

Iran Tribunal

An International People's Tribunal

WITNESS STATEMENTS

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PROFESSOR MAURICE COPITHORNE

BIOGRAPHY

1. Professor Copithorne's impressive career spans six decades, during which he specialised in international law. After being called to the BC Bar in 1956, Professor Copithorne joined the Canadian Foreign Service where he spent the next 30 years in a wide variety of positions both in Ottawa and abroad. Among those were Legal Advisor and Director General of Legal Affairs (1975-1979), Canadian Ambassador to Austria and UN Agencies in Vienna (1979-1982), which also included the Chairmanship of the International Atomic Energy Board of Governors from 1980 to 1981, Assistant Under Secretary of State for Asia and the Pacific (1982-1983) and Canadian Commissioner to Hong Kong (1983- 1986). He retired from the Canadian Foreign Service in 1986 to take a visiting professorship position with the UBC Faculty of Law, and has been with the Faculty ever since.
2. In addition to teaching, he has held a variety of external appointments including United Nations Special Representative on the Human Rights Situation in Iran (1995-2002) and has been active in a variety of other professional and community groups including the UBC International House Advisory Board. He was a fellow at the Harvard Centre for International Affairs (1974-1975). In addition to the John E. Read Medal, he has received several awards and honours including being appointed Queen's Counsel in 1981, the Great Trekker Award from the UBC Alma Mater Society in 1997 and the Renata Shearer Award for "outstanding contributions to human rights" in 2000. He also received an honorary degree from UBC in 2003.
3. He was the Special Rapporteur from 1995 to 2002. After that, he had no continuing connection with the UN on this or any other subject. For good measure, he was declared persona non grata by the Iranians, which meant that he had no chance of getting an Iranian visa. In fact, the position of Special Rapporteur in the UN was not filled again, until a few years ago.

4. However , he did stay in touch with Iran through the press, friends and Iranian visitors to Vancouver.

STATEMENT

INTRODUCTION TO THE APPOINTMENT AND WORK OF THE SPECIAL RAPPORTEUR

1. Two years after my appointment as the Special Rapporteur, Mahammad Khatami, a liberal-minded cleric, was elected, with an overwhelming majority, as the President of Islamic Republic. To begin with, it was an unusual time with a liberal President Khatami nominally in charge in Iran.
2. I prepared and submitted three reports a year: bi-annually to the Human Rights Commission, and one to the Third Committee of the General Assembly. These reports were available in all the languages under the U.N.
3. My reports on Iran, according to sources, quickly found their way to the free market in Teheran, after translation. I was reliably informed that all reports in Farsi were snapped up quickly but with some care as, I was informed, possession of one of my reports in Farsi would attract a stiff penalty.
4. There was very little interchange between myself and the Iranian officials. They were often apparently given instructions to seek changes but unless they were clearly factual mistakes, I did not accept any proposed changes made by them.
5. The reports covered approximately a six-month period.
6. Before submitting a report, as is usual, I invited comments from interested parties including the Iranian Government. The Iranian Government delegation regularly proposed that some of the provisions in the draft resolution should meet some of the demands of Iran. This was not successful as the Iranian Government never had enough votes to effect any change in the draft resolutions generally submitted by the European Group. There was in effect a form of stalemate between Iran and its

few supporters on the one side and the west and their friends who voted against Iran on the other.

7. The Iranian officials apparently thought I would be sympathetic to the cause and very cooperative on the one and my only visit to Iran. For example, I was invited to visit Evin Prison to meet a handful of inmates. This I did with enthusiasm, as I did want to see the inside of this infamous institution. Among the small group I had asked to see, I was largely successful. That was the one and only such visit and I supposed that officials thought I would come out of this process more sympathetic to Iran's international policy in particular.
8. One of my predecessors warned me that in the jails he got into, it was quite evident that guards were placed in prison garb, and told to say how well they were treated. I had a counter attack ready but in the event I didn't need to use it.
9. During my time, the officials were very hard on rather mild demonstrations by workers and students. Many were put in jail for actions we would consider to be an exercise of lawful demonstrations. In some cases, the demonstrators, if judged as leaders, would be imprisoned for an indeterminate time.
10. In addition, the newspapers that had sprung up under President Khatami were closed by a quasi-governmental press licensing agency.
11. Khatami was forced out of office as President by Conservative troublemakers ordered to rough up Khatami's assistants among other tactics, with some of his supporters ending up in the hospital.
12. In my time, Special Rapporteurs were in this office for five to eight years. I was in the latter category. As a footnote, I should add that the then Chair of the Human Rights Commission who appointed me, later told me that the Iranians argued strongly that my position should be filled by a Muslim. He also told me that being a Muslim himself, he was not having such a conflict of interest!
13. The areas that I was regularly addressing were not surprising. They were, in a degree of priority, women and children, freedom of expression, freedom of

religion, freedom of education and so on. The Iranians never gave me concessions on any of these areas of focus.

14. The Iranian government, to my knowledge, has so far not agreed to a visit by my successor – who, incidentally, is a Muslim. The theme specialist Human Rights rapporteurs, such as education, housing, and disease control, have all been refused access to Iran.

Maurice Copithorne

October, 2012

DR HEDAYAT MATINE-DAFTARY

**PENAL POLICY IN THE ISLAMIC REPUBLIC,
INSTRUMENTS OF FLAGRANT ABUSE OF HUMAN RIGHTS**

PART ONE

**DEVELOPMENT OF THE JUDICIARY AND THE PENAL CODE IN THE
FIRST**

DECADE OF A SECTARIAN STATE

INTRODUCTION

1. I should explain that central to the ideology of the Islamist state proposed by Khomeini, was the implementation of *fiqh*, or Islamic jurisprudence, by members of the clergy working under the guidance of a supreme jurist known as the *vali-ye amr*. It might be thought that the importance of law and its administration in this theory reflects the important position that *fiqh* has always held in Islam. But the theory of the *velayat-e faqih*, that is the idea that society should be ruled by a theologian-jurist, is a modern, not an established traditional Shi'a concept, which was elaborated by Khomeini himself in the late 1960s and early 1970s. It is also an idea that, as it has evolved in the framework of the Islamic Republic since 1979, has turned the judiciary, which is under the direct supervision of the supreme jurist, into a central instrument of power for the ruling clerical elite of Iran.
2. It is not surprising, therefore, that when Khomeini took control of the destiny of Iran in 1979 and imposed theocratic rule on the country, a major part of his political project was to eradicate the result of a seventy-year modern and secular trend of legislative evolution which followed the Constitutional Revolution of 1906 and to discard the resulting secular judiciary as well as the independent Bar Associations.

The whole process was widely contested but unfortunately this is not a topic I can go into at length in this brief background sketch.

TOWARDS A CRUEL THEOCRACY

3. The first step in this direction, taken before even a new constitution had been discussed, was to set up Islamic revolutionary courts outside the framework of the existing legal system and to appoint *shari'a* judges to run them. In those early months, it was these extra-judiciary courts which, using the anachronistic charges *mofsed-fi'l-arz* (corrupt on earth) and *mohareb* (at war with God) conducted the summary executions of officials of the *ancien regime* and many others at random without any proof of guilt.
4. The second step was to draft a new constitution that despite the apparent apparatus of a parliamentary republic, and specifically in the absence of the Mahdi or the hidden imam, gave absolute sovereign power to a guide or the “*velayat-e amr*” (the guardianship of the jurisprudent) as the acting imam, the supreme jurisprudent and the guide. It was specified that the sources of law would be the Islamic *shari'a* based on the continuous interpretation of the “holy book” and the Shi'a traditions of The Innocent Imams by the highly qualified *faqih*s or jurisprudents. As described in Articles 5 and 107 of the Constitution (approved in a referendum in November 1979), Ayatollah Khomeini was given the status of the guide and the guardian for life for being “just, pious, aware of the times, brave and sagacious”. His successor, as the Supreme Leader of the Islamic Republic, was to be chosen with the same powers, again, powers to be held for life, by the Assembly of Experts or Jurisprudents.
5. It has often been pointed out by scholars who have followed and analysed developments in the Islamic Republic, that these early aspirations to Islamicise and replace the whole body of laws on which the society rests petered out because of the difficulties of adapting the principles of Islamic law to a complex modern society. And further that much of the law (civil and commercial in particular) that is today in force, is inherited from the Constitutional Revolution of 1905/6 and the legal system for which it stood, that developed over the following eight decades. There are two

extremely significant exceptions to this, namely, the judiciary itself and penal policy, both crucial from the point of view of human rights.

6. Khomeini's third and the most decisive step, in putting the guardianship or *velayat-e faqih* as it is commonly known, officially into practice, came in 1982 when in his position as the Guardian and Guide he issued a command or *fatwa* declaring all laws that contradicted the *shari'a* to be null and void. By this he meant specifically the secular penal code which was replaced with a new code called the Law of Islamic Punishment. Meanwhile to implement the new code he created a new system of courts presided over by clerical judges. In this way, he formalised changes which he had already begun in early 1979, marking a radical break with the modern secular procedures that had been built up after the Constitutional Revolution of 1906. The Law of Islamic Punishment represented a radical break with the twentieth century past and certain points about it should be noted:

- a) The Iranian Penal Code of 1925 was one of the fruits of the 1906 Constitutional Revolution - an outcome of the popular demand for a "house of justice" to replace the old arbitrary system of *shari'a* and governors' courts; or in other words for a judiciary in tune with the times. One of the earlier bills to be presented to parliament after the Constitutional Revolution was the Secular Penal Code (*Qanun-e Mojazat-e 'Urfi*), which acted as a first step in the development of a modern penal code. Despite obstacles created by reactionary clerics and the very difficult circumstances in which they had to work at the time, pioneers worked hard and made considerable personal sacrifices to develop a modern judicial system and should be remembered with pride. Leaving aside a distortion, the Security Law of 1931 that under the dictatorship of Reza Shah replaced Article 60 of the law and was also used as an instrument of persecution by military tribunals after the 1953 coup d'état, the Iranian penal code, based on the principles of modern penal practice, was, until Khomeini brushed it aside, the cornerstone of a modern penal policy.

- b) The new code included chapters on *hodud* (meaning divinely ordained punishments); *qesas* (meaning *lex talionis* or the law of retribution) and *diyat* (meaning the blood money or compensation that can be offered and accepted

in place of retribution). A year later, in 1983, a final chapter was added to this law, known as the *ta'zirat*, which means religious punishments (prescribed in the *shari'a*) and temporal punishments whose degree and kind has not been determined and are left to the discretion of the judges.

c) Before going further, I should emphasize the word “codification”. Because of the divine status it attributes to these precepts, Khomeini’s legalist regime allows only codification and not legislation in the particular divine sphere of *hodud*, *qesas* and *diyat*—namely that part of the law for which the clerics are in agreement over the ‘authoritative’ nature ‘of the Islamic sources and *fatwas*’ (a condition prescribed in the 1979 Constitution) upon which it is based, and deemed was not harmful to the “interests of the ruling system”. In other words, they only accept the legitimacy of divinely-ordained regulations transmitted through those qualified to interpret the *shari'a*. No parliament elected by the common people is qualified to modify or approve ‘divine’ laws. The codifiers, however, recognised the differences of opinion between different clerical legal authorities and for this reason considered that the code should be treated as a guide by individual judges (*mojtaheds*) to the sentences they may choose. For this reason codification as opposed to the approval of the laws of *hodud*, *qesas* and *diyat* in 1982, and again in 1991, was carried out by the Judicial and Legal Affairs Committee of the Majles (Islamic Consultative Assembly) and published after the review by the Guardian Council without the need for the assent of the Majles.

d) Given the possibility of doubt or error, or a conflict of opinion among the clerical jurists or *mojtaheds*, documents codified in this way were put into force for an experimental period of five years. In addition, it has to be noted that the Law of Islamic Punishment is somehow a guide for the “learned” *mojtaheds* who are supposedly well aware of the laws of the Deity. Furthermore, Article 167 of the Constitution provides that *shari'a* judges are obliged in the absence of the codified law or in the case of *ta'aroz* (disagreement), or inadequacy, or abridgement of the law, to pass any sentence they deem appropriate in accordance with sources or *fatwas*, they, as qualified

mojtaheds (jurists), recognise as authoritative. Such sources could be Khomeini's book *Tahrir al-Vasileh*, or his *Towzih al-Masa'el*; but they could also just as well be any other source or interpretation that during his time at the seminary the *mojtahed* came to accept as authoritative. For this reason, contrary to universally accepted penal principles, the right of the prior knowledge of the crime and its punishment is greatly abused.

The Minister of Justice, describing the function of Article 167 to the Islamic Assembly in 1997 said:

“Judges have a duty to search for and find a framework for the crime in the codes. If a judge does not find the relevant definition he must search for it in the *fatwas* of the ulama ... Therefore in the cases of *hodud*, *qesas* and *diyat* ... if we do not have a law the judge can find the relevant order [of crime and punishment] in the books of *fiqh*.”

In other words, *shari'a* judges do not acknowledge the right of the accused to know the nature of the crime he or she is supposed to have committed and the punishment attached to it. This is in clear contradiction with the universally accepted principle of *nulla poena sine lege* as spelt out in Article 11 (2) of the Universal Declaration of Human Rights which says: “No-one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law, at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.” Historically, another state that violated this principle was Nazi Germany, which, amongst all of the other atrocities in its inhuman penal policy held that nothing is was a crime except for that which is decided upon by a judge.

e) Each section of the penal code deals with a different category of crime. The *hadd* (in plural *hodud*) deals with crimes considered as *haq-allah*, or infringement of the Rights of the Deity such as adultery, fornication, incest, homosexuality, *mosaheqeh* (lesbianism), theft, consumption of alcohol, *moharebeh* (warring against God) and *efsad fi-al'arz* (corruption on earth).

The two latter charges are mainly invoked against nonconformists, dissidents, political prisoners and the prisoners of the armed resistance. The punishment or the *hadd* for each category of the former six charges are fixed and unalterable, such as stoning to death for adultery; flogging for fornication, lesbianism and consumption of alcohol; death by a method chosen by the judge for homosexual acts; imprisonment, amputation or death for defined types of theft; and in some cases such as consumption of alcohol death if repeated for a third time. All of these are degrading, inhuman and cruel punishments which constitute grave abuse and violation of human rights, as are the *hadd* punishments for the vague but serious charges of “warring against God” and “corruption on earth” which offer the judge the option of four punishments: death; crucifixion; amputation of the right hand and the left foot; or *tab'id* (banishment) from the society of the devout or in other words, as described in Article 194 of the 1992 version of the law is defined as limitless imprisonment of not less than one year and [as is the practice], subjecting the detainee to acts of “penitence”, pending their repentance to the satisfaction of the *shari'a* judge.

f) The two sections of the Islamic Penal Code on *qesas* (talion) and *diyat* concern the crimes of a private nature against persons are known in *feqh* as *haq al-nas* (people's right as opposed to the right of God). These include murder, manslaughter or intentional disfigurement or harms to the body of another. Prosecution may only begin by a complaint by a private person and is dropped if withdrawn since the offences in these sections do not concern the deity, or better said, the society. In the case of intentional crimes, depending on the framework the complainant chooses, the punishment is either retribution in kind, in which case the crime is defined as *qesas*, or restitution in which case it is defined as *diyat*.

g) The chapter on *ta'zirat*, as Ayatollah Khomeini put it after the publication of the bill, covers two categories of offences, “spiritual *ta'zirs*” (discretionary chastisements) and “temporal or *soltani ta'zir*”. Spiritual *ta'zir* is a punishment and a chastisement, such as flogging, since it's nature and

quantity is not defined in the *shari'a*, it has been left to the discretion of the *shari'a* judge or the *mojtahed* who decides at the trial. This category covers displays of so-called public indecency and crimes against public morality. Temporal *ta'zir* or preventive punishment, as later defined in 1992, is a chastisement set by the state to safeguard public order and the interests of the society. This category covers a whole range of common and less common offences which are not covered by the *shari'a* such as fraud, misrepresentation, damaging government property, misuse of trust and traffic offences. Also covered are several categories of crime, which have been instrumental in the abuse of human rights: crimes against internal and external security; illegal assembly of two or more persons for political purposes. Although these are crimes for which the punishment is at the discretion of the judge, the code suggests guide-lines for punishments, generally either flogging, imprisonment or a fine.

h) The penal code or the Law of Islamic Punishment was put in force for an experimental period of five years from the date of its approval. But despite the experimental status of the law, basing itself on Article 167 of the Constitution, the Islamic state did not after the lapse of five years renew it. Nor did it bring the wheels of cruel and degrading punishments to a standstill pending the introduction of a new text in 1992.

i) Undefined crimes or charges not defined in the text of the penal code.

A number of serious crimes for which people can be tried and punished are either not mentioned in the code, for example apostasy and hypocrisy, or are so broad in their sweep that people can be convicted under them for almost any act that the judge deems liable. The prime examples here are the crime of "corrupt on earth" which has no definition at all although it is often used in political charges. In the case of *moharebeh* examples are given in the codes, such as anyone who takes up arms against the Islamic Republic, or who supports those who have taken up arms, or is politically or socially associated with those who give support to such groups. However, the condemnation after a trial in camera and without the presence of defence counsels of four students

as “*mohareb* and *mofsed*” for their role as “ring leaders” in demonstrations that took place in July 1999 in Tehran illustrates the lack of definition of the crime. The students were unarmed, were protesting against an armed attack on their hostels by right-wing vigilantes supported by the security forces, and were not in any way connected to groups who believed in the armed resistance against the regime. Fortunately, widespread pressure resulted in the commutation of their sentences from death to fifteen years in prison.

7. Finally in this section, a word about the crimes of apostasy and of hypocrisy not defined or provided for in the codes.

These were the charges brought against thousands of Mojahedin-e Khalq members and leftists who were in prison in 1988 when Khomeini decided that all political prisoners who had not repented, even those who were already sentenced to terms of imprisonment rather than execution, should be examined, tried and killed if there were no concrete signs of real repentance. For brevity, take the example, of the case of leftists charged with apostasy, a charge, which was neither in the criminal code nor understood by most of the prisoners. Leftist survivors of the massacre recounted afterwards that they were saved only because one or two among them, who were knowledgeable about religion recognized what was happening and were able to instruct them on the appropriate response to the judges’ questions.

A LEGAL STRUCTURE THAT VIOLATES HUMAN RIGHTS

8. I now want to discuss in brief, and to illustrate some of the ways in which this legal structure itself violates human rights. I shall do so under the headings judicial procedure, undefined crimes, cruel and unusual punishments, and the inequality of citizens before the law.

JUDICIAL PROCEDURE:

9. Until 1994 there was a three-tier system of courts with the revolutionary courts trying all of the politically and ideologically important cases and matters that related to the confiscation of property of counter-revolutionaries and dissidents, were known as Number One Courts trying cases that fell under the *hadd* provisions or more

serious instances of *qesas*, and number two courts trying non-political offences under the discretionary punishment laws. In number one and number two courts procedures remained to some extent within the old framework. But in the revolutionary courts, all of the various judicial functions were in the hands of the *shari'a* judge. Here I have a description of the courts given by a long-term political prisoner, Amir Entezam, who was deputy prime minister in the provisional government after the revolution under Mehdi Bazargan. He spent many years in jail:

“The judiciary in our country resembles everything and anything except judiciaries in the outside world or the judiciaries we knew in our country before the revolution in this sense that the judge is the investigating magistrate, prosecutor and judge all rolled into one. The judge does whatever he believes is necessary to maintain the repressive atmosphere of the country, usually by suppressing the voice of all those defenceless people who attempt to stand up for their rights...as prosecutor he asks for the harshest punishment, as judge he issues sentences of death or life imprisonment...in most of these courts, the gentlemen only ask the name of the accused and then issue his death sentence.”

10. From 1994 the Islamic judicial system was thoroughly overhauled and the system described by Mr Amir Entezam was extended to the courts trying non-political crimes. That is to say, that the only figure of authority in the courts was now the judge.

CRUEL AND UNUSUAL PUNISHMENTS AND PUNISHMENTS DISPROPORTIONATE TO THE CRIME

11. The Law of Islamic Punishment, as we have already noted, involves a range of punishments which are defined according to international human rights precepts as cruel, degrading and inhuman. These include stoning, flogging, amputation and crucifixion, not to mention execution, some for acts which in contemporary civilization are no longer considered crimes even if they may be socially frowned upon in some cultures.

12. I will not dwell here on the aspects of this issue most frequently talked about such as stoning and amputation. Rather, I want to raise a few examples of minor matters which should not be considered as crimes and which speak for themselves, and then to turn to the link between torture and the law.
13. According to Article 102 of the law of *Ta'zirat* of 1983 any person who in public appears to commit a “forbidden act”, even though the forbidden act is not defined in the law and the person appearing to commit it does not know the difference between an act that is forbidden and an act that is not forbidden, he or she will be sentenced to flogging or imprisonment. The article adds that even if the act committed is not punishable by law but offends public morality; the punishment of a person whose action is not punishable by law is imprisonment or flogging.
14. One act permitted as routine for the crime of lying to the judicial authorities, namely seventy-four lashes, has also been linked to the legalised practice of torture in the Islamic Republic by Ervand Abrahamian, a respected student of modern Iranian politics. Abrahamian documents the routine use of torture on almost all political prisoners in the interrogation process, in order to obtain, again as a matter of routine, forced confessions. Abrahamian points out that the torture room was usually known as the “discretionary punishment room”—*otaq-e ta'zir*—and in the interrogation system of the period there was a thin line between the interrogator and the Islamic judge with the former either connected by a telephone hot-line to the judge so that, if the confession was not forthcoming, permission for the next seventy-five lashes could be obtained, or at times with the judge himself acting as interrogator and even administering the punishment.
15. I should mention here that the use of torture to extract information or a confession is forbidden by Article 38 of the Constitution of the Islamic Republic. But *ta'zir* punishments, however physically painful, are not, in the eyes of the Islamic jurists, considered as torture but are instead seen as a divine gift that cleanses the sins and wrongdoings of the non-conformist. I would like to quote here a particularly telling account from a former prisoner’s testimony given at a human rights seminar in Brussels that I attended. The witness was a skilled workman who stood as a leftist

candidate for the first parliamentary elections in March 1980 and spent eleven years in prison from 1983–1994.

“I was taken directly to the Shari’a judge of Gilan province who was also the prayer leader of the port of Enzeli known as Ghatilzad [now a Supreme Court judge in Teheran]. He asked me directly, and in the most outrageous tone, to give him a list of my friends and associates. I refused. He responded by saying ‘You are corrupt on earth, an infidel and an atheist and God’s command should be applied to you.’ Then he pointed to a banner hanging on the wall behind his desk which, according to him, was a quotation from the Prophet of Islam, saying that ‘the Almighty sent us sharpened blades to chop off the head of all infidels’ and he added we’re going to chop your head off unless you co-operate with us and save yourself from death.’ The interrogators took me to the torture chamber to implement God’s command. They fastened my hands to an iron bedstead and my feet were strapped to the bottom of the bed with ropes as if they were a bundle of wood, a dirty smelly cloth was shoved into my mouth and a dirty black military blanket was spread over me, at the height of the summer heat and humidity of Enzeli. An assistant interrogator sat on my stomach and another on my legs. Then they started to chant verses of the Koran in unison, and I was whipped on the soles of my feet with a wire cable until I fell unconscious. The next day the interrogators came for me again. This time they were accompanied by a mullah who was Khomeini’s representative in the Revolutionary Guard Corps of Gilan ...He grabbed the wire cable from the interrogator and said ‘I shall whip you until you repent, until you say your prayers and come to the Friday Prayer to make your confession before the public.’”

16. The Islamic Republic, incidentally, like the Soviet Union and China, and on a similar scale, has used forced confessions as an integral feature of its politico-judicial practice. That is why the public confessions made by some of the thirteen Jewish citizens on trial in 2000 in Shiraz on charges of espionage in a court, closed to the public and international observers could not, in the absence of proper legal procedure, be viewed as having any credibility. I was therefore surprised to see a

newspaper of the Guardian's standing printing a report on the trial, which complained that the BBC had failed to inform its listeners that those accused had, after all, confessed.

