20/4/88 [11 July 2009]. While in custody, the named individual was detained in different wards among those classified as tugs and louts.
- 2-2. On 29/3/88 [19 June 2009], a group of 11 arrested during the unrest in Tehran (prior to 18 Tir [9 July]) listed as Hesam Kamangar, Amir Arsalan Mohammadzadeh, Hossein Mahmoodi, Amin Shafi'i, Ali Azimi, Arvin Alizadeh, Mohammad Reza Moniri, Hassan Razzaghi, Seyed Abozar Mousavi, Sattar Rahimi, and Akbar Ezzati were also sent to this detention centre. They were transferred after 11 days [?], on 6/4/88 [27 June 2009], to Evin prison. During the period in custody at Kahrizak, these individuals were detained among 26 prisoners classified as tugs and louts in Ward 3.
- 2-3. Again on 29/3/88 [19 June 2009], two individuals named Pouria Hossein and Medi Mohammadifar were sent to Kahrizak, and were subsequently transferred to Evin

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

prison on 6/4/88 [27 June 2009]. These individuals were also held in wards designated to tugs and louts.

- 2-4. On 3/4/88 [24 June 2009], 9 individuals listed as Amir Hossein Babaie, Amir Sohrabi, Yaghoub Salimi, Nima Nakhosteen, Ramin Aghazadeh Ghahremani, Majid Nakhosteen, Hujjat Darvishi, Majid Sohrabi, and Saman Abouzari were sent to Kahrizak for detention. These individuals were transferred to Evin prison on 6/4/88 [27 June 2009], and subsequently released from there on 8/4/88 [29 June 2009].
- 2-5. At 15:30, on 19/4/88 [10 July 2009], 22 individuals listed as Morteza Mohammadipour, Amir Asghari, Mehdi Pourshaboumi, Morteza Sohrabi, Ali Bakhshayeshi, Hamed Pouladi, Shahram Kurdestanchi, Hafez Mohtaj, Vahid Vakili, Siavash Yousefshahi, Bahman Omidvar, Behzad Ansari, Nader Ahmadi, Amir Aghcheloo, Mohamad Balazadeh, Nader Javalani, Milad Haghpour, Alireza Ardalan, Mohammad Reza Mirza Aliakbar, Sajjad Nour Mohammadabadi, Faramarz Mafakheri, Davood Mansouri were admitted to Kahrizak by the security police. After the admission process, the above individuals were divided into groups and sent to wards designated to thugs and louts.
- 2-6. At 18:30 on the same date, 19/4/88 [10 July 2009], 118 other 18 Tir [9 July] arrestees (refer to the detention records for list of names) were transferred to Kahrizak detention facilities by the security police. They were detained in the quarantine unit.
- 2-7. At 22:00, again on 19/4/88 [10 July 2009], 5 other individuals named Yousef Emami, Hamed Naderi, Ahmad Zamanpour, Sajjad Abadi Azar, and Shahram Rezaie were admitted to Kahrizak detention centre by the security police.
- 2-8. The 145 individuals admitted at Kahrizak detention centre at three different periods on 19/4/88 [10 July 2009], were transferred after five days, on 23 Tir 88 [14 July 2009], to Evin prison at the request of the Deputy to Public and Revolutionary Prosecutor of Tehran for Security Affairs. Three of the detainees died.

3- Statements of the complainants and witnesses concerning assaults and injuries relating to the detainees:

Following the death of the three detainees and subsequent to gradual release of other accused arrested during the unrest, in addition to the next of kin of the three victims, 98 of the former detainees filed a formal complaint.

The complainants claim that at the time of admission in Kahrizak they were subject to verbal abuse as well as physical assault; that they were forced to strip naked before others, and were then taken to the 65 sq. meters quarantine area where 37 inmates classified as tugs and louts were also added to their midst. Moreover, the complainants claim that there were no opportunities given to them for performing their obligatory religious rites, i.e., daily prayers, during the course of their detention; also, that they were deprived of proper nutrition. Each day they were given two meals comprised of one potato and some bread, and the water provided to them was unsanitary.

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

One of the complainants named Mir Masourd Razavi, has stated in his grievance that the guard on duty, after the admission process, buried him up to his waist in a ditch outside the detention facility and kept him in that position from 8 p.m. on 25/3/88 [15 June 2009], until 6 a.m. on 26/3/88 [16 June 2009], for 10 hours without food, water or supervision. During the inquiries, the said guard, Sergeant Hosseinifar, admitted to have committed the act in accordance with the orders of the Head of Kahrizak Detention Centre. However, when confronted [with his superior], as recorded on p. 2260 of the file, the Officer changed his story and stated that he had committed this act on his own volition, due to his own personal state of anxiety.

