



# A Framework of Violence:

Repression of the Arab Ethnic Minority in the Islamic Republic of Iran

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Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

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Front cover: Ahwazi Arabs marching in Kuye Alavi neighborhood in Ahvaz during the April 2005 protests.

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Iran Human Rights Documentation Center, New Haven, Connecticut

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**IRAN HUMAN RIGHTS DOCUMENTATION CENTER  
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## Introduction

The widespread protests that followed the disputed June 2009 presidential election in the Islamic Republic of Iran (IRI) have been referred to as critical precursors to the popular uprisings that spread through the Arab world in 2011. According to some commentators, many of the objectives and tactics of the later protest movements, whether street demonstrations in Egypt's Tahrir Square and Tunisia's Habib Bourguiba Avenue or the virtual Twitter activism throughout the region, were presaged in Tehran.

While the Iranian movement is seen by some as the inspiration for what later followed in the region, the popular uprisings that spread through the Arab world also, in turn, revitalized some stirrings of dissent in Iran. In a show of solidarity with the protests sweeping the Arab world, the leaders of Iran's so-called "Green Movement", Mir-Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavard, called protesters to the street to rally in February 2011. For those actions, the three were placed under house arrest, where they remain to this day.

While the "Arab Spring" fell short of reinvigorating the Iranian street protest movement on a national level, in April 2011 the anti-government protests that spread through the predominantly ethnic Arab southwest regions of Iran were directly patterned after and inspired by the popular dissent in the surrounding Arab world at the time.

In the city of Ahvaz (pronounced "Ahwaz" in Arabic<sup>1</sup>), the provincial capital and largest city of the southwestern province of Khuzestan in Iran, Arab youth were called to the street on April 15, 2011 in what was termed a "Day of Rage" ("Yawm al-Ghazab" in Arabic). Exactly one month prior to this, on March 15, 2011, was the first national Day of Rage in Syria's budding protest movement. Similarly named "Day of Rage" protests occurred months before against then-Presidents Ben-Ali and Mubarak in Tunisia and Egypt respectively. Like the protests in Syria, Egypt, and Tunisia, the April 15, 2011 Day of Rage against Iran's Supreme Leader Ayatollah Khamenei was organized through social media and networking websites such as Facebook and Twitter. Word of mouth among internal activist networks, leaflet distribution at night and discussion on Arabic language satellite television networks also buoyed the organization of these protests.

The protests quickly spread from Ahvaz to other Arab-populated towns in Khuzestan such as Abadan, Khorramshahr, Hamidieh, Mahshahr and Shadegan. The "Day of Rage" stretched to four days of demonstrations.<sup>2</sup> Multiple sources allege that Iranian security forces used live ammunition to suppress the protests, and that security services began raids against suspected organizers the day before the protests began.<sup>3</sup> Reports indicated that as many as 15 protesters were killed by security services and police during protests, with "tens" injured and hundreds arrested.<sup>4</sup>

Just as in Syria, Egypt and Tunisia, a volatile combination of socio-economic and political factors formed the root of the protests that erupted in April 2011 in Khuzestan.

The Arab ethnic minority in Iran—or Ahwazi Arabs as they refer to themselves<sup>5</sup>—have a long history of political,

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<sup>1</sup> In this report, the official names of towns and cities in Iran will be used. In some cases, for instance in direct quotations, the place names utilized by the Ahwazi Arab ethnic minority for their respective places of residence will be included in parentheses when a place name is introduced. For some Ahwazi Arab place names that are clearly distinct from official place names in appearance, the Ahwazi Arab place names will be included in parenthesis throughout the report.

<sup>2</sup> Golnaz Esfandiari, *Iran's Nobel Laureate Ebadi Warns Of Unrest Among Ethnic Arabs In Iran*, RADIO FREE EUROPE/RADIO LIBERTY (Apr. 19, 2014), [http://www.rferl.org/content/iran\\_nobel\\_ebadi\\_warns\\_unrest\\_ethnic\\_arabs\\_in\\_iran/9498400.html](http://www.rferl.org/content/iran_nobel_ebadi_warns_unrest_ethnic_arabs_in_iran/9498400.html).

<sup>3</sup> Roula Hajjar, *Iran: Outside the Spotlight, Arab Uprising Smolders in Country's Southwest*, LOS ANGELES TIMES (Apr.30, 2011), <http://latimesblogs.latimes.com/babylonbeyond/2011/04/iran-ahvaz-protests-violence-human-rights-arab-seperatism.html>.

<sup>4</sup> See *Widespread Detentions of Ahwazi Activists Mark Anniversary of 2005 Crackdown*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Apr. 19, 2012), <http://www.iranhumanrights.org/2012/04/ahwaz-crackdown/>. See also, *Iran: Investigate Reported Killings of Demonstrators*, HUMAN RIGHTS WATCH (Apr. 29, 2014) <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>. See also, *Ebadi Draws UN Attention Crackdown to Crackdown on Protests in Ahvaz*, RADIO ZAMANEH (Apr. 18, 2011, 16:09), <http://www.radiozameh.com/english/content/ebadi-draws-un-attention-crackdown-protests-ahvaz?page=2>.

<sup>5</sup> Human rights groups and institutions refer to the Arab ethnic minority in Iran by different names, including "Iranian Arabs", "Arabs of Iran" and "Ahwazi Arabs". For the purposes of this report, the group will be referred to interchangeably as the "Arab ethnic minority" and "Ahwazi Arabs".

economic and cultural discrimination by successive Iranian governments. This report will examine this political oppression, namely in the form of arbitrary arrests, imprisonment and even execution of Arab political activists and other members of civil society.

The introduction to this report is followed by a short methodology section. Then, the first section of this report will give a narrative timeline of events affecting the ethnic Arab population in Iran starting from early history, through the Iranian revolution of 1979 and up to the present day. The second section of the report will provide case studies demonstrating human rights violations perpetrated by the Iranian state against Arab activists and other members of civil society. The third section of the report will examine and analyze the actions of the Iranian state against Arab activists and civil society members under international and Iranian laws, followed by a short conclusion.



## Methodology

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

1. *Testimony of victims and witnesses.* This includes testimony taken from more than 40 separate *viva voce* interviews conducted by IHRDC lawyers with Arab civic, environmental, cultural and political activists, human rights defenders and journalists, as well as former political prisoners, and the former cell mates, lawyers, relatives and associates of Arab political prisoners who have been executed or are currently on death row in Iran. The majority of these *viva voce* interviews were conducted in person. Several interviews were conducted remotely via secure voice communication services.
2. *Government documents.* These include recorded public statements by government officials or institutions, and legal instruments including the Constitution of the IRI and additional statutes.
3. *Documents issued by non-governmental organizations.* These include interviews, reports and press releases written by Human Rights Watch, Amnesty International, and the Human Rights House of Iran (RAHANA), and other NGOs.
4. *Academic articles and books.* These include the works of historians and political scientists who have written about Iran and the Arab population.
5. *Media reporting.* These include articles and reports by media outlets in English and Persian, including articles from official IRI press agencies, and Iranian and Arab activists and bloggers.

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

All names of places, people, organizations, etc. originally written in the Persian language have been transliterated using the system of the International Journal of Middle Eastern Studies (IJMES), available at <http://ijmes.chass.ncsu.edu/docs/TransChart.pdf>. Under the IJMES system, names of places with an accepted English spelling and names of prominent cultural or political figures may be spelled according to the English norm.

## 1. Timeline of Events from Early History to the Present Day

Since the inception of the modern Iranian state, ethnic minorities living within the borders of the nation—including Arabs, Kurds, Baluch, and Turkmen—have experienced adverse treatment by successive governments from the reign of Reza Shah Pahlavi to the present-day IRI. The modern experience of the ethnic Arab community, who reside in the southwestern corner of Iran, primarily in the oil-rich province of Khuzestan, is characterized by the severe hardships of modernization, including political marginalization, a lack of economic opportunity, and environmental degradation,<sup>6</sup> among others.

### 1.1. Geography and History

Exact numbers and dates on the migration of Arabs to Khuzestan and demographic shifts over time are hard to come by, however the first major influxes of Arab tribes into the region occurred in the early years of Islam in the mid-seventh century.

The discovery of oil in 1908<sup>7</sup> brought an influx of wealth and foreigners and gradually transformed parts of Khuzestan. Since the early 20<sup>th</sup> century, over twenty oil fields have been discovered in the province, currently accounting for over 85% of Iran's oil reserves, according to the United States government's Energy Information Administration.<sup>8</sup> The increasing dependence<sup>9</sup> of the national economy of Iran on oil revenue also made Khuzestan a province of central importance to the central government in Tehran. This impulse created a tension with the local Bakhtiari, Lur and Arab tribes that had been accustomed to self-rule for generations.<sup>10</sup>

Over time the Bani Ka'b shaykhs (tribal chiefs) established a semi-independent status in southern Khuzestan, a situation that continued until the rise of Reza Shah Pahlavi as Iran's monarch in 1925.<sup>11</sup> Reza Shah pursued a policy of centralization of the Iranian state, integral to which was the forced settlement of semi-nomadic tribes including the Ahwazi Arab.<sup>12</sup>

The centralizing impulses of the Pahlavi state in the twentieth century chafed with elements of the Ahwazi Arab population.<sup>13</sup> One particularly onerous policy was the temporary forced migration of several Ahwazi Arab families from Khuzestan to Mazandaran, in the north of Iran from 1934-41.<sup>14</sup> Many witnesses had relatives who reportedly traversed this distance of over 600km (380 miles) on foot.<sup>15</sup> According to some reports, thousands are believed to have died along the way.<sup>16</sup>

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<sup>6</sup> *Khuzestan Dovomin Ostan Dar Ma'raze Zaminkhari Keshvar [Khuzestan the Second Province in a Jeopardy of Environmental Degradation]*, IRANIAN STUDENTS' NEWS AGENCY (June 06, 2014), <http://isna.ir/fa/news/91111609963/-استان-دومین-خوزستان-خوار-ی-زمین-معرض-در-استان-دومین-خوزستان>.

<sup>7</sup> See John, Leyne, *Oil Discovery Transformed Iran*, BBC NEWS (Aug. 18, 2008, 22:35), <http://news.bbc.co.uk/2/hi/7569352.stm>.

<sup>8</sup> Although the IRI's Ministry of Petroleum may keep statistics as well, official IRI news agencies quote the same source. See *Zakhayere Esbath Shodeh Naftir Iran 42 Milliyard Booshkeh Afzayesh Yaft [Iranian Oil Proven Increased 42 Million Barrels]* FARS NEWS AGENCY (2004), <http://www.farsnews.com/newstext.php?nn=8306020091>.