INEQUALITY BETWEEN CITIZENS

17. The Constitution of 1979 does not guarantee equality between citizens on the basis of religion, belief and gender although it guarantees equality on the basis colour, race and language. Equal protection under the law may only be enjoyed within the limitations set by *fiqh*.
18. In practice there are in fact serious inequalities between men and women, Twelver Shi'as on the one hand and other Shi'a denominations and Sunnis on the other, Moslems and officially recognized religious minorities (Jews, native Christians and Zoroastrians). Unrecognized minorities such as Baha'is or Ahl-e Haq have no rights.
19. Firstly, the inequality between men and women, which, without going into detail, exists on all civil, family and penal matters. Here, three examples are drawn from the law of Islamic punishments. The testimony of women, is either not allowed at all, for example in the case of premeditated murder, or is worth half that of a man. But four women can in no case give testimony in place of two men. That is to say that testimony by women alone is unacceptable. Under the laws of *qesas* and *diyat* if a woman is murdered, her blood money is half that of a man and retribution is only permissible if the murderer himself is paid half of his own blood money.
20. If a Muslim kills a non-Muslim from a recognized religion no retribution is permitted unless the murderer makes a habit of the crime. In normal circumstances blood money is due but is less than of one-tenth of the blood money due for a Muslim. It should be added here that provision was later made in the Law of Islamic Punishment for cases where retribution is not permissible to impose three to ten years imprisonment under certain circumstances.

PART TWO

A BRIEF REVIEW OF THE SITUATION OF HUMAN RIGHTS AT THE END OF THE FIRST DECADE

21. Ever since its foundation in 1979, and particularly through the 1980s, the regime in Iran has been identified as a major violator of human rights. Thousands of political prisoners have been summarily and arbitrarily executed. Two massive waves of massacre of political prisoners took place in the early 1980s, and again in 1988 when thousands of convicted prisoners, who for years had counted the days towards their release, were massacred in cold blood as non-conformists and unrepentant. Political detainees were held in unlimited pre-trial detention, widespread torture went unchecked, inhuman, cruel and degrading treatments and/or punishments were imposed, and summary trials before the clerical judges of the Islamic Revolutionary Courts with complete disregard for the guarantees of due process of law and the right of defence were the norm.
22. The Iranian regime's compliance with obligations arising from the International Bill of Human Rights, unlike its claims in its Second Periodic Report, more than nine years overdue, and not presented to the Human Rights Committee until 1992, was grudging, negative, halting, and regressive, stating that:

“With reference to Article 2, paragraph 2, of the Covenant (International Covenant on Civil and Political Rights) the laws and regulations of the Islamic Republic of Iran generally remain consistent with the rights set forth in the International Covenant on Civil and Political Rights.”
23. The day-by-day deeds, the implementation of the so-called “divine” laws and sectarian practices, and its legislative developments, as well as administrative orders and regulations were clear indications of an utter disregard for human dignity, human rights and fundamental freedoms in Iran. They also highlighted the dishonest motives behind the overdue reporting of disfigured facts to mislead the international community.
24. At home, away from the international arena and within their own sectarian circles, the authorities would continually publicly declare that international human rights standards have no relevance in the Islamic Republic. Notably, in a Friday prayer

sermon on 13th September 1991, the Head of the Judiciary Mohammad Yazdi, rebuffing the principle of universality of human rights standards and describing human rights scrutiny as a “lever” for political pressure, said:

“[...] We have *hodud* and *ta'zirat* punishments set forth by the God of the Universe for crimes by individuals. [We have] talion, stoning, other punishments which are not *ta'zir* (chastisement), they are divine rights, whips and lashes ... death penalty, no one can change them or modify them. The death penalty exists, many countries that have prohibited it are discussing its reintroduction ... under such conditions we ask of human rights: do we have a free choice of religion? Many of the punishments practiced in our regime [they say] are incompatible with Article 5 [of the Covenant]. We say which Article 5? They say, they are degrading, inhuman. ... We say, you have guaranteed the freedom of worship, these are religious commandments ...”

25. Mr. Reynaldo Galindo-Pohl, Special Representative of the UN Human Rights Commission after his 3rd and last visit to Iran, concluded in his report of 2nd January 1992 that the Islamic Republic of Iran has made no appreciable progress towards compliance with human rights and added that attention should be drawn to manifestly excessive use of the death penalty; the lack of guarantees of due process of law; discrimination against certain groups of citizens for their religious belief; absence of independent associations and of a climate of legal certainty ... In the following year Galindo-Pohl was denied permission to visit Iran prior to the 49th session of UN Commission on Human Rights. But in the concluding remarks of his final report to the Commission (28th January 1993), on the basis of new information, he reiterated that:

“[...] with regard to the right to life, the number of judicial executions continues greatly to exceed the very restrictive terms of the International Covenant ... there have been cases of torture and cruel, inhuman and degrading treatment or punishment, guarantees of due process and legal defence are not complied with ... This is serious and irreversible when these trials result in the defendants being sentenced to death or amputation.”

26. The Special Representative ends by declaring without hesitation that international supervision of fundamental rights and freedoms in Iran should be continued, and an agreement concluded with the International Committee of the Red Cross in November 1991 for visits to prisons and prisoners without distinction, should be implemented without delay.
27. Given the extent of violation of human rights in Iran during this period, the regime's success in evading supervision and monitoring was remarkable. To avoid scrutiny the Government of the Islamic Republic created the following obstacles:
- a) Denial of access to the country by the UN-appointed Special Representative for Human Rights and lack of proper disclosure of specific information to him, in his earlier visits;
 - b) Terminating international prison inspections before they had hardly begun by expulsion of the ICRC whose representatives had managed to read through the window dressing used in the notorious Evin Prison on the basis of information received from former detainees in Europe;
 - c) Refusing access to NGOs, Amnesty International, in particular;
 - d) Suppression of various domestic independent human rights organisations (NGOs) and the Independent Bar Association and many other similar organisations which operated before 1980 and during the Revolution and scrutinized, as the Bar Council did, the governments of the former as well as the new Islamic regimes;
 - e) Persecution of citizens, harassment and censorship.
28. Despite these and other obstacles information continued to be received and verified through modern means of communications, the media and by persons devoted to the cause of freedom and justice.
29. The Islamic Republic's natural tendencies for non-compliance with international human rights standards, and the structural deficiencies of its legal system, which form the underlying context for continuing abuse of human rights and its criminal

attitude towards the dignity and worth of human persons reflects the state of affairs at the end of its first decade.

A. THE 1993 PENAL CODE

30. An important manifestation of deliberate non-compliance with international norms is a typical production of the Islamic system in Iran. On 25th April 1993 it was announced that the Council of Guardians had given its final approval to the revised code for the Law of Islamic Punishment which replaced the code of 1982. The bill was prepared and approved in 1991 by the Judicial and Legal Commission of the Islamic Consultative Assembly and sent for final approval to the Council of the Guardians.
31. Despite recommendations by the Special Representative, Amnesty International, various UN bodies and UN resolutions, the 1993 law, like its predecessor, continued to provide for the same range of cruel, inhuman and degrading punishments:
 - The long list of crimes punishable by the death sentence was not, to any degree, curtailed to the limit of “the most serious crimes.”
 - The long range of physical punishments leading to death, mutilation or deformation, such as stoning to death, amputation of hands and feet, crucifixion, and various modes of talion and retribution, did not disappear.
 - Crimes described as “corruption on earth” and “warring against God”, generally invoked for punishing political prisoners remained on the agenda and punishable by death, crucifixion, amputation or banishment in a form of detention as described above.
 - Murder was still treated as a private matter open to retribution by the next of kin of the victim or the acceptance of blood money by the heirs.
 - A range of offences including consumption of any quantity of alcohol; mere abuse; mere kissing, or sharing the same bed whether innocently or otherwise; intercourse by unmarried couples; appearance in public in a manner deemed “offensive” to others, and inobservance of the of the imposed dress code for

women, were punishable by as many as one hundred lashes depending on the category of the offence (*hodud* or *ta'zirat*).

- In the 1993 code, as before, testimony by women was unacceptable in some cases, and in others only two women could substitute for one of the several men required.

- In the same manner the blood money of a Moslem woman was one half of that of a Moslem man.

- The law, as before, was purposely silent on the subject of retribution of a Moslem against a non-Moslem and vice versa. Punishment was therefore left to the discretion of the *shari'a* adjudicator who would not, as in Khomeini's guidelines, consider the two as equals.

CRIMINAL RESPONSIBILITY OF CHILDREN

32. Children are held criminally responsible at an early age. In the revised law of Islamic Punishment the rule established in 1982 was not revised. Article 49 of the code, in general, exempts infants from "penal liability". Note 1 of the same article defines an infant as a "person who has not reached the age of *shari'a* maturity".
33. As revised by the Islamic government in 1982, and in 1991, Article 1210 of the Civil Code sets the age for "religious maturity" at the ridiculous age of 15 lunar years for boys and 9 lunar years for girls at which age they can marry and, though still minors, be held responsible as subjects of the Law of Islamic Punishment. Children can vote at the age of 16 (solar years) but cannot enter into transactions, contracts, etc., until the attainment of majority at the age of 18 (solar years). With this in view, a girl, at the age of 9 lunar years, can be subjected to the death penalty and the cruel punishments provided by the penal code.
34. The Islamic Republic ratified the Convention on the Rights of the Child (CRC) in 1994, but stated that it "reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect."

35. In a report entitled *Iran: the Last Executioner of Children*, in June 2007 Amnesty International said that since 1990, twenty-four child offenders had been executed in Iran - more than in any other country in the world. Eleven of them were still under 18 at the time of their execution, while the others were kept on the death row until they reached 18 or were convicted and sentenced after reaching that age. Amnesty International observed in this report that:

“[...] Amnesty International considers that if the reservation is invoked to allow for the execution of child offenders, it would defeat the very object and purpose of the CRC. Iran’s reservation should therefore be removed or, in any event, never be invoked as legal authority to allow for the execution of child offenders ... In this respect, the UN Human Rights Committee has affirmed that states are prohibited from entering any reservation allowing for the execution of children because the prohibition against execution of children represents customary international law.... On 10 January 2005, the Speaker of the [Iranian] Judiciary reportedly dismissed reports that Iran executed child offenders as “foreign propaganda... aimed at distorting the image of the Islamic Republic”... The same month the Committee on the Rights of the Child noted that the Iranian delegation appearing before it had stated that Iran had suspended executions of people for crimes committed before they were 18. However, on 19 January 2005, the same day that the Committee examined Iran’s report, 17-year-old Iman Farokhi was executed in Iran...”

36. However, scrutiny by the Convention on the Rights of Children Committee and Amnesty reporting, have not brought an end to the killings. Instead, the sentences are often suspended and the under aged are kept cruelly on death row pending the attainment of majority at the age of 18. Thus the Islamic Republic of Iran is violating a peremptory norm—one of the few rules of international law, of such importance to the international community as a whole that all states must abide by them in all circumstances.

INDEPENDENCE AND IMPARTIALITY OF JUDICIARY

37. The judiciary of Iran was designed as a sectarian institution which would be the scepter of state power for an authoritarian and theocratic Islamic order. Many qualified judges of the secular judiciary were dismissed after the 1979 Revolution for their failure to comply with the new order. Many others left because of the degrading conditions imposed by the newcomers who had reduced them to the status of consultants whilst the unqualified clerics who had climbed on to the bench, the seat of a theocracy for which the establishment of 'shari'a' or religious courts was synonymous with the power of government.
38. Students and teachers (*mojtaheds*) from religious seminaries with only a brief judicial in service training were appointed as judges. The policy provided for all seats of judgment to be eventually occupied by such clerics in order to purify the nerve centre of the guardianship of "divine" jurisprudence. Such judges were qualified for a purpose other than administration of modern justice. They sat on the bench of Islamic Revolutionary Courts, given jurisdiction over the majority of offences designated in the Law of Islamic Punishment, offences carrying the death penalty for political dissidence, non-conformism, adultery, apostasy and crimes such as drug trafficking and armed robbery.
39. In a state of emergency which, in the absence of democracy, could threaten the absolute power of the clerics, for example periods of civil unrest such as the widespread rebellion in some major cities in the Spring of 1992, even the minimal requirements for qualification of judges were overlooked in favour of fast penal remedies and the rapid and summary execution of a number of innocent protesters.
40. The culture, background, and objectives of such a legal system are incompatible with guarantees for due process of law and legal defence. Fundamental rights and freedoms are the poison of this system, which is the sworn enemy of rights and freedoms. The system survives by summary trials closed to legally qualified defence lawyers with a deep disregard for the due process of law. In this system, the man on the bench until recently acted simultaneously as a trinity of judge, defence attorney, and prosecutor.

41. In the present system judges do not and cannot enjoy security of tenure. They can be dismissed at the discretion of the head of the Judiciary who himself is appointed for only five years by the Leader, i.e., the Supreme Guardian of “divine” Jurisprudence, the source of power and sovereignty in accordance with the constitution. The reason is clear. Security of tenure, gradually secures independence from a source, which derives its spiritual and political power from the abusive exercise of a cruel and suppressive jurisprudence.
42. This system has to maintain constant control over the citizens of the country. It therefore keeps boundaries of crime and punishment unclear and the limits of criminal responsibility unknown. *Nulla poena sine lege* does not have a full meaning in this state. Some crimes are undefined or vague, and judges at the trial can determine punishments. Codified laws serve in some respects and cases as a mere guideline. The Head of the Judiciary Mohammad Yazdi, in a 1990 article in Khomeini’s memory titled “Khomeini and Judicial Problems” (*Ettela’at* newspaper, 30 May 1990) quotes Khomeini as saying that if a *ta’zir* by lashes is specified in the text of the *shari’a* (religious jurisprudence), it will have to be observed. Otherwise wherever the ‘ordre public’ is concerned, the judge can decide the mode of punishment and pronounce the sentence needed for the occasion.
43. It is in this system only that a self-styled liaison of God, like Khomeini, could order the massacre of political prisoners in 1988. As Yazdi continues in the same article, based on Ayatollah Khomein’s ordinances and directives as the Supreme Jurisprudent judges can pronounce collective judicial sentences against political groups opposed to the regime, and against such persons as apostates in their absence, even those who live on a different continent, such as the sentence of apostasy pronounced for the assassination of Salman Rushdie, his publishers and future translators. Thus Yazdi wrote:

“[...]sentences announced by His Holiness the Imam against persons, such as the sentence of apostasy pronounced against Salman Rushdie’ were not simple *fatwas* or expressions of religious opinion, but sentences of death which include proper directives for the executioner or [sentences by him] for groups, such as those for the nationalists, liberals, the Hojjatiyeh Society and the

Nehzat Azadi (The Freedom Movement) written in his own handwriting, as well as the judicial sentence for the *monafeqin* [the ‘hypocrites’, i.e. People’s Mujahedeen Organisation of Iran] in which [he] has condemned the Organisation, its organs and its members in their totality collectively, and not individuals separately, one by one, which could cast doubts on the determination of their personal guilt as “corrupt on earth” and *mohareb* (combatant against God)...”

D. THE RIGHT OF DEFENCE AND INDEPENDENCE OF LAWYERS

44. Traditionally and in accordance with established laws which have not been abrogated by the present regime in Iran, the accused has the right to select lawyer(s) for his or her defence in all courts and tribunals, before the investigating judge, prosecutors, all civil and police authorities and for all charges, big and small. Furthermore, if the defendant is unable to find, appoint or pay for a legal counsel, then the court must, upon his or her request appoint a member of the Bar as his counsel.
45. In the case of felonies, where the proposed punishment exceeded three years of imprisonment, Article 9 of the Law for the Establishment of the Courts of Assizes of 1958, obliged the clerk of the court to automatically appoint a defence counsel for the accused, in the event of the accused failing to introduce his or her counsel(s) within ten days of receiving a court notice. In fact, the court could not convene and hearings could not begin unless a qualified member of the Bar was present as the counsel for defence. This general rule was also imposed upon Military Tribunals in 1978 where, prior to this date, only military counsel could attend. Article 35 of the Constitution of the Islamic Republic also reaffirmed this basic right in 1979.
46. The General Council of the Court of Cassation (Supreme Court), comprised of all members of the various chambers of the court and empowered to set legally binding precedents on guarantees for due process of law, on 19th September 1984 reaffirmed, but at the same time modified, the established legal rights of the defence. It held that:

“... intervention of counsel for defence, briefed by the court, in the event that the accused, personally, has not appointed attorney(s) for defence, is essential in

criminal proceedings in cases where the main punishment for the crime in question could be a death sentence or life imprisonment.”

47. In this binding decision, the court had with great caution reiterated a principle which already existed, had been reaffirmed by the 1979 Constitution and was already a provision in the Law for the Establishment of Islamic Revolutionary Courts in the earlier days of 1979. At the same time the right to a court appointed lawyer was reduced from crimes exceeding three years of imprisonment to crimes carrying a sentence of life imprisonment or death.
48. Although this important guarantee has been binding upon all courts of law throughout the period, since February 1979, when the present regime gained power, members of the Bar have faced multiple obstacles and harassments, as well as closed doors, in their attempts to represent anyone before the Revolutionary courts. Of the activities of defence attorneys, Ayatollah Rabani-Amlashi, the then Prosecutor General said in an interview published in *Ettela'at* on 9 March 1982 said, ignoring the principle of the presumption of innocence:

“[...] since defence from the point of view of Islam and the constitution of the Islamic Republic is permitted, the accused and the complainant may both employ the services of attorneys in courts. Of course only those attorneys who are defenders of Islam and the constitution of the Islamic Republic and not the attorneys who use their tongue and receive large sums to make the right wrong, and with a biting eloquence put falsehood on the seat of righteousness.”

49. On the subject of defence in courts for political prisoners or as he described them, prisoners from “*mohareb*” (warrior against God) and “*ilhadi*” (atheist) crowds, Rabani-Amlashi added:

“Their attorneys may defend the prisoners, provided that at least, they have belief in the guilt of these groups as *mohareb* and *ilhadi* (atheist) and would be ready to base their defence on the grade of their crime, demanding clemency and lenient punishments. They should not declare that the terrorist, the agent, the *mohareb* and the *mofsed* are innocent and demand their return to the society enabling them to repeat their crimes...”

50. In general, throughout the 1980s and for several years after, lawyers were not allowed entry into the Revolutionary courts. One distinguished member of the Bar who tried, in vain, to defend a political leader and to impose himself upon the court in 1980 was arbitrarily arrested in 1982 and as an act of vengeance for his deed was tortured and kept in prison for eight years.
51. Apart from the Revolutionary Courts a considerable number of other courts, too, even in civil cases refused entry to counsels for defence. Lawyers, eventually, became too intimidated to appear before the courts.
52. The Iranian Bar Association, a much respected secular institution, which had gained autonomy by a cherished Law of Independence on 5th May 1953, organized the legal profession, monitored the right of defence, provided legal aid both in civil and criminal cases with all members participating pro bono. Known for its commitment to secular justice, to the universal heritage of the enlightenment, to the right of defence and to human rights, it was, side by side with the judiciary, a prime target of the new sectarian religious authority. Comprised of the bulk of practicing attorneys in the country, it was directed by the Bar Council composed of twelve members and six alternates. Election to the Council took place on a regular basis according to the law every two years. It had its independent Disciplinary Prosecutor and Disciplinary Courts and other officers appointed by the Council, who, together with the members and officers of the Council, acted pro bono.
53. The process chosen to implement the eradication of the independence of the legal profession and to suppress the exercise of the right of defence and secular justice as obstacles, to the legal persecution of human beings, had faced the resistance and continued struggle of several generations of lawyers, old and young, in the past thirty years. It is a sad story, yet to be told. Unfortunately, in this limited space, I can only touch briefly on this planned and sordid process during the first decade of the Islamic Republic of Iran , which was designed to pave the way for a new religious penal policy that facilitated the suppression of non-conformist opponents. Hostile actions had already begun in the early summer of 1979, but the following are the major stages of the process:

a) In June 1980 the Revolutionary Council prevented the scheduled Bar Council election from taking place, citing “the need to purge the Bar before elections could be permitted.”

b) In May 1981 the offices of the Bar Association located in the Palace of Justice were occupied by force. The archive, the library and the funds of the association were all blocked and the offices sealed. The Council rented a property outside the Palace where the offices of the Bar Association were reopened.

c) In December 1981, the International Commission of Jurists (ICJ Review No. 27) recorded that a newly qualified Lawyer, Mohsen Jahandar, had been condemned and executed by firing squad in August 1981 for having defended persons on trial in revolutionary tribunals. On 1st November 1981 another young lawyer, Mohammad Reza Khaksar Bakhtiari who defended political prisoners (members of the Mujahedeen) was executed solely for “having undertaken the defence of the enemies of the regime.” Other members of the Bar executed in this period, included Manuchehr Masoudi, the former legal adviser to President Banisadr; Zia Moddaress a prominent lawyer and former Assistant Disciplinary Prosecutor of the Bar; Dr Mahmoud Majzoub; Mehdi Amin-Amin a veteran lawyer of prominence, former legal advisor of Iran National Airlines and a leader in the Baha’i faith, and Dr Manouchehr Ghaem-Maghami also of the Baha’i faith.

d) On 30th January 1982, by order of an Islamic revolutionary judge, the new premises of the Bar Association were occupied and Abdol Hamid Ardalan, the President of the Bar Council, Dr Mohammad Taghi Damghani and Jahangir Amirhosseini two members of the Council as well as Ms Batoul Keyhani, the Administrative Secretary of the Bar Association, who were present at the time, were arrested. The remaining members of the Council, who had not already been forced to leave the country for their safety, chose to hide and eventually ask for asylum abroad.

e) On the same day, by order of the Islamic revolutionary judiciary a young conformist, Eftekhar Jahromi, at the time a newly qualified lawyer, was placed in charge of the Association. Those arrested, suffered torture and were arbitrarily given minimum sentences of six years as *mofsehs*. The President and Dr Damghani lost their health as a result of torture and the severe condition of their detention. Mr Ardalan, a highly respected veteran lawyer died shortly after his release and Dr Damghani died ten years later in 1998 at the age of 72.

f) On 19th December 1982, the new administrative secretary of the occupied Bar in an interview published in *Ettela'at* said that disciplinary action would be taken against some three hundred members of the Bar by “devout” and “committed” individuals who had been invited to take up the office of disciplinary prosecutor. On the subject of a purge he added, that a major purge has to be ordered by the Supreme Judicial Council.

g) On 18th June 1983 as demanded on the same day by the revolutionary prosecutor of Teheran, the revolutionary court presided by Ayatollah Mohammadi-Gilani, in a collective judgment disqualified fifty-seven prominent members of the Bar and revoked their permits. The judge also declared a ban on their future employment with government departments. The list included the past and present members of the Council as well as disciplinary judges and prosecutors.

h) On 2nd January 1984 the same revolutionary judge issued another collective judgment disqualifying in a similar manner fifty-three prominent members of the Bar.

i) A new law concerning the right of defence was legislated and under international pressure after the visits of the Special Representative to Iran went into force in 1991. The law was an ineffective noisy drum, a publicity stunt, which quietly curtailed even the existing rules. Under the law the courts are only obliged to receive attorneys appointed by "the parties to a legal case". The law did not oblige the courts to appoint counsels for the defendant and to

observe the rule of counsel's imperative presence "in cases when the main punishment for the crime could be death sentence or life imprisonment."

j) Under the same international pressure after the visit of Reynaldo Galindo-Pohl, UN Special Representative for Human Rights in Iran, the efforts of Lawyers in exile and the effective protests, the authorities in Teheran accepted to restore the Bar and allow the election for a Bar Council to take place. The zeal shown by the members of the Bar for making the new turn a success was remarkable. Polling was scheduled for 9 October 1991. However, one day before, on 8th October, in an unconventional act, a bill was prepared, presented to the Islamic Consultative Assembly, and approved on the same day to be enforced immediately, to suspend the event pending a purge under the direction of the Head of the Judiciary.

54. As indicated above, the Iranian Bar had a long tradition of independence, a brilliant record in defending human rights and fundamental freedoms, and in developing the right of defence and in extending legal aid to the needy.
55. Today, though the dismantled Bar has been reopened with only a type of quasi-independence that is controlled by the Islamic judiciary and administered by the same persons who took over by force from the elected Bar Council, an important bulk of the new generation of members, have bravely and clearly shown their devotion to the right of defence. Many are to be found in prisons or under prosecution for protecting others. or have sought asylum as a last resort. The saga has yet to be told.
56. Throughout the rule of the present regime in the 1980s not even one counsel for defence was briefed by the Islamic Revolutionary courts to defend persons, who were accused of offences whose punishment is death or life imprisonment.
57. In the first fourteen years of the Islamic Republic of Iran, thousands of political prisoners were massacred or killed in cold blood in prisons throughout Iran by order of the Islamic revolutionary Tribunals. Trials were held *in camera*, the observance of due process of law, the principle of presumption of innocence and rules of proper investigation were not observed, more importantly, in the absence of defence

lawyers. Thousands of others, too, for various reasons— for their social and religious beliefs; for apostasy; for their way of life and social and cultural expression; for their relationships; for their sexual habits or for being charged with drug trafficking and armed robbery—were executed or given long prison terms by the same type of summary trials.