It should be noted that 51 complainants withdrew charges during the investigation process. However, the three victims' next of kin and the remaining complainants proceeded with the motion.

The complainants: Messrs Morteza Sohrabi (p. 92, Vol. 1); Hamed Naderi (p. 96, Vol. 1); Hamed Pouladi (p. 97, Vol. 1); Saman Mahami (p. 97, Vol. 1); Mohammad Hossein Rashidnia (p. 209, Vol. 2); Nima Vaziri (p. 211, Vol. 2); Farid Ebrahimzadeh (p. 217, Vol. 2); Emad Yeganeh (p. 258, Vol. 2); Hamed Sadruddini (p. 274, Vol. 2); Davood Mansouri (p. 277, Vol. 2); Shahin Fathi (p. 292, Vol. 2); Reza Zoughi (p. 378, Vol. 2); Hossein Emami Taleghani (p. 411, Vol. 2); Amir Aghcheloo (p. 588, Vol. 3); Masourd Alizadeh (p. 576, Vol. 3); Milad Hosseini (p. 683, Vol. 4); Seyed Ashkan Khorasani (p. 637, Vol. 4); Maisam Kargar (p. 643, Vol. 4); Ali Najjari (p. 681, Vol. 4); Alireza Hosseinian (p. 720, Vol. 4); Houman Rajjabi (p. 726, Vol. 4); Hatef Soltani (p. 730, Vol. 4); Taha Zaynali (p. 735, Vol. 4); Mehdi Bahmanzadeh (p. 849, Vol. 5); Reza Ahmadi (p. 751, Vol. 4); Saman Ganji (p. 854, Vol. 5); Alireza Esfahani (p. 868, Vol. 5); Nader Najafi (p. 1139, Vol. 6); Payman Shahnabi (p. 1154, Vol. 6); Mohammad Mohammadpour (p. 1270, Vol. 9); Hossein Nasr Esfahani (p. 1029, Vol. 10); Davood Mansouri (p. 1186, Vol. 9); Faramarz Mafakheri (p. 90, Vol. 1); Hossein Baghban (p. 155, Vol. 1); Saman Mahami (p. 222, Vol. 2); Reza Ebrahimrad (p. 239, Vol. 2); Mehdi Maleki (p. 349, Vol. 2); Ali Akbar Khoshakhlagh (p. 380, Vol. 2); Mohammad Farokhi Yeghaneh (p. 499, Vol. 3); Hamed Zandifar (p. 505, Vol. 3); Mohammad Sadeghlou (p. 766, Vol. 4); Hamid Hajjarha (p. 781, Vol. 4); Mohammad Mohammadi (p. 815, Vol. 5); Ahmad Zamanpour (p. 744, Vol. 5); Sadegh Solati (p. 1128, Vol. 6); and Mohammad Farrokhi Yeganeh (p. 499, Vol. 3) have collectively testified to the committal of assaults by the accused persons using batons causing injuries; battering with fists and kicks; assault using belts and PVC pipes; physical confrontations and chastisements [of the detainees] by forcing them to frog jump (on two legs or one leg only) barefoot, and by forcing the detainees to go around on all fours on hot asphalt at noon. A summary of the statements of the above witnesses can be found on pp. 40-92 on the conviction order.

Furthermore, the next of kin of the three victims have asked for retribution. (pp. 689, 1123, and 1174 of the file)

4- Summary of the victims' condition and cause of death:

- 4-1. **The late Mohsen Ruholamini**, born 1363 [1984], 25, was arrested and detained on 19/4/88 [10 July 2009] in Kahrizak under a temporary detention order issued by the security prosecutor of Tehran. Due to assault and injuries at Kahrizak, his physical

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

condition was critical. The authorities in charge, however, not only ignored his condition but subjected him to repeated abuse, to the point that prior to his admission to Evin prison on 23/4/88 [14 July 2009], and resulting from blows and injuries as well as harsh treatment in Kahrizak, he had gone into a state of coma. The authorities, however, with unjustified delay and procrastination, finally transferred him to Shohaday-e Tajrish Hospital and falsely identified him as an 'unknown' person. The aforementioned dies at 6:10 a.m. on 24/4/88 [15 July 2009] at the hospital. The autopsy report, pp. 655-657, Vol. 4 of the file, verified severe injuries caused by multiple blows to the body. Furthermore, a commission at the Coroner's Office comprised of 13 expert forensic physicians, while confirming the evidence of injuries resulting from multiple blows to the body, declared the cause of death as, "A result of physical and psychological stress, including severe injuries to the body and the effect of being held in bad conditions, the deceased developed systematic inflammatory reactions to severe trauma, resulting in the failure of vital organs, ultimately costing his life. Moreover, neither the tests at the hospital nor the forensic reports indicate the existence of any infection in the blood stream and/or signs of meningitis. Accordingly, the cause of death is hereby determined as multiple injuries and severe blows to the body and being struck by hard object." (p.650, Vol. 4)