<sup>9</sup> [http://www.econ.cam.ac.uk/teach/mohaddes/100\\_Iranian\\_Oil.pdf](http://www.econ.cam.ac.uk/teach/mohaddes/100_Iranian_Oil.pdf). For example, oil revenues alone constituted over 65 percent of government revenue in the 2008-09 fiscal year. See Fared Mohamedi, *The Oil and Gas Industry* THE UNITED STATES INSTITUTE OF PEACE, <http://iranprimer.usip.org/sites/iranprimer.usip.org/files/The%20Oil%20and%20Gas%20Industry.pdf>

<sup>10</sup> See Stephanie Cronin, *Riza Shah and the Disintegration of Bakhtiyari Power in Iran, 1921-1934*, 33 IRANIAN STUDIES 349-376 (2000).; See also MIRON REZUN, *THE SOVIET UNION AND IRAN: SOVIET POLICY IN IRAN FROM THE BEGINNINGS OF THE PAHLAVI DYNASTY UNTIL THE SOVIET INVASION OF 1941* 83-84 (Sijthoff & Nordhoff International Publishers BV 1981).

<sup>11</sup> Willem Floor, *The Rise and Fall of the Banu Ka'b. A Borderer State in Southern Khuzestan*, 44 IRAN 277-315 (2006).

<sup>12</sup> *Ahwazi Arabs*, UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION (UNPO) 4 (2010), [http://www.unpo.org/images/member\\_profile/awhaziprofile2010june.pdf](http://www.unpo.org/images/member_profile/awhaziprofile2010june.pdf).

<sup>13</sup> One of the early grievances of the comparatively religious Ahwazi Arab tribes against the Pahlavi state were the forced removal of *hijab*, the veil for women in public places. The opposition to this was so strong that it is claimed that some Ahwazi Arabs emigrated to Iraq in protest. *Mardome Arab Khuzestan Hamvareh Rohiyeh Iraniye Khod ra Kefz Kardeand [Arab People From the Khuzestan Keep Their Iranian Identity]*, RAHNAMA, available at: <http://www.rah-nama.ir/fa/content/487/کردم-حفظ-را-خود-ایرانی-رو-حیه-هموار-خوزستان-عرب-مردم> (E2%80%8Cاند).

<sup>14</sup> IHRDC Interview with Jaber Ahmad (Sep. 26, 2012); IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012);

<sup>15</sup> IHRDC Interview with Jaber Ahmad (Sept. 26., 2012); also see Nūri Hamzih, *Shimiyī az junbishi sāsīyi millati 'arab* [A brief note on the political movement of the Arab nation], IRAN GLOBAL (Sept. 15, 2012, 12:46 AM), <http://www.iranglobal.info/node/10116>.

<sup>16</sup> See Nūri Hamzih, *Shimiyī az junbishi sāsīyi millati 'arab* [A brief note on the political movement of the Arab nation], IRAN GLOBAL (Sept. 15, 2012, 12:46 AM), <http://www.iranglobal.info/node/10116>.

During the 1960s and 1970s, the first Arab separatist parties, most notably the Ahwaz Liberation Front, emerged.<sup>17</sup> Other forms of political activism in the region were also treated harshly, as was the case throughout Iran during this period. Many witnesses aroused the ire of SAVAK themselves, or had relatives imprisoned.<sup>18</sup>

## 1.2. The Iranian Revolution of 1978-79

### AYATOLLAH MOHAMMAD TAHER AL-SHUBAYR KHAQANI (1906 – 1986)

Ayatollah Mohammad Taher al-Shubayr Khaqani was born in Khorramshahr. He moved to Najaf, Iraq in 1926 in order to study Islamic theology and jurisprudence. Following his studies in Najaf, he returned to Khorramshahr where he operated a religious seminary. Over the course of the Islamic revolution during 1978-1979, he was perceived as a moderate cleric and was selected by Ayatollah Khomeini to run committees to establish security in the Khuzestan region. Following a period of conflict in Khorramshahr, he lost favor with Ayatollah Khomeini and was dispatched to Qom in July 1979 as a punitive measure and placed under house arrest. He ultimately died in Qom and was buried in the shrine of Masoumeh, the sister of the eighth Shi'a Imam.



Much of the Arab community was supportive of the Revolution in its early stages.<sup>19</sup> Having dissolved the Ahwaz Liberation Front, local activists dedicated their efforts to achieving Arab political aims within the framework of the Revolution,<sup>20</sup> as did similar ethnic movements in other provinces<sup>21</sup> and most non-Islamist political parties opposed to the Pahlavi regime.<sup>22</sup>

Ayatollah Mohammad Taher al-Shubayr Khaqani<sup>23</sup>, who was a *marja taqlid*<sup>24</sup> based in Khorramshahr, had secured a significant amount of influence in Khuzestan as head of the local Revolutionary Committee.<sup>25</sup>

The support for the Revolution did not last long. Ayatollah Khaqani had substantial influence among the Arabs of his era, especially the relatively affluent ones of Khorramshahr.<sup>26</sup> As Khaqani's suspicions towards Khomeini grew, so did those of many of his Arab followers. As the spring of 1979 progressed, Ayatollah Khaqani began to see the

need to voice the grievances of Arabs to the Provisional Government.<sup>27</sup>

<sup>17</sup> *Jebhih Azadibakhsh al-Ahwaz* (in Persian), or *Jebhih ash-Sha'abiya al-Ahwaz* (in Arabic). IHRDC Interview with Jaber Ahmad (Sep. 26, 2012); IHRDC Interview with Adnan Salman (Sep. 28, 2012). Witnesses state that the organization received financial support and weapons from the Ba'athist government of Iraq until 1975. See also

<http://tarikhirani.ir/Modules/files/Phtml/files.PrintVersion.Html.php?Lang=fa&TypeId=14&filesId=142>.

<sup>18</sup> IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012); IHRDC Interview with Jaber Ahmad (Sep. 26, 2012).

<sup>19</sup> IHRDC Witness Statement of Jalel Sherhani (Sep. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000292-witness-statement-of-jalel-sherhani.html>; IHRDC Interview with Jaber Ahmad (Sep. 26, 2012); IHRDC Interview with Abu Mohammad (Sep. 27, 2012).

<sup>20</sup> IHRDC Interview with Jaber Ahmad (Sep. 26, 2012) (on file with IHRDC); IHRDC Interview with Adnan Salman (Sep. 28, 2012) (on file with IHRDC).

<sup>21</sup> See IHRDC *Haunted Memories: The Islamic Republic's Executions of Kurds in 1979*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (September 2011), <http://www.iranhrdc.org/english/publications/reports/3508-haunted-memories-the-islamic-republics-executions-of-kurds-in-1979.html> (discussion of aborted Kurdish attempts at negotiating greater autonomy under post-Pahlavi rule).

<sup>22</sup> See Nikki KEDDI & YANN RICHARD, *MODERN IRAN: ROOTS AND RESULTS OF REVOLUTION*, 233-34 (Yale University Press, 2<sup>nd</sup> ed. 2006). See also MAZIAR BEHOZ, *REBELS WITH A CAUSE: THE FAILURE OF THE LEFT IN IRAN*, (I.B. Tauris & Co Ltd., 2000).

<sup>23</sup> Ayatollah Mohammad Taher al-Shubayr Khaqani was imprisoned after the 1979 Revolution in Iran for his opposition to *velayat-e faqih* and his promotion of autonomy for the ethnic Arabs of Iran's Khuzestan province. In 1986 he died under suspicious circumstances while under house arrest in the city of Qom.

<sup>24</sup> "Source of emulation" in Arabic—a highly-learned and esteemed Shi'a cleric who has a significant following in his community. *Marja al-Taqlid [Religious Jurist]*, OXFORD ISLAMIC STUDIES ONLINE, [http://www.oxfordislamicstudies.com/article/opr/t125/e1437?\\_hi=0&\\_pos=13](http://www.oxfordislamicstudies.com/article/opr/t125/e1437?_hi=0&_pos=13).

<sup>25</sup> IHRDC Interview with Abu Mohammad (Sep. 27, 2012). See also *Ettelaieh Shaykh Shubayr Khaqani*, Kayhan, 12 Khordad 1358, Number 10722. IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC).

IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>26</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>27</sup> A temporary government appointed by Khomeini and headed by Mehdi Bazargan from February to November 1979. See IRAN, A COUNTRY STUDY, 234 (Glenn E. Curtis & Eric Hooglund, eds., 5<sup>th</sup> ed. 2008), [http://books.google.com/books?id=w7\\_e4qjR854C&pg=PA234](http://books.google.com/books?id=w7_e4qjR854C&pg=PA234).

At the behest of the Provisional Government, he convened a 30-member “Expeditionary Committee of the Arab Muslim people of Iran”<sup>28</sup> which was sent to Tehran in April to voice twelve demands to the Provisional Government.<sup>29</sup> Similar to the efforts of other ethnic minorities, like the Kurds, to negotiate for greater autonomy and rights under post-Pahlavi rule<sup>30</sup>, the negotiations between the Arab delegation and the Tehran leadership ultimately fell apart.

Regardless, the political atmosphere fostered by the Revolution allowed a brief florescence of Arab civil society in Iran. Two major organizations, the Cultural Center of the Arab People of Iran and the Political Organization of the Arab People, were established.<sup>31</sup> The former kept its doors open to Arabs of all political stripes, but the latter had much less room for differences in political opinion outside of the Islamist line.<sup>32</sup> There are conflicting accounts within the Arab community itself as to whether the latter group armed its members.<sup>33</sup>

#### CULTURAL CENTER OF THE ARAB PEOPLE

The Cultural Center of the Arab People is an organization that was formed by certain individuals, including Taher Yassin Halmi (Abu-Jamal) and Nasser Abulfuz, who were



leftists and had served as political prisoners under the Shah’s regime. The express purpose of the group was to support Arabic cultural activities in Khorramshahr in the aftermath of the Iranian

Revolution of 1979. The organization’s central office was located in the site of a former Women’s Organization in Sheikh Khaz’al’s property in Khorramshahr, which was located close to the [office of the Political Organization of the Arab People]. Although the organization’s main offices were shut down during the conflict that took place in Khorramshahr during June 1979, the organization’s members continued their activities.

Around the same time, Admiral Ahmad Madani, a reinstated naval officer and Minister of Defense in the Provisional Government, resigned his post in the cabinet and was appointed as Governor of Khuzestan province by the Provisional Government with the approval of Khomeini. Madani’s statements at the time and in the following months, and those of his aides indicate that he believed that there was a threat of separatism, but most Arab witnesses interviewed dispute this.

As demonstrated in the accounts set out in this report, as the fledgling Islamic Republic began to entrench its power and crack down on dissenting ethnic minorities militating for increased autonomy and expanded political rights, the ethnic Arab minority group began to be a target of the centralized government’s ire. In

many cases, such repression led to the state perpetrating torture and other forms of ill-treatment, enforced disappearance and arbitrary arrest.

<sup>28</sup> *Hey’at E’zami Khalq Arab Musalman Iran*. BASIJE SHERKATE MELLI GAZE IRAN (1979), <http://basij.nigc.ir/Site.aspx?ParTree=111Q131911&LnkIdn=89202>.

<sup>29</sup> *Dawlat Namayandegan Arab Zabanani ra be Tehran Farakhand* [*The Government Invites Representatives of Arabophones to Tehran*] ETELA’AT, 21/1/1358 (Apr. 10, 1979).