58. According to long standing laws and traditions of the country, the binding opinion of the General Council of the Court of Cassations of 1984 which reaffirmed the imperative presence of a counsel for defence, as well as international norms and standards pertaining to fair trials and the right of defence, trials held in the absence of defence lawyers are at all times illegal and judicially have no impact.
59. Those who head the regime in Iran, its government and those responsible for its judiciary are, therefore, and must be considered as, serial murderers who have taken the life of many thousands of innocent human beings over this decade by hanging, shooting, stoning, throwing them from tall building and mountains, by beheading or by pushing a wall onto their bodies.
60. The executions are not administration of justice but extra-judicial killings and premeditated murders of the first degree. The offenders have to be brought to trial for their lust for blood and power and for their crimes against humanity. The situation in Iran calls for serious action.

Hedayat Matine-Daftary

Former Vice-President of the Iranian Bar Council.

Paris, October 2012

MALAKEH MOSTAFA SOLTANI

Date and Place of Birth: 1979, Village of Almaneh, Marivan city

Age at the time of the incident: 24

Status: Sister to four victims

STATEMENT

NAME OF VICTIM: MAJED MOSTAFA SOLTANI

Date and Place of birth: 1951, Almaneh Village, Marivan city

Political affiliation: Revolutionary Organisation of the Toilers of Iranian Kurdistan
(Komala)

Majed was born in December 1956 in a village of Almaneh, part of the Marivan province. He studied mathematics in Hedayat High school and engaged in distance learning correspondence with Oxford University in the United Kingdom. At the time of the announcement of his death sentence he was a 3rd year medical student.

1. During his youth, Majed became acquainted with Left and Marxist ideology. In 1974 he began his political activities with Komala and from that moment on became curious and pursued politics in order to increase his knowledge and access to an international revolutionary experience.
2. In 1975 he continued his education at the Tabriz Institute of Technology and in addition received his diploma in Natural Sciences. In pursuit of medical studies he also went to Razi University in Kermanshah.
3. As Majed had studied in Tabriz and spoke Turkish, he returned to Tabriz in order to resume his political and organisational activities. He was arrested in February of 1981 in Tabriz and on the 29th June 1981, along with my brother Amjad and 9 others, was executed in Tabriz without the presence of lawyers or indeed a court hearing.

NAME OF VICTIM: AMJAD MOSTAFA SOLTANI

Date and Place of birth: 1960, Almaneh Village, Marivan city

Political affiliation: Organisation of the Toilers of Iranian Kurdistan (Komala)

4. Amjad was born in 1960, in a village of Almaneh in the town of Marivan. He completed his high school education at the Traditional Industrial school of Sanandaj in the field of electronics. He pursued further education in 1977 at the Institute of Technology in Orumiyeh.
5. In 1977 Amjad began his political activities with Komala and became acquainted with Left and Marxist thought. From that moment on, he pursued politics to increase his knowledge and access to an international revolutionary experience.
6. Amjad was arrested on 28th May 1981 along with his companions Ismael Yeganehdooost and Hooshang Tohidi. On the 29th June 1981, less than a month after being subjected to excruciating torture, together with my brother Majed, Ismael, Hooshang and 7 other political prisoners, he was executed in Tabriz without the presence of lawyers or indeed a court hearing.
7. Eight days later my mother dug up the bodies of my two brothers from their graves and transferred them to our birthplace in the village of Almaneh, next to three of my other brothers who were murdered by the Islamic Republic. In 1982 their graves were attacked and demolished by an army Corp. of the genocidal Islamic Republic.

NAME OF VICTIM: AMIN MOSTAFA SOLTANI

Date and Place of birth: 1953, Almaneh village, Marivan city

Political affiliation: Organisation of the Toilers of Iranian Kurdistan (Komala)

8. On 19th August 1979 Amin was arrested. He was executed less than a week after being arrested on 25^h of August 1979 without the benefit of a lawyer or court proceedings along with my other brother Hussein Mostafa Soltani and seven others in Marivan Garrison.

9. Amin began his intermediate studies in Mathematics at the Hedayat Secondary School in Sanandaj. After year 11 of secondary school he quit education. In pursuit of his humanistic and revolutionary beliefs, he began working for Komala—as a welder—in Sanandaj. The role of a labourer in the welding workshop was not suitable to Amin, due to his physical condition. Later Amin became a teacher in the villages of Marivan.
10. He was one of the first members of Komala who, before turning 18, started professional and political activities. The life of 26-year-old Amin was consumed by defending the rights of the disadvantaged. His life revolved around achieving human rights for all of mankind. He was the channel of communication between Komala activists within and outside of prison.
11. On 20th August 1979, one day after Khomeini's *fatwa* of holy war against the Kurdish people, Amin was leaving the town with my brother Hussein Mostafa Soltani and some other companions. They were identified by the guards and were arrested. Amin, Hussein and seven of their companions were executed by firing squad only five days after their arrest on 25th August 1979 in the Military base of Marivan without any court proceedings or lawyers present.

NAME OF VICTIM: HUSSEIN MOSTAFA SOLTANI

Date and Place of birth: 1949, Almaneh village, Marivan city

Father's name: Mohamad Rasheed Mostafa Soltani

Mother's name: Behieh Khohnpooshi

Profession at the time of arrest: teacher of mathematics in the city of Marivan.

Political affiliation: Organisation of the Toilers of Iranian Kurdistan (Komala)

12. Hussein completed his studies in Mathematics in the Hedayat High School of Sanandaj. He acquired his bachelor's in Mathematic Science at Tabriz University. After graduation, he was drafted as an officer, to Marivan along with the added responsibility of teaching mathematics in the schools of Marivan. Upon completion of his service—as an officer—he continued to work in Marivan as a mathematics teacher.

13. In 1975 he got married to Shokri Ahmadi. Their only child together, Firmesk Mostafa Soltani, was born five months after his execution on 22nd December 1979.
14. In 1979 Hussein was a military guard of Marivan and one of the founders of the Community of Teachers of Marivan in Defence of the Rights of the People. He worked with the farmers' union of Marivan and was responsible for the financial affairs of this organisation.
15. Hussein became familiar with political and left-wing matters at Tabriz University. From 1970 he became familiar with the Komala and became a part of one of the first clandestine groups of the Komala in Tabriz. He had the responsibility for the Komala clandestine library.
16. On 20th August 1979, one day after the *fatwa*, which was issued by Khomeini against the Kurdish people, Hussein was leaving the town along with my brother Amin Mostafa Soltani and some other companions. They were identified by guards and arrested. Hussein, Amin and seven of their companions were executed by firing squad five days after their arrest on 25th August 1979 in the military base of Marivan without lawyers being present or court proceedings.
17. On the second day after their arrest my father met up with Khalkhali, who promised that no harm would come to them and that they would all be freed. On the same evening Khalkhali contacted us by telephone from the military base telling my father to go to the military base and that my brothers would be freed. At the base my father was told that some paperwork was left unfinished and asked to return the next day. He was reassured that his sons would be released. The next day, instead of their release, we got their corpses.

MOHAMAD REZA ASHOUGH (MEHDI)

Date and place of Birth: 1955, Andimeshk

Age at the time of arrest: 32

The status of Witness: Survivor

Political affiliation: The People's Mujahedeen Organisation of Iran

The 1st conviction: Collaboration with the Organisation of People's Mujahedeen of Iran, financial and military assistance to this organisation and mobilizing people to carry out an armed struggle.

Location of Prison: Andimeshk prison and Sepah prison in Dezful

BIOGRAPHY

1. Mohammad Reza Ashough was born in 1955 in the City of Andimeshk in the province of Khuzestan. Prior to his arrest in 1981 Mr. Ashough was a student and a Quality Control Engineer for Sanitation and Health in the Khuzestan province.
2. Mohamad Reza was arrested and charged with being a supporter of the Organisation of People's Mujahedeen of Iran in 1981. Between 1981 and 1983 he witnessed torture and execution of many political prisoners in the Dezful Prison, including a form of torture known as the "gift" [*eidy*].
3. He was arrested twice; first in 1981 and the second time in 1986. Having endured torture and violence, he was sentenced to ten years in prison in a "trial" that lasted less than one minute in early 1986—prior to the mass execution of the political prisoners in the summer of 1988..
4. Mohammad was re-tried along with 66 other political prisoners in the summer of 1988, when the political prisoners were killed following a commission headed by Hussein Ahmadi and Kazemi Vavaei. He was among the first sixty political prisoners who received their death sentences. Mohammad was put into a minibus with other political prisoners who were being transferred from the barracks at Karkheh to the execution site. Just minutes before his execution, Mohammad managed to escape. Ayatollah Montazeri wrote about this incident in his book.

5. All those who were with him on that day, including his cousins, were executed.
6. The news of his re-trial and those of the other political prisoners in the Unesco Prison in Dezful [Unesco's former cultural and health centre] reached the offices of Montazeri, Khomeini and his son. Montazeri wrote about Ashrogh and the other political prisoners in his book on pages 157-158.

STATEMENT

NAME OF THE WITNESS: MEHDI ASHOUGH

7. I spent five years in prison and was detained twice. I was first arrested after the General Demonstration on 20th June 1981 and was in prison until 1983. I was arrested for the 2nd time in early 1986 (and I was detained there) until 1988.
8. In 1981 (1360) for a period of twenty months I was held in the general section of Unesco prison in Dezful and was then transferred to a new concrete block-type facility cell. One night behind the general section of the Unesco prison twenty people were executed.
9. After being transferred to solitary confinement, Aeid Dangah and I were placed in the same cell. The window and vent in our cell was located behind the general section, the place where the executions were carried out. During the nights, through the ventilation shaft, we were able to witness the executions and the guards, who carried them out. During the period, which I was in prison, I witnessed group execution of political prisoners six times.
10. On 5th August 1988 I was transferred, along with sixty to seventy political prisoners—in groups of eight—to the office of the Unesco prison in Dezful to be prosecuted. In the court, which was held in the office of the prison, eight of us sat on a bench and were questioned one-at-a-time, each for one minute. We were asked questions like: “Are you willing to go to the front line and fight against Iraq? Would you be ready to walk over a mine for the Islamic Republic of Iran? Are you willing to fight against the Mujahedeen?” Without a lawyer or legal protection in ‘trials’ that lasted only a few minutes we were sentenced to death.

11. With regard to the question asking whether I would be prepared to go to the frontline and fight against Iraq I responded yes, but I mentioned that my career was in health services and treatment. To the question asking whether I would walk over a mine for the Islamic Republic of Iran I replied: “A person should not have to walk over a mine to prove that they are faithful to Iran.” After this question some conflict emerged between the Islamic judge and the prosecutor. Again they asked me if I was willing to stage a war against the Mujahedeen, by which they meant the Forough Javidan Operation and I said no.
12. Apart from two young prisoners, the rest of us were sentenced to death. The execution verdict was announced at a time when each one of us was [already] serving our prison sentence. I was sentenced to ten years and had already served three.
13. After the execution verdict was delivered, we were taken by two mini-buses, two ambulances, two Land Rovers and a patrol car to Karkheh military base. After being washed I refused to wear “*kafan*” (the burial shroud) and put on my own clothes. As I was refusing to put on “*kafan*” the guards struggled with me and my plastic handcuffs loosened. We were then taken, by mini bus, to the execution site. I sat at the rear of the bus. We were just about to get to the execution site when I noticed that my handcuff was very loose and I was able to remove it from my hand. In a moment I decided to escape and discussed this matter with my comrades Sadegh Ranjbar and Andisheh Barkani who were sitting next to me. I then jumped out of the minibus.
14. My escape is a very long story and, if necessary, I will discuss it in court.
15. The members of the court who sentenced us to death were: Ahmadi (a religious judge), Alireza Avani (the prosecutor), Shamsaldin Kazemi (the interrogator), Abdol Azim Tavassoli and other personnel.
16. The Islamic Republic of Iran is responsible for the killing of the political prisoners, who were in prison. They were planning to annihilate their opponents from the day the Islamic Republic was established. Many political prisoners were

executed during the early 1980's and the rest, who were serving their sentences, were executed in the summer of 1988. The end of the war and the assault that was launched by the Mujahedeen Organisation in the summer of 1988 were justifications for the regime to execute political prisoners.

CHOWRA MAKAREMI

Date and place of Birth: 1980

The status of Witness: Daughter of the victim

(Chowra's aunt Ms. Fataneh Zarei was also executed)

BIOGRAPHY

1. Chowra Makaremi is an anthropologist and tenured research scholar at the Centre National de la Recherche Scientifique (CNRS) in Paris. Since 2010 she has been working on the experiences and processes of post-revolutionary violence in Iran. She published *Aziz's Notebook: at the Heart of the Iranian Revolution* (Gallimard, Paris) in 2011 based on the memoirs of her grandfather. She is the daughter of Fatemeh Zarei - a political prisoner, member of People's Mujahedeen Organisation and a women's rights activist who was executed in 1988.
2. Ms. Fatemeh Zarei was born in Gachsaran in 1950. She studied physics in Tehran University and was a physics teacher in Shiraz. Married to Hassan Makaremi and a mother of two, she was active in women's rights movements and a sympathizer of the People's Mujahedeen Organisation of Iran. She declared her candidacy in the first legislative election in March 1981 as the candidate of the People's Mujahedeen Organisation of Iran in Shiraz. She was arrested on the 15th of June 1981 in Shiraz and condemned to ten years of imprisonment. During more than seven years of detention she was subjected to severe and constant torture and many times was placed in solitary confinement. After her sentence was adjusted in 1986, her release was expected to be in March 1989. She was killed during the prison massacre in the summer of 1988.
3. Ms. Fataneh Zarei—sister of Fatemeh Zarei—was born in Gachsaran in 1954. She studied accounting and worked as an accountant at the National Oil Company. She was a sympathizer of the People's Mujahedeen Organisation of Iran. Ms. Zarei declared her candidacy in the first legislative election in March 1981, as the candidate of the People's Mujahedeen Organisation of Iran in Gachsaran. Ms.

Zarei was arrested on the 26th of March 1982 and kept in detention for six months and 22 days, during which she was subjected to torture, cruel, degrading and inhumane acts. Condemned to death, she was executed at 10 pm on 17 October 1982 in Bandar Abbas prison by the Revolutionary Guards and a *Tavaab*. She was eight months pregnant when she was executed.

STATEMENT

NAME OF THE WITNESS: CHOWRA MAKAREMI

NAME OF THE VICTIM: FATEMEH ZAREI

Date and place of Birth: 1 September 1950, Gachsaran, Khuzestan Province

Father's Name: Aziz Zarei

Mother's Name: Aghdas ol Molouk Meshkian

Political Affiliation: The People's Mujahedeen Organisation of Iran

4. My mother - Fatemeh Zarei - was arrested on 15th June 1981 during a protest near Bazar-e Vakil in Shiraz. She was held in custody for one night and released the morning after because the Revolutionary Guards had no evidence of her identity. As she was exiting the police station, a former student of hers and a member of the Hezbollah recognized her as a former candidate of the Organisation of People's Mujahedeen of Iran for the first Islamic Parliament. She was re-arrested immediately and held in detention.
5. She spent a few months in detention before her trial. In the winter of 1982 she was sentenced to five years imprisonment. She contested her sentence but as a result her sentence was increased to ten years. Neither during the trial nor at any other stage during her detention, interrogations and the following trials did she have access to legal counsel.
6. She was held in Adel Abad prison in Shiraz and was often transferred to the Sepah detention centre in Shiraz for interrogation, torture and periods of solitary

confinement. This took place in June 1982, January 1983, the spring of 1983 and January 1984. In June 1982 she was pressured to make a televised confession, which she refused to do. Her interrogator and torturer was called Hojatoleslam Ramezani. On the 3rd April 1984 my mother's family was informed that she had been transferred to section 3000 of Evin Prison. She was severely tortured and held in secret until September 1984 when she was transferred back to Shiraz.

7. In 1985 her judiciary and penitentiary files were declared “null and void” and she was re-tried. For this purpose she was transferred to the Sepah detention centre. Her family was interrogated by two interrogators—M.M Nasibi and Esfandiari—in order to rebuild her file. The interrogation lasted 8 months and she was then transferred back to Adel Abad prison. In June 1986 the court cancelled her first judiciary file and sentence (issued in 1982) and sentenced her to 7 years of imprisonment, starting as of 1986. She signed and accepted the new verdict. In March 1987 my family was informed that my mother had received a remission of prison term/sentence, which was reduced to 3 years in prison. She was to be freed in March 1989.
8. In March and June of 1988 she was granted 2 short periods of leave, when she could visit her family for 3 days on bail of roughly one million Rials.
9. On 31st May 1988, my grandfather was summoned by the prison authority. He was asked by my mother to contact my father Hassan Makaremi—a political refugee in France—and ask him to come back to Iran and cooperate in rebuilding the country. She made this demand due to the pressures of the prison authorities and is an example of the psychological pressures, which were used on prisoners. These pressures were intensified during June 1988, when my mother was interrogated yet again. According to my grandfather, he spoke to my mother and found out that the prison authorities had re-opened “the 1984 file” (which I understand as the televised confessions) and asked her “to cooperate”.
10. According to my grandfather from mid-June to mid-July 1988 the atmosphere in the prison had changed. During the weekly visits prison mates were all silent and

in a state of terror. On 16th July 1988 members of my family were called to the prison at 4 pm for visitation. The news had surprised my family because this visit took place only one day after the weekly visit at the prison's visiting room. On the phone and later in the prison room they were told that the reason for this visit was that "sister Fatemeh has to go on a long journey." (Quoted from my grandfather's memoirs).

11. During this last meeting my mother told her family that the previous night after 11 pm she had been called to a room, where a number of officials were seated. Amongst these were a religious judge, the prison director, the prosecutor, a few members of the intelligence service and other people she had never met before. She was asked what she thought of the "*monafeqhin*" and what she thought of the Islamic Republic of Iran. She answered that she was not involved in, nor was she supporting any political action any longer. She had also said that she could not answer the second question since she had been in prison for the seven years that the Islamic Republic of Iran had been in power. She was taken back to her cell around midnight. My grandparents, after listening to the story and asking, in vain, the purpose of their visit as well as the destination of my mother's "journey", left the prison [they were not given any answers].

12. On the next weekly visit the prison gates were closed and the families were not allowed in. Without any further explanation, weekly visits were suspended and families did not have any news of their imprisoned relatives. The prison gates remained closed during the next few months and guards were put in place in order to restrict the families' access to the area. At the end of October families gathered in the prison and filled in forms enquiring about their imprisoned relatives. These forms required details of their employment, address, salary, everyday activities and people they knew. At the beginning of December, families received phone calls from the prison authorities and the head of the family was summoned to the prison. They were called, one by one, into an office and were asked to sign a letter stating that they would neither organize a funeral, nor spread the news of the death of their executed relatives. They were then given a sheet of paper with the location of their grave in the Shiraz Cemetery.

13. According to my grandfather, the information that circulated amongst the families was that these graves were old stone graves covered with concrete and presented as the executed prisoners' graves. According to my grandmother, who is illiterate and did not have access to her husband's testimony, when she visited my mother's grave fifteen days after my family had received the news of her execution, she met a woman who asked her why she was praying on that particular grave. When my grandmother answered that her daughter was buried there, the woman seemed surprised and asked her: "When you buried your daughter, didn't you notice that someone else was already buried here?" She explained that grave belonged to a woman she used to know, a maid in Shiraz called Fatemeh. Upon Fatemeh's death her family did not transfer the body to the village where she came from. Instead, she was buried in the Shiraz Cemetery on the spot where the women were now standing, in a modest stone-grave without any inscriptions. My family therefore believes that my mother, Fatemeh Zarei, is not buried in the grave which we were told was hers. We do not know how and when she was killed or where she is buried.

NAME OF THE VICTIM: FATANEH ZAREI

Date and place of Birth: 1 December 1954, Gachsaran, Khozesat Province

Father's Name: Aziz Zarei

Mother's Name: Aghdas ol Molouk Meshkian

Political Affiliation: The People's Mujahedeen Organisation of Iran

Date and Place of arrest: 26 March 1982, Shiraz

Charges: Enemy of the state / "Mohareb" / Corruption of the youth

Duration of detention: 7 months and 19 days

Trial date: Shortly after her arrest

Trial location: Bandar-Abbas

No defence

Sentence: Death penalty

Date of execution: 17 October 1982

Location of execution: Bandar-Abbas

14. My aunt, Fataneh Zarei, along with Zahra Ostovari were on the bus from Bandar-Abbas to Shiraz following the death of their husbands - Ali-Mohammad Qanbari and Abbas Nakhai. They were arrested in Bandar-Abbas by the Revolutionary Guards at a highway patrol station.
15. After my aunt Fataneh was arrested, the Sepah had sent her to inform my family in person of her arrest. She indeed came to see us in Shiraz around 10th March 1981, but did not have the heart to tell us about her arrest. She announced that she was pregnant. We noticed that she had some difficulty in speaking properly. We later learnt that this was due to her taking a cyanide pill, which she kept in her mouth, at the time of her arrest. The revolutionary guard accompanying her had noticed her taking the pill and she was taken to the hospital to keep her alive.
16. My aunt was initially detained in Bandar-Abbas. My family had no news of her arrest. Only my mother Fatemeh, who was herself, detained in Adel Abad Prison in Shiraz, was informed of her sister's arrest by the prison authorities.
17. We were only informed of her arrest two weeks later. We were permitted weekly visitations (on Mondays). In the summer of 1981 she was transferred to Gachsaran for one month and allowed two visits. In Ghachsaran she was detained in a sheet-metal container under the sun, without water. Being pregnant, she suffered immensely from her horrendous conditions of detention. In the autumn, she was transferred back to Bandar-Abbas, where her weekly visits resumed.
18. She told my aunt that three times she had been taken blindfolded before the firing-squad for fake executions in Bandar-Abbas. During her imprisonment she had no access to an attorney whatsoever.
19. During this period the sentence of those who were condemned to death was to be applied "when necessary". Whenever a terrorist event occurred or the Mujahedeen assassinated a member of the authorities, the prison authorities reacted by

executing dozens of prisoners. On 15th October 1981 Ashrafi Esfahani was killed in a terrorist attack. On 16th December 1981 my aunt Fataneh was executed in Bandar-Abbas. It was announced on the news that many members and sympathizers of the Mujahedeen were executed around the country.

20. According to my aunt: "Fataneh called me late at night and told me that she needed baby clothes and diapers, as she was soon expected to deliver her baby. I asked her 'Are they going to execute you?' She said, 'No, everything's all right.' As the call was late and unexpected and as I knew prisoners who were to be executed were allowed a last phone call to their families, I suspected she would be executed sometime after the phone call."
21. Our mother and father along with her mother-in-law took the bus from Shiraz to Bandar-Abbas that night. The next morning they went to Shahrak Prison, where our father was given back some of her belongings (her watch and wedding ring). This was how we came to know of her death. We had no death certificate whatsoever and no explanation, but they told us to go and pick up the body at the mortuary. The man driving the ambulance told our father about her death. It had taken place in the prison court, on the very night she had called us. He said that she was shot in the head and that she was one of the bravest people he had seen. When they had put her in the ambulance, she was dying. She refused to be blindfolded for her execution as she wanted to keep her eyes open. The man told our parents that she had refused to say, "Long live Khomeini" and "Death to the Monafeqin", despite the fact that the Revolutionary Guard was pressuring her to do so. She was quiet and smiling when she had died.
22. The newspaper "Keyhan" reported that she was executed by a *Tavaab* [repenter].
23. We do not know whether she was still pregnant or not when she died. As we were visiting her grave years later, a girl, whom we had never seen before and did not recognize, came to us and told us that she was in prison in Bandar-Abbas during the same time as Fataneh. She was hospitalized when they brought Fataneh to the hospital a few nights prior to her execution. She heard that there had been a gas leak in the prison cell and that Fataneh had lost her baby. My mother and

Fataneh's mother-in-law were not allowed to attend the washing of her body in the cemetery. However, my mother managed to go in the room for a brief moment, where she could see that Fataneh's body (breasts and belly) was that of a pregnant woman.

24. Fataneh was buried in Behesht-e Zahra cemetery in Bandar-Abbas near her husband Ali-Mohammad Qanbari.

25. We were not given a death certificate. We went to Bandar-Abbas and asked for one again in 1982-1983. We were provided one by the court. Under "cause of death" it said: "Haemorrhage".

26. In 2009 we learnt that the section of Behesht-e-Zahra cemetery, where the executed political prisoners were buried, was to be destroyed in accordance with the law, which allows the State to destroy graves after thirty years. We went there with my niece in February 2010 to repatriate Fataneh's body or at least her gravestone. We were told by the city council that they were planning to build a boulevard in the place of the cemetery. The section, where Fataneh and Ali-Mohammad are buried, is planned to be turned into a traffic-island, where they would grow grass and they may eventually incorporate the gravestones into the pavement. We were not permitted to repatriate the body or the gravestone.”