In response to the investigating officer, a medical commission of the Coroner's Office, comprised of seven expert forensic physicians, declared the cause of [Rohulamini's] death as the sum of blows and injuries inflicted upon him in the 72-hour period prior to his death. (p. 2250, Vol. 11)

- 4-2. **The late Amir Javadifar**, born 1363 [1984], 25, was arrested and detained on 19/4/88 [10 July 2009] in Kahrizak under a temporary detention order issued by the security prosecutor of Tehran. He suffered from poor physical and general condition due to assault and injuries sustained at the time of arrest, and further blows and trauma while at Kahrizak. He died on 23/4/88 [14 July 2009] at 12:15 p.m. on the bus while being transferred from Kahrizak to the Evin prison, resulting from sever injuries to the body and being held in bad conditions at the detention centre. The autopsy report, pp. 653-654, Vol. 4, verified severe injuries caused by multiple blows to the body. Furthermore, a commission at the Coroner's Office comprised of 13 expert forensic physicians, while confirming the evidence of injuries resulting from multiple blows to the body, declared the cause of death as, "A result of blunt trauma to soft tissues and struck by hard object." (p. 652, Vol. 4)

In response to the investigating officer, a medical commission of the Coroner's Office, comprised of seven expert forensic physicians, declared the cause of [Javadifar's] death as the sum of blows and injuries inflicted upon him in the 72-hour period prior to his death. (p. 2250, Vol. 11)

- 4-3. **The late Mohammad Kamrani**, born 1370 [1991], 18, was arrested and detained on 19/4/88 [10 July 2009] in Kahrizak under a temporary detention order issued by the security prosecutor of Tehran. Subsequent to four days of detention in Kahrizak, upon arrival at the Evin prison, the deceased goes into the state of coma. He was first taken to Lughman Hakim Hospital and then moved to Mehr Hospital

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

by his father. He dies on 25/4/88 [16 July 2009]. The autopsy report confirmed severe injuries and multiple blows to the body. (p. 659, Vol. 4)

A commission of the Coroner's Office, comprised of 13 expert forensic physicians, while confirming the evidence of injuries resulting from multiple blows to the body, declared the cause of death as, "Acute kidney failure due to trauma to the muscle tissues as a result of being struck by hard object." (p. 651, Vol. 4)

In response to the investigating officer, a medical commission of the Coroner's Office, comprised of seven expert forensic physicians, declared the cause of [Kamrani's] death as the sum of blows and injuries inflicted upon him in the 72-hour period prior to his death. (p. 2249, Vol. 11)

5- Results of the investigations from the accused:

5-1. Lieutenant-colonel Faraj Kamijani, Head of Kahrizak Detention Centre

Despite the limited capacity of the detention centre, the named individual issued an order regarding the admission of those captured during the unrest [to the Kahrizak facility]. He explained his action as following orders issued by Commander Rajabzadeh which was communicated to him by Colonel Amerian. According to the admissions made by the officers and based on the evidence provided by the complainants, Lieutenant-colonel Faraj Kamijani issued order of assault and battering of the detainees. During the inquiries, the above named Lieutenant-colonel stated that all of the FATEB supervisory authorities were aware of the situation in Kahrizak, and that actions were carried out in coordination with those authorities. With regards to lack of food and nutrition for the detainees, while holding the commanding authorities responsible for the decision, he stated: "That was not a detention centre; they had made it into a pig house! They provided the centre with two tanks of water daily and sent two meals for the detainees. The Lieutenant-colonel admitted to having filed a false report to Tehran's Public Prosecutor's Office at the time as per the instructions of Colonel Fallah, stating: "Based on the report issued by Mehr, Lughman, and Shohaday-e Tajrish Hospitals, all three accused died as a result of meningitis. Furthermore, the infirmary at Kahrizak determined the primary cause of death for Javadifar as meningitis and heart failure. There were no assault and/or battering inflicted upon the detainees in prison."