<sup>30</sup> *Haunted Memories: The Islamic Republic’s Executions of Kurds in 1979*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (September 2011), <http://www.iranhrcd.org/english/publications/reports/3508-haunted-memories-the-islamic-republics-executions-of-kurds-in-1979.html>.

<sup>31</sup> Known in Persian as the *Kanun Farhangi Khalq ‘Arab Iran* and *Sazman Siasi Khalq ‘Arab*, respectively. *Negahi beh Fa’aliyathaye Sazmane Khalghe Arab Dar Sale 57, 58 Dar Khozestan* [*Take a Look at the Political Organization of the Arab People Activities in the Year 57, 58*], THE WRITINGS OF A NATIONALIST (2012), <http://vatanism.blogspot.com/1391/04/04/post-21/>. See also *Roz Shomar Ghaeleh Khalghe Arab Az Pirozi Enghelab ta Payan Yek Ghaeleh* [*Counting the Days to the Arab People Rebellion From the Beginning of the Revolution Until the End of the Rebellion*] RAHNAMA, <http://www.rah-nama.ir/fa/content/498/>, which states that three members of the Political Organization of the Arab People were arrested on 7 Khordad (May 28, 1979), which would be the earliest instance of political imprisonment of Arab activists in Khuzestan after the Revolution.

<sup>32</sup> IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC).

<sup>33</sup> Some witnesses state that the Political Organization was an armed group. IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC); IHRDC Interview with Amir Hoveizi (Oct. 13, 2012) (on file with IHRDC), Cf. IHRDC Interview with Jaber Ahmad (Sept. 26, 2012) (on file with IHRDC).

### 1.3. Black Wednesday

As Arabs in Iran grew disillusioned with the course of the Revolution,<sup>34</sup> some took to the streets. In the early stages, these demonstrations were peaceful. Hadi Batili, a Khorramshahr<sup>35</sup> resident who would later be jailed for alleged political activism, recalls:

“...until Black Wednesday, I am a witness...no one in any marches broke a window or burned anything.”<sup>36</sup>

One of the centers of this opposition was Khorramshahr, where Ayatollah Khaqani was based. In the last week of May

#### POLITICAL ORGANIZATION OF THE ARAB PEOPLE

The Political Organization of the Arab People was formed in 1978 by Arab activists in Khuzestan who supported Ayatollah Mohammad Taher al-Shubayr Khaqani. The organization held meetings in the Kut Sheikh neighborhood of Khorramshahr. On May 30, 1979, or “Black Wednesday”, heavy conflict broke out in Khorramshahr between government officials and Arab activists including members of this group.

1979, the appointed governor, Ahmad Madani met with Ayatollah Khaqani in an apparent attempt to defuse tensions. The two signed an agreement whereby Madani promised to evacuate government forces and the non-Arab members of the revolutionary militia from the area in return for the end of public demonstrations.<sup>37</sup>

Despite the agreement, events took a sharp turn on the evening of May 29, 1979 and for much of the following day, when the situation on the streets of Khorramshahr turned violent.<sup>38</sup> Accounts of the events vary widely.<sup>39</sup> One witness reports the shooting of eleven of his fellow demonstrators, all of whom were unarmed, on their way to a peaceful sit-in to protest the violence.

<sup>34</sup> See IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012) (on file with IHRDC);

IHRDC Interview with Jaber Ahmad (Sep. 26, 2012) (on file with IHRDC); IHRDC Interview with Abu Mohammad (Sep. 27, 2012) (on file with IHRDC); IHRDC Interview with Shaykh Mohammad Kazem Khaqani (Sep. 30, 2012) (on file with IHRDC); IHRDC Interview with Adnan Salman (Sep. 28, 2012) (on file with IHRDC); IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC); IHRDC Interview with Mahmoud Ahmad (Oct. 13, 2012) (on file with IHRDC); IHRDC Interview with Amir Hoveizi (Oct. 13, 2012); IHRDC Interview with Ahmad Ahwazi (pseudonym) (Oct. 18, 2012) (on file with IHRDC) and IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC).

<sup>35</sup> In some of the testimony on file, “Khorramshahr” is referred to as “Mohammareh” by Arab witnesses. “Mohammareh” is the Arabicized name for “Khorramshahr” in Persian. See *Vajhi Tasmyi Khuramshahr [Appellation of Khuramshahr]*, *TEBYAN* (May 23, 2004), available at <http://www.tebyan.net/newindex.aspx?pid=21052>.

<sup>36</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012)(on file with IHRDC).

<sup>37</sup> See periodical review dated 03/58 (May-June 1979) at [http://tebyan-zn.ir/news-papers/Religion Thoughts/holy\\_defence\\_review/iran\\_holy\\_defence\\_reviews/2012/9/24/79518.html](http://tebyan-zn.ir/news-papers/Religion Thoughts/holy_defence_review/iran_holy_defence_reviews/2012/9/24/79518.html) [in Persian]. See also IHRDC Interview with Shaykh Mohammad Kazem Khaqani (Sept. 30, 2012) (on file with IHRDC).

<sup>38</sup> While many allege that government forces opened fire on demonstrators unprovoked, details on how the violence began remain unclear. Many Ahwazi Arab eyewitnesses give varying accounts of acts of violence by naval commandos and/or plainclothes fundamentalists with covered faces (*niqab*) from nearby Persian-speaking cities. See also IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC); IHRDC Interview with Ali Cheldabi Ghafeli (Oct. 18, 2012) (on file with IHRDC); IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC); IHRDC Interview with Amir Hoveizi (Oct. 13, 2012) (on file with IHRDC); IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC); See also *Headline: Iran ABC Evening News* (May 30, 1979), <http://tvnews.vanderbilt.edu/program.pl?ID=59837>.

<sup>39</sup> DILIP HIRO, *IRAN UNDER THE AYATOLLAHS*, (Routledge, 2013). Hiro claims (112-113): “On 30 May Arab nationalists staged a demonstration in Khorramshahr. Ahmad Madani, the province’s governor-general, ordered troops to fire on the demonstrators. They killed twenty-one to 110 people. Yet demonstrations went on for two more days. Madani’s actions embarrassed the regime’s leading figures. By using troops’ firepower to disperse unarmed protesters, Madani had done something which the Shah used to do, and which the leaders of the Islamic regime had specifically ruled out...” See also Ahwazi Arab witnesses interviewed for this report who were present in Khorramshahr on Black Wednesday or who made their ways there in the following days reinforce the depiction of events as an ethnically-motivated massacre of unarmed protesters. However cf. the narrative that was initially transmitted by news agencies differed substantially. On May 30, 1979, the Associated Press reported: Iranian Arabs set fire to government buildings and battled troops of Iran’s revolutionary regime today in Khorramshahr, the country’s largest port and the center of the Khuzestan [sic] oil region. Official sources said Arab tribesmen were moving towards Khorramshahr from all over Khuzestan province. The Arabs...attacked the naval base and the district governor’s office and set fire to the main police station, the post office and the government tobacco factory.” On May 30, Reuters quoted diplomatic sources in Khorramshahr as estimating that 105 people had died in the fighting on 29-30 May alone. See *Armoured Troops Move To Crush Iran’s Arab Unrest*, *KINGSTON GLEANER NEWSPAPER ARCHIVE* (June 1, 1979), <http://newspaperarchive.com/kingston-gleaner/1979-06-01/page-7/>.

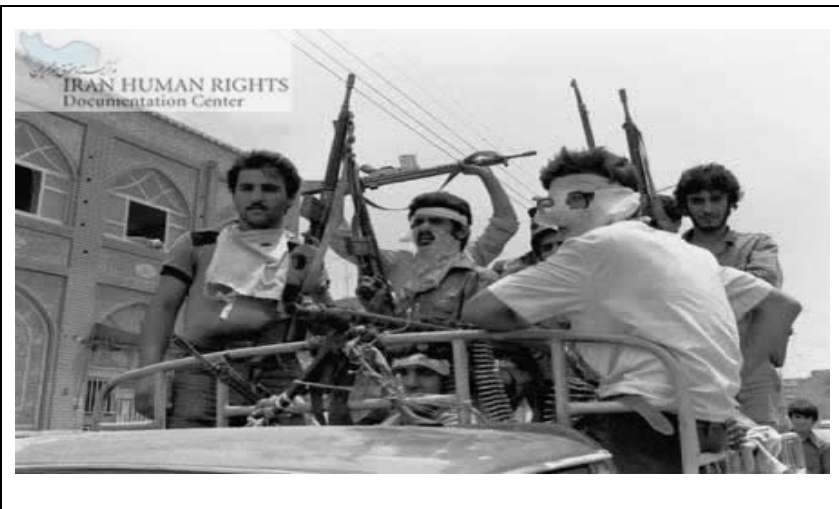
Additionally, some witnesses stated that in the early hours of May 30, boats docked outside the naval barracks fired artillery rounds at the headquarters of the Cultural Center of the Arab People of Iran<sup>40</sup> and the Arab People's Political Organization.<sup>41</sup> One witness stated:

All of the homes near the [Khorramshahr] customs bureau and the port belonged to Arabs, and... 99% of them belonged to Arab activists. Shooting towards those homes began...in the first hours of the morning. A full-scale war broke out, but we only heard the sounds of it... in those early hours.<sup>42</sup>

Others, however, had no such recollection.<sup>43</sup>

Veiled armed men are pictured in the most well-known published photographic evidence of the unrest.<sup>44</sup> According to one witness:

I saw them in Khorramshahr... maybe ten days before [Black Wednesday]...they had been deployed to the sensitive areas of Khorramshahr...when I asked where they were from, they said that they were commandos from Khorramabad.<sup>45</sup>



*Masked gunmen in Khorramshahr during Black Wednesday. Witnesses who were present believe that these individuals were members of the local komiteh paramilitary group from the neighboring province of Lorestan. Photo credit: Tehran Mosavar magazine, 1979*

Several claim to have seen demonstrators shot and killed in the early hours of Black Wednesday.<sup>46</sup> There are also allegations that similar, more limited operations were being carried out simultaneously in other towns in Khuzestan. One witness who was in nearby Ahvaz claims to have seen tanks stage an attack on the local headquarters of the Arab People's Political Organization, and alleges that similar operations took place in Susangerd (in Arabic "Khafajieh").<sup>47</sup>

While reports from Ahwazi Arab survivors and witnesses of the violence conflict substantially with the official narrative, it is readily apparent that the Iranian government failed to investigate potential human rights violations committed against Arab civilians in May 1979.

The Arab organizations that had previously supported the Revolution, however—including the Cultural Center of the Arab People of Iran and the armed Arab People's Political Organization—effectively terminated their support on account of the actions of the Naval commandos and revolutionary militias.<sup>48</sup> Public support for and cooperation with the IRI

<sup>40</sup> See IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC); IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC). Batili estimates that as many as 15 naval vessels were involved in this artillery bombardment. Al-Ali did not see the scene himself, and does not specify a target, but specifies that the boats used were frigates.