SHOHREH GHANBARI

Date and place of birth: 1958, Tehran

Date of arrest: March 1982

Occupation at the time of arrest: University Student

The status of witness: Survivor

Political affiliation: Organisation of Paykar for the Emancipation of the Working Class

BIOGRAPHY

1. Shohreh Ghanbari was born in Tehran and was a member of the Organisation of Paykar for the Emancipation of the Working Class. She was arrested in 1981 and was released, after enduring 6 years of imprisonment. At the time of her arrest she was studying Business Management at the Melli University. Upon her release she was informed that she had been suspended from her university. She left Iran in 1988 and she is currently a citizen of Canada.

STATEMENT

NAME OF WITNESS: SHOHREH GHANBARI

2. I was a member of the Organisation of Paykar for the Emancipation of the Working Class. In March 1982 a few members of the revolutionary guard attacked the house of one of our relatives during the night with an arrest warrant. My sister and I were blindfolded and taken to one of the Islamic Revolutionary Committees, where we were kept overnight. There they only filled in some forms. The following morning we were taken to Evin Prison. Straightaway we had to undergo a physical search. We felt very frightened as we were blindfolded. We were kept in a corridor for a few hours. We could hear the screams and cries of those who were being tortured. Finally we were taken to a room where twenty to thirty female prisoners were being kept in dire physical conditions. We later learned that they had all been arrested recently and were being interrogated and tortured.
3. They came for me around 4 am. They took me to a room, sat me down in a chair and started to threaten me. I told them that I had not been involved in any political

activities for a long time. There were two interrogators, one of whom hit me hard on my head and said “Shut up, it will become clear tomorrow whether you have been active or not.”

4. I was then taken to torture chamber No. 6 where the leftist prisoners were interrogated and tortured. Members of the Mujahedeen organisation were taken to torture chamber No. 7. They sat me down behind the door to the room in which prisoners were tortured. I felt devastated and suffocated both by the sounds and screams of prisoners, who were crying from the anguish and pain of torture and the verbal insults of interrogators. With the use of threats, they tried to gather information from me until 6 o'clock, when an interrogator named Hamed came in. He was famous for being vicious and full of hatred, especially towards the leftist political prisoners. He said “You dirty Paykari; I will teach you a lesson.”
5. They laid me down on a bed on to my stomach and tied my legs to the bed. They put a piece of cloth into my mouth so that I could not scream and began to whip me. The pain was unbearable. I was suffering immensely. Hamed was hitting me with all his strength. They continued to beat me until around the midday. To prevent my feet from becoming numb from the pain, they left me alone for roughly an hour, so that I would regain the sensation in my feet and feel the pain once again. The whipping started again and continued throughout the day until the sunset. When they released me from the bed I could not stand on my feet. When I used the toilet my urine was full of blood.
6. The interrogation lasted ten days, during which I lived in the corridors. Some nights I was taken to a room where the rest of the prisoners, who were being interrogated, were kept. During that period not only was I subjected to barbaric physical torture, but also mental torture - having to witness the torture of many other prisoners. With my own eyes I witnessed a boy forced to drink many jugs of water prior to getting whipped, in order to damage his kidneys. I also witnessed the torture of another boy, who was whipped more than five hundred times in one day.

7. After ten days of constant torture, I was taken to a ward and after two weeks I was returned to the same room, where I had previously been tortured, for further interrogation. I was sat next to the same bed that I had previously been tied to. This time they had tied down a boy to the bed and Hamed was hitting him mercilessly. As I was sitting there, the person who had confessed and given up my name was brought into that room; asking me to take responsibility for strange and odd actions such as admitting to the assassination of Beheshti!
8. Meanwhile they continued beating the boy until around midday when we were given lunch. I felt nauseated and was incapable of eating anything.
9. After those conversations I was certain that they did not have any information in connection to my political activities, as the girl who had given up information about me did not have any information with regard to my political rank and position.
10. Despite the fact that they were merely aware of some of my activities, such as embarking on excursions or reading political publications, they still kept me in a ward without a formal charge for around one year and a half, hoping that during this period they would arrest someone who could provide them with more information about me.
11. Many in that ward were in a similar situation as me - they were kept in prison without knowing what they were accused of. Every now and then a new Tavaab was brought into the wards to identify prisoners. Those, who were identified, were taken for further interrogation and torture and their fate was dependant on the new information that was obtained from them. We lived in a constant state of fear that we might also be identified one day.
12. I was not given any visitation rights during the first four months of my imprisonment.
13. I was detained upstairs in Ward 246. This ward had six rooms. In our room there were roughly seventy prisoners who were all left wing political activists. The room

was very small and the number of prisoners staying there was very high. There was not enough room to sit or to sleep. The prisoners designated a small space in the corner of the room to the prisoners, who would come back from a fresh round of interrogation and torture, in order to provide them with a small space to lie down, keeping their mutilated bodies safe away from the crowd. If the blisters on their feet would burst, the wound could get infected and they could lose their feet.

14. There were also three pregnant women in that room, who were all close to giving birth. We had also designated a space for them to be able to rest. The rest of the prisoners would stick to each other and at nights we had to sleep on our sides due to the lack of space. The conditions in that room were truly severe. We were never given sufficient food and never felt completely full. As the revolutionary guards were indifferent to the fact that there were three pregnant women in the room, we had to give up portions of our meals in order for them to receive adequate nutrition. Three children were born in that room. The fathers of two of these children were executed before their birth and for nearly one year these children lived in the same conditions as us.
15. Once a week we were given the possibility to bathe. One hour for seventy people! We were forced to bathe at night as the water was always ice-cold and the only time it was heated was during the night.
16. Dangerous and contagious diseases spread amongst the prisoners on several occasions, making us severely sick. Once they even brought in a prisoner who was suffering from tuberculosis and made many of the prisoners sick. We were not offered medical care. If it was offered, the care received was so basic, that in effect it did not help anyone at all.
17. Our ward was behind the hills of Evin Prison. On many occasions we listened in fear to the sounds of constant shooting, followed by single gunshots. I said goodbye to six of my prison inmates taken for execution. I even heard the sound of the bullets that they were shot with - sweet souls such as Zahra Daneshvar, Nastaran Akhlaghi, Manije Hedayi and Adena Sabet.

18. In mid-1983, during Ramadan, they wanted to force us to eat twice a day - once before dawn and once after sunset, similar to those who fast. As everyone in our room was a leftist, on the first day of Ramadan we took our food but kept it for our lunch. The prison guards found out about it and the following day they brought Lajevardi to our ward. As punishment, all seventy of us were transferred to Ghezelhesar Prison.
19. In Ghezelhesar we were taken to solitary confinement in Ward 7, where the conditions were abominable and atrocious. The cells were designed for three people, but more than twenty people were detained in each cell. Since the doors to the cells were left open, we slept in the corridors at night. The weather was brutally cold and each of us only had one army blanket as covering and protection from this weather.
20. The head of the prison - Haj Davood Rahmani - would occasionally march into the ward and start his ritual of insulting and swearing at everyone.
21. Prisoners were tortured physically and emotionally, in a sadistic manner; for example, being forced to stand still on their feet, blindfolded for 24-48 hours without allowing sleep.
22. Family visitations lasted only five minutes. I found out that my father with much effort and difficulty had managed to request for the transfer of my sister and I to the Amol prison, where our younger sister was detained, so that we could all be together. Haj Davood took me out of the ward and told me that "An order for the transfer of you and your sister to Amol has been issued, but with the condition that you gather information about ten other prisoners." When I refused they returned me to the ward and told me to forget about the transfer.
23. Around two weeks later they took me to the "coffin," where the beds were put on their sides together forming a cage. Prisoners were forced to sit still inside these in absolute silence day and night. I was kept there for three weeks.

24. Again I was returned to the ward. The atmosphere was full of fear. Most of the prisoners broken down under the physical and psychological strain.

25. In 1985, when Montzeri's representatives removed Haj Davood from his post as the head of Ghezelhesar Prison, my sister and I were transferred to Amol Prison. Prior to our transfer to Amol, we were taken to Evin Prison and were kept in solitary confinement in ward 209 for twenty days. We served two years in a ward with non-political prisoners in Amol Prison. My sister was released in 1986 and I was released in 1987.

JALIL SHARHANI

Date of and place of birth: 1969, Soosangerd

Age at time of incident: 12

Status of witness: Son and brother of two victims

BIOGRAPHY

1. I was a 12-year-old student when my brother and father were arrested and executed. After the Iran-Iraq war we migrated to the town of Behbahan. After receiving my diploma I attended university. But because my father had been, in their words, an “insurgent” and an “anti-revolutionary”, I was not allowed to continue my studies. I was expelled from the university and forbidden to do any work within the public sector. Today, I live in England and work freelance. I am active in cultural pursuits and I support the human rights groups in Ahvaz.

STATEMENT

NAME OF THE WITNESS: JALIL SHARHANI

NAME OF VICTIM: AZIZ SHARHANI

Date and place of birth: 1930 Soosangerd

Father’s name: Aazy

Mother’s name: Varsan

Profession: Farmer, illiterate, farmer

Date of and place of arrest: 1980, Soosangerd

Date and place of execution: 1981 in the town of Soosangerd, executed due to his ethnicity (being Arab)

2. My father- Aziz Sharhani - was arrested in Soosangard on the 22nd October 1980 two hours after my brother’s arrest. Following an attack on our home by guards, who used physical force against the whole family—especially the women— my

father, who had hidden at a neighbour's house, surrendered himself. With physical force and brutality, in our presence, they took him to the local station.

3. After some months, between the villages of Bav-Hamizeh and Soosangerd, without a court proceeding, with a right to neither counsel nor to provide a defence, he was executed. He was buried in an unmarked water-well. We became aware of this afterwards, only when an acquaintance who wanted to find traces of my father had applied for information. Because of the war and the lack of men in the family, we were unable to find my father's grave. Neither the military guards, nor any public bodies are ready to provide any answers in relation to my father's execution or his place of burial.
4. Even now, after all these years, we have no information about his circumstances in prison, the manner in which he was executed or the torture he was subjected to. My father was a farmer and had no political involvements. They arrested and executed him solely because he was an Arab and because my brother was an Arab cultural activist.

NAME OF VICTIM: MOOSA SHARHANI

Father's name: Aziz

Mother's name: Nageh

Date and place of execution: 1980 in the town of Soosangerd, executed due to his Arab ethnicity

5. My brother - Moosa Sharhani - was arrested on the 22nd October 1980 in Soosangerd along with my uncle. He was an employee of the Ministry of Public Health. He was married, and a father of a three-year -old daughter. His wife was pregnant at the time of my brother's arrest. My brother was a cultural activist. On the same day of his arrest, he suffered severe torture, without any legal proceedings or a trial, without being offered the opportunity to provide defence and without access to legal representation, and was executed.
6. They did not return his body to his family, nor give them any information regarding the location of his grave. After some months of searching and with help

from the graveyard watchman, my mother was able to locate his grave. He had been executed with sixteen others and was buried in a mass grave in an abandoned part of the *Behesht Abad* (heavenly abundance) Cemetery. The government referred to the Cemetery as *La'nat Abad* (abundance of the damned). After his execution the regime deprived his family of all of his financial assets and insurance.

NAME OF VICTIM: HAMID SHARHANI

Date and place of birth: Soosangerd

Father's name: Aazy

Mother's name: Varsan

Profession: Farmer, illiterate

Date and place of execution: 1980 in the town of Soosangerd, executed due to his Arab ethnicity

7. My uncle Hamid Sharhani was executed along with my brother on the 22nd October 1980 in the town of Soosangerd. He was a farmer and was married with children. Two hours after being arrested along with my brother, he was executed without a trial or access to legal counsel. His charge was being an Arab.
8. These executions were numerous and many members of our tribe and other tribes were killed in the first years of the revolution and during the 1980s. They say that my brother, who was the only one who could speak Farsi, asked Khalkhali and his companions responsible for the killing of Khuzestan Arabs: "Will you execute us now? What is our crime?" To which Khalkhali gave an irrelevant response: "If you are innocent you will go to heaven, if you have sinned you will go to hell."

SHOKOUFEH SAKHI

Date of Birth: 16.05.1964

Occupation at the time of arrest: Student

The status of Witness: Survivor

Political affiliation: Razmandegan Organisation

BIOGRAPHY

1. Shokoufeh Sakhi is a Ph.D. candidate in political science, with a specialization in political theory and political philosophy at York University, Canada. Her work investigates the phenomenology of resistance. Following her release from Tehran's Evin Prison, where she spent a part of her eight years of incarceration as a prisoner of conscience he moved to Canada as a political refugee in 1992. Participating in the NFB film - "The Tree That Remembers" - she has also presented at many academic and community events.

STATEMENT

NAME OF WITNESS: SHOKOUFEH SAKHI

PART I

2. My name is Shokoufeh Sakhi. I was arrested on 12th August 1982 as a supporter of Razmandegan (Marxist-Leninist), which was a leftist group. I was a student at that time. My brother and his wife had been arrested five days prior to my arrest on August 7th of that year. My husband had been arrested a few months earlier in February 1982.
3. I was arrested by the security forces linked to the Komitei Moshtarak, which was located on Naser Khosrow Street back then and was under the jurisdiction of the Revolutionary Guards. Because there were too many prisoners and not enough

solitary cells, I spent the first two weeks in a corridor blindfolded. As far as I know, most of the prisoners there were leftists with a small number of monarchists amongst them, including those who were arrested in connection with the Nojeh coup plot. After the first two weeks I was placed in a cell with five or six other prisoners.

4. My trial was conducted at the Komitei Moshtarak detention facility in October or November of 1982. I was blindfolded when I entered the room. After I entered I was told to remove my blindfold after I sat down. There was a desk in a small room. Judge Mobasherri was sitting behind the desk and my interrogator stood behind me. Mobasherri read the indictment and all the charges, which included: financial contribution to several leftist groups, supporting and membership in several leftists groups, participation in a march against the regime, distribution of flyers and party propaganda and non-cooperation with the authorities (i.e. obstruction of justice).
5. I rejected all of these charges and defended myself. I argued that all of my activities with these groups were legal prior to Khomeini's decrees and that it did not make sense to accuse a high school student of committing so many "illegal" acts, simply because she had become politically active.
6. Mobasherri also asked about my marriage, at which point I responded that my personal life was not their concern and had nothing to do with my political charges. He asked about my religion. I told him I was not religious. He asked about my family's beliefs and I said that they were Shi'ite Muslims. Finally Mobasherri asked if I was prepared to repent. I replied that I had not committed any crime, so there was no need to repent. The whole trial lasted no more than a few minutes. In November or December of that year I was transferred to Evin. At first they issued a sentence of life imprisonment (along with lashes for being an apostate), but my sentence was later reduced to five years.
7. I would spend the next several years in all three of Tehran's major prisons. I was first transferred to Evin. Subsequently I was transferred from Evin to Ghezelhesar and then to Gohardasht Prison.

8. In 1987 on several occasions we were taken to a building adjacent to the “*Assayeshgah*” - a three- story building complex composed of hundreds of solitary cells, which was under the authority of the Ministry of Intelligence. Most of the interrogations that took place there targeted our political and ideological beliefs. For example, we were asked to share our views about the Soviet Union, Khomeini and the concept of the *Velayat-e-Faqih* [the Rule of Jurisprudent], Khomeini’s letter to Gorbachev, the government’s economic plans or the war with Iraq. They asked these questions in the form of a written questionnaire.
9. We generally refrained from answering these types of questions. We claimed that these types of questions were an infringement of our personal beliefs and principles and as political prisoners we would not answer them. Of course some of the inmates chose to answer the questions, but we stuck to our plan. All these questions were compiled in the form of a booklet. We were instructed to sit in the corridor on lecture-type chairs and answer the questions. Whenever we refrained from answering, they would insult and intimidate us.
10. In 1986 to 1987 when the regime’s pressure on political prisoners somewhat decreased and conditions relaxed a bit, the inmates who were supporters of the Mujahedeen began conducting group exercises. These group exercises were conducted both in Evin and in Gohardasht. This was very surprising for us. Until then those who had been arrested for allegedly having links with the Mujahedeen (even the uncompromising ones) were generally very cautious. For instance when asked by prison authorities to state their affiliation they never referred to themselves as members or supporters of the Mujahedeen, preferring instead to use the derogatory term imposed on them by the regime, “*Monafeqin*” [hypocrites]. When the guards asked them what their charge or crime was, they would say: “*Monafeqin*”.
11. Sometime during 1986 to 87 however, they began showing signs of change. Some of them boldly introduced themselves as supporters of the Mujahedeen or “*Sazeman*”, while others did so with much hesitation and trepidation. Use of the term “*Sazeman*” was tactical, since it did not require the inmates to use either “*Mujahedeen*” or “*Monafeqin*” as a way to identify themselves. Many preferred

this method, since they preferred to limit the possibility of confrontation with prison guards and interrogators. This change of attitude among the members of the Mujahedeen was very obvious until the day before the prison went into high alert and lock-down mode.

12. On 18th July 1988, the regime accepted the cease-fire with Iraq. The news was announced from the loudspeakers in the prison. A few days later on 26th July (Tuesday), we heard announcements, through the loudspeakers, which bragged about the regime's victory over the *Monafeqin*. Later that day we met with our families. Our families confirmed that the cease-fire agreement had been signed and we believed that we would soon be pardoned and released.
13. Friday came and the Friday prayer was broadcasted through prison's loud speakers. It was July 29th. I remember this well—there was a television series that immediately followed the Friday Prayer, which we liked to watch. This coincided with the time which was allocated to us for washing our dishes and use of the facilities. As soon as we went out to wash up, a guard came and took away our television set without providing any explanation. They also took our ration of state-run newspapers, cut off all family visits and communication with the outside world and forbid anyone from going to the prison clinic.
14. The next day the guard knocked at the door and asked us to put on our *chadors*, as a high-ranking official was going to visit. I believe he was referring to Seyyed Hossein Mortazavi, the head of Evin Prison. Mortazavi and several prison guards entered and we were asked to identify ourselves and state our charges. This was not new to us as we were asked these types of questions almost on daily basis. The inmates who were supporters of the Mujahedeen sat on the right side of the room and we occupied the left side. On that day all the inmates who were supporters of the Mujahedeen introduced themselves as either "Mujahed" or "*Sazeman*." At the end of the session Mortazavi turned to us and with derision in his voice said, "The period of fun and relaxation is over. We are going back to 1981."
15. After Mortazavi made this comment the inmates who were supporters of the Mujahedeen were ordered to exit the room. Two leftist inmates were also taken at

random. They ordered us to gather their belongings and place them outside of the cell. I believe this incident took place on July 30th. I cannot remember whether they transferred the inmates who were supporters of the Mujahedeen to the room next door or to another location. I think they may have been moved to the empty room, adjacent to ours. The door to our room was closed and we could not see what was going on. We could only hear sounds.

16. After some time we realized that the prisoners who were supporters of the Mujahedeen, kept in the adjacent room, were being summoned out and returned to the room after several hours. We guessed that they were being taken in for interrogations. A little later however, we noticed that there were no more sounds coming from the adjacent room. A few days later we determined that they had transferred all the supporters of the Mujahedeen to solitary cells in the “*Assayeshgah*”, because none of them ever returned. Every once in a while, we caught glimpses through the small gap between the door and the frame (of the cell) and saw black-clad prisoners with blindfolds being shuffled around in groups. These moments were fleeting—there was no opportunity to talk to them or make contact—. The prisoners remained silent. I do not think they had any indication as to what was going on.
17. The room next to ours (Room 2) was being used as a transit room. After removing the first group of Mujahedeen prisoners from the adjacent room, they brought in another group of the Mujahedeen. One of the Mujahedeen inmates, who had distanced herself from the Organisation and accepted the leftist ideology, contacted me and another one of my cellmates via Morse code. She tapped: “A special council is retrying all of those arrested in relation to the Mujahedeen ... They are going to kill us all ... What should I do?” We advised her, via Morse, to acknowledge that she no longer believed in the Mujahedeen and is not a member of the Organisation. In response, she informed us that it was not as simple as to whether or not one is a Mujahed. She said they required the prisoners to prove their commitment by cooperating with the regime and said that she was not willing to cooperate. Her last words were: “[I]t’s a pity that I’m going to die for what I no longer believe in.”

18. Right at that moment, the door opened and the communication came to an abrupt end. All of them were taken away. We had no idea what was going on at that time. We still do not really know what went on. She never mentioned anything about a “Death Commission”. Her name was Sara (I do not recall her last name). She was executed in 1988.
19. Not too long after that, we witnessed one of the female guards running towards the bathroom at the end of the hallway. She was holding on to her stomach and throwing up. An older female guard came to her aid. She told the older guard that she could no longer bear it. The older guard scolded her and said, “Haven’t you heard [the warden] say that everyone has to be present? Everyone must participate.” Then one of the guards realized that we had been watching the whole thing. She snapped back at us “What are you looking at? You’ll be dangling soon yourself!”
20. Once the Mujahedeen were dealt with, it was the turn of the leftists. I think it was around September 1988. Just like the previous time they summoned a number of inmates from each room—this time all leftists—to go in for interrogation. Then the prison authorities came for the prisoner's bags and belongings. Three individuals were removed from our room. They took a number of inmates from every room. The largest number of inmates was taken from the third floor. I believe they took prisoners from the third floor in two rounds. Two or three weeks passed before the first group of leftists returned. Up until then, we had no clue as to what was happening to them. After three weeks, they were brought back and placed in the adjacent room (Room 2).
21. For the first time, we heard about the Death Commission from this group (via Morse code of course). The news was horrifying. They explained that a special commission—which later came to be known as the Death or Inquisition Commission—had come to the prisons. Prisoners in addition to being asked to identify themselves and explain their charges, they were also asked whether they prayed or considered themselves Muslims. If the inmates responded with a “No” or refused to answer the question altogether, the Death Commission concluded that they were “*mortad*” (apostate) and issued the appropriate punishment.

According to Shari'a law, the punishment for a female apostate was five sets of lashes within twenty-four hours (corresponding to the five daily prayer sessions), each set containing five lashes. The prisoner would be lashed until she would agree to pray or die. As such the prisoners had been systematically lashed until they consented to pray. After they had been forced to acknowledge that they were Muslims, a guard had forced them to perform their obligatory prayers three times a day before her.

22. We also asked them whether they had seen the female Mujahedeen inmates in the “*Assayeshgah*” solitary confinement cells. They informed us that the Mujahedeen prisoners were no longer in the solitary cells. It was difficult for us—if not impossible—to accept the fact that the Mujahedeen prisoners who had not returned to the ward had been killed. Ultimately we found out that they had executed almost all of the female Mujahedeen inmates—who were still in prison—after they had served their full prison term. The group taken from our room (room 1, first floor, ward 1 of *Amoozeshgah* complex), room 3 and 6 all fell in this category. It is possible that one or two of the uncompromising inmates, who were detained in Ward 3, survived. They even executed some of prisoners that were detained in Ward 2, which contained a mix of *Tavvabs* and Mujahedeen inmates who had “repented”.
23. We were then informed that most of them had endured fourteen days of lashings before they broke down and were returned to Room 2. They had seriously contemplated committing group suicide, but finally decided to agree to pray. A few of the leftist prisoners—in Ward 3—who were convicted of apostasy and whipped, had gone on a hunger strike and one of the prisoners had committed suicide in her solitary cell. Only Fatemeh Modarresi (Fardin), who was a member of the Tudeh Party of Iran, was executed. Modarresi had actually been sentenced to death during her initial trial, but her death sentence had been quashed after appeal. She was not given a sentence after this. The Prosecutor’s Office often placed prisoners in legal limbo, similar to this, in order to put pressure on them and execute them when it was convenient to do so.
24. The names of some of my cellmates in 1982, who were executed, are as follows:

a) Ms. Fahimeh Marzban, and her husband Sadegh. She was a student at Sharif University, Tehran. They were affiliated with a leftist group named “Razmandegane Azadi Tabaghe Kargar”.

b) Ms. Behjat Mehr-Abady and her brother (I do not know his name). She was affiliated with the Organisation of Paykar for Emancipation of Working Class.

c) Ms. Mariam Sheen (Sheen was not her real last name; she never revealed her last name). She was affiliated with the Mujahedeen. Her sixteen-year-old brother was executed in 1981 prior to her arrest.

d) Ms. Farideh Yousefi and her husband Ali Adjam. She was from Abadan, and executed in Evin in 1982. They were affiliated with a leftist group named “Razmandegane Azady Tabaghe Kargar”. And, there were more people whose names I do not know.