Based on the file documents and evidence provided by the witnesses, the above named was present at the detention centre and personally witnessed the brutal assault inflicted upon the detainees by the officers in charge of the detention centre. (pp. 897, 993, 997, 1005, 1215, 1563, 1724, 1848, 2414-2417, Vol. 12)

5-2. Officer Khamisabadi, guard on duty on 20 and 23/4/88 [14 July 2009]

At 13:00, on 20/4/88 [11 July 2009], the said officer removed the detainees from the quarantine unit to walk barefoot on the hot asphalt outside. He made the detainees do frog jumps (on one or two legs), walk on all fours, and forced a few to carry others on their back. Whoever did not comply was beaten by a PVC pipe.

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

The officer claims that the order to assault and injure the detainees was given to him by Lieutenant-colonel Kamijani. Some of the complainants also verified this claim.

Furthermore, on that same date, at 22:00, Officer Khamisabadi removed three of the detainees by the names of Masoud Alizadeh, Saman Mahami, and Ahmad Balouchi under the pretext of disorderly behaviour and severely assaulted them. He then ordered that they be hung from their feet and beaten by pipes. The officer, together with Mohammad Karami (accused number 11), and 3rd Lieutenant Ganjbakhsh engaged in beating and injuring the three detainees. (pp. 166, and 927, Vol. 5; p. 1163, Vol. 6; p. 1354, Vol. 7; p. 1789, Vol. 9; and p. 893 of the file)

During the inquiries, as per page 933, Vol. 5, Officer Khamisabadi made direct admissions to his involvement in assaulting and causing injuries to the detainees, and stated that Colonel Fallah, Lieutenant-colonel Kamijani, and the head of the detention centre ordered him to use violence against the prisoners and have no mercy, otherwise he would be chastised and disciplined accordingly. Furthermore, as per p. 166, Vol. 1; and in a face to face session with some of the complainants, as in p. 893, and 927, Vol. 5; pp. 1165, 1167, and 1219, Vol. 6; p. 1354, Vol. 7; pp. 1788, and 1790, Vol. 9; and p. 2361, Vol. 12, the accused accepted responsibility for participation in assault causing injuries.

5-3. Officer Ebrahim Mohammadian, guard on duty on 19 and 22/4/88 [13 July 2009]

According to the evidence, on 19/4/88 [10 July 2009], the said officer in charge of admission ordered the detainees to strip naked and subject them to assault causing injuries. During the inquiries, Officer Mohammadian made direct admissions to his involvement in assaulting and causing injuries to the detainees and stated that he took such measures as routine conduct in the detention centre. (pp. 936-944, and 1002, Vol. 5; and p. 1359, Vol. 7 of the file)

The named officer was also on duty on 22/4/88 [13 July 2009], when he removed the detainees from the quarantine unit under the pretext of updating the records, and along with Mohammad Karami engaged in beating the detainees with PVC pipes and causing injuries upon them. Furthermore, as per page 889, Vol. 5 of the file documents, and in a face to face session with a number of complainants as in page 936, Vol. 5; p. 1358, Vol. 7; and p. 2360, Vol. 12, Officer Mohammadian accepted responsibly for participation in assault causing injuries.

5-4. Civilian Mohammad Reza Karami (known as Mohammad Taifil)

This individual, a detainee classified under 'thugs and louts,' with previous criminal record, was appointed by the head of [Kahrizak] prison, Lieutenant-colonel Kamijani, as the detention warden. During the inquiries, he admitted that according to the instructions of the prison authorities he verbally harassed the detainees and subjected them to assault and injuries by using PVC pipes. Furthermore, he admitted that he hung three of the detainees by the names of Masoud Alizadeh, Saman Mahami, and Ahmad Balouchi by foot for physical punishment. He used any excuse to harass and abuse the detainees. (pp. 1348,

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

2407-2409 of the file) From 19/4/88 [10 July 2009] until 23/4/88 [14 July 2009], together with the guard on duty, the aforementioned subjected all the detainees to assault causing injuries. According to p. 770, Vol. 4; and p. 2407, Vol. 2, the accused has made admissions to assault causing injuries on one of the complainants. Moreover, during face to face sessions with some of the complainants, as per p. 872, Vol. 4, the accused has accepted responsibility for participation in assault causing injuries.