<sup>41</sup> IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC)

<sup>42</sup> *Id.*

<sup>43</sup> IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012). (on file with IHRDC)

<sup>44</sup> See *Zad va Khord ha-y Khunin Khorramshahr [Bloody Conflicts in Khorramshahr]*, 20 TEHRAN MOSAVER, (June 8, 1979).

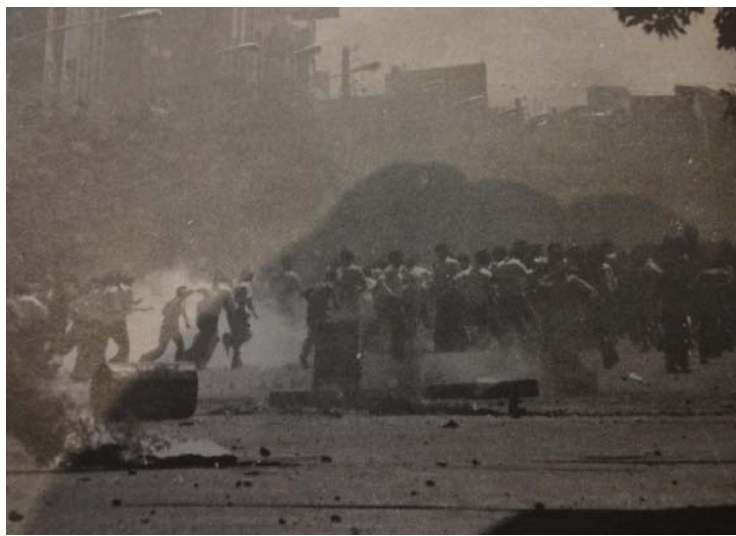
<sup>45</sup> IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC)

<sup>46</sup> IHRDC Interview with Amir Hoveizi (Oct. 13, 2012) (on file with IHRDC); Hoveizi counts three victims whose deaths he witnessed in Kut Shaykh, the western bank of the Karun River. See also IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC); IHRDC Interview with Hadi Batili (Oct. 8, 2012).

<sup>47</sup> IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012) (on file with IHRDC)

<sup>48</sup> See IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012) (on file with IHRDC); IHRDC Interview with Kowthar al-Ali (Sep. 30, 2012) (on file with IHRDC); IHRDC Interview with Adnan Salman (Sep. 28, 2012) (on file with IHRDC); IHRDC Interview with Abu Mohammad (Sep. 27, 2012) (on file with IHRDC).

among Arabs dwindled. Black Wednesday effectively set the stage for the confrontations and human rights abuses of the coming decades.<sup>49</sup>



A crowd in Khorramshahr during Black Wednesday. Photo credit: Tehran Mosavar magazine, 1979

#### 1.4. The Iran-Iraq War (1980-1988)

Following Black Wednesday, much of the Arab population was left behind by the political institutions of the IRI. The subsequent start of the Iran-Iraq war in September 1980 only served to exacerbate the violent repression of Iranian citizens of Arab ethnicity.

During the conflict, ethnic minorities along Iran's border with Iraq were periodically caught between the warring nations. Several minorities and political dissident groups faced suspicion. The Arab minority in Iran arguably experienced the worst of this suspicion primarily due to their geographical position and their linguistic and cultural similarities to the very people over the border whose government was at war with the IRI.

Many apolitical residents of the border region between Iran and Iraq became refugees. While some Persian residents had family connections elsewhere in Iran allowing them relative comfort in their flight from the war front,<sup>50</sup> displaced Arabs ended up in refugee camps.<sup>51</sup> Others had to fend for themselves. Hadi Batili recounts the tale of his family's flight from the war front and their settlement in Ahvaz: "We built a home with our own hands from mud on the outskirts of the city and lived there for over 25 years."<sup>52</sup>

The repression of the Arab minority in Iran extended into the post-war period with arrests of those considered to have been collaborators during the hostilities.<sup>53</sup>

#### 1.5. The Khatami Presidency (1997-2005)

As in the rest of Iran, the political atmosphere of Khuzestan shifted considerably during the presidency of Mohammad Khatami from 1997 to 2005. Greater political, social and cultural freedoms were afforded to the population, which resulted in the foundation of new political organizations like the Islamic Wefagh Party,<sup>54</sup> cultural organizations like the *al-Hiwar* cultural institute,<sup>55</sup> and the development of an Arabic-language press—albeit a limited one—for the first time in the

<sup>49</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC), Batili states that he returned the automatic weapon that had been entrusted to him as a border guard in the early days of the Revolution the day after Black Wednesday and disavowed all involvement with the IRI. He did not engage in political activity until 1998, when he served as an election monitor. See also IHRDC Interview with Adel Asadinia (Jul. 25, 2013) (on file with IHRDC); IHRDC Interview with Mahmoud Ahmad (Oct. 13, 2012) (on file with IHRDC); IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC); IHRDC Interview with Abbas Heydari (Sept. 26, 2012) (on file with IHRDC); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC).

<sup>50</sup> IHRDC Interview with Hossein Latifi (Jan. 6, 2013) (on file with IHRDC).

<sup>51</sup> IHRDC Interview with Abolhasan Banisadr (Oct. 12, 2012) (on file with IHRDC).

<sup>52</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>53</sup> IHRDC Witness Statement of Jalel Sherhani (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000292-witness-statement-of-jalel-sherhani.html>. See also 33 Sal-i Pish dar chenin Rouzi – Edam-i 15 Jalous-i Eraqi dar Sousangerd, [33 Years ago in the same day – 15 Iraqi spies were executed in Sousangerd.], Farsnews, 12 Mehr 1392, (Oct. 4, 2013), available at: <http://www.farsnews.com/printable.php?nn=13920711000547>.

<sup>54</sup> See IHRDC Interview with Abbas Heydari (Sept. 26, 2012) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC); IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC).

<sup>55</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC).

history of the IRI.<sup>56</sup> Though initially promising developments, these freedoms were short-lived and rarely formalized—neither the Islamic Wefagh Party<sup>57</sup> nor the al-Hiwar institute<sup>58</sup> ever received their official permits and both only functioned with provisional permission until both organizations were ultimately shuttered.

Arabic-language press, similarly, was curtailed by official action—Arabic-language papers such as *Sawt ash-Sha'ab* were limited in function and circulation, consigning most Arabic-language journalists wishing to publish within Iran to brief special sections in local Persian-language newspapers.<sup>59</sup> Journalists and members of civil society and political parties who emerged in the respite of the Khatami era were increasingly harassed towards the end of his presidency.<sup>60</sup>

At the time, however, the hope raised by the Khatami presidency was exemplified by the foundation of the Wefagh

#### ISLAMIC WEFAGH PARTY

The Islamic Wefagh Party began informal activities in 1996 in Khuzestan. Official activities started with the formation of the first party congress in January 2003. Jasem Shadidzadeh, the representative for Ahvaz in the Sixth Majlis (2000-04), was appointed as the organization's first Secretary General. While the party was perceived as moderate, they never obtained anything more than temporary permits from the Interior Ministry to conduct formal activities. In November 2006, the [Ahvaz Revolutionary Court announced that any connection with the party would be deemed illegal due to a view that the party fostered dissent between the country's ethnic Arab and Iranian populations.

(Reconciliation) Association, which gradually gave way to the Islamic Reconciliation Party.<sup>61</sup> Some witnesses interviewed for this report believe that it represented the last concerted attempt on the part of Arabs to seek the improvement of their conditions through the institutions of the Islamic Republic.<sup>62</sup>

#### 1.6. The April 2005 *Intifazeh*

On April 15, 2005, the Arab residents of Ahvaz took to the streets to protest a leaked memorandum ostensibly from the office of the President of the IRI that set forth a policy aimed at changing the ethnic makeup of the province.<sup>63</sup>

The memorandum outlined measures meant to encourage the migration of Iranian citizens of Persian and Turkish ethnicities to Khuzestan province as well as the emigration of Arabs and the systematic replacement of Arabic place names with Persian equivalents. This official document bore the name and signature of Mohammad Ali Abtahi, a former chief of staff and Vice President for Legal and Parliamentary Affairs in the government of then-President Mohammad Khatami.

<sup>56</sup> IHRDC Interview with Nouri Hamza (Oct. 4, 2012) (on file with IHRDC); IHRDC Interview with Salim Karimi (March 16, 2013) (on file with IHRDC); IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012) (on file with IHRDC).

<sup>57</sup> See IHRDC Interview with Abbas Heydari (Sept. 26, 2012); IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC).

<sup>58</sup> See IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC)

<sup>59</sup> See IHRDC Interview with Nouri Hamza (Oct. 4, 2012) (on file with IHRDC); IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012) (on file with IHRDC)

<sup>60</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC); IHRDC Interview with Salim Karimi (March 16, 2013) (on file with IHRDC).

<sup>61</sup> A moderate regional party founded in the late 1990s with ties to the Islamic Iran Participation Front, a reformist grouping formerly headed by Mohammad Reza Khatami, the brother of former-President Mohammad Khatami. The Islamic Wefagh Party supported reformist candidate Mehdi Karroubi in the 2005 election. The party was banned shortly thereafter, in 2005. See Asharq-Al-Awsat, *Iran Bans Arab Party for Inciting Unrest*, ASHARQ AL-AWSAT (Nov. 4, 2006), <http://www.asharq-e.com/news.asp?id=6932>. See also IHRDC Interview with Abbas Heydari (Sept. 26, 2012).

<sup>62</sup> IHRDC Interview with Abbas Heydari (Sept. 26, 2012). The party also fielded candidates in several elections. Abbas Heydari, a former reformist Islamic Reconciliation Party member and candidate for a Majlis seat from Ahvaz in 2003 and 2007 and for the Ahvaz city council in 2006, gives important insights into the thinking behind the Islamic Reconciliation Party. Technically, he was not a candidate of the Islamic Reconciliation Party, because it did not have official status. The party did protest this state of affairs in 2003, but to no avail. Hence the need for Heydari and his fellow party affiliates to run as independents. The Party was finally banned in 2005 and other members faced further reprisals. See *Ahwazi: Iran Bans Lejnat Al-Wefaq, Minority Rights Group*, UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION (Nov. 6, 2006), <http://www.unpo.org/article/5772>.

<sup>63</sup> The memorandum itself is widely available online, but only in versions of very poor quality. An image of the memorandum (in Persian) is available at: <http://mag.gooya.com/politics/archives/images/16042005-ff-02-thumb.gif>. Official statistics on the demographic makeup of Khuzestan province do not exist, as the IRI does not include ethnic data in its census. Various organizations have made estimates indicating that roughly half of the population of Khuzestan is Arabic-speaking.