25. The names of other prisoners, who were executed in 1988, are as follows:

a) Ms. Fatemeh Modaressi (Fardin). She was a member of the Tudeh Party of Iran

b) Ms. Mehry Rahsepar. She was affiliated with the Mujahedeen.

c) A group of female prisoners who had served their full prison term, but were kept imprisoned beyond the time of their release: the group taken from the locked-rooms 1, 3 and 6 on the first floor of Ward 1 of the *Amoozeshgah* fell within this category. Unfortunately since I was new in my room and had no previous acquaintance with the Mujahedeen cellmates I cannot recall any of their names.

PART II: “COFFINS”: SENSORY-DEPRIVATION TORTURE

26. On 1st September 1983, Haji Davood Rahmani, the warden of Ghezelhesar prison in Karaj, province of Tehran, ordered ten or eleven of us—including myself—to

put on blind-folds and exit the ward. From late spring through the summer, more than ninety of us were crammed in three 2mx3m cells, which contained three-story bunk beds and were given access to the washroom three times a day. We were frequently made to stand blind-folded—facing the wall—sometimes for forty-eight hours at a time without being able to sleep and we were beaten if we moved or for some other excuse. This was part of their response to our refusal to participate in the ideological-political and religious events held in the prison’s large main hallway.

27. On this day, my cellmates and I were told by Mr. Rahmani to pack our belongings and leave them outside the cell. After spending few hours, blind-folded, standing against the wall, he processed us individually. During my interrogation he promised that he would send us all back to Evin to be re-tried for the crimes of “resistance”, “refusal to repent” and "failure to cooperate”.
28. However, instead of Evin, each of us—individually—were driven by Haji davood Rahmani and his men to another building within the compound of Gezel-Hesar Prison.
29. I was taken to a small room; pushed on to the floor, my face held down, whilst being beaten up and down my back with a cable. After they finished, I was taken to a larger room and was ordered to sit in a corner, by the wall. There they erected two walls around me, perpendicular to the main wall, confining me to a space of approximately eighty centimetres in width. I was ordered to sit facing the wall, with my blindfold and *chador* (the overall head to toe covering) on. I heard a car driving up to the building, the footsteps of the warden, his men and another prisoner. They were beating her with a cable, yelling at her, and then dragged her inside. I could hear them erecting another of these small spaces. This routine was repeated throughout the night. For the next couple of days we were subjected to random beatings, kicked and punched.
30. Ghezelhesar was so overcrowded that even the solitary cell rooms were stuffed full of prisoners. So at first, it seemed the warden, Mr. Rahmani was building these make-shift solitary cells with the objective of breaking down the resistance

of some of us more recalcitrant prisoners’, to facilitate building his case against us, for a verdict of execution at our re-trials. The preceding year he had in fact succeeded in getting a number of leftist male prisoners executed for the same crimes he was cooking up for us.

31. These make-shift cells were constructed by erecting one meter by two meter sheets of particle-board, each standing at right angles to the room’s walls creating an internal rectangular space about sixty to eighty centimetres across and two meters long. In the room where I was taken on the night of September 1st they created more than thirty of these box-shaped cells. The warden eventually referred to his creation as “graves”, “coffins”, “boxes”, and the whole ensemble, as “machinery”, “the factory” and “*ghiamat*” [which in Islam is the time and place of “final judgment”]. To my knowledge, two more assembly halls were turned into such “coffin” holders.
32. In each of these “coffins” one female prisoner was held and forced , at all times, day and night, to wear a blindfold or sometimes two (and some of the prisoners had the space between their eyes and the blindfold filled with cotton-balls) and to wear a *chador*. No one could speak, stand up or move. As the “coffins” had no roof, nor back wall, we were exposed to the monitoring eyes of the guards the *tavaabs* (repentant)—the cooperating prisoners—who had taken the job of guarding us after the first week. They were to report daily to the warden and had the authority to impose corporeal punishment as they saw fit.
33. Every morning at 7 am (some days at 6 am) we were supposed to change from the lying position to the sitting position, and sit for fourteen to fifteen hours facing the main wall—without being allowed to lean on the particle-board walls—. Anyone who was caught dozing off was punished. In addition to speaking, standing, laying down outside of the appointed time, coughing, sneezing, breaking knuckles, making noise whilst eating or asking to go to the washroom outside of the appointed time were all punishable.
34. This process of sensory-deprivation/limitation was accompanied by its opposite, sensory-overload, as we were exposed to constant broadcasting of closed-circuit

ideological, political and religious ‘lessons’, prayers, war propaganda—and the like—from the state radio and television programmes, as well as having to hear other prisoners’ lengthy public “confessions”, self-bashing and self-renunciations, as they announced their newly found fidelity to the warden, Islam and the regime of the Islamic Republic.

35. More than two hundred leftist female prisoners and a number of mujahedeen were subjected to these procedures. The whole saga went on for nine months. It started as make-shift solitary cells, but very soon it became sensory-deprivation chambers for the purpose of destroying the entire identity of the prisoners and rendering what remained a new breed of *tavaab*. Thus, Mr. Rahmani, the warden, referred to the entire ensemble as his “invented machinery” and “*tavaab*-making factory”. He used to tap on the wooden walls and say “this is the time of *ghiamat* and these are your graves. I will make sure that when you come out of these “machines” you will either be a “zero-kilometer [brand new] *tavaab*” and work for us, or I will ensure you are stood up against the wall in Evin [to be executed]. Here the roads end.”
36. Although the majority of people subjected to the “coffin”, more or less, broke down—some permanently changed their political stance, while many just melted into deep depression and were psychologically damaged—there were a number of us who survived and remained defiant.
37. This, by no means, is a new method of torture. It has been widely practiced in many countries since the mid-twentieth century. Hitherto, as its devastating effects have yet to be seriously considered and its effects have has easily been overlooked and such abuse is readily perpetrated by authorities with apparent impunity. There have been several reports of the subjection of prisoners, who were arrested in the post-2009 election uprising—such as the treatment of Mr. Zeid-Abadi—to systematic sensory-deprivation with virtually non-existent public attention or outcry. Then, of course, there is Guantanamo Bay.

RUHIYYIH JAHANPOUR

Date and place of birth: 1955, Shiraz/Iran

Profession at the time of arrest: Director, and owner of a school

Status of witness: Survivor

STATEMENT

NAME OF WITNESS: RUHIYYIH JAHANPOUR

1. I would like to begin by expressing my deep appreciation for having been given this opportunity to testify before this Tribunal. This is particularly meaningful as Baha'is do not respond to violence with violence or public protest, but rather pursue justice through any and all lawful means: the courts, the United Nations, representation to governments, and various international organizations concerned with human rights.
2. I would like to share with you my own story of living in Iran as a Bahá'í in the 1980s. Shortly after the Islamic Revolution, and over a period of three years, I personally witnessed, or experienced the events that lead to the intensified persecution against the Bahá'í community in Iran. I was in prison in Shiraz at the time when many Bahá'ís were being arrested and summarily executed only because of their beliefs. The main purpose of this wave of arrests was to force us to recant our faith.
3. I left Iran in April 1983 and have been living in Canada and the United States ever since. The experiences I will recount today took place during the first three years of the Islamic Revolutionary period. As you know, many of these discriminatory practices are still in place today, 30 years later.
4. The Bahá'ís have been persecuted throughout the history of their Faith in Iran. Some conservative members of the Islamic leadership view the Bahá'í Faith as a threat to Islam and view Bahá'ís as apostates. The progressive ideas of the Faith on matters such as women's rights, the independent investigation of truth and the absence of clergy are of concern to many fundamentalist Muslim clerics. In addition, for Iran's Shi'ite establishment the emergence of an independent religion

that comes after the Qur'an is theologically abhorrent. They have long been determined to extinguish the new faith and suppress its followers.

5. Following the Islamic Revolution, there was a sharp increase in the systematic governmental programme to eliminate the Bahá'í community in the country. This was reinforced with an increase in human rights violations against individual Bahá'ís. Since the early 1980s, over 200 Bahá'ís have been executed or murdered, thousands arrested, detained, interrogated, and tens of thousands deprived of jobs, pensions and educational opportunities.
6. As early as December 1978, Ayatollah Khomeini had made it clear that, in an Islamic Iran, Bahá'í citizens would have no rights whatever. The Bahá'í community is the largest non-Muslim religious minority in Iran, but it is not recognized as such by the authorities. Article 13 of Iran's Constitution says that Zoroastrians, Jews and Christians are the only recognized religious minorities. When Iranian officials use the term "religious minorities", they mean only those three, so measures in favour of religious minorities do not apply to Bahá'ís. Most importantly, Article 13 limits freedom of religious practice to recognized religions only, depriving other religions of this freedom and legitimizing the persecution of individuals who practice those religions. The Islamic regime refers to the Bahá'í community as a "misguided sect", a cult, or an "illegal association".
7. After the revolution, prominent Shi'ih clergymen started attacks on Bahá'ís from the pulpit and in the media, calling them "enemies of Islam", "corrupt on earth", and persons "whose blood deserves to be shed". These speeches had much negative effect on people's minds and unleashed waves of violence against Bahá'ís in the country. Bahá'ís were beaten, many businesses were confiscated or destroyed, hundreds of houses burned.
8. The authorities particularly targeted Bahá'í leadership in an attempt to destroy the community. The members of three successive Bahá'í national councils were arrested and summarily executed. A similar fate befell numerous members of local governing assemblies.

9. The community's holy places, cemeteries and property have been confiscated, vandalized or destroyed; many individuals have had homes and other property seized or damaged, and discrimination against Bahá'ís is official policy. Widows were also forced to pay the price of the bullets which had been used to execute their husbands, and tortures were practiced on prisoners in the unending attempt to force the Bahá'ís to recant their faith.
10. These outrages created a daily life for Bahá'ís in which they had become social outcasts with no recourse against whatever abuse the ill-disposed chose to commit. Bahá'í marriages, regardless of duration, were declared void, and Bahá'í children were expelled from schools. A "Law of Retaliation", or blood money, which allows families of slain individuals to request financial compensation from the murderer, excluded Bahá'ís. Thus crimes committed against Bahá'ís were exempted from any punishment under the law.
11. Bahá'í students were summarily dismissed from schools and universities. As you are no doubt aware, even today, Bahá'í youth are not permitted to attend Iranian universities, only because they are Bahá'ís.
12. During the early years of the revolution, by order of the government, one of the most holy places of the world-wide Bahá'í community, the House of the Báb in Shiraz, was completely destroyed; my friend Shirin Dalvand and I actually witnessed the terrifying destruction of this precious historic site;
It was also decreed by the government that no more than three or four Bahá'ís were to be permitted to gather in any one place to pray or to celebrate Holy Days.
13. I remember, one morning, in 1979, a mullah publicly encouraged people who had attended dawn prayers in the mosque to attack the homes of Bahá'ís. Following this announcement, a mob burned and destroyed the homes of several hundred Bahá'ís in Shiraz in a single day.
14. Following this, the Bahá'í cemetery in Shiraz was vandalized; tombstones were overturned, coffins opened, and excrement smeared over many of the graves.

15. It was also during this time that the Bahá'í center in Shiraz was confiscated. At that time, a few members of the local Bahá'í administration (Local Spiritual Assembly) were also arrested. They imprisoned them all in the room where one of the assembly meetings was being held. One of the Bahá'í men who was present in the room later said that at night when they wanted to sleep they were very ashamed to be in the same room as the women. In fact, this had been done on purpose in order to humiliate them.
16. At the very beginning of the revolution, Bahá'ís had already begun to be dismissed from their jobs, myself included. At that time, I was teaching in a nursing school and a high school.
17. One day, when I went to work at the nursing school, they told me not to come back and that my work there had finished. I asked what the reason was and they said they had been ordered to fire all the Bahá'ís. As for my job at the high school, since schools were closed during the summer, I never received my letter of employment for the new academic year and this way found out that I wasn't being rehired.
18. During those years, many Bahá'ís were arrested. I was arrested twice. My first arrest happened in February of 1982. I was on the street going to visit some of the Bahá'ís. An individual stopped me on the way and showed me his ID card and his pistol and asked me to go with him. There was a car parked on the street, they put me in the car and took me with them to prison. I was kept alone in the cell for 19 days and then released under surveillance. At that time, there was only one other Bahá'í woman in prison. She was in Adelabad prison and I was in Sepah prison. Later on I was also taken to Adelabad.
19. I was arrested a second time in November of 1982 with my friend Shirin Dalvand. As had happened earlier, the revolutionary guards had gone to more than 100 Bahá'í homes and arrested whoever happened to be home. By this time there were 27 Bahá'í women in prison.

20. The night of my arrest, I was at home and it was late at night. The door bell rang and my father opened the door. About 7 or 8 revolutionary guards came in and they put each of us in different rooms - my father, mother, sister and my friend, Shirin who was also at our house that night. We were all asked the same questions. Their first asked whether we were Bahá'ís and if we would deny our faith. They then asked my father, my mother and myself about Shirin. They took all the books and pictures in our house, even the Quran.
21. On our way to prison, they went to the hospital to arrest a Bahá'í who worked there. A case was opened for each of us and we were then taken to our cells. This is when we realized there were other prisoners there as well. I was held in prison for two months.
22. Arrests were often ruthless. When they arrested Ms. Yaldai, one of the Bahá'ís in Shiraz, they took her whole family with them for interrogation, including a guest that was visiting, and left their 9-year-old son alone at home. They also didn't allow them to call their friends to ask someone to take care of their son.
23. Interrogations were sometimes done individually and sometimes in groups. They asked us many questions and almost all the question had to do with whether we were Bahá'ís and if we were willing to deny our Faith. This was always one of the questions that they asked us.
24. They also asked questions about Bahá'í institutions. About which institutions we were a part of, the members of the institutions, where they were held, names of the members of these institutions, from the ones at the international level (Universal House of Justice) to National Spiritual Assemblies and even local committees. They asked about their addresses, phone numbers and their jobs. They also asked how long we had been Bahá'ís or how much money we contributed to the Bahá'í fund. They would ask "How long do you think you can you stay steadfast and not recant your Faith?" This was a tactic they used in order to scare and pressure us.
25. During interrogations, we were blindfolded and during the times when we were not, the interrogators would wear masks so we couldn't see them. They were

always men. The prison guards saw us as unclean and so did not want to have any physical contact with us. When they had to transfer us from place to place, they would make us hold a pen from one side and they would hold the other side and make us walk with them. This way, they did not have to touch us.

26. Bahá'í prisoners were also tortured, some severely. Some were whipped on the soles of their feet and others also on their backs. One example was Mrs. Zaerpour, an elderly woman, who was beaten with the bastinado (on the soles of her feet) so badly that she could not walk. She begged to be allowed to walk on her knees, but she was not permitted to do that; She was whipped three days in a row. Ms. Yaldai, another lady in her late 50s, was whipped many times on her feet and her back which made her become extremely weak.

27. The interrogations sometimes lasted for hours. Ms. Yalda'i would say that sometimes they would come to take her in the middle of the night and would ask her for names, addresses, and contact information of other Bahá'ís.

28. One time they took me to the interrogation room from morning until evening. I was so tired that I did not know whether it was morning or night time because I was blindfolded. When I was taken back to my cell, it took me a few minutes to figure out when it was.

29. There's the story of another Bahá'í woman, Zarin Moghimi, who was taken to the interrogation room. She was taken in by herself that day and they had asked her so many questions and had insulted her and the Bahá'í Faith so much that she became very sad and cried out "You can do whatever you want with me, my Faith is in my heart, you can't take it from me." The interrogator then said "I'll take out your heart".

30. There was also the Bahá'í couple, Tahirih and Jamshid Siavoshi, who were arrested and put in the same prison. Tahirih was happy because she thought she would see her husband every day. But during their time in prison, she only got the opportunity to see him once. One day they took her to visit him and when she came back to the cell she would not stop crying. I took her in my arms and asked

her what had happened. She said they had tortured him so much that he couldn't even eat the fruits she had brought him. He had said that he wanted to commit suicide in the cell. The guards themselves thought his injuries were so severe that he was going to die and so they brought his wife to see him. She told me that he was so sick that he also thought he was going to die. He didn't end up dying from the tortures but both he and Tahirih were later executed.

31. The court hearings consisted of a mock "trial" which was held before a Mullah, whose secretary took notes; Bahá'ís were not permitted to have legal representation. I remember that Tahirih told me that her trial lasted only two minutes. She was asked if she was a Bahá'í, and if she was willing to recant her faith. She answered that she was a Bahá'í and that she would not recant her faith. This took place when her husband had been executed only two days before. The judge also condemned her to death. She was one of the ten Bahá'í women who were executed by hanging on 18 June 1983. This group included a 17 year-old girl, Mona Mahmudnizhad and my friend Shirin Dalvand.
32. Some of us were able to be released on bail. Shirin's grandmother was also trying to find the means to bail her out of prison and this took her a few days. When she came with the collaterals, they told her it was too late. They did this even to the ones that were supposed to be released, like 17-year-old Mona. When her mother went to prison to bail her out, she was arrested herself.
33. I had heard from a friend that they were re-arresting the individuals they had previously released so I left our house with my mother and went to the home of a Bahá'í friend. My mother who went back told me that on that night they had come to arrest me. It was evident that they had planned to release us and then re-arrest us again.
34. During that time more than 100 Bahá'ís were killed (either shot or hanged), many after severe torture, for refusing to recant their faith.

35. I was released from prison in early January of 1983 and escaped to Pakistan in April. While there, I learned of the killing of the ten women. I was speechless and devastated by this terrible news.

NIMA SARVESTANI

BIOGRAPHY

1. Nima Sarvestani is a well-known Swedish Iranian filmmaker. He began his career as a journalist in Iran and has been concentrating on documentary filmmaking since moving to Sweden in 1984. His focus is on social and political issues.
2. Nima lost a brother in 1982 during one of the mass executions of political opponents in Iran. His brother Rostam was only 18 years old. He was in prison for six months when he was unexpectedly executed along with many others. His only “crime” was to be a member of a leftist student organisation. This became an internal struggle for Nima and he started to ask himself; ‘Why was this boy who was only a high-school student, sentenced to death and executed? Who could look into this catastrophe and tell the world what really happened in Iranian prisons between 1981 and 1988? How can one pursue charges against a state that has killed so many young and innocent people because of their way of thinking?’
3. Nima decided to make a documentary film about the mass executions of political prisoners during the 1980's in Iran.
4. While conducting his research, he came across something still more terrible than his brother’s death. He came to learn of the execution of around 5000 political prisoners. They were serving prison terms, but were then re-tried in the summer of 1988 and summarily executed following only three or four questions. For the first time, Ayatollah Montazeri in an exclusive interview with Nima in 2001 disclosed the enormity of the killings.
5. In his search for the truth, Nima interviewed a gravedigger who had buried the bodies of many executed political prisoners in mass graves in Shiraz. He told Nima that on one occasion he buried 60 bodies with bullets in their chests and heads. The bodies had been delivered to the cemetery authorities directly from prison.



6. Whilst completing his research Nima met a woman whose son was executed in 1988. She showed Nima a graveyard where hundreds of bodies are buried. Based on all this evidence, Nima is making a documentary film. He is willing to testify about his research and show the interviews he has filmed in The Hague, particularly the interview with the gravedigger in Shiraz.
7. In the above photo, you see Nima with the gravedigger in the aforementioned Cemetery. Nima has interviewed one of the “*Madaran-e Khavaran*” [mothers of Khavaran], near mass graves in Khavaran cemetery. This is a very exceptional testimony.

NADER BOKAEE

Date of birth: 1958, Tehran

Name of Father: Ali Bokaeae

Age at the time of arrest: 23

Status of the witness: Survivor

STATEMENT

NAME OF WITNESS: NADER BOKAEE

1. I was arrested on 10 February 1981, along with two others, at my mother's house, by the local Komite in Tehran. At the time I was studying Metallurgical Engineering at Iran's University of Science and Technology. After 5 days of interrogation at another Komite, based in the former Youth Palace, I was transferred to the Komiteye Markazi prison, which was based in Baharestan Sq. After two weeks, on 1st March 1981 I was transferred to Evin Prison.
2. **CHAPTER 1: EVIN: FEBRUARY/MARCH 1981(ESFAND 1359) - 20TH JUNE 1981**
3. During this period, due to the political atmosphere of the society and the presidency of Bani Sadr, and consequently the formation of committees to investigate the alleged cases of torture within the prison system, the conditions of political prisoners - in terms of prisoners' rights and welfare facilities - such as excursions, visitation rights and access to medical care were not comparable to that of the conditions after 20th June 1981. Moreover in terms of psychological pressures imposed by the prison guards, political prisoners-overall-benefited from far better conditions than that of the following years. Nonetheless I have to mention two occasions of brutal and savage physical suppression of prisoners by the prison guards of Evin Prison.
4. The first instance of this savage physical attack was-due to our participation in a hunger strike-in objection to the inhumane detention conditions in Ward 325,

towards the end of March 1981. Our hunger strike was subdued by the merciless attack of prison guards and subsequently we were sent to different wards in Evin.

5. The second occurrence of such vicious physical suppression was in response to our protest against our rights and welfare in Ward 1 of Evin on 15th June 1981, which was also carried out by prison guards in Evin with the use of wood, whips and cable wire.

CHAPTER 2: EVIN, KOMITEYE MOSHTAREK, GHEZELHESAR: 29TH JUNE 1981- SEPTEMBER/OCTOBER 1984 (MEHR 1363)

6. This period should be known as the period of the mass execution of the leftist and Mujahed prisoners; the period of severe suffocation, suppression and physical and psychological torture of political prisoners, in order to break their resistance and force them to repent.
7. This period could be characterized by the severe torture of prisoners who were recently arrested, as a means of extracting information and overcrowding of prison rooms (whereby one hundred and twenty people were detained in 6mx6m cells in the wards of Evin or thirty seven people in 2mx2m solitary cells in Ghezelhesar Prison).
8. This was also the period of mass execution of prisoners, which were carried out behind the walls of the wards in Evin Prison and aimed at causing the emotional breakdown of those under interrogation. Prisoners serving their sentence were also subjected to the highest level of physical and psychological pressures from Haj Davood Rahmani and the guards of the prosecutor's office, as well as from the repentant (*Tavaab*) in Ghezelhesar. The pinnacle of these pressures that came to be known as "Judgment Day" [*rooz-giamat*], began in Ghezelhesar in the winter of 1983 and continued until September/October 1984.
9. On 23rd August 1981 I was transferred along with and another person—arrested for the same reasons as me— from Evin Prison to Komiteye Moshtarak to be interrogated and to attend a trial. Having undergone a few interrogations, on 18th October 1981, we attended a so-called trial in Komiteye Moshtarak prison. On this

day – blindfolded - we were taken by the interrogators to a room in the prison where the religious judge of the Revolutionary Court was present. We could not see anything or anyone, not even the interrogator or the religious judge. After introducing ourselves and having heard our indictment from the interrogator, we were asked a few questions by the religious judge. His most important question was whether we were willing to participate in a televised interview and our thirty minute long, so-called trial, came to an end with my companion's agreement and my refusal.

10. After a while in April/May 1982, I was sentenced to eight years imprisonment and my companion received five years imprisonment, for our alleged support of the Organisation of Revolutionary Workers of Iran and distribution of political leaflets and publications.
11. Here I have to mention an incident that took place during this period. In January/February 1982, whilst we were detained in solitary cells of Ghezelhesar Prison—as a result of an absurd excuse (staying awake until 10 o'clock at night)—all of the prisoners in the ward, consisting of more than 400 people, were beaten mercilessly and horrendously, with cable wires and whips, by Haj Davood and the revolutionary guards.

CHAPTER 3: GHEZELHESAR: SEPTEMBER/OCTOBER 1984(MEHR 1363)- SPRING OF 1986

12. This period can be characterised by the relative improvements in the conditions of prisoners, due to the dismissal of Lajevardi and Haj Davood, and their replacement by Meysam, who was one of the supporters of Ayatollah Montazeri.
13. During this time prisoners benefited from an increase in visitation rights—changing from once a month to twice a month In addition they were given access to a limited number of non-religious books, such as textbooks, English language books etc,. There was also an improvement in prisoner's rights and welfare, such as the permission to participate in group exercises.