5-5. Colonel Ravanbakhsh Fallah, Head of Inspections of FATEB:

Colonel Fallah has admitted that on 19/4/88 [10 July 2009], subsequent to a telephone communication from Commander Rajabzadeh's office pertaining to admission at Kahrizak of the arrestees of the unrest, he relayed the order of Commander Rajabzadeh to Colonel Amerian. He has further admitted that after coordinating with Commander Rajabzadeh, in keeping with the order of the Public Prosecutor of Tehran, he prepared a false report regarding the cause of death of the deceased, indicating that no assault and/or injuries was sustained by the detainees. He then gave the report to Lieutenant-colonel Kamijani for signing. (pp. 1015, 1158, 1814-1816, 2458, and 2459, as well as the record of the face to face meeting between Commander Rajabzadeh and Colonel Fallah as per page 1985, Vol. 10)

According to page 1814, Vol. 9, Colonel Fallah admitted that Mr. Mortazavi, the Prosecutor of Tehran at the time, told him that for expediency purposes such a letter should be prepared, and that the content of the letter was dictated to him by Mr. Mortazavi himself.

5-6. Colonel Mohammad Amerian, FATEB Director of Operations for [prison] Inspections:

Colonel Amerian has admitted that on 19/4/88 [10 July 2009], subsequent to a telephone call from a Deputy Commander of the Law Enforcement in Greater Tehran pertaining to instructions of Rajabzadeh, and after a phone call from Colonel Fallah, the Head of the Inspections of FATEB, issued an order to the guard on duty with regards to admission of the arrestees to Kahrizak despite lack of space and substandard conditions of the facility. Furthermore, he was present at the Kahrizak on 21/4/88 [12 July 2009] and, despite his inspection of the facility and the quarantine with Lieutenant-colonel Kamijani, according to Kamijani's evidence on page 2314, and 2440, Vol. 12, and regardless of having full knowledge of the water, food, hygiene, and medical care requirements, and overall dreadful situation at hand, took no action to remedy the dire conditions. (pp. 431, 1007, 1156, 1721, 2434, and 2435, Vol. 12 of the file)

5-7. Lieutenant-general Azizollah Rajabzadeh, Commander in Chief of the Law Enforcement in the Greater Tehran

During the inquiries, the said Lieutenant-general briefly mentioned that the predetermined manner of treating the detainees was not approved by him. Therefore, in April 2009, he had issued an order that the officers should not assault or injure the detainees. During the course of his rank as a commander until the

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

closure of the facility, he inspected Kahrizak only once. Considering that Lieutenant-general Rajabzadeh held the position as the Commander in Chief of the Law Enforcement in Greater Tehran, and that the detention centre was operated under the supervision of the said force, Rajabzadeh failed to present any convincing argument in his defence and continued to shirk responsibility.

Concerning the false report, the record of the face to face session between Colonel Fallah and Lieutenant-general Rajabzadeh, as per page 1985, Vol. 10, indicates that it was according to the order of Lieutenant-general Rajabzadeh that Colonel Fallah prepared the false report and had it signed by Lieutenant-colonel Kamijani before sending it to the then Prosecutor of Tehran. (pp. 1300, 1502-1506, and 1987, Vol. 10)

5-8. Officer Kazem Ganjbakhsh, deputy guard on 19/4/88 [10 July 2009]

On 19/4/88 [10 July 2009], during the arrestees' admission process, the aforementioned officer subjected the detainees to assault and verbal abuse. Furthermore, on 20/4/88 [11 July 2009], along with Officer Khamisabadi, removed Masoud Alizadeh from the quarantine and inflicted assault and injuries on him. The officer was also in charge of transferring the detainees from Kahrizak to Evin prison, who regardless of the detainees' critical physical conditions confronted them with aggression. The witnesses gave evidence to the above during investigations. (p. 889, Vol. 5; pp. 1217, and 811-813, Vol. 4; and 2425-2426, Vol. 12)

5-9. Officer Akbar Rahsepar, deputy guard on 19/4/88 [10 July 2009]

The named officer was a staff member at Kahrizak Detention Centre, and on 19/4/88 [10 July 2009], as a deputy to the guard in charge, inflicted assault and injuries on the detainees. Furthermore, on 23/4/88 [14 July 2009], he was also in charge of transferring the detainees to Evin prison, during which time he continued his harsh treatment and verbal abuse of the detainees, and despite the critical condition of late Javadifar in the bus, and irrespective of repeated requests by other detainees, made no efforts in transferring him to the emergency unit, which resulted in Ami Javidifar demise in the bus. Subsequent to his death, the body was returned to Kahrizak in a van.