The protests quickly expanded beyond the control of those who had originally organized them.<sup>64</sup> Kathem Mojaddam, an Islamic Wefagh Party activist and one of the organizers of the April 2005 protests, recalls that several banks in Ahvaz had their windows smashed. As the protests expanded to neighboring cities and counties other property was also subjected to sabotage.<sup>65</sup> During this escalation,<sup>66</sup> Abtahi quickly dismissed the document as a forgery.<sup>67</sup> Abtahi suggested that Khatami's domestic political rivals had forged the document to diminish the high level of support for the reformist movement among Arabs, demonstrated by the results of previous local elections.<sup>68</sup>

While some endorse this theory,<sup>69</sup> many do not accept Abtahi's denial. There is widespread sentiment that whether or not the document was genuine, and whether or not it was correctly attributed to Abtahi and officials from the IRI's reformist movement, it outlined a policy that had already been in place for years—and that continues to function to this day.<sup>70</sup>

Over the course of the next two weeks, much of Khuzestan was rocked by what has since been dubbed by locals as the *intifazeh*.<sup>71</sup> IRI authorities—on instructions from Tehran—cracked down on the populace. According to multiple sources, “dozens” of protesters were killed<sup>72</sup> and an estimated 250-360 people were arrested<sup>73</sup>—including many Ahwazi Arabs who had not participated in any acts of sabotage or even in the peaceful protests that had taken place in the region.<sup>74</sup>

Kamil Alboshoka, who was arrested in an affinity protest outside of Ahvaz on the first day of the April 2005 protests relates:

I was in the city bazaar of Khalafabad (Khalafieh) when I was arrested. I was taking part in a march...[agents] in uniforms came...but they weren't police. Some were wearing black clothes, some were wearing uniforms with a specific pattern. They're famous; in Iran they're known as Special Forces. We call them the oppressive Special Forces, but they call themselves Special/anti-riot police...most of them are connected to the Islamic Revolutionary Guards Corps (IRGC) and they usually come out in such occasions...The police<sup>75</sup> don't have the power to suppress protests, to a degree. But the IRGC has a much

<sup>64</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>65</sup> Oil pipelines exploded and government-owned sugarcane plantations were burned. See IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>66</sup> *Dargiriye Khonin Dar Khozestan Dar Peye Enteshare Nameh “Jali” [The Bloody Conflict in the Province Following the Publication of a “Forged” Letter]*, BBC PERSIAN (Apr. 16, 2005), [http://www.bbc.co.uk/persian/iran/story/2005/04/050416\\_la-ahvaz-arabs.shtml](http://www.bbc.co.uk/persian/iran/story/2005/04/050416_la-ahvaz-arabs.shtml).

<sup>67</sup> Gareth Smyth, *Tehran Puzzled By Forged “Riot” Letter*, FINANCIAL TIMES (Apr. 20, 2005), <http://www.ft.com/intl/cms/s/0/58622d88-b13a-11d9-9bfc-00000e2511c8.html>.

<sup>68</sup> *Id.*

<sup>69</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>70</sup> IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000379-witness-statement-of-karim-dahimi.html>; IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2012).

<sup>71</sup> Meaning “shaking off” in Arabic, the same word is often translated as “uprising”, and, as *intifada*—the same word pronounced differently due to differences in dialect—is associated with the more well-known Palestinian uprisings against Israeli actions in the Occupied Territories. *Primer on Palestine, Israel and the Arab-Israeli Conflict*, MIDDLE EAST RESEARCH AND INFORMATION PROJECT, [http://www.merip.org/palestine-israel\\_primer/intifada-87-pal-isr-primer.html](http://www.merip.org/palestine-israel_primer/intifada-87-pal-isr-primer.html).

<sup>72</sup> *Iran Arab Minority Protest Deaths Must Be Investigated*, AMNESTY INTERNATIONAL (Apr. 19, 2011) <http://www.amnesty.org/en/news-and-updates/iran-arab-minority-protest-deaths-must-be-investigated-2011-04-19>; *At Least 23 Dead in Ahwaz Unrest*, UNREPRESENTED NATIONS AND PEOPLE ORGANIZATION (Apr. 19, 2005), <http://www.unpo.org/article/2356>. The Unrepresented Nations and Peoples Organization (UNPO) published 23 names of victims who were killed in the immediate crackdown and whose families consented to having their names printed; Activist Yousef Azizi Bani Torof has been quoted as confirming 15 deaths in the immediate crackdowns; Golnaz Esfandiari, *Iran's Nobel Laureate Ebadi Warns of Unrest Among Ethnic Arabs in Iran*, RADIO FREE EUROPE/RADIO LIBERTY (Apr. 19, 2011), [http://www.rferl.org/content/iran\\_nobel\\_ebadi\\_warns\\_unrest\\_ethnic\\_arabs\\_in\\_iran/9498400.html](http://www.rferl.org/content/iran_nobel_ebadi_warns_unrest_ethnic_arabs_in_iran/9498400.html).

<sup>73</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC). On 18 April 2005 Ali Yousefi, the Minister of Intelligence at the time, announced that 200 people had been arrested in connection with the protests. See e.g., *Younesi: 200 Nafar Dar Khozestan Dastgir Shodehand [According to Younesi: 200 People Are Arrested In Khozestan]*, BBC PERSIAN (Apr. 18, 2005), [http://www.bbc.co.uk/persian/iran/story/2005/04/050418\\_v-younese-khozestan.shtml](http://www.bbc.co.uk/persian/iran/story/2005/04/050418_v-younese-khozestan.shtml). See also, *Reports of Violence in Ahwaz*, AL JAZEERA (Apr. 16, 2011), <http://blogs.aljazeera.com/blog/middle-east/reports-violence-ahwaz>.

<sup>74</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC); IHRDC Interview with Hassan al-Hillali (Dec. 1, 2012) (on file with IHRDC).

<sup>75</sup> *Nirou-ye Entezami Jomhuri Eslami* (NAJA), the force responsible for general policing throughout Iran. See their official website at: <http://news.police.ir/>. See *Yegane Zede Shoreh Naja [Anti-Riot Police Unit]*, IRANIAN ENGINEERS' CLUB, <http://www.iran-eng.com/showthread.php/322598-ناجا-شورش-ضد-بیگانگان> for photographs of the NAJA anti-riot forces. See also, *Mamurāni Yigāni Vyzhi Āmuzishi Zedi*

freer hand. They were not locals...we could tell from their accents, but also because our city has a [small] population and we all know each other. They're not from the region. They're not Arabs. These protests were peaceful...in the first week [of protests] there was absolutely no violence. There were just protests. After a week, the people were forced to engage in violence. There was no other choice...I was arrested on the first day [so] I never took part in any of the violent protests, because I was detained.<sup>76</sup>

Hadi Batili also took part in the April 2005 protests in Ahvaz. In the streets, he saw IRGC anti-riot forces and plainclothes Basij beating protesters and shooting into crowds with live bullets. He watched several Ahwazi Arab youths with whom he was acquainted die in the demonstrations—he names Ali Shamousi and Ali Batrani, both of whom were under the age of twenty. “They were unarmed...sometimes maybe they were throwing stones. That’s the truth. They answered stones with [Heckler and Koch] G3 bullets. They killed people...many people were killed...”<sup>77</sup>

Ahwazi Arab families have continued to suffer long after the deaths of protesters. The families of many who participated in the 2005 protests still endure routine harassment, arrests and violence at the hands of the IRI’s security services. Kathem Mojaddam’s wife returns to Iran annually and is regularly summoned by the local Intelligence Office for interrogation.<sup>78</sup>

The *intifazeh* has taken on a significant historical importance among Arabs from the region. The IRI also tightened security in the province and quickly expelled foreign journalists that reported on the April 2005 unrest.<sup>79</sup> The experiences of many witnesses indicate that for several years after the April 2005 protests, arrests, interrogations, and convictions of Arabs in Khuzestan and elsewhere in Iran referenced the protests and the unrest that followed.<sup>80</sup>

## 1.7. Ahvaz Bombings of 2005-06 and the ensuing reprisals

A few days before the June 2005 presidential election, at least four consecutive bombs exploded in Ahvaz in the space of three hours.<sup>81</sup> Government offices and the homes and headquarters of state employees were the apparent intended targets. There were at least 11 reported fatalities and scores injured. A couple of hours after the first bomb went off in Ahvaz, a bomb went off in Tehran as well, killing two persons.

Successive bombs went off in Ahvaz in October 2005, January 2006, February 2006 and March 2006. The security crackdown that had followed the April 2005 unrest intensified. The IRI authorities blamed a range of alleged perpetrators including the *Mujahedin-e Khalq*, separatist groups like the Ahwazi Arab Peoples Democratic Popular Front and even foreign elements including the governments and armed forces of the UK, the US, Canada, Saudi Arabia and the Shell Oil Company for the attacks.

Despite the IRI’s allegations of foreign involvement, most of the individuals detained on suspicion of the bombings were residents of Ahvaz. While some of those arrested were avowed separatists with links to militant groups, others blamed for the attacks were ethnic Arab citizens who played a prominent role in local politics and who had no history of militant activity or support for militant causes. Many detainees were arrested on the basis of very little evidence and reported being subjected to physical and mental torture while in detention and being denied contact with their family and access to counsel.

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Shurish Mybynard [*Special Units Officers Trained of Specific Anti Rebellion*], Qudsonline (July 12, 2014), available at <http://www.ghatreh.com/news/nn10353863/بينند-ضدشورش-آموزش-ویژه-دیگان-ماموران>.

<sup>76</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC).

<sup>77</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>78</sup> *Id.*

<sup>79</sup> *Cycle of Repression and Protest: Iranian Arabs in Khuzestan*, FRONTLINE (June 16, 2012, 18:32),

<http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/07/comment-cycle-of-repression-and-protest-iranian-arabs-in-khuzestan.html>.

<sup>80</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012); IHRDC Interview with Yousef Azizi Bani Torof (Sep. 29, 2012); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with IHRDC)

<sup>81</sup> See Akharin Akhbar az Enfejarhay-i Emrouz-i Ahvaz, [*Latest news of today bombing in Ahvaz*], Farsnews, 22 Khordad 1384, (June 12, 2005), available at: <http://www.farsnews.com/newstext.php?nn=8403220224>. According to this report, four bombs went off between 8 am and 11 am. The first bomb went off at 8 am, the second bomb at 10:30 am, the third bomb at 10:50 am and the fourth bomb at 11 am.

## 1.8. Continuing political marginalization: the April 2011 Protests

Following the unrest in Ahvaz in 2005-2006, the province of Khuzestan came under increasing security control. While the 2005 protest events were commemorated annually, the next major period of unrest occurred six years later.

On April 15, 2011, as the world watched the protests collectively dubbed the “Arab Spring”, Arab activists using Facebook organized a protest. The protest erupted against the backdrop of the arrests of 16 Arab cultural activists (three of whom are currently on death row, two of whom were executed at the end of January 2014).