CHAPTER 4: GOHARDASHT: MARCH/APRIL 1986 (FARVARDIN 1365)-THE MASSACRE OF 1988

14. I was part of one of the first groups of political prisoners who were transferred from Ghezelhesar Prison to Gohardasht in March/April 1986. The regime—gradually—transferred all of the political prisoners in Ghezelhesar, over the space of few months, to Evin and Gohardasht Prison. Sections 1 and 3 of Ghezelhesar were handed over to the police to be used for habitation of ordinary prisoners.
15. Characteristics of this period in Gohardasht prison are as follows:
 - a) Loss of prisoners' rights: prisoner's welfare and benefits were reduced, in comparison to that of Ghezelhesar's during the previous chapter. For example, the weekly visitations were reduced to once every two weeks and full days of excursion were reduced to half a day.
 - b) The prison atmosphere became more political, with an increase in prisoner's resistance. One of the main causes of this was the absence of the Tavaab and informers in the wards.
16. During this chapter two important events occurred;
 - a) The barbaric suppression of group exercise - in the wards - by Nayyeri, the religious judge of Evin, in the spring of 1987: after Nayyeri had settled in Gohardasht Prison, those who defied the ultimatums and the ban on participation and continued to partake in group exercise, were taken to the corridors of Gohardasht and beaten callously, with cable wires and whips, with the intention to obtain verbal guarantees from the prisoners that they would no longer take part in group exercises.
 - b) Categorising the prison and rearrangement of prison wards: this process of classification started in October/November 1987, following the completion of forms from the assistant to the public prosecutor in the prison, which ultimately resulted in the classification and physical transfer of prisoners in January/February 1988.

17. The result of this classification is as follows:
- a) The separation of the leftist prisoners from Mujahed prisoners.
 - b) The prisoners of each group were then divided into those sentenced to less than ten years and those sentenced to more than ten years.
 - c) Prisoners who seemed to have accepted to take part in video recorded interviews were transferred into a separate ward, where they received certain concessions such as the right to go on leave.
18. The main questions in the questionnaire, which were the basis for these classifications included:
- a) Questions relating to prisoner's personal details such as name and other information provided in birth certificate, cause of arrest and duration of sentence.
 - a) Do you support the group you are associated with?
 - b) Are you willing to participate in a video recorded interview in prison, condemning your political group?

CHAPTER 5: GOHARDASHT PRISON: THE MASSACRE OF 1988

19. After the final categorisation of the prison in January/February 1988, I was transferred to ward 8—along with approximately sixty-five others—where the leftist prisoners sentenced to less than ten years were detained, all of whom had refused to participate in video recorded interviews.
20. The massacre of 1988 began on 29th July 1988 with the postponement of excursions, access to radio and newspapers, the removal of televisions from the ward and the cancellation of visitation right. This led to the commencement of the killings of Mujahedeen prisoners, who were hanged in the hall of Hoseiniye in Gohardasht Prison. Until 27th August, when the killing of leftist prisoners began, we did not have the slightest idea that the Mujahedeen prisoners were being

massacred right under our noses. On 27th August the killing of the leftist prisoners in Gohardasht Prison began. Our ward (Ward 8) was called out on 28th August 1988. Fifty one people were selected for execution after having undergone preliminary questioning by Davood Lashgari one-by-one, while blindfolded. I was one of them.

21. The questions of Davood Lashgari are as follows:

- a) Do you support your political group?
- b) Are you prepared to give an interview?
- c) Are you a Muslim?
- d) Do you believe in God?

22. I will provide the court with the details of the events that took place from 27th to 31st August, during the hearings at The Hague. Suffice it to say that hundreds of the best and purest children of Iran, after trials that only lasted a few minutes, in an approximate period of one month, were hanged in Gohardasht Prison. This was after being accused of not changing their stance (in the case of Mujahedin) and for being an apostate (in relation to the leftist prisoners). Their corpses were carried in refrigerated lorries—(designed to carry meat) to Khavaran cemetery, to be buried in mass graves.

AMIR ATIABI

Date and place of Birth: 1957, Tehran

Age at the time of arrest: 27

Political affiliation: Tudeh Party of Iran

Status of the witness: Survivor

BIOGRAPHY

I was born into a low-income family in Tehran. My parents were the first generation of our family to immigrate to the capital and were struggling to make ends meet. With the exception of the last three years, I went to public schools before being accepted by three prominent universities in Iran through highly competitive entrance exams. In high school I took part in demonstrations against the price rise in public transport in 1970 and opposed the celebrations that were held, marking 2500 years of an Iranian monarchy in 1971.

I started my higher education in 1974 at the Technical Faculty of Tehran University, which has been a hotbed to political activism throughout the modern history of Iran.. I was involved in student protests and activities during all my studies at the university. During the revolution I continued my political activities. I fully supported the revolution and took part in most demonstrations and gatherings inside and outside of the university. After the revolution when the university reopened, I was reaccepted, along with many other banned, disqualified and imprisoned students, into the university and I resumed my studies as well as political activities.

The new Islamic regime was gradually taken over by the clergy. They started to pin down all other political groups and also closed universities all over the country. The regime organized a so-called “cultural revolution” in the 1980s to clear all except the supporters of Ayatollah Khomeini. This included any politically active students and staff or simply those who did not support or who held different beliefs to those of the regime. I was also dismissed from the university along with many other students once again. The

suppression of the students was on a mass scale – certainly when compared to what had been done during the reign of the monarchy and in particular 1977.

STATEMENT

NAME OF WITNESS: AMIR ATIABI

1. I was arrested on March 5th 1984, at around 8 am I was a member of the leadership committee of the Tudeh Youth Organisation, an affiliate of the Tudeh Party of Iran. The Tudeh Party did not believe in using violence for political gain. We believed in legal and transparent political activity. We supported the revolution against the monarchy as an indication of the will of a majority of Iranians for change. Nevertheless, the regime banned the Tudeh Party in May 1983 and arrested its leaders. After that they went after other party members who were often placed under severe physical and psychological torture in order to obtain intelligence, force them to repent, or to pressure them to cooperate with the regime.
2. I had been expelled from the school of engineering at Tehran University because of my political activities with the student union. I was expelled once during the Shah's regime in 1976 and the second time after the Cultural Revolution, which began in 1980, was initiated by the new revolutionary regime. During this time, all universities were shut down, and all students and faculty members who did not support the new Islamic Republic were removed. Immediately after this, I noticed that I was under surveillance by a group of plain-clothed agents. I tried to escape, but was unsuccessful. After entering a public building on the morning of the March 5th, I was surrounded by a group of agents. The commander drew his weapon and I was arrested. They communicated with their senior officer via radio and were instructed to transfer me to Evin Prison. I was transferred to Section 209 of Evin Prison that was primarily used to interrogate and torture political prisoners.
3. The beatings and interrogations began while I was in the vehicle en-route to Evin. Immediately after admission, I was blindfolded and taken into an interrogation

room. I could not tell how many people were present. They supplied me with some paper and asked me to write about myself, my (political) connections and rank. I only wrote my name and the fact that I had been expelled from the university because I supported the Tudeh Party's youth organisation. After that, I remained silent. They then took me to a torture room located in the basement of the building and tortured me, whipping me with electric cables. My interrogator's name was Rahimi.

4. The beatings ended at night and they decided to transfer me to another section of the prison. They took me to the prison hospital, which was adjacent to Section 209. I was still blindfolded. There was one other prisoner in the room with me. He was a member of the People's Mujahedeen Organisation of Iran. He had been severely beaten and whipped. He had received some sort of a skin transplant on the soles of his feet and could not get out of bed. I remained in the hospital for about a week.
5. After my treatment, they took me directly to the interrogation room, located at Section 209. There, they made me sit on a chair in the corner of the room facing the wall and pulled up my blindfold just enough to allow me to write. They handed me a piece of paper and asked me to answer some written questions. I wrote short answers to some of the questions, but added few details to avoid giving them any new information. I handed my answer sheet back to the interrogator. As soon as he saw my answers, he slapped me so hard I saw stars and sent me back to the interrogation room. They whipped my swollen feet, which were still in bandages. They continued beating me until blood began to drip from the bandages. But I continued to resist.
6. I was not able to walk properly for six months after that incident. The lashing left permanent scars all over my feet. The scars are still visible after over two decades.
7. After a while I was transferred to another solitary cell in Section 209, but this time they assigned four inmates to a room. In total I spent about three-and-a-half months in Section 209 of Evin Prison, including two weeks in the hospital. While in the cell I witnessed the harsh and cruel treatment of prisoners at the hands of the

prison authorities. I saw prisoners who were handcuffed to a door and forced to stand there for days. They were no longer able to stand, but their hands were locked to the door so they would essentially hang off the doors and railings. Some of these prisoners seemed to have lost their sanity after spending long periods of time in such conditions.

8. As I mentioned previously, I had one main interrogator whose name was Rahimi. He was a special interrogator assigned to members of the Tudeh Party and the Majority sector of the Fedaiian movement. There were also clerics in Evin Prison who specifically authorized the mistreatment of prisoners. They authorized and justified torture. The clerics acted as quasi-judges in prison and had religious authority to authorise harsh interrogation techniques for the purposes of extracting information from prisoners. In fact, we were told by some of the interrogators who conducted the torture sessions that they had previously secured permission from the responsible cleric to do what they were doing. The clerics often gave permission to subject the prisoners to whippings after the interrogator requested permission to torture. The religious reason, often given for the lashings, was that the prisoners were lying. According to Shari'a law, judges may prescribe discretionary punishment (known as *ta'zir*) for individuals who refuse to tell the truth. Of course I never witnessed such an exchange taking place between a cleric and an interrogator.
9. After three-and-a-half months, I was transferred to another ward inside Evin. This ward was referred to as the prison's *Amoozeshgah* ('teaching institution'). After I entered this building, I was asked a few questions such as whether I was ready to repent, pray, or submit to a video interview. I said "no" to all of these questions. As a result I was assigned to Ward 3, which was set aside for the leftist prisoners, who did not repent. From what I could remember, the room numbers in our ward began with sixty-one and continued to seventy-three.
10. In the spring of 1985, I was told to put on my blindfold and leave the room. They took me to a building near Section 209. I knew that I was not taken outside the Evin campus because the minibus only drove for a few minutes and then stopped.

At the time, I do not believe any prisoners were taken out of Evin Prison for their trials. When I entered the courtroom, I was told that I was at a trial and was ordered to remove my blindfold. I was not expecting to be tried that day, as I knew nothing about my trial before this, nor was I aware of my charges. Nothing was ever given to me in writing.

11. Inside the courtroom there were two people seated behind the desks. One of them was Hojjatolislam Nayyeri, and the other was Eshraghi. Nayyeri was the religious judge of Evin Prison and Eshraghi acted as the prosecutor. Nayyeri had a turban on—Eshraghi did not. I sat on a chair in front of them across from the desks. There was no guard in the room. Eshraghi read a long list of charges including accusations of being a *mohareb* (someone who is “at war with God”, which in Shar’ia law is punishable by death) because I had continued my political activities long after the party had been declared illegal. I was also accused of being a member of the Tudeh Party, distributing fliers, newspapers and texts, believing in Marxism, paying party membership dues and so on. I do not remember all the charges. They did not give me much time to defend myself.
12. After reading each charge the prosecutor would pause and ask what my response to the charge was. Essentially they just read the charges and I only had time to say a few sentences in response to each charge. I told them that I had never fought against the regime, I also explained that at the time when I was paying party membership dues, the party was still lawful and that I did not have any knowledge of the fact that the Tudeh Party had infiltrated the army.
13. Eshraghi, the prosecutor, did not contest my arguments. There was no discussion. Judge Nayyeri occasionally asked some questions, but overall he remained silent and listened to the conversation between Eshraghi and I. After about fifteen minutes the trial ended and I was sent back to my room.
14. Three or four months passed. I was very anxious. One day I was told by a guard to go to *Ejrayih Ahkam*, which was the office officially charged with informing prisoners of their sentences. I was told to put my blindfold on. I did and a guard escorted me to the office. On my arrival I was handed a piece of paper to sign. I

read the paper and realized that I was sentenced to ten years of imprisonment. The sentence began from the day when the decision was announced. I signed the verdict and returned to my room. I was relieved that I was not to be executed.

15. In 1985 I was transferred to Ghezelhesar Prison in the city of Karaj. Maisam administered Ghezelhesar. I was there for less than one year.

16. Prison conditions in Ghezelhesar were not as stressful as they were in Evin. But in 1986 all of the political prisoners were transferred from Ghezelhesar to Gohardasht Prison. After that only non-political prisoners remained in Ghezelhesar.

17. In Gohardasht I was placed in Ward 1. It was a large ward that housed around one hundred to two hundred prisoners from all political spectrums including leftists, supporters of the Mujahedeen and other Islamic organisations. This ward had two major differences from the wards I was detained in at Evin. Firstly, all the prisoners in this ward had their verdicts announced. There were no prisoners awaiting their trial (or those who had their trials but were waiting for their sentences). Secondly, *Tavaabs* did not represent the inmates in our ward at Gohardasht. We elected our own ward representatives.

18. In 1986 I became the ward representative and was responsible for organizing the daily schedules for prisoners, as well as contacting the guards and prison authorities on behalf of the prisoners. We had regular access to fresh air and family visits in Gohardasht, although breaks were in general much shorter than those at Ghezelhesar.

19. In 1987 we were occasionally summoned for interrogation. Interrogations were a usual occurrence. Prison authorities regularly questioned us about our beliefs and political stance. During these interrogations, we were almost always asked whether we would denounce our party, give a video interview, cooperate with the regime, repent or pray. We could not understand why they persisted with such interrogations. Sometimes these regular interrogations were accompanied by violence. Looking back I think they were identifying the prisoners, based on their

positions, to determine which of them were repentant, which would potentially repent, and which were steadfast and committed to their cause (and thus posed a potential danger to the establishment after release).

20. In late 1987 the prisoners were divided into groups—by Gohardasht administrators—based on the length of their sentences. Prisoners sentenced to more than fifteen years of imprisonment were transferred to Evin and prisoners convicted to fifteen years or less remained in Gohardasht. A while later, close to the beginning of the winter, leftist prisoners were separated from the Muslim prisoners (including the Mujahedeen).
21. There were around fifty-five headstrong leftist prisoners in our ward at the time of the transfer and the reorganisation of prisoners. When they initially began to separate us from our original wards, the guards allowed several of the brothers [siblings] to stay with each other at their request. Three brothers requested to join us. I remember that Mr. Mahmoud Behkish's brother; Mohammad Ali Behkish (from the Minority branch of the Fedaiian movement) joined us. Sadly both brothers were executed later in the massacre.
22. Gohardasht has two kinds of wings (each wing has two or three stories or wards that are stacked on top of each other)-large and small. The smaller wards, often called "solitary wards", have solitary cells. Prisoners who were under interrogation were kept for months or in some cases over a year in these solitary cells. They eventually moved us from our supplementary ward into one of these solitary wards and interrogation sessions became more intense before the massacre in the summer of 1988.
23. On Friday 29th July 1988 (I have marked these events in my calendar), our television set was taken by the guards who also cut the electrical wires that were connected to the loudspeakers.
24. Late on a Saturday night, 30th July 1988, we heard the sound of footsteps coming from our corridor. Prisoners were being sent downstairs from the upper floors. We went to the window to see what was going on. We saw that prisoners were being

transported by a minibus that drove up the road in the field, around the prison building and to the Husseinayah Hall. Those prisoners never came back. From that night on prisoners were taken out of the building from the upper floor of our ward on several consecutive nights. We kept hearing their footsteps. We never saw any of them come back.

25. At midnight on Sunday, 31st July 1988, we heard some strange sounds coming from the Husseinayah Hall. It seemed like someone was throwing cooking gas into a covered metallic container. It produced a strange kind of sound, which was repeated over and over, throughout the evening. That night I marked my calendar with the number of sounds I heard. I counted fifty-five.
26. One or two nights later I saw a truck, with a covered container, moving back and forth from the Husseinayah Hall. It was a refrigerated truck, which was used for transportation of meat. After seeing the truck we heard similar sounds coming from outside. Again I began to count the thuds I heard. I counted fifty clear drops. After that the frequency and volume of the sounds reduced. There may have been more of them, but I could no longer hear anything.
27. In the early days of the lock-down we listened in on a conversation taking place between members of what we later learned was the “Death Commission.” We heard the Commission members discussing a “Fatwa” and how it was to be implemented. We did not know what they were talking about.
28. Another time I overheard a discussion on the logistics of hanging prisoners. One of the members of the Death Commission described his experience of using a crane to hang several prisoners. I later learned from one of the few Mujahedeen survivors that prisoners were called six at a time to come forward to be hanged. Several survivors miraculously returned from the gallows after they had been taken there by mistake (having already written their wills and put their personal belongings—such as watches and glasses—in plastic bags). After listening to these conversations, we realised that supporters of the Mujahedeen were being executed in droves. We also realized that many prisoners were unaware of their fate, until the very last minute.

29. On the night of 3rd August 1988, we saw a truck—that was not covered—in front of the Husseiniyeh Hall. We saw guards loading dead bodies on to the truck. These were the bodies of the executed prisoners who had been hung in the Husseiniyeh Hall. We saw the guards pushing dead bodies toward the front of the truck and rearranging corpses in order to make room for more dead bodies. We realized that the strange sounds we had heard were the sound from dropping the corpses in an empty truck. Once the floor of the truck was covered with dead bodies, the sounds would disappear. The dropping sounds we had counted throughout the evenings corresponded to the number of prisoners that had been hung that day. The marks on my calendar recorded many such incidents in August 1988. I do not know for certain what method the regime employed to kill such a large number of prisoners. I am positive that prisoners were not shot at Gohardasht, since we never heard any bullet shots.
30. We were amongst the first group of leftists that were summoned to go in front of the Gohardasht Death Commission. In our case they emptied the entire ward. Those who were believed to be the party leaders or more respected inside the prison were sent to the front of the line. Several prisoners who were particularly hated by Naserian and Lashkari were also sent to the front of the line. What was very apparent was that they were in a real hurry—it was as if they were quickly running out of time and they wanted to kill as many prisoners as possible.
31. I was summoned into the room a little before noon. As soon as I walked in, I recognised Nayyeri. I knew him from my first trial. I also recognized Eshraghi, who was also present during my first trial. The third person was another cleric. I had never seen him before. I later realized (from the information I had gathered) that it was Mostafa Pour-Mohammadi.
32. Naserian went in and out of the room and provided his vengeful comments regarding the prisoners before the Committee. He did not however play any direct role in the issuing of the final verdicts.

33. Pour-Mohammadi turned to me and said that the regime no longer wished to keep any political prisoners. The war had ended and they had decided to question prisoners to see whom they could release... Nayyeri finally interrupted my questioning and said: "Take him out of the room and beat him until he prays." Naserian forced me out of the courtroom. He then gave me a piece of paper. The paper included a list of questions—the same questions we had answered in front of the Committee (and many times before), but with religious questions added. I answered all the questions in the same manner I had answered them before.
34. We waited for a while in the corridor until one of the guards came and took us to perform our ablutions prior to prayer. When they asked if I would pray, I refused; as did several others. We were eventually beaten for refusing to pray - twenty lashes each.
35. Naserian came for us at noon. I told him that I would continue to refuse to pray because I was being forced to do it. Nayyeri interrupted and ordered that I be sent to the left side of the room. The guards then escorted me out of the room and placed me in a queue of prisoners who were to be sent to their death. I waited in line until late afternoon. Then someone came, pulled me out of the queue and I was taken to a room adjacent to the Death Commission's room. This time the only person from the Commission, who was there, was Eshraghi. Rahimi kept asking questions in order to definitively prove that I was no longer a Muslim and deserved to be executed.
36. I continued to wait in the line, but my name was never called to move me along into the Death Commission's room. Later in the evening there were still several of us remaining, so we were taken back upstairs. When we arrived at the top floor corridor, the guards asked all the remaining prisoners whether we would agree to pray or not. I started thinking that it was no longer necessary to endure lashes if I was to be executed the next day, so I decided to let them know that I would agree to pray. That night, I finally told them that I would pray (with the full belief that I would be sent to the gallows the next morning). They transferred the rest of us, those who had finally agreed to pray, to one of the large wards in the top floor

(Ward 2 or perhaps Ward 3). One of the guards went up to the front and began praying. The guards asked us to follow his lead. Many of us did not know how to pray.

37. During the next several days, I kept waiting for my name to be called. They kept transferring us from one ward to another. I believe we were allowed our second visitation right on 31st October 1988. After this second visit they transferred all of us to Evin Prison. I believe the transfer occurred sometime in February 1989—I think it was on February 15th. The transfer took place after the officials announced a pardon in response to the growing international campaign to free political prisoners in Iran.

38. In Evin they informed us that we would be released if we agreed to attend a demonstration in front of the United Nations building at Argentina Square, Tehran. This demonstration was intended to show the United Nations that the Islamic Republic was merciful and compassionate toward its prisoners, despite rumours that thousands had been executed over the past several years. They also required us to attend an indoctrination ceremony prior to being released, where we were informed that we needed to sign our repentance letters prior to release. It was clear that they wished to stage and publicise the release as some sort of amnesty for prisoners who had supposedly agreed to repent.

39. We were finally released on 23rd February 1989. I believe we spent less than two weeks at Evin prior to our release. Our release was only secured after our families posted bail for us. In addition, prison authorities required a guarantor, other than family members. Even after we were released, we were required to regularly report our activities to special police stations. If we refused, they would threaten our personal guarantors with arrest. It is important to note that our release was conditional. If we did anything to annoy or irritate the regime, they could summon us back to prison and force us to serve out our prison sentences.

40. Some of us signed the repentance letters, while a handful refused and remained in prison. In the end, we were all hauled into buses and taken to the pre-planned

demonstration in front of the United Nations building, where they made a big show out of granting amnesty to former prisoners. It was a surreal experience. We resembled the walking dead and were accompanied by *Tavaabs* and guards who were assigned to make sure that everything went as planned. Several former high-ranking leftist and party members of the Mujahedeen who had survived the executions, such as Nouroddin Kianoori (Tudeh Party) and Saeed Shahsavandi (Mujahedeen) delivered speeches.

MEHDI ASLANI

Date and place of Birth: 1969, Tehran

Age at the time of arrest: 26

The status of Witness: Survivor

Political affiliation: The Organisation of the Iranian People's Fedaii Guerrillas (Majority)
- "Fedaiian 16 Azar"

BIOGRAPHY

1. Mehdi Aslani is a survivor and one of the witnesses of the 1988 massacre. He was a part of the large movement of the Iranian People's Fedaii Guerrillas and he joined the "Majority" fraction of the organisation after it was divided into the "Majority" and "Minority" in 1980. Along with a group of activists, he separated from this organisation and formed the "Fedaiian 16th Azar" in 1981.
2. Mehdi is fifty-three years old and was born and raised in the south west of Tehran. He was identified by a street kidnapping unit of the Ministry of Information in 1984 at the age of twenty-six. He was arrested during the government's strike on his organisation and was tortured and imprisoned for four years. He spent his prison term in Komiteye Moshtarak, Evin, Ghezelhesar and Gohardasht Prisons, and was released after the 1988 political massacre.
3. He was detained in Ward 8 of Gohardasht prison at the time of the massacre in the summer of 1988. Mehdi and other survivors in this ward were witnesses to the execution of hundreds of prisoners in Gohardasht, as were located on the opposite side of the Amphitheatre where they were carried out.
4. Currently he is not affiliated with any political organisation and is an independent political activist.
5. He has written tens of articles and has recently published his memoirs. He has also appeared on several Radio and TV channels such as BBC Persia, Deutsche Welle and Voice of America, commenting on the mass killings.

6. Mehdi Aslani's articles—and his memoir in particular—have been published in Iranian and non Iranian weekly and monthly reviews such as “Arash” And the first edition of his book “the Crow & the Red Rose” was widely read by exiled Iranians. After only one month, he re-published the second edition of his book in 2009. The third edition of his book with additional information was published in the summer of 2010 and its fourth edition is forthcoming.

STATEMENT

NAME OF THE WITNESS: MEHDI ASLANI

7. In the summer of 1988 I was in Ward 8 in Gohardasht Prison where those serving sentences less than ten years were detained. Towards the end of 1987, as a result of the re-organisation of the prison by the management, we were grouped into two distinct categories: religious and non-religious. In the non-religious section—where the leftist prisoners were kept—we were divided into groups based on the length of our sentence. Those serving less than ten years were placed in Wards 7 and 8, those who were sentenced to ten to fifteen years were in Ward 6 and finally those sentenced to more than fifteen years to life, were transferred to Evin.
8. There was something special about Ward 7 and 8, as well as part of Ward 20. Due to the locations of these wards, the prisoners had a better view of the courtyard. As a result they witnessed the events that began on 18th of July: twenty-odd days of the mass executions of the supporters of the Mujahedeen.

CHALICE OF POISON: 18 JULY 1988

9. In prison we were able to listen to the news through the speakers that were attached to the ceiling of the hallways, twice a day at 8 am and 2 pm. The radio was turned on exactly at those times and switched off at the end of the news broadcast.
10. On 18 July 1988 we heard on the 2 o'clock news that Iran had accepted the cease-fire.