The mentioned officer has admitted to participation in assault causing injuries, and during the subsequent investigation the witnesses testified accordingly. (pp. 601, 824, 1002, 1379, 1840 of the file)

5-10. Officer Hamid Zandi, guard on duty on 26/3/88 [16 June 2009]

The mentioned officer ordered the detainees to strip naked during admission and inflicted assault and injuries on them. The said officer admitted to participation in assault causing injuries, and in stripping the detainees as a routine measure. (pp. 919, 1037, 1766, 1772, 2420, and 2421, Vol. 12)

5-11. Officer Majid Varvaie, storekeeper at the detention centre

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

The named officer was a prison storekeeper at Kahrizak. According to the statements and testimonies of a number of complainants, on 6/4/88 [27 June 2009], during the transfer of the detainees to Evin prison, the officer assaulted and injured the detainees and subjected them to verbal abuse. In light of the evidence provided by the witnesses and informants, as per pp. 2331-2336, Vol. 12, his guilt is evident and his denial unsubstantiated.

5-12. Sergeant Mehdi Hosseinifar, guard on duty on 25/3/88 [15 June 2009]

The named Sergeant made direct admissions during the investigations to have taken, with the intention to threat and create fear, one of the detainees, i.e., Seyed Masoud Razavi, to the area outside the detention centre, where he put the detainee in a ditch and covered his sides with dirt, leaving him in that condition unattended until the next day when he returned and removed him from the ditch and in between dirt and rocks. Furthermore, he admitted to have participated in assault causing injuries on detainees. (pp. 926, 996-998, 1241, 1234, 1780, 1516, 1697, 1705, 2422-2423 of the file)

C) Grounds for charges against the accused:

1- Charge of murder against Officer Mohammad Khamisabadi, Officer Ebrahim Mohammadian, and Civilian Mohammad Reza Karami:

Considering file documents and in light of the investigations, other than the three above mentioned accused, the others (Officer Seyed Kazem Ganjbakhsh, Officer Akbar Rahsepar, Officer Hamid Zandi, Sergeant Seyed Mehdi Hosseinifar, and Officer Majid Varvaie) had not been involved in the assault and abuse of the three deceased. The accused persons Kazem Ganjbakhsh and Mehdi Hosseinifar assaulted and injured a number of other detainees, but not the deceased, and have managed to get consent from some of the complainants. Furthermore, the accused Majid Varvaie and Akbar Rahsepar were attendants and in charge of accompanying the prisoners and they participated in the assault of a specific number of detainees only during the admission process, outside the ward and the quarantine, and at the time of the detainees' transfer from Kahrizak to Evin. With respect to Officer Hamid Zandi, at the time of the arrest of the 18 Tir 88 [9 July 2009] detainees, he was off duty and his charges of assault causing injuries pertain to the detainees prior to 18 Tir [9 July]. As such, the charges of assault causing injuries resulting in loss of life of three deceased pertain to Officer Mohammad Khamisabadi, Officer Ebrahim Mohammadian, and Civilian Mohammad Karami, and their guilt therein is proven and confirmed. As per the following reasons the murder [of the three victims] is considered willful and intentional and subject to section 'b' of article 206 of the Islamic Penal Code:

1-1. Concerning the charges of assault with intent causing injuries resulting in the murder of three detainees, the records indicate that Officers Ebrahim Mohammadian and Mohammad Khamisabadi were officers on duty during the time of the incarceration of the detainees (from 9/4/88 [30 June 2009], to 23/4/88 [14 July 2009]), and that Mohammad Karami was present as the warden inside the prison. As such, considering the views of the seven-member-commission of the

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

Coroner's Office, that the injuries were caused 72 hours prior to the death, and were in fact the cause of death, and further considering the date of their demise on 23, 24, and 25/4/88 [14,15 & 16 July 2009] respectively, the accused (Khamisabadi, Mohammadian, and Karami) are found guilty as charged.