Many Arabs in Ahvaz, Abadan, Khorramshahr, Hamidieh, Mahshahr and Shadegan took to the streets in what was dubbed a “Day of Rage” to commemorate the sixth anniversary of the 2005 protests.<sup>82</sup> Multiple sources allege the use of live ammunition to suppress the 2011 protests, and additionally that security services had begun raids against suspected organizers the day before the protests began.<sup>83</sup> Reports indicated that as many as 15 protesters were killed by security services and police during protests, with “tens” injured and “hundreds” arrested.<sup>84</sup>

One report indicated that as many as 150 protesters were arrested, including 30 women, and that one protester died not as a result of live ammunition fire but from suffocation after inhaling Russian-made tear gas that was fired into the crowds.<sup>85</sup>

Other reports indicated that nine protesters arrested in connection with the protests were executed within a month—three in public at Hamidieh junction and another six in prisons.<sup>86</sup>

Another protest took place on June 21, 2012 in Ahvaz. At least 15 protesters were arrested on the same day,<sup>87</sup> and protests following the death of Arab poet Sattar al-Siyahi<sup>88</sup> also occasioned another province-wide crackdown by IRI security services, during which it is alleged that nearly thirty people were arrested.<sup>89</sup>

Five Arab cultural activists who founded and were leading members of al-Hiwar, the Arab cultural group established during Mohammad Khatami’s reformist presidency, were arrested in the April 2011 protests. They later received death sentences and were incarcerated in Karun prison. The five men—Mohammad Ali Amouri, Sayed Jaber Alboshoka, his brother Sayed Mokhtar Alboshoka, Hashem Sha’baninejad Amouri and Hadi Rashedi—were convicted of *muharibih*, or “warring against God” for allegedly killing a law enforcement official.

Their death sentences, as confirmed by Iran’s Supreme Court in January 2013, are the most recent manifestation of the negative trend in relations between the Iranian state and the Ahwazi Arab ethnic minority.<sup>90</sup> The men were nominated for

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<sup>82</sup> Golnaz Esfandiari, *Iran’s Nobel Laureate Ebadi Warns of Unrest Among Ethnic Arabs in Iran*, RADIO FREE EUROPE/RADIO LIBERTY (Apr. 19, 2011), [http://www.rferl.org/content/iran\\_nobel\\_ebadi\\_warns\\_unrest\\_ethnic\\_arabs\\_in\\_iran/9498400.html](http://www.rferl.org/content/iran_nobel_ebadi_warns_unrest_ethnic_arabs_in_iran/9498400.html).

<sup>83</sup> *Iran: Outside the Spotlight, Arab Uprising Smolders in Country’s Southwest*, LOS ANGELES TIMES (Apr. 30, 2011), <http://latimesblogs.latimes.com/babylonbeyond/2011/04/iran-ahvaz-protests-violence-human-rights-arab-seperatism.html>.

<sup>84</sup> *See Widespread Detention of Ahwazi Activists Mark Anniversary of 2005 Crackdown*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Apr. 19, 2012), <http://www.iranhumanrights.org/2012/04/ahwaz-crackdown/>. *See also*, *Iran: Investigate Reported Killings of Demonstrators*, HUMAN RIGHTS WATCH (Apr. 29, 2011), <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>.

<sup>85</sup> *4 Koshteh va daha Bazdashthi Dar Dargiriyhaye Shadid Mardom Ahwaz Ba Nirohaye Amniyati [4 Dead and Tens Injured During the Heavy Fights of Ahwazi People with the Security Forces]*, ALARABIYA (Apr. 14, 2011), <http://www.alarabiya.net/articles/2011/04/14/145420.html>.

<sup>86</sup> *Only One Month to Find, Sentence and Execute Suspects, Says Ahwazi Activist*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (May 16, 2011), <http://www.iranhumanrights.org/2011/05/ahwaz-suspects-execute/>.

<sup>87</sup> *See Widespread Detentions of Ahwazi Activists Mark Anniversary of 2005 Crackdown*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (Apr. 19, 2012), <http://www.iranhumanrights.org/2012/04/ahwaz-crackdown/>. *See also*, *Iran: Investigate Reported Killings of Demonstrators*, HUMAN RIGHTS WATCH (Apr. 29, 2014) <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>. *See also*, *Ebadi Draws UN Attention Crackdown to Crackdown on Protests in Ahvaz*, RADIO ZAMANEH (Apr. 18, 2011, 16:09), <http://www.radiozameh.com/english/content/ebadi-draws-un-attention-crackdown-protests-ahvaz?page=2>.

<sup>88</sup> Although he was not in custody when he died, some Arab activists allege that Al-Siyahi died as a result of physical torture that he endured during interrogations at the Ahvaz Ministry of Intelligence and National Security (MOIS) office the previous week. *See*, *Satar Al Siyahi, Hamaseh Saraye Ahwazi Dargozasht [Satar Al Siyahi, Epic Ahwazi Died]*, IRANGLOBAL (NOV. 12, 2012), <http://www.iranglobal.info/node/12098>.

<sup>89</sup> *Iran: 29 Arrested in Ahvaz*, EL-YASIN, HUMAN RIGHTS AND INTERNATIONAL AFFAIRS (Nov. 20, 2012), <http://ayahra.org/en/news/1360-iran-29-arrested-in-ahvaz.html>.

<sup>90</sup> *Death Sentences for Five Ahwazi Arabs Upheld by Iran’s Supreme Court*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, <http://www.iranhrdc.org/english/news/inside-iran/100000226-death-sentences-for-five-ahwazi-arabs-upheld-by-iran’s-supreme-court.html>.

the 2013 Civil Courage Prize.<sup>91</sup> At the end of January 2014, Hashem Sha'baninejad Amouri and Hadi Rashedi were executed in secret, without any prior notice to their families.<sup>92</sup>

## 2. Violations against Ahwazi Arab Activists

### 2.1. Executions

In Iran, courts can impose the death penalty for, *inter alia*, crimes like murder, rape and drug trafficking, and moral offenses like adultery and sodomy. In cases where the death penalty is applied for non-violent offenses, Iran is in contravention of its treaty obligations under international law, including the stipulation in Article 6 of the ICCPR that the death penalty only be imposed to punish the “most serious crimes.”<sup>93</sup>

In the province of Khuzestan the death penalty is also used in a manner not in accordance with international law—most alarmingly in cases of individuals deemed to be threatening to “national security”.

#### 2.1.1. Executions post-1979

In the early years of the IRI, the death penalty was first used as a means of exacting retribution on supporters of the Pahlavi regime. Record-keeping was notoriously poor during this era, making reliable statistics hard to obtain. However, testimony obtained for this report indicates that some Arab tribes and city-dwellers did work for or cooperate with Mohammad Reza Shah Pahlavi's notorious intelligence service, the SAVAK, and that some of these individuals were executed in the first months of the Revolution.<sup>94</sup> Overall, however, it seems that since much of the Arab population initially supported the revolution, large numbers of executions of this group did not result, or at least, were not reported.

The first examples of executions of Arabs occurring at least partly because of their ethnic identity took place at the outset of the Iran-Iraq War. The testimony of Mahmoud Ahmad al-Ahwazi highlights this emerging pattern.

Two weeks after the Iraqi invasion in September 1980, al-Ahwazi, the current coordinator of the Ahwazi Democratic Front (ADF)<sup>95</sup> was arrested by members of a local *komiteh* militia. He was imprisoned for four months, first in Chaharshir detention center and then in Karun Prison<sup>96</sup> and beaten and subjected to severe psychological pressure including threats of execution during interrogations. Al-Ahwazi believes that the goal of his interrogators was to have him confess to cooperating with the Iraqi invasion, a charge he denies. Testimony and the tone of contemporary newspaper articles inside Iran at the time suggest that these suspicions were typical<sup>97</sup>, and that they led to a number of executions, often after very brief trials. Ahmad Hamid, counsel to several defendants in one of the bombing cases, adds:

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<sup>91</sup> *Fa'alane Arab Mahkom Beh Edam, Kandidaye Jayezeh Beinolmelali Shoja'at Madani Shod/Anha Dar Etesabe Ghaza Be Sar Mibarand [Arab Activists Sentenced to Death, Were Nominated for the Award for Civil Courage/ They Are On a Hunger Strike]*, JUSTICE FOR IRAN (Mar. 17, 2013), <http://justiceforiran.org/news/courage-award/?lang=en>.

<sup>92</sup> *IRI Executes Two Ahwazi Arab Men*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 31, 2014), <http://www.iranhrdc.org/english/news/press-statements/100000428-iri-executes-two-ahwazi-arab-men.html#.U0G70sfgXE5>.

<sup>93</sup> See also “Death penalty, if retained, only permissible for ‘most serious crimes’” statement in 2012 by Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, holds that drug trafficking is not among the most serious crimes, adding that where it is used, “the death penalty may be used only where someone was intentionally killed. Available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12698&LangID=E>.

<sup>94</sup> IHRDC Interview with Mahmoud Ahmad (Oct. 13, 2012) (on file with IHRDC); IHRDC Interview with Adnan Salman (Sep. 28, 2012) (on file with IHRDC).

<sup>95</sup> IHRDC Interview with Mahmoud Ahmad (Oct. 13, 2012) (on file with IHRDC). Some sources have labeled the APDF a terrorist group in connection with the 2005-06 Ahvaz bombing campaign. See e.g., *Terrorist Organization Profile: Al-Ahwaz Arab People's Democratic Front*, TERRORIST ORGANIZATION PROFILE (June 12, 2005), [http://www.start.umd.edu/start/data\\_collections/tops/terrorist\\_organization\\_profile.asp?id=4607](http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=4607).

<sup>96</sup> For more on current conditions in Karun prison, see: *Karoon Prison, Ahwaz: a Human Rights Crisis*, CNN (July 31, 2012), <http://ireport.cnn.com/docs/DOC-822709>. In 2011 Zia Nabavi, an ethnic Persian student activist imprisoned on national security charges wrote an open letter titled to Mohammad Javad Larijani, the IRI's representative on the Human Rights Council detailing the conditions in Karun Prison. Nabavi described the conditions as “bordering between humanity and barbarity.” See *Jailed Student Zia Nabavi Details Gruesome Prison Conditions in Letter to Iranian Judiciary's Head of Human Rights*, PERSIAN2ENGLISH (May 13, 2011), available at: <http://persian2english.com/?p=21915>.

<sup>97</sup> In the years since, similar allegations of insufficient loyalty have been leveled against Arab political activists in interrogations, trials and sentencing, but since the fall of Saddam Hussein they have taken the form of accusations of Wahhabism. See IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/100000379-witness-statement-of-karim-dahimi.html>;

They were detained in the local Ministry of Intelligence and National Security (MOIS) detention center until the day of execution. That day they were moved to the execution ward at Karun Prison and they were executed at dawn in the presence of security officials. According to Iran's Regulation on Execution Procedure, Article 14, 48 hours before the execution, a defendant's attorney and family should be informed.<sup>98</sup> The attorney can ask for forgiveness from the Supreme Leader and the defendant must not be executed until a response comes from the Supreme Leader. But they executed [Afrawi and Nawaseri] without informing their families and lawyers.<sup>99</sup>

Testimony and available documentary evidence indicates that with a few notable exceptions the death penalty was used more sparingly in the years following the Iran-Iraq War until after the April 2005 protests.