20 JULY 1988

11. Two days later, on 20 July, we all burst with joy, hearing the newscaster reading Khomeini's proclamation, while sobbing, his reasons for accepting the UN Security Council resolution 598.

OPERATION MERSAD: 25 JULY 1988

12. On 25 July 1988 with the beginning of "Operation Mersad" or "Eternal Light", the government found an excuse to plan the mass execution of the prisoners.

FRIDAY 29 JULY 1988

13. On Friday 28th of July all television sets were taken away from our ward apparently for repair and we were totally disconnected from the outside world. The following day all our means of connection with the outside world such as newspapers, radio, excursion and visitations came to an end.

FRIDAY 5TH AUGUST 1988

14. On Friday 5th of August, almost a week after we were disconnected from any news, we opened a crack in the metal shutter of the window in our lounge just enough to see the outside courtyard. We heard the news that a refrigerated truck had parked across the courtyard right in front of the Amphitheatre, next to the prison mosque (*Husseiniyeh*).
15. From the cracks in the shutter we noticed that the Revolutionary Guards were loading the truck with big parcels, whilst other Revolutionary Guards who were wearing masks were spraying the area near the *Husseiniyeh*. We were puzzled by all of this but we could not clearly see what was happening. Later we learned that it was the bodies of the supporters of the Mujahedeen that were transported to an unknown location.
16. We witnessed more executions and similar events—on-and-off—from late July to the middle of August when on 27th August the execution of the leftist prisoners started.

SATURDAY 27TH AUGUST: THE START OF THE KILLING OF THE LEFTIST PRISONERS IN GOHARDASHT

17. On Saturday 27th of August 1988 the killing of the leftists prisoners in Gohardasht Prison began. A few hours after our breakfast, a guard suddenly appeared at the door and called two of us: Faramarz Zamanzdeh and Siavash Soltani. They took them blindfolded. None of us knew where they were taken. We just assumed that they were given the opportunity to have a visitor.
18. Around midday we heard lots of commotion from Ward 7, which was located right above us. It seemed like they were giving us a signal since the noise was much more than regular walking.
19. Even those who were called out were not aware as to why they had been summoned.
20. The “Death Commission” was located on the lower floor, near the Amphitheatre and Husseiniyeh.

SUNDAY 28TH AUGUST 1988

21. Around midday on Sunday August 28th the door to Ward 8 was suddenly opened and some guards, a few of them unknown to us, walked in. They wore black clothing and their heads were completely shaved. One could attribute their black clothes to the ceremonial mourning for *Moharram* [Shi'ite month of mourning], but shaved heads?!
22. We were ordered to move out of the ward blindfolded. We did not have enough patches to cover our eyes and so we had to cover our eyes with towels or anything else as a substitute.
23. We were taken to the hallway where we were kept for hours and were even given lunch. Due to the month of *Moharram*, the *Ahangaran*'s voice reciting dirges echoed everywhere. Finally the waiting period came to an end and we were taken to two rooms to see the judges, Naserian and Lashgari.

24. We were asked the usual questions. From eighty people in our group only seventeen of them responded to the questions satisfactorily enough to be returned to their cells. The rest of us stayed in the hallway in two rows.
25. After a while the same black-clothed guards attacked us savagely with cables and lashes, as if throwing stones at Satan during the Hajj. We were forced into small rooms that we could hardly fit into. None of us knew what had happened, we were all puzzled. These rooms had no windows and were known as “Gas Chambers”. I was in the first room along with others—that had managed to run faster to avoid the harsh beating with the cables—waiting for our fate.
26. Finally it was my turn to go for questioning. Upon my arrival in the room where the “Death Commission” had settled, they ordered me to remove my blindfold and answer the questions asked by the religious judge.
27. Seated in front of me, behind a large table, were three members of the “Death Commission”. From right to left: Prosecutor Morteza Eshraghi, Hojatoleslam Husseinali Nayyeri (a Shari’a judge and the head of the “Death Commission”) and Mostafa Pourmohammadi, the representative of the Ministry of Information.
28. Nayyeri asked me the first question “Are you a Muslim or a Marxist?” to which I answered, “I am born from Muslim parents but philosophically, I’m neither Muslim nor Marxist.” During my stay in prison for years I had never defended myself on an ideological basis. I had always answered one question with another question or refrained from answering at all. However it was hard to play that manoeuvre with the Death Commission.
29. “But you are charged with being a Marxist?” one asked. I answered, “I was attracted to the leftist Fedaiian for all their justice seeking ideas not for their philosophical ones.” Nayyeri added, “What a stupid mistake! Is Marxism the only school adopting justice as its maxim?”
30. I was standing and answering these questions when the telephone rang and Haj Nayyeri answered. He was talking very respectfully with whoever was on the other end of the line. He hung up and gave a signal to the others that they should

leave and told Naserian, with a bitterness, to take me out for the time being. It seems that I was lucky for once.

31. They guided me outside the room and along with the remaining six of the ten prisoners; we were transferred to a larger room. Until the morning of 31st of August, we heard no news from the Death Commission in Gohardasht.

AHMAD MOUSAVI MAAF

Date and place of Birth: 1956, Bandar Anzali

Age at the time of arrest: 26

Status of Witness: Survivor

Political affiliation: Organisation of Iranian People's Fedaii Guerrillas (Minority) (OPFG)

BIOGRAPHY

1. Ahmad Mousavi started his political activities by participating in student strikes at the University of Agriculture in Sari, where he was studying Agricultural Engineering. Ahmad was an active member of the student union of his university and along with his co-activists organized political strikes against the monarchy in 1978.
2. From the second half of 1978, he actively supported the Fedaiian movement, otherwise known as the Organisation of Iranian People's Fedaii Guerrillas (OPFG). It was then that he formed a political allegiance with them and he later joined this organisation. After the regime change in Iran and the official re-opening of the universities, he became a member of a student union, which supported the Fedaiian movement at the Sari University of Agriculture.
3. He continued his political activities by joining the OPFG, after the closure of the universities by the Islamic Republic Regime in 1980.
4. In 1980, with the division of OPFG into "Majority" and "Minority" faction, Ahmad joined the Minority branch of the organisation,
5. On 30th June 1981, he was arrested for the first time and was then released after two weeks, as he was not identified upon his arrest on the streets of his hometown Bandar Anzali. After his release his political activities entered a new stage.
6. Ahmad was arrested for the second time on 13th March 1982. He was brutally tortured and was sentenced to ten years in prison in a "sham trial". He was released on 12th January 1992, after serving his full sentence.

7. He has survived two mass executions; first in the early 1980s and the second one in the summer of 1988 when the massacre of political prisoners took place.
8. During his ten years of imprisonment Ahmad witnessed tens of his prison inmates taken to the gallows and executed.
9. He spent his prison term in different prisons throughout Iran: the Bandar Anzali Prison, the Navy prison in Rasht, Chalus Prison, Lahijan Prison, Ghezelhesar Prison and the Prison of Lakan in Rasht.
10. After he fled Iran in 1999, he resumed his political activities and has carried out much research regarding the atrocities committed in Iranian prisons. He has published hundreds of articles and given speeches in meetings—held by exiled Iranians around the world—on the anniversary of the political killings in the 1990s. Ahmad has also appeared on Iranian radio and TV channels to speak out about his experiences in prison.
11. He published his book “Good Night Comrade” in 2005 based on his prison memoirs and is a well-known Iranian political analyst.

STATEMENT

NAMES OF WITNESS: AHMAD MOUSAVI MAAF

12. I was born in 1956. I started my political activities in 1978 at the University of Agriculture in Sari. In 1979 things got more serious. With the collapse of the Shah’s regime and the re-opening of the universities, I became interested in the Fedaiian movement (OPFG) and became a member of the Pishgam organisation (a supportive student branch of the Fedaiian) and I joined the “Minority” faction of the organisation, after its division.
13. On 30th June 1981 I was arrested and for the first time I witnessed the execution of my friends and comrades.
14. I have written a memoir about my experiences of ten years of life in prison titled “Good Night Comrade”, sharing my first experience of witnessing an execution: “At 10 am on 12 July 1981, they called Mehdi Daniyali with the excuse of

meeting his mother ... Mehdi Daniali and Ardeshir Abad Khair were taken away in cars to the execution site in a Navy base in Hassanrood, Anzali port...without having the opportunity to defend themselves or having a proper trial or court procedure, they were just handed to the death squad. Mehdi was 18 and a cell-mate. Ardeshir was in the next cell”

15. Two weeks after my arrest I was released from prison. I re-joined the Minority faction of the OPFG. As a result of this reunion my involvement and responsibilities reached a new level, where I could feel the danger and the possibility of being re-arrested.
16. I was arrested for the second time on 13th March 1982. This time after spending four months in a 2m x 2m cell I was sent to a court where the only people in attendance were Ghatilzad – a religious judge,, a civil judge and a secretary to record our conversations. I was sentenced to ten years imprisonment.
17. I spent ten years of my life in prisons in Anzali port, Rasht, Chalus, and Ghezelhesar in Karaj, Lahijan, and Lakan Prison. During this time my fate was tied with the fate of hundreds of my friends and comrades.
18. Kianoosh Bakhtiyari was the second cellmate of mine who was sentenced to death by Ghatilzad, the religious judge of Anzali. He was a student in medical school and was a supporter of the Organisation of People's Mujahedeen of Iran. He was executed in the summer of 1982.
19. Ali Salehyar and Hasan Azizian were the next ones that were executed. Hasan and I were in one cell when they brought Ali to the cell opposite us. He was serving his last days before his execution. That night “when we asked him the reason for him being sent to solitary confinement, he put his fingers to his temple to show us that he was waiting for his execution. Some nights later, when the lights turned off, they took him from his cell and the next day we heard that he had been executed” (Excerpt from Good Night Comrade). My other cell-mate Hassan Azizian was also executed a few months later.

20. In the summer of 1982 I was transferred to Chalus Prison, where I became familiar with the bitter reality of torture. In Chalus I met prisoners, who still had the torture wounds on their bodies and souls after many months. It was in Chalus Prison that I witnessed my cell-mate being taken out for torture. After some hours of brutal torture, they took one of the prisoners, whom he had a shared case with, to put ointment on his wounds. “This prisoner, who himself had given up information about my cell-mate under torture, after returning to the cell, told us that our cell-mate was so badly whipped on the soles of his feet that there was no more room to be lashed, so they had whipped him on his back to such an extent that his skin was shredded and broken open in several places.” (Excerpts from “Good Night Comrade”)
21. It was also in this prison that I was tortured. I was taken blindfolded to the torture room, where I was tied to the torture bed and the soles of my feet were whipped. I was laid on to my stomach; first tying both my hands to one side of the bed, my body was then pulled, so that my feet were stretched off the bottom of the bed. My ankles and big toes were tied together with a rope; making it impossible for me to move myself or my feet. With the first lash, pain, like electric current, travelled from the soles of my feet and the tips of my toes, filling my entire body with pain. Each lash, heavy, struck the soles of my feet like clockwork.
22. Few hours into the night, after enduring five rounds of whipping and torture, I was released from the bed; my entire body shaking severely from the cold and the pain.. Because of the tremendous tremor in my jaw and chin I was unable to speak. I went to the washroom and urinated blood. I was taken back to my cell. I laid my blackened and swollen feet against the wall of the cell, which had become bloody and black with the blood of other prisoners.
23. In Chalus Prison I met Iraj Maasaali and we became cell-mates. Iraj was a supporter of the United Communist Organisation and he was executed in 1983/1984 (1362). Iraj had lived in France before the revolution. His French wife had tried hard to keep him alive, but it was futile.

24. In the summer of 1983 I was exiled to Ghezelhesar Prison. During my two years imprisonment in Ghezelhesar I came to I faced new methods of torture, which were unique in their own way; inventions of Haj Davood Rahmani, and specific to Ghezelhesar Prison. “Judgement Day” and “coffin”, “darkroom” and “quarantine” or standing up for long periods of time from twenty-four hours to more than four days at the time were the common types of torture administered at Ghezelhesar Prison. My share of torture at Ghezelhesar Prison was two months of “quarantine”. Two months of no movement or talking and standing for thirty-seven hours in a place called *Zir-e-Hasht*.
25. Farzad and Homayoon Azadi experienced a different way of torture: standing up for four days in Ghezelhesar. Farzad was a Kurdish prisoner, who was taken to *Zir-e-Hasht*. They began by standing him up blindfolded. Twenty-four hours passed. He did not come back. Forty-eight hours passed. He did not come back. He was still standing up on his feet. His feet were swollen. Farzad in his Kurdish outfit and a shawl that was tightening around his waist was trying to go to the washroom. Two “*Tavvab*” (repentant) were walking either side of him. Farzad was walking very slowly. He still had the strength to stand and walk, still standing tall! Seventy-two hours came to an end and Farzad was still standing with his eyes closed in *Zir-e-Hasht*. By that point, his feet had become black and swollen. When he was going to the washroom he had to drag his feet centimetre by centimetre, on the floor. It took him twenty minutes to go over a fifty meter distance. At the end of the fourth day they brought Farzad back to his room. (Excerpt from “Good Night Comrade”)
26. It was in Ghezelhesar that we experienced the frightening existence of the “Ku Klux Klan.” They were the masked repentant in prison who used to come to identify and hunt activists. Nader Hussein, one of my cell-mates, was identified by them. Nader was a supporter of the Sahand group and was sentenced to four years in prison. He was identified by the “Ku Klux Klan”, in the winter of 1983, and was executed a few months later. His young brother, Alireza Hussein, who was also my cell-mate, after his brother’s death suffered from a mental break down.

27. It was in Ghezelhesar that I got to know and become friends with Homayoun Azadi, Amir Houshang Safaeiyan, Masoud Bakhtari, Hamid Rezabik Mohammadi, Jahan Bakhsh Sarkhosh, Mashaleh Mohmmad Husseini, Siamak Almasian and Mahmoud Ghazi Pour, all of whom were members or supporters of the Organisation of the Iranian People's Fedaii Guerrillas (Minority); all my comrades who were hanged later on en masse in the bloody summer of 1988 in Gohardasht Prison, in Karaj. They took their lives away, without giving them the chance to defend themselves or to have a fair trial.
28. Their so-called "court hearing" consisted of a few minutes conversation in a closed room in the prison in the presence of Khomeini's representatives who had been sent to prisons to order the massacre of the political prisoners. The prisoners did not even know why they were questioned.
29. In Ghezelhesar I got to know people like Abbas Reisi (nicknamed "Zaar Abbas" and a member of the Paykar Organisation), Davood Naseri and Reza Esmati (members of Komala), and Mansour Najafi (a member of the *Vahdat-e-Komonisti*.) They were all killed in July and August of 1988 during the mass murder of prisoners in Iran.
30. In this prison I also got to know members of the military branch of the Tudeh party; Taimour Ravandi, Saifolah Ghiasvand, Khallil Abarghouei, and Abolghasem Afraei. They were all hanged—like thousands of other political prisoners—in the summer of 1988 in Gohardasht Prison, victims of Khomeini's deadly order.
31. I was returned to Anzali Prison in the summer of 1985 and this time I witnessed the execution of Ebrahim Khoshgoftar. Ebrahim was in a cell next to mine. He was suffering from Tuberculosis, which he had contracted in prison. They did not treat him and did not let his family know of his condition; instead he was handed over to the firing squad and executed.
32. In the summer of 1986 all the prisoners in Anzali were transferred to Rasht. It was in the prison in the Navy Base in Rasht that the mass murder of political prisoners

took place. In this prison within a week, more than ninety of my comrades were handed over to the firing squads. Prisoners such Ali Bagheri, Esmael Senjedian, Reza Shahrebani, Hojat Hoshmand, Hassan Forghanian, Hadi Kiazadeh, Mazaher Azad, Moustafa Abedian, Iraj Babri, Farzan Babri, Mahmoud Asgharzadeh, Farid Hendijani, Saber pour Nasir and Mohammad Reza Ahmadzadeh (a supporter of the Mujahedeen), Masoud and Saeid Babri (two brothers supporting Arman-e-Mostazafin), Farhad Solaimani and Aramaeis Darbians (my fellow comrades from the Minority faction of the Fedaiian movement) were amongst the first prisoners who were called out of the ward on the evening of 30th July 1988 to be executed. We had our last dinner together. They were prisoners who did not have a trial and to this day no one has much information as to how they were killed.

33. The second group of prisoners were taken for execution—within half an hour after the first group—on that very same evening. Ali Ghorbannejad, Ghasem Nateghi, Hussein Khodaparast, Shahbaz and Ali Shahbazi (father and son), Mohammad Safari, Mohammad Nejati, Mohammad Rezaei, Ali Shabani, Mossa Ghavami, Rahim Husseinpour (supporters of Rah-e-Kargar) and some supporters of the Mujahedeen were amongst those who were taken and never to return. Most of the people in the second group also had dinner with us, and after hugging and saying our goodbyes they left for Khomeini's slaughter-machine.

34. From the morning of the next day—31st July 1988—and for days after that tens of other prisoners were called out, blindfolded and sent to the execution sites.

35. No one knew why they were called out, where they were taken or what was waiting for them. I hugged and said goodbye to so many friends without knowing that they were going to be killed. I am still mourning their deaths.

36. Hussein Taravati, Mohammad Eghbali, Mohammad Paakseresht, Behrouz Rajaei, Reza and Rashi Motaghi Talab (brothers), Khalegh Kohi, Naghi Zahedi, Hassan Nezam Pasand, Ebrahim Talebi, Khosro Danesh, Ahmad Mohtashami, Nader Sohrab, Mohammad Gholami, Fakhroddin Kochaki, Mossa Mahboubi, Hossein Haghani, Mansour Abbasi, Iraj Fadaei, Hassan Moharami, Farshi Soltani (supporters of the Mujahedeen), Abdullah Lichaei (a supporter of the Minority),

and Javad Mashouf (Rah-e-Kargar supporter) and some whose names I cannot remember now were also among those who were taken away two by two and were hanged without any trial on the morning of 31st July 1988. These were people that I lived with. We shared our laughter and our sorrows; we used to exercise in the prison yard, they were all taken away before my eyes, without anyone knowing that they were going to be slaughtered by the regime of the Islamic Republic of Iran.

37. The massacre of July and August of 1988, hit the prisons of Iran like a thunder-strike. A thunder-strike so deathly, that in a short space of time, thousands of political prisoners lost their lives. Their massacre was so fast and shocking that the thought of it still devastates me, after twenty-three years.

ANNE BURLEY

BIOGRAPHY

1. Anne Burley was born and educated in New Zealand. She came to London in 1959 and has lived there ever since, apart from one year where she worked for the United Nations in Croatia (see below). She joined the staff of Amnesty International (AI) in January 1968 and worked for the organisation until she retired in 2002. She was AI's researcher on many countries at different times, including the United Kingdom and the United States of America. Her longest periods were spent as a researcher on Turkey, Greece, Cyprus, and Iran. She researched these countries from 1972 until 1984. She led two Amnesty International missions to Iran in November 1978 and April 1979. From 1980 Anne Burley was the Director of AI's Europe Regional Department. Until shortly before her retirement she acted as Special Advisor to the new Secretary General of AI. During a year's leave from AI in 1997-98, she set up a Human Rights unit in UNPROFOR, then administering Eastern Slavonia prior to its reincorporation into Croatia. Immediately following that, she was the Head of the UN Human Rights Commissioner's Office in Croatia for six months.
2. Following her retirement from AI in 2002, Anne Burley carried out consultancy work for various NGO's, including AI and the Roma Rights Centre in Budapest. She acted as a mission delegate to Turkey for the OSCE.
3. Anne Burley was Amnesty International's Researcher on Iran from 1972 until 1984. During that time she collected information about human rights violations in Iran, using a range of Iranian contacts inside and outside of the country. She used the information received to write reports and produce material for AI campaigns on human rights violations in Iran.
4. In November 1978 she visited Iran with an American lawyer to interview former political prisoners and had meetings with members of opposition groups. Following the revolution of February 1979, she visited Iran again with a British lawyer to have meetings with government ministers including the Prime Minister.

These meetings were to express AI's concern about the executions of members of the previous government and of trials that appeared to fall far short of international fair trial standards. The AI mission visited a prison holding political prisoners and talked to Iranian lawyers who were concerned about the lack of fair trials.

5. AI subsequently published a detailed report about the trials and executions. In the years following, AI continued to express concern to the authorities of the Islamic Republic of Iran about prisoners of conscience, lack of fair trials, torture, ill treatment and executions.
6. Having become Director of the Europe Regional Program at AI in 1981, Anne Burley had to relinquish work on Iran in 1984 in order to allow more sustained work to be carried out on the country. She continued to work at AI as Director of the Europe Region, including the Central Asian States of the former Soviet Union until her retirement in 2002. In 1997-1998 during a sabbatical year from AI, she worked for the United Nations, initially establishing a human rights unit within UNPROFOR that was administering Eastern Slavonia (Croatia) and then as Head of the UN Human Rights Commissioner's Office in Zagreb.
7. As a member of the Iran Truth Commission, Anne Burley was able to read and listen to testimonies from victims and relatives of victims of human rights abuses in Iran throughout the 1980's. In essence the problems remain the same as they were in the early years of the decade; imprisonment without fair trial, torture, ill treatment and execution. These would be the topics upon which she would give testimony to the Tribunal.

IRAJ MESDAGHI

Date and place of Birth: 1950, Tehran

Occupation at the time of arrest: Student

The status of Witness: Survivor

Political affiliation: Organisation of People's Mujahedeen of Iran (PMOI)

BIOGRAPHY

1. Iraj Mesdaghi was born in Tehran in 1950 and began his political activities in 1970s. He attempted to create more unity in the Confederation of Iranian Students in the USA.
2. He was imprisoned for ten years from 1980 to 1990 in Evin, Ghezelhesar and Gohardasht Prisons for being a sympathizer of Organisation of People's Mujahedeen of Iran (PMOI).
3. After his release from prison, in 1994, he fled the country and resumed his political activities abroad. For many years he has been actively documenting, attempting to draw the attention of the European Parliament and the UN to the human rights abuses in Iran.
4. His book "Prison Memoirs"—a four-volume memoir of prisons in the Islamic Republic of Iran (IRI), which was published in 2004 in Sweden—is one of the most accurate and well-researched, books in the subject matter.
5. Besides his many publications he has written thousands of articles, essays and reports on human rights abuses by the Islamic Republic of Iran which are available on the Internet.
6. The list of his books is as follows:
 - Vol. 1: No life, No Death 2004 Sweden
 - Vol. 2: Setting of dawn
 - Vol. 3: The grief of the phoenixes

- Vol. 4: Turbulent berries
- Till grape harvest
- Twisted on the stem
- Purgatory on Earth
- With the mind's eye
- Song of ashes and dance of phoenix
- The United Nations and human rights abuses in Iran

STATEMENT

NAME OF WITNESS: IRAJ MESDAGHI

7. I was first arrested in 1981 following the demonstration on June 20th. Things were very bad then. I was arrested in the street because I was pointed out to the guards who were informed by one of my relatives that I had connections with the Mujahedeen. They came to the store where I worked, and took me to a detention centre in the north of Tehran, where I was interrogated and tortured for six hours. I was tortured on three occasions.
8. My cousin knew that I was supporting the Mujahedeen, but she did not know anything about what they did. So they released me because they did not have any information on me. I was told by one of the guards, "If you come back here, I will kill you." I said, "OK." I was held there for about a month and a half or roughly forty days.
9. I was out of prison for about two months. I did not work. I pretended that I was working at a company, at the time, to show that I was working, but I wasn't actually doing anything and I wasn't involved in any political activities at the time either; my last political ties had been cut. During that period it was very difficult to be politically active and to maintain normal relationship with friends.
10. Two or three months later, in January 1982, I was arrested in that company. I was twenty-one years old. I was not told why I was arrested; my name was just called, I was blindfolded and put in a car. I was taken to what I believe was a base in the south of Tehran, where I was hit and whipped on the soles of my feet with a cable.