- 1-2. Prison guards on duty are responsible for control and supervision of the prisoners, and among prison staff, other than the head of prison, the guards on duty are the only ones who can enter and exit the quarantine units and other wards. Furthermore, these officers have the sole responsibility of requesting medical assistance and allowing medical staff to enter the wards. Considering file documents and evidence provided by the complainants, bulk of the assaults and injuries were inflicted upon the detainees by prison guards and the warden (Mohammad Karami). As per pages 90, 91, and 92 a number of complainants have identified the three accused during the investigations at NAJA. As such, the three accused are found guilty as charged for assault causing injuries against the victims.
- 1-3. The dreadful condition of the quarantine where the detainees (including the three deceased) were held, i.e., lack of hygiene, poor nutrition, pollution and bad air quality in the summer heat, absence of air ventilation, substandard drinking water, and absence of medication and medical care, and other related elements that are considered basic needs and requirements, were detrimental to the rapid decline of the detainees' physical strength and endurance against the force of assault and injuries. Report from the forensic commission established a nexus between assaults causing injuries and death of the victims as a result of the actions of three accused.
- 1-4. Considering that Kahrizak detention centre was designated for detainees classified under 'thugs and louts' and that assault causing injuries against the detainees had become a normal practice there, and the incidents that had taken place at the facility prior to elections were neither reported nor investigated, the authorities did not take responsibility for their actions and therefore this form of conduct became norm at the detention centre. Presuming that they would never have to answer for their actions, the prison authorities subjected the detainees, including the three deceased, to assaults and injuries.
- 1-5. A number of the complainants have reported words spoken by the detention authorities to the effect of "some of them will die in prison," or "they [the detainees] should give their numbers so that their families can come collect their dead bodies," which indicate criminal intent (assault and injuries) by the prison authorities.
- 1-6. Given that the three accused willfully and intentionally assaulted and injured the deceased, and that impact of their conduct, in light of the above item 1.3, would naturally be fatal, the result of their actions, i.e., death [of the detainees], is considered willful and intentional. According to the opinions ensued from the Judicial Administrative Office of the Judiciary, ref. 7/8667, dated 14/8/1384 [5 November 2005], and 7/4981, dated 16/7/1384 [8 October 2005], 'where an action is done willfully and intentionally, the outcome of such action, be it murder, assault, or injury, is considered willful and with intent.'

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

- 1-7. Considering that forensic report of the Coroner's Office identified the cause of death as the sum of the blows and wounds inflicted 72 hours prior to the death of victims, and that during the period in question all three accused engaged in inflicting assaults causing injuries to the deceased, pursuant to articles 214 and 215 of the Islamic Penal Code, and notwithstanding the type, intensity, and number of blows, their direct involvement in the murder of the three victims is proven and confirmed.
- 1-8. In view of the circumstances at the detention centre and the physical conditions of the deceased during their detention, and the manner in which assaults and injuries were inflicted upon them by the accused, resulting in the demise of the victims, the conduct of the three accused is subject to prosecution under section 'b' of article 206 of the Islamic Penal Code.

2- The matter of negligence and disregard for government regulations resulting in bodily harm and loss of life:

Lieutenant-general Azizollah Rajabzadeh, as the Chief Commander of the Law Enforcement in Greater Tehran; Colonel Ravanbakhsh Fallah, as the FATEB Head of Inspection; and Colonel Mohammad Amerian, as the FATEB Director of Operations for [prison] Inspections were officers with duties invested on them by virtue of their positions, as commanding officer, manager and supervisor of units under their jurisdiction, including the Kahrizak Detention Centre, and it was as a result of their negligence and carelessness in performing their duties that officials and guards in charge acted contrary to the guidelines pertaining to the administration and operation of a prison, i.e., to refrain from using force or violence against those in custody (as per pages 1083, 1106, and 112, Vol. 6), and thereby breached the code of conduct and subjected the detainees to assault and injuries, resulting in the murder of three, and multiple cases of injuries. It is clear that, should the aforementioned accused carried out their duties and responsibilities [according to the guidelines] and effectively managed and supervised the officers and guards on duty, and if they observed mistreatment of the detainees by the officers held them responsible for their actions, the practice of assault and violence against the detainees would not have turned into routine conduct. Moreover, the fact that management and supervision of the detention centre was assigned to the inspection unit, does not remove the responsibility from the Commanding Law Enforcement in the Greater Tehran, given that, according to article 4 of the Armed Forces Discipline Act, the Law Enforcement agency is responsible for the conduct of units under its jurisdiction.

3- The matter of false reporting and authorizing such report:

Concerning the said charges, details of which was outlined above in section 1.21 of this indictment, and given direct admissions of the accused, Colonels Ravanbakhsh Fallah and Faraj Kamijani, (as per pages 967, 1017, 1019, Vol, 5; 1158, Vol. 6; and 1864-1865, Vol. 9) and the claim of Colonel Fallah with respect to a phone call from Lieutenant-general Rajabzadeh and the issue of the instructions of the former Public Prosecutor of Tehran concerning preparation of a report regarding the death of the deceased and Lieutenant-general Rajabzadeh's response pertaining to cooperation with the Public Prosecutor at the time (pp. 1814-1815, Vol. 9) and the implicit admissions of Lieutenant-general Rajabzadeh as per pages 1985, Vol. 10, the charges against Lieutenant-general Rajabzadeh for

authorizing false report, and those against Colonels Ravanbakhsh Fallah and Faraj Kamijani for co-conspiracy in preparing and filing false report is proven and confirmed.