Several witnesses interviewed by IHRDC recounted the experience of their family members being summarily executed in the early years following the Iranian Revolution.

### 2.1.1.1. Jalel Sherhani

When the notorious head of the Revolutionary Courts, Ayatollah Sadegh Khalkhali<sup>100</sup>, arrived in Susangerd in western Khuzestan following the Iraqi invasion of Iran in September 1980<sup>101</sup>, Jalel Sherhani was only 11 years old. In respect to a raid on his house during which his male relatives were arrested, Sherhani recounts:

Suddenly a group of plainclothes agents entered the house without ringing the bell or knocking on the door. We asked, "What do you want?" They said, "We are Revolutionary Guards and you are counter-revolutionaries and traitors, and you are waging war on God.

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IHRDC Interview with Yusef Sharifi (Oct. 9, 2012) (on file with IHRDC). See also, *Vahabiyat Be Hameh Khynanat Mikonad [Wahabism Betrays Everybody]*, SAZMANE BASIGE DANESH AMOZI OSTANE KHOZESTAN (2012), <http://www.khouzestan.beest.ir/?q=node/2157>. In an interview with Ayatollah Safi Golpayegani on the website of the Student Basij of Khuzestan wherein the dangers of Wahhabism are discussed: "If the problem of Wahhabism continues like this, security everywhere is endangered. People who portray Islam as a religion of terror and violence commit treason against all the divine faiths." See also *Gustarishi Uktāpusvāri Vahābyat dar Khuzistān [The Octopus-Like Expansion of Wahhabism in Khuzistān]*, Mu'ūd (May 30, 2012), available at <http://mouood.org/component/k2/item/4575-خوزستان-در-و-هابیت-وار-اختاپوس-گسترش.html>.

There is considerable concern on the part of the IRI regarding conversions of some Arabs to Sunni Islam, but those interviewed who had converted to Sunni Islam did not indicate any support for the Wahhabi interpretation of Sunni Islam. Arab Sunnis are under increasing pressure in recent years. In January 2012, 13 Arab Sunnis were arrested in house raids and charged with the crimes of Wahhabism and opposition to *Vilayat-ih Faqih*. See Bazdashte Gorohi Az Ahle Tasanon Dar Khozestan [*Detention of Sunni Muslims in Khozestan*], JARAS JONBESHE RAHE SABZ (2011), <http://www.rahesabz.net/story/47876/>. These accusations are even leveled against Arab activists who have remained Shi'a like the majority of Arabs. This has been portrayed as an update of the old accusations of counter-revolutionary activities and Ba'athism that were leveled against Arab activists during the war.

<sup>98</sup> Counsel is most likely referring to Article 7, not Article 14. ĀYĪN NĀMIYI NAHVĪYI IJRĀYI ĀHKĀMI QISAS, RAJM, QATL, SALB, I'DĀM VA SHALLĀQ [REGULATORY CODE ON SENTENCES OF QISAS, STONING, CRUCIFIXION, EXECUTION, AND FLOGGING ] 1378 [ Sept. 19, 1999 ], art. 7, available at <http://www.dastour.ir/brows/?lid=%20%20%2020246895>.

<sup>99</sup> IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with IHRDC).

<sup>100</sup> Mohammad Sāddeq Sāddeqi Givi known as Khalkhālī (1926 – 2003) was a Shi'a cleric and the famous Chief Justice of the revolutionary courts. He was a pupil of Ayatollah Khomeini and a candidate for the Tudeh party in the election of the Islamic Consultative Assembly. After becoming the Chief Justice of the revolutionary courts (by direct order from Ayatollah Khomeini) on February 11, 1979, Khalkhālī—who had a history of detention and incarceration in years prior to the revolution—began issuing death sentences for hundreds of people, the majority of whom were connected somehow to the Pahlavi regime. This behavior carried on throughout his tenure. As a representative from Qom, Khalkhālī served three terms on the Islamic Consultative Assembly and as a representative from Tehran he served once on the Assembly of the Experts. In the end he lived a solitary life and even developed some reformist tendencies in support of the May 23rd movement, but he never showed remorse for his past behavior. See, Mahdy Khaljy, *Nabardi Ruhānyat va Hizb Bar Sari Tudeyi Mardum [Battle of the Clergy and Party Over Group of People]*, BBCPERSIAN (Jan. 25, 2012), available at [http://www.bbc.co.uk/persian/iran/2012/01/120121\\_144\\_tudeh\\_party\\_mullah\\_people.shtml](http://www.bbc.co.uk/persian/iran/2012/01/120121_144_tudeh_party_mullah_people.shtml). See also, *Ruznāmeḥā Pas Āz Darguzashti Khalkhālī Chi Nivishtand? [What Did Newspapers Write After the Death of Khalkhālī?]*, Parsine (Dec. 6, 2011), available at <http://www.parsine.com/fa/pages/?cid=53739>. Ayatollah Khalkhālī; Az Enghelabi Gari Ta Enzeva [Ayatollah Khalkhālī From Revolution to Isolation], BBC PERSIAN (Nov. 26, 2003), [http://www.bbc.co.uk/persian/iran/story/2003/11/031127\\_a\\_khalkhali.shtml](http://www.bbc.co.uk/persian/iran/story/2003/11/031127_a_khalkhali.shtml). *Yek Sarnevesht: Manochehr Khosrorad*, BONYAD BOROUMAND (2004) <http://www.iranrights.org/farsi/memorial-case--3306.php>.

<sup>101</sup> IHRDC Witness Statement of Jalel Sherhani (Sep. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000292-witness-statement-of-jalel-sherhani.html>.

According to Sherhani, the group of 20 to 30 men—armed with AK-47s and handguns—surrounded the house and did not show a warrant or identification.<sup>102</sup>

My uncle asked for their documents because he had previously been arrested and sentenced to 15 years' imprisonment during the Shah's reign. He asked them to show a document or a warrant, but unfortunately they didn't listen and took my father, uncle and brother. My father was a farmer who couldn't read or write; my uncle could read Arabic but couldn't read Persian. Both were farmers and had not engaged in any political activity.<sup>103</sup>

The violence of the scene left an indelible mark on the young Sherhani. He adds,

From the moment they arrested my brother and uncle they beat them. They even beat up the women. My uncle's wife threw herself on her husband and they beat her with their hands and the stocks of their guns... At that time we were very scared. We were just kids and this situation was very troubling.

According to Sherhani, his brother and uncle were executed just two hours after their arrest. Sherhani did not witness the executions himself, but testifies that others who did relayed back to the family that Sherhani's brother, uncle and another 15 people (including some of Sherhani's distant relatives according to him)<sup>104</sup> were executed in public in the garden of the former provincial governor's office in Susangerd.<sup>105</sup>

Sherhani recounts that according to bystanders:

My brother, who knew Persian well and was politically active, said to Mr. Khalkhali, 'Mr. Khalkhali, give us a chance to defend ourselves.' Khalkhali, who was speaking publicly, replied, 'If you are innocent you are martyrs, and if you are guilty, you get the punishment you deserve.' They did not have a trial.<sup>106</sup>

Sherhani's father, Aziz Sherhani, was not executed with the 17 others who were publicly hanged in Susangerd on the day of his arrest. According to Sherhani, the next spring, after attempting to ascertain his father's whereabouts for months, Sherhani's family finally learned from a member of the IRGC who had been present for the execution that his father had been executed at some point between October 1980 and May 1981.<sup>107</sup>

Sherhani and his remaining relatives fled Susangerd and lived a difficult life for much of the war, including a period during which he and his family were homeless—after their property was confiscated by IRGC forces.

### 2.1.1.2. Isa Yasin

Another witness from Susangerd, Isa Yasin, was too young to remember the execution of his father:

I was very young at that time and so I don't know much about my father except that during 1980, he disappeared in the city of Khafajiyeh [Susangerd]. The schools had just started so it must have happened

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

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

<sup>104</sup> Among his relatives who were executed that day, Sherhani names his uncle Hamid Sherhani, his brother Musa Sherhani and his paternal cousins Shebel and Saleh Sherhani..

<sup>105</sup> The IRI claimed that the 21 individuals who were executed in Susangerd and Dasht Azadegan were large landowners who had been filmed celebrating the Iraqi advance of the early days of the war. They further claimed that this footage had been broadcast on Iraqi state television. *Bist o yek fi'udal bih jorm hamkari ba 'Aragh E'dam Shodand [Twenty-one feudal landlords were executed for the crime of cooperation with Iraq]*, RUZSHOMAR DEFA' MOGHADDAS (Oct. 3, 1980), <http://tarikhirani.ir/fa/events/4/EventsList//دفاع.روز.شمار.مقدس.html?Page=&Lang=fa&EventsId=359&Action=EventsDetail>.

<sup>106</sup> IHRDC Witness Statement of Jalel Sherhani (Sep. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000292-witness-statement-of-jalel-sherhani.html>. Members of other persecuted ethnic groups in Iran from that time period report similar interactions with Khalkhali, see Witness Statement of Heshmat Mostafa Soltani (February 10, 2011), para 25, available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000499-witness-statement-of-heshmat-mostafa-soltani.html>.

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

in September. We believe that government forces captured him and killed him without a trial. ... Anyone who was arrested at that time was executed without a trial.<sup>108</sup>

As Yasin grew older, he believed his educational and professional opportunities were limited by his family identity, “[additional] injustice was imposed on my family compared to that imposed on others; it diminished our opportunities. Just for being an Arab, people of this region need to pass through many filters in the process of selection to prove their qualifications to the past and the present governments.”<sup>109</sup> Other Ahwazi Arabs also recall facing educational and professional obstacles due to family relations with political prisoners or executed persons.<sup>110</sup>

### 2.1.1.3. Seif Mohammadi

Political activist Seif Mohammadi’s early years were characterized by events similar to that experienced by Sherhani and Yasin. Mohammadi’s grandfather, Abdolhossein, was also executed without trial after being charged with cooperating with the Iraqi government prior to its attack on Khuzestan.

According to Soleymani:

The first two members of my family who were arrested were my grandfather, Sheikh Abdol Hussein, and his brother, Sheikh Abdol Zadeh... After the establishment of the Islamic Republic, they arrested my grandfather and sent him to Dezful, at which time his brother ran away. They arrested my grandfather in 1980, before the Iran-Iraq War, and executed him without trial. They said that he was working with Iraqi Intelligence...He was arrested by Iranian security forces, and was executed along with eight others in Dezful. He was accused of being a secessionist, but nothing was proven. My grandfather was in contact with other [separatists] in Ahvaz, and in fact was famous for this, but he was not part of any formal organization. After my grandfather's execution, his brother, Sheikh Abdol Hussein ran away. He was arrested after a while, but they could not prove their accusations and he was released from prison after a stay of 3 years, from 1980-1983.

Following the trend that had emerged throughout Iran in the first years after the revolution<sup>111</sup>, the executions above are all characterized by an absence of due process in what amount to summary executions.