11. I was then interrogated and asked questions about some other people. I knew some of the people they mentioned—they were my close friends—but they were not politically active, so I was confused and did not know what to say. After two or three days at the base, they took me to Evin Prison, where everyone was generally moved after a couple of days.
12. Nine months after my arrest, in Evin Prison, I was taken alone to a so-called “court”, where my blindfold was taken off and I saw a judge— whom I could not recognise—in the room. I was sentenced to ten years on charges of supporting the Mujahedeen, taking part in a demonstration and being politically active with the Mujahedeen.
13. In 1981 and 1982 in Evin Prison many prisoners were in a critical situation—including one of my friends, who was in a life threatening condition in the clinic—. One of the common problems was prisoners suffering from kidney malfunction, who were in need of dialysis. Some prisoners couldn’t walk because they had been beaten on the soles of their feet and thus couldn’t even be taken to court; in which case they would bring the ‘court’ to the prisoner’s room—in other words the guards and the interrogators went to the prisoner.
14. In 1982 many were severely tortured and pressured into giving confessions during televised interviews. Those who were tortured were given two options: to either provide a confession during a televised interview or the torture would continue to be administered. If you wished for the torture to end and to be executed sooner— so that you will be freed from that horrible situation—then you would do the interview, as taking part in the interview did not mean that you would be released or that your prison sentence would be reduced.
15. I know a lot of people who ended up like that, who did a televised interview and who were later executed. Some of these people were Abbas Shahrokhi, Kourosh Khavarian, and Mehran Ashtari. All of them were members of the Mujahedeen. They all participated in TV interviews and were later executed.

16. In 1983 I was taken to solitary confinement and tortured many times, because they said that I was affiliated with other prisoners who were active in the unit. I was in solitary confinement for nine months and was tortured on a weekly basis in the cell. Assadollah Lajevardi (Tehran's Prosecutor of the Islamic Revolution) came to my cell when I was in solitary confinement. He said, "You will talk." I said, "I do not know anything." Then he ordered the guards to torture me. At that time I was very weak.
17. We were moved to Ghezelhesar Prison in January 1984. There were twenty to twenty-two people with me in a cell that was 4m x 4m. We did not even have enough space to stand up. We used up all the available space in the cell. It was not easy.
18. In March 1984 I was taken to Evin Prison for more interrogation, questioning and torture. I was asked the same questions as before, being tortured more this time than when I was arrested. I was tortured thirteen times.
19. Later, I was taken back to Ghezelhesar Prison with a group of other prisoners who were being transferred from Evin Prison. I was then taken to another section referred to as "The Judgment Day", which was also called "The Grave". We were told, "This is a grave, and we want you to feel the pressure of the grave." I was made to sit in a small room— a little bit bigger than a coffin—blindfolded the entire time. You could not stand in this room; you had to sit on your knees. The room had two dividers; a wall and a door and there was an open part to the room. You could hear the loudspeakers at all times, playing readings from the Koran and mourning songs.
20. We were under control at all times. *Tavaab* (repentant) were sent to check up on us every hour, every day—even in the toilet. There was no door, just a blanket, which had a hole. They did not even let us cough or chew loudly, because when we made any noise they accused us of sending some kind of signal to the other prisoners. When we made any sound, we were beaten by the guards

21. I was in this cell (“the Grave”) for maybe one and a half months. Other people were in that cell for eight, nine months. I was forced to stand for a very long time, maybe two or three days. I was hallucinating. I could not sleep. I do not remember a lot of things from that time period.
22. I was taken by a man to a special section where I was interrogated once more. They tried to coerce me into making a confession to say that I had escaped from Evin Prison; but that was absurd and I refused. I was told by the *Imam* (the religious judge), “You are a *Monafeq* (hypocrite), corrupting the earth, and fighting with God, therefore you must be killed. You do not even need to be tried.”
23. In 1985 I was taken to Evin Prison to be re-tried. Once more, I was interrogated, tortured and was asked the same questions. I believe the judge was Ali Mobasher. I could see him because I did not have a blindfold on. There was only Judge Mobasher and a secretary in the courtroom.
24. I was re-tried with new charges. I was accused of being active with the organisation in prison and of having made contact with other prisoners. I said, “It’s not against the law. Where is the law that says this is illegal?” I was asked the same questions about my political affiliation and the instances from my previous indictment were repeated. I said, “Why am I going to be tried for the things that I was tried for before?” He said, “Let me see.” Then he checked. He said, “Yes. I do not know why you are being tried again for these things that you were tried for before.”
25. After my second trial in the autumn of 1985 I was not given a new sentence. Maybe they thought that my first sentence, ten years imprisonment, was enough.
26. One year later in 1986, we were all taken to Gohardasht Prison, as all political prisoners were evacuated from Ghezelhesar Prison. We were moved in buses. The treatment at Gohardasht Prison was similar. I was not tortured in the strict sense, but was hit and was taken to solitary confinement—three or four times—as punishment for celebrating the festival of *Nowrouz*, the Persian New Year. I was

in solitary confinement for one month. The longest period of time that I was in solitary confinement was two and a half months in Gohardasht Prison.

27. There were changes in prison in the lead-up to 1988. A lot of prisoners were chosen and taken from Gohardasht Prison to Evin Prison by the Revolutionary Guards. We knew that if there was any conflict with the Mujahedeen and the Guards at the last stage of the conflict they would kill us. We were told this from the start, from 1981 and 1982 and even in April 1988. We were warned: “Do not think that if anything happens we will let you out, in that case we will kill you. We’re going to throw hand grenades into your cells. You are an enemy of God; therefore you’re not going to leave the prison.”
28. Lajevardi had also said that the ‘*Monafeqin*’ (hypocrites) should not feel safe and this was even published in the newspaper. The leftist prisoners were also said the same thing, but not in the same way that the Mujahedeen were told.
29. On July 30th 1988 we were taken to the court. There were roughly thirty to thirty-five of us in our ward. We were blindfolded; they did not speak to us as we were taken, we were just told “Come out. Let’s go” and we did not take our belongings.
30. The next morning, some of my friends were called out. We did not know where they were taken and they did not take their belongings. I was then taken to a new ward, where eight of us were placed in the same cell after talking to Lashkari. I was taken to the Death Commission after lunch.
31. I was told to take my blindfold off. I recognized some of the people in the room: Nayyeri, Eshraghi, Shushtari, Ra’isi, and Naserian—as I had seen them in the prison court before—and also because their pictures were in the newspapers. We knew Judge Nayyeri from when we had a court hearing. Eshraghi was a prosecutor. Shushtari was the head of the Prison Organisation. Ra’isi was the Deputy of Eshraghi in charge of the Goruhak (political groups). There were more than ten people in the room. I do not know how many Revolutionary Guards there were. At least five people were sitting around the table. Nayyeri was the only person writing something. I believe it was the indictment.

32. They questioned me and tried to make me write a statement condemning the ‘*Monafeqin*’, but I refused. I said, “Let me go and talk to Haji.” Nayyeri did not want Haji to know what was happening. He said, “No, no, sit here and write down what you want.” I did and I also wrote the guarantee that they demanded.
33. I wrote, “I am a sympathizer of the Mujahedeen. Before I was arrested, I did not have any connection with them, while in prison I did not have any connection with them. And now, if you let me go out, I’m not going to have a relationship with them.” Because I wrote that, I was not killed that night. One of my friends, who refused to write this, was killed. His name was Mahmud Zaki.
34. I saw Mahmud leaving the room as I was called in. Nayyeri was questioning me, when Naserian came back to the room. Nayyeri told him, “When he [Mahmud] was here he agreed to write the confession.” To which Naserian replied, “No, he changed his mind outside.” Nayyeri said, “Take him to his ward.” I did not know what they were talking about and that they were going to kill Mahmud that night. I was then taken to the corridor outside the court by Naserian.

NAVAL MOHSEN

Date of birth: 1946

Age at time of incident: 35

Profession: Teacher

Status of witness: Family member

BIOGRAPHY

1. Naval Mohsen was born to an Iranian mother and an Iraqi father. She has lived for some years in Iran and some in Iraq. She completed her education in Theatre Studies in Iraq and began working at Baghdad's Radio and Television Broadcasting Company, where she met Hossein Tajmir Riahi and later married him. Before the revolution she travelled from Baghdad to Europe with Hossein, and following the revolution she travelled from Europe to Iran.
2. After the arrest of her husband in 1982, she escaped to Syria and following his execution she moved to Europe. She has been a resident of Sweden for twenty-nine years, with her two children.

STATEMENT

NAME OF WITNESS: NAVAL MOHSEN

3. My husband, Hossein Tajmir Riahi, was born in February 1942 [Bahman 1320] in Isfahan. He was one of the leaders of Union of Iranian Communists (*Sarbedaran*). He was arrested in July 1982 and was executed—along with twenty-two of his co-activists— on 26th January 1982, on the anniversary of the uprising of Sarbedaran, in city of Amol.
4. Hossein was arrested for the first time during the Shah's reign for his political activities against the monarchical dictatorship. After his release he escaped to Iraq where he continued his political activities. He founded a Marxist group called "Pouya" and later became one of the founders of the Union of Communists in Iran. In the first days of the revolution in 1979 Hossein returned to Iran. In 1982,

he was one of the main organizers of the revolt of the Sarbedaran in the city of Amol, which took place on the 25th January 1982. As a result of the regime's actions, the revolt ended in blood and mayhem. Most of the Sarbedaran who had been involved in that uprising were killed by the Revolutionary Guards. Hossein was one of the few who were able to get out of that unjust battle alive.

5. In July 1982 he was arrested along with some of his fellow activists and was taken to Evin Prison. He was immediately subjected to the most brutal torture. I was unaware of his arrest and spent ten days searching for him in any place that I could think of, even the hospitals of the town. Ten days later it was announced, on the radio, that a group of Sarbedaran along with their leader, Hussein Riahi, had been arrested; that is how I learnt of my husband's arrest. As I was being pursued myself, I was unable to visit him and the regret of not having seen him again will always remain in my heart.
6. When I heard about his arrest I struggled hard to try to prevent his execution. As Hossein had lived in Iraq many years ago, he was a well-known member of the opposition to the Shah's regime, to those who lived in exile in Iraq during the Shah's reign and after the revolution had become senior members of the Islamic Republic of Iran. I approached many of them in order to save his life. One such individual (whose name will not appear here to preserve his anonymity) promised to visit him and to try to save his life. He had even gone to Khomeini but his attempt to save Hussein proved futile. Khomeini was resolute that all the members of Sarbedaran should be annihilated. It was through this individual and others who had seen Hossein in prison that I learned that Hossein's body had been tortured atrociously and consequently bandaged completely. I learned that his chin was held up with one hand at all times to prevent his chin from falling out of place, as it was completely shattered!
7. Some months after his arrest Hossein along with twenty-two of his supporters were tried in a mock court, which was later broadcast on television. I have an audio recording of Hossein and another one of his companions called Faramarz Semnani, which was recorded by a news reporter during the hearing and brought out. I am also in possession of a video recording of this mock court showing the

trial of one of my husband's companions, Eidi Amin. In the same video there are short segments where other members of the group—including my husband—are visible. All appear to have become very weak, pale and thin. Their appearance was a telling sign of the horrendous experiences they had endured. I will put this video and recording at the disposal of the Iran Tribunal at the second stage in The Hague.

8. Before finding out that Hossein had been arrested, I contacted the family of one of Hussein's friends, asking them to urge him to go into hiding immediately as I feared that Hossein's position may have been compromised and he may have been arrested. We lived in the same building, but I was informed that he had been compromised and that members of the revolutionary guard had raided their house, leaving telephone numbers to be contacted on; saying that "If Hossein Riahi's wife comes around here; you are obliged to call one of these numbers and inform us immediately". I realized then that I was being pursued, but I was still unsure as to whether Hossein had been arrested and I continued to search for him.
9. The regime had incited an atmosphere of terror surrounding the Sarbedaran—torturing those who had helped them—that no one would dare let my children and me take refuge with them. I left my son Kaveh with my sister. She took Kaveh for one month and kept him hidden, not letting anyone know that Hossein Riahi's one-year-old child was in her house. Even taking in the child of Hossein Riahi could be considered an unforgivable crime in the eyes of the regime.
10. My daughter, Sharareh, required special care, due to a physical disability which she had been suffering from since birth. I was on the run and could not take care of her, as I had nowhere to do so. No one was willing to take her in, fearing that Sharareh's special condition would lead someone to realize that they had granted refuge to Hossein Riahi's child! Out of necessity I put her in a boarding school catering for other children like her.
11. Three months after Hossein's arrest I escaped from Iran forever and went to Syria. I was able to take Kaveh with me but unfortunately my daughter remained in the

boarding school and it took two years before I could bring her out. Luckily during this time no one had become aware of her identity.

12. Hossein had called his parents in Isfahan from prison. They were very old and frail at the time. His mother had become unconscious at the sound of Hossein's voice. It took a long while before his elderly and ill parents were able to find the opportunity to visit their son, but unfortunately their efforts proved futile. Hossein's father—along with his brother-in-law—had set off towards Tehran from Isfahan, but due to heavy snow they were stranded half way. He eventually found a way to carry on the journey to see his son. Even though Hossein and his companions had not received a sentence in the court, we all knew that they would be executed. When his father and his brother-in-law finally got to Tehran, Hossein and his companions were taken from Tehran to Amol, to carry out their execution. That elderly man with all his physical ailments had travelled all that way, but was not successful in seeing his son for the last time.
13. Four months after my arrival in Syria, I listened to the radio every day—terrified each day—until the tragic news reached my ears. One day by chance I heard that Hossein and twenty-two of his companions had been executed by a firing squad in Amol, exactly on the anniversary of the revolt—on 26th January 1983. Their names, photographs and the unfounded accusations against them were published in Keyhan newspaper.
14. They did not return Hossein or his companions' corpses back to their families. They were buried in Emamzadeh Davood cemetery in Amol. Now, more than thirty years later, they still have not allowed so much as one stone to be lain down at that grave or even a name written there. That part of the cemetery is still heavily controlled; so much so that some years ago one of my relatives—who was visiting and sitting at the grave of his loved one—was arrested and imprisoned for a short time.

15. My children have still not come to terms with the terrible death of their father and even today, after all these years my son cannot bear to speak even one word about him, as he becomes very distressed. I am still grieving after thirty years.

MEHDI MEMARPOURI

Date and place of Birth: Tehran, 1957

Age at the time of arrest: 24

Status of the witness: Survivor

BIOGRAPHY

1. I was born in Tehran in 1957. I was educated in Tehran up to diploma level. In 1976 [1355] during the uprisings against the monarchic regime, I was serving my mandatory military service, which I completed in the few days leading up to the revolution. During my military service I became acquainted with political matters and started reading up on a range of social and historical texts and reviews.
2. During that period I worked at the “*Roghan Varamin*” oil production factory, but due to my activism as a labourer and acquainting my co-workers with resistance and opposition literature, my progress within the company was capped and they would not allow me to progress further within the company.
3. With the start of the revolution I took part in social and political activism alongside the people. I was not a member of any group, political party or organisation, as fundamentally I did not like the idea of politics crowding my mind. My real interests lay in art, film and cinema.
4. My involvement with the Organisation of Iranian People’s Fedaii Guerrillas and People’s Mujahedeen Organisation was to defend the freedoms or rights obtained in the revolution of 1979. I believed that these two groups were revolutionary powers and should be defended as they represented freedom fighting and social activism (perhaps more so than other groups).
5. Following the split within the Fedaiian Khalgh into the “Majority” and “Minority” faction and subsequently going underground, I was more involved the Mujahedeen, only taking part in their public activities.

6. I attended the protest on 20th of June, which was organized by the Mujahdeen and I witnessed the savage killings of the large defenceless crowds present that day, only guilty of taking part in a peaceful protest. The Islamic Republic opened fire on the crowd and killed and wounded countless individuals. Following the 20th of June, no trace of freedom was left and everyone was subject to persecution.
7. We were only able to obtain news and information from the political party publications, which were printed and dispersed clandestinely. We would get a hold of these and hand them around between us. One of my relatives that had been captured had confessed—under torture—that I had given him political information and this was the basis for my arrest.
8. I presented myself to the Komite of Nazi Abad. The reason I presented myself to the Komite was that two days before my arrest, the Revolutionary Guards had attacked our house. I was not at home at the time. Not only did they take writings, books and any other items—which they thought could be used against me—my sister was also taken. My mother was told that she would be released if I gave myself up.
9. The next day I presented myself to the Komite, but not only did they not free her, but during her second interrogation (after I had turned myself in) she was told that she would also be executed. Hearing this, she suffered from a shock, followed by psychological and physical problems, which led to her being hospitalized that night, the effects of which have never left her.
10. After one week we were sent to Evin Prison. We spent three days in the corridors. It was during those days that we were interrogated took place and as the information about my participation in the protest of the 20th of June was not revealed by our neighbours and co-activists; my sister and I were released after six months. If my presence at the protest had been revealed the story would have ended very differently for us.

STATEMENT

NAME OF THE WITNESS: MEHDI MEMARPOURI

11. I was in Evin Prison, for six months, from 27th September 1981, accused of liaising between the People's Mujahedeen Organisation of Iran and the Organisation of the Iranian People's Fedaii Guerrillas, where I was subjected to physical and psychological torture.
12. During my imprisonment I witnessed the execution of many political prisoners. One week after my arrest, I was transferred to Evin Prison from Nazi Abad Komite and after three days of interrogation and torture I was transferred to Section 4 of Evin. As I was not a member of any political groups, I pretended that I was innocent and when I was asked by the interrogator whether I regretted my past I said "Yes".
13. The interrogator assumed that I was a "*Tavaab*" (repentant), thus I was transferred to Section 4 of the prison. In Section 4 prisoners who had expressed regret, in relation to their past, every so often were put under pressure—being questioned by the guards—which was aimed to determine their [ideological] position, ensuring that they were true repentant
14. For this purpose, prison guards would visit the ward on daily basis; calling out a few people, who were then asked whether they were willing to record video confessions in front of the other inmates, admitting their regret, as well as taking part in the execution of fellow prisoners—which they called "*Monafeq*" and "*Molhed*".
15. Almost everyone was convinced that the sole purpose of questions of this nature was to assess the individual's position. The majority of prisoners who had expressed their regret had only done so as a tactical move. However, the prison guards had realized that some those who had repented were in fact pretending.
16. Along with one of my cell-mates, I had agreed to take part in the executions, only as means to convince the guards that we had in fact repented. In November 1981 we were called out of our cell.
17. The whole way there I was unsure whether or not they were actually taking us to witness an execution. I thought that they just wanted to see our reaction, until

roughly thirty of us were boarded on a bus. It was at this point that I felt I had been used and played by these traitors and thought to myself that if I was handed a gun, I would shoot them instead.

18. After a short journey we were taken off the bus and were ordered to take off our blindfolds. I saw that about forty to fifty people had been lined up for execution. I also saw that a firing squad with about the same number of guards—hiding their heads and faces under special hats—were standing across from the prisoners. I was distraught and felt faint. I could not believe what I was seeing. What I saw broke my heart. I kept trying to convince myself that they just wanted to scare us. I could not believe what I was seeing until we were told that each one of us had to stand next to a guard in the firing squad, put our hands on the trigger and help them pull the trigger.
19. An armed guard stood behind each one of us. The whole world seemed to be crashing on me. I could not decide and there was no way out. I was extremely upset and annoyed with myself. The only thing I could do was to pretend that I had put my hand on the hand of the guard. I put my hand close to his hand but avoided putting my hand on to his.
20. Amongst those executed were women and teenagers of fifteen or sixteen years. After the guards of the firing squad fired each of the final shots, the *tavaabs*, who had been brought to the execution site on a different minibus, were made to move the bodies and load them on to a lorry.
21. To this day, after thirty years, I still remember that heart-breaking scene, tormenting me psychologically.

SADEGH NAHOOMI

Name of Witness: Sadegh Nahoomi

Date and Place of birth: 1962, Ardebil

Age at the time of arrest: 19

Political affiliation: Organisation of Iranian People's Fedaii Guerrillas (Majority)

STATEMENT

NAME OF THE WITNESS: SADEGH NAHOOMI

1. On Friday 6th December 1980, at 6 o'clock in the morning in Ardebil, I was arrested by the Basij, while getting ready to go mountain trekking with my friends. I was taken to the local prison in Ardebil. After a short time, I was taken, along with Faregh Shahsavari and another woman, who were both members of the Mujahedeen, to a court.
2. In relation to the court, we had no prior knowledge of the court hearing. We were denied the right to counsel, none of our family members were contacted, nor were they given permission to attend the hearing.
3. Faregh Shahsavari's proceedings took less than a minute. The other woman was then called in. She left the court after two minutes! It was then my turn to enter the court. There was a clergyman named "Haji Agha" who was the judge. He was later elected as Ardebil's representative in the Islamic Republic's Parliament. Alongside Haji Agha, there was a young man with a beard who was Haji Agha's guest. I was asked two or three questions and the court hearing finished.
4. I was returned to prison. The next day the prison warden announced our sentences. We were sentenced to one year in prison.
5. After I had served my prison sentence, once more, I was taken to the court handcuffed. Haji Agha repeated the same questions which he had asked me a year earlier. I told him that I had answered these questions one year ago. He responded, "He has not come to his senses yet. Take him away until he comes to his senses."

6. I was transferred to the Basij prison, but I was not alone. They also sent another prisoner called Hussein Samadi with me. On 2nd December 1981 I entered the Basij prison. The following morning, after breakfast, they called in Hussein Samadi, for interrogation, to the torture hall. We could hear his cries throughout the prison. After a while the door opened and I was called in.
7. It was around 10 am. when I went to the corridor of the prison and the beatings started. They continued until noon. They beat me into a corner near the toilet. When they opened the door to the toilet, we saw Hussein Samadi inside, sat in one corner, and covered in blood. Gesturing to him I asked, “How are you?” and he answered “Not well.”
8. We were there for half an hour before the guard came and I was sent to a room they called “the Refrigerator of Guidance”. The refrigerator room was a 3mx4m room. There were roughly thirty-two prisoners in that room. Sleeping there was the biggest torture. Every day there was beating and torture, until I was eventually sent back to the previous room again.
9. I remained in that prison for one month and seventeen days, during which I endured many hardships. During that time I was a witness to the execution of a Mujahedeen prisoner, who they called “General of the Mujahedeen”. He was from Shiraz and was a student in Orumiye. They said his name was Hadi, but this was not his real name.
10. On the 18th January 1982, I was released from prison.
11. Also on the 18th September 1981, when I was at the police station, there were thirteen people in the refrigerator room—in the Basij prison—without any trial. They faced the firing squad. Their names are as follows:

- Alireza Makhnafi, Mujahedeen
- Parviz Ghodoosi, Mujahedeen
- Farogh Shahsevani, Mujahedeen
- Ali Najarbashi, Mujahedeen
- Samad Samadi, Mujahedeen

-Isa Kazemnejad, Mujahedeen

-Adel Ghorbani, Organisation of Iranian People's Fedaii Guerrillas
(Majority)

12. I do not recall the names of the other six executed people, but altogether twelve people were members of People's Mujahedeen Organisation and only one from the Organisation of Iranian People's Fedaii Guerrillas (Majority).

SECOND ARREST IN 1986

13. After my release from prison, I formally became a member of the Organisation of Iranian People's Fedaii Guerrillas (Majority) and my political activities started at once. In 1983 the Tude Party of Iran took a blow and many members of our organisation were arrested. Many escaped over the Russian border and those who remained were organized into clandestine organisation activities.

14. In 1986 the Organisation of Iranian People's Fedaii Guerrillas (Majority) was under attack and I escaped to Tehran. After some months, I returned home during the night to complete a task and I was arrested.

15. For four months I was in the isolation room of the Military's Intelligence base and endured constant interrogation and torture. For two months my family was unaware that I was at the Military's Intelligence base. They would not accept that I had been arrested at all.

16. In the Military's Intelligence base there were eight or nine isolation rooms next to each other and at the end of the hall there was an "L" shaped isolation room. This was the "burnt isolation room". Before me, a young supporter of Mujahedeen had been burnt (scorched) there and killed. The interrogators would show that room to the prisoners, threatening us that if we did not co-operate we would suffer the same fate.

17. During my four months in isolation, I endured many forms of psychological, emotional and physical torture. After four months, I was transferred to the public prison, where I served approximately two years without a trial.

18. After the “Mersad” incident in 1988 they took four members of the Mujahedeen—who had served many years in prison and had been convicted without a trial—at night to the Military prison and on the morning of that day they were executed. Their names are as follows:

- Ardalan Sehat
- Askar Mojarad
- Ali Aadi Shirinpour
- Yahya Mollahzadeh

19. Although there were also those who were recently arrested and executed, I only recall one of them as Davar Afarzadegan. In 1988 a group of three people from the Democratic Party of Iranian Kurdistan—who were travelling by foot—through the jungles of Khalkhal, were apprehended by the local Basij. One of Khalkhal’s Basiji was killed in the clash. The three men were surrounded and one was killed during the clash. The two remaining men were arrested and taken to Ardebil’s prison and in 1988, after a few months, were publicly executed. Their names are as follows:

- Albar, from Lorestan province
- Naji from Ahvaz province who was an ethnic Arab.