4- The matter of denying the prisoners of their legitimate Constitutional rights and violation of their rights as citizens:

According to articles 22 and 39 of the Constitution, the dignity, life, and rights of the individual are inviolate, and all affronts to dignity and repute of persons arrested, detained, imprisoned, in any shape or form, are forbidden and subject to punishment. Moreover, according to articles 4 and 5 of respect to legitimate rights and protection of rights of citizens, it is essential that treatment of those who are charged and/or have committed an offence be in accordance with moral and Islamic standards, and that their families be informed of their arrest. However, according to information on the file as described previously, the principles of these laws were violated resulting from the actions of the accused.

5- The matter of assault causing injuries and verbal harassment (belittling and demeaning) against the complainants, and authorizing act of violence causing physical harm:

In light of the grievances put forth by the complainants, testimonies of the witnesses, forensic reports of the Coroner's Office (pp. 628, 639, 866, 878, 1322, 1490, 1530, 2118, 2338, 2536, etc.) and direct admissions of the accused to participation in assault causing injuries against the detainees, the charges of assault causing injuries and verbal harassment pertaining to Officer Mohammad Khamisabadi, Officer Ebrahim Mohammadian, 3rd Lieutenant Seyed Kazem Gangbakhsh, Officer Akbar Rahsepar, Officer Hamid Zandi, Sergeant-major Seyed Mehdi Hosseinifar, Officer Majid Varvaie, and Civilian Mohammad Reza Karami is proven and confirmed. Particulars of this count have been explained in detail previously in this indictment in section 3, and 5.5 to 5.12.

With regards to charges against Lieutenant-colonel Faraj Kamijani (Head of Kahrizak) pertaining to authorizing violence and assault against the detainee, considering the claims made by some of the accused, including Officer Mohammad Khamisabadi (pp. 927, Vol. 5; 1354, Vol. 7; and 2361, Vol. 12), and Sergeant-major Seyed Mehdi Hosseinifar (pp. 1518, Vol. 7; 1778, Vol. 9; and 2260, Vol. 12), the act to authorize violence and assault against the detainees by the Head of the Detention Centre (Kamijani) is confirmed. Moreover, a number of complainants testified that the act of assault causing injuries was done in the presence of Lieutenant-colonel Kamijani. As such, charges against Lieutenant-colonel Kamijani of authorizing assault causing injuries is proven and confirmed.

6- The issue of creating public mistrust against NAJA [Islamic Republic of Iran's Law Enforcement]:

The mismanagement and lack of proper supervision over the affairs of the detention centre by FATEB inspection officials and detention authorities; the conditions of the prison with respect to hygiene, nutrition, medication and medical care; the unjustified treatments of the detainees by the staff on duty, including assault causing injuries, verbal abuse and harassment, affronts to dignity of the detainees, and denial of the detainees' basic needs and requirements; and other similar acts as outlined in the conviction order and the indictment,

Complete Text of the Indictment of Tehran Military Prosecutor Against
12 Persons Responsible for the Kahrizak Tragedy

such as the death of three of the detainees as a result of assaults and blows by the prison guards, the news of which was made public by the media, and which ultimately resulted in the issuance of an order by the Supreme Leader for the closure of Kahrizak, and considering that Kahrizak prison was under the management and supervision of the Law Enforcement agency, created mistrust in public opinion against NAJA, particularly for the detainees and their families.

Therefore, all of the charges brought up above against the accused are proven and confirmed. As such, pursuant to article 57 (section 'c' article 78 of the Armed Forces Penal Code, and notes to articles 269 and 614 of the Islamic Penal Code), 205 (section 'b'), 214, 215, 269 (note 2), 367, 403, 408, 424, 425, 442, 480, 481, 484, 485, 570, 608, and 614 of the Islamic Penal Code, and articles 54, 55, 78 (section 'c') of the Armed Forces Penal Code, and with respect to articles 42, 47, and 48 of the Islamic Penal Code (concerning Seyed Kazem Gangbakhsh, and Mohammad Reza Karami), and the law of inquiry with regards to definition of 'insult,' 'verbal harassment,' and 'affronts to one's dignity,' as stated in the penal code, ratified 1379 [2000], by virtue of this indictment, sentencing of all accused is requested.

The above noted offences were committed in Tir 1388 [2009] under the jurisdiction of the Province of Tehran.

Deputy Military Prosecutor of Tehran – Abbas Parsapour