### 2.1.2. Executions in connection with 2005/2006 Ahvaz Bombings

Although some Ahwazi Arabs were sentenced to death in politically motivated cases in the intervening years<sup>112</sup>, the next wave of executions only occurred after the series of bombings that followed the April 2005 protests.

Local elements of the Ministry of Intelligence and National Security (MOIS) arrested Ahwazi Arabs throughout the series of bombings<sup>113</sup>, and many were kept in detention without being charged for months on end. Ten individuals were ultimately sentenced to death in connection with the bombings by the end of February 2006, and additional executions followed. Case studies of those executed or sentenced with execution in connection to the bombings in Ahvaz in 2005 and 2006 follow below.

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<sup>108</sup> IHRDC Interview with Isa Yasin (Sept. 25, 2012) (on file with IHRDC).

<sup>109</sup> *See Id.*

<sup>110</sup> *See* sections 2.1.1 and 2.5.2. *infra*

<sup>111</sup> *IHRDC Haunted Memories: The Islamic Republic’s Executions of Kurds in 1979*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (September 2011), <http://www.iranhrdc.org/english/publications/reports/3508-haunted-memories-the-islamic-republics-executions-of-kurds-in-1979.html>; *See also Video Witness Testimony of Arian Moradzadeh: A Political Prisoner from the 1980s*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 1981), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000343-video-witness-testimony-of-arian-moradzadeh-a-political-prisoner-from-the-1980s.html>.

<sup>112</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>113</sup> *Iran Detains More than 20 Over Ahvaz Bombings*, TURKISH WEEKLY (Oct. 20, 2005), <http://www.turkishweekly.net/news/20945/iran-detains-more-than-20-over-ahvaz-bombings.html>.

### 2.1.2.1. Ali Afrawi and Mehdi Nawaseri

In February 2006, two individuals whose ethnicities, names and political affiliations were not officially reported were arrested and quickly sentenced to death for involvement in the bombings.<sup>114</sup> Later it was confirmed that these two individuals—17-year old Ali Afrawi and 20-year old Mehdi Nawaseri—were Ahwazi Arabs.

Afrawi and Nawaseri were hanged in public on March 2, 2006 after giving televised confessions widely believed to have been made under duress.<sup>115</sup>

Another prisoner charged with complicity in the bombings, Saeed Hamidan, was present for the executions:

In the early hours of morning that day, at about 7:00 or 8:00, two people, Ali Afrawi and Mehdi Nawaseri were executed. [They were hung] in public, on the Naderi bridge in Ahwaz, from a crane. We were underneath the bridge and watched them being executed. We were there until about 10:00. I knew Mehdi. His brother was my friend.<sup>116</sup>

IRI authorities blamed the UK, which had a significant military presence in nearby southern Iraq at the time, for complicity in the bombings.<sup>117</sup> By 2007, the number of people sentenced to death in connection with the bombings in Ahvaz bombings rose to 19.<sup>118</sup>

### 2.1.2.2. Hadi Batili

While former political prisoner Hadi Batili was not sentenced to death on allegations connected to the 2005/2006 bombings, he claims that nine of his co-defendants on the charges were, and later executed.

Batili was in close proximity of the October 2005 bombing and was later arrested by IRI forces on charges of alleged involvement with the incident. According to Batili, on the evening of October 15, 2005, he was leaving a photography store in a shopping center in Ahvaz where he worked for Saeed Hamidan, an Ahwazi Arab local politician who was mayor of Ramshir at the time,<sup>119</sup> when he felt heat against his face, and then was thrown to the ground by a large explosion.

Six people were reported to have died in this explosion, and another 100 people were wounded.<sup>120</sup> Over the next few days, state press in Iran reported that 20 people had been arrested in connection with the bombing<sup>121</sup>—Hadi Batili was one of them. He was arrested by MOIS agents and held in solitary confinement in the Ahvaz MOIS detention center and once again subjected to severe torture, like the kind he had endured in detention following an earlier arrest in 1992.

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<sup>114</sup> *Iranian Intelligence Minister Says Perpetrators of Ahvaz Bombings Arrested*, PAYVAND IRAN NEWS (Feb. 14, 2006), <http://www.payvand.com/news/06/feb/1112.html>.

<sup>115</sup> *Iranians Hang Two Ahwaz Brothers*, BBC NEWS (March 2, 2006, 10:57), [http://news.bbc.co.uk/2/hi/middle\\_east/4765962.stm](http://news.bbc.co.uk/2/hi/middle_east/4765962.stm).

<sup>116</sup> IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC).

<sup>117</sup> *Iran Accuses Britain of Role in Ahvaz Bombings*, RADIO FREE EUROPE/RADIO LIBERTY (June 12, 2014), <http://www.rferl.org/content/article/1065058.html>.

<sup>118</sup> State Department Country Reports for Human Rights Practices, 2007, available at: <http://www.state.gov/j/drl/rls/hrrpt/2007/100595.htm>. Four Arab men, also implicated in the bombings, were reportedly executed by hanging in a prison in Ahvaz in January 2007. See *EU condemns executions by Iran for deadly Ahvaz bombings*, IRAN FOCUS (Feb. 1, 2007), [http://www.iranfocus.com/en/index.php?option=com\\_content&view=article&id=10056:eu-condemns-executions-by-iran-for-deadly-ahvaz-bombings&catid=4:iran-general&Itemid=26](http://www.iranfocus.com/en/index.php?option=com_content&view=article&id=10056:eu-condemns-executions-by-iran-for-deadly-ahvaz-bombings&catid=4:iran-general&Itemid=26).

<sup>119</sup> *Id.* Batili was finally able to secure employment without the help of another Ahwazi Arab after years of hardship endured as a result of employment discrimination. See IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC).

<sup>120</sup> Golnaz Esfandiari, *Iran/U.K.: Bombing Accusations Highlight 'Differences And Disagreements'*, (October 17, 2005), <http://www.rferl.org/content/article/1062189.html>.

<sup>121</sup> *Iran Detains More than 20 Over Ahvaz Bombings*, TURKISH WEEKLY (Oct. 20, 2005), <http://www.turkishweekly.net/news/20945/iran-detains-more-than-20-over-ahvaz-bombings.html>. See also, *Iran Accuses Foreign Involvement in Fatal Explosions*, PEOPLE (Jan. 25, 2006), [http://english.people.com.cn/200601/25/eng20060125\\_238070.html](http://english.people.com.cn/200601/25/eng20060125_238070.html). *Yek bomb e ghavi dar Ahvaz khonsaa shod (A strong bomb was defused in Ahwaz)*, (October 18, 2005), [http://www.bbc.co.uk/persian/iran/story/2005/10/printable/051018\\_sm-ahvaz-bomb.shtml](http://www.bbc.co.uk/persian/iran/story/2005/10/printable/051018_sm-ahvaz-bomb.shtml).



After four months, Branch 12 of the Revolutionary Court of Ahvaz<sup>122</sup> formally charged Batili with membership in a “Nasserist”<sup>123</sup> terrorist group. After being charged, the court set Batili’s bail at 100,000,000 tomans (approx. 120,000 USD at the time). He was subsequently released on bail on February 9, 2006.<sup>124</sup> His case file was transferred to Branch 4 of the Revolutionary Court of Ahvaz, but Batili fled Iran in 2009, and was never tried. According to Batili, nine of his co-defendants were ultimately executed.<sup>125</sup>

### 2.1.3. Abdulrahman, Jassem and Ali Heidari and Ali Na’ami

Following the “Day of Rage” in Ahvaz in April 2011, scores of Ahwazi Arab protesters were arrested, including three brothers who were executed in June 2012. Abdulrahman Heidari, 21, Jassem Heidari, 23, and Ali Heidari, 25, were arrested on April 20, 2011 and sentenced to death for the crimes of *muharibih* and acting against national security on charges related to the killing of a police officer by Branch 4 of the Revolutionary Court of Ahvaz in March 2012.<sup>126</sup> The Heidari brothers, as well as Ali Na’ami Sharifi, a defendant in the same case, were executed in public at Hamidieh junction on June 18, 2012.<sup>127</sup>

Prior to their trial, the defendants had all been in detention in the MOIS detention center in Ahvaz and held in solitary confinement for months, with limited access to counsel.<sup>128</sup> According to their cellmates, they were coerced into giving confessions under torture.<sup>129</sup> The families of the defendants were threatened not to hold any funerals for the brothers or Na’ami, and a further six executions in Karun Prison were reported, but never confirmed.<sup>130</sup>

### 2.1.4. Al-Hiwar Co-Founders

Among those sentenced to death, and some later executed, are five Ahwazi cultural activists from the town of Ramshir who founded and were leading members of the al-Hiwar (“Dialogue”) Cultural Institute. Al-Hiwar is an Ahwazi Arab organization established during Mohammad Khatami’s reformist presidency and dedicated to the revival of local Arab culture and language.

#### AL-HIWAR CULTURAL INSTITUTE

The al-Hiwar (“Dialogue”) Cultural Institute was registered with the National Youth Organization in Ahvaz by five educated Ahwazi youths named Mohammadali Amouri, Rahman Asakereh, Hadi Rashedi, Hashem Shabani, and Saeed Alboghbaysh in Ramshir. The organization conducted cultural activities such as Arab-language poetry nights, lectures and classes. Following the period of political unrest in Khuzestan during the Spring of 2005, the organization was shut down by the Iranian authorities in May 2005 and its members were arrested in February 2011. Two of those arrested, Hadi Rashedi and Hashem Shabani were executed in secret on the charge of *muharibih*, or “warring against God” in January 2014.



<sup>122</sup> It should be noted that while the witness recounts that his case file was dealt with by Branch 12, most of the accused charged with allegations concerning the bombings of 2005-2006 were sentenced in Branch 3 of the Revolutionary Court of Ahvaz. Branches 1, 2, 3 and 4 of the court were responsible for sentencing, while Branch 12 was responsible for investigations. See <http://open.gooya.com/politics/archives/050859.php>; <http://www.dadgostari-khz.ir/Default.aspx?tabid=5645>; <http://www.dadgostari-khz.ir/Default.aspx?tabid=5645>.

<sup>123</sup> The political ideology of secular pan-Arab nationalism associated with Gamal Abdel Nasser, the President of Egypt from 1952-1971. See *Nasserism*, OXFORD INDEX, <http://oxfordindex.oup.com/view/10.1093/oi/authority.20110803100223499>.

<sup>124</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>125</sup> *Id.*, Ghassem Salamat, another relative of Hadi Batili. Batili does not believe that any of his codefendants are guilty. *Iran: End Executions After Unfair Trials*, HUMAN RIGHTS WATCH (Feb. 15, 2007), <http://www.hrw.org/news/2007/02/14/iran-end-executions-after-unfair-trials>.

<sup>126</sup> *Ādami Iblāghi Rasmyi Ijrāyi Hukmi I-dām Chāhār Zindānyi Syāsy/ Takmyly Dar Guftigu Bā Yekey Āz Aqvāmi Ā-dāmyan [The Lack of Official Notification on Execution of Four Political Prisoners/In Conversation with One of Relatives of the Executed]*, (June 20, 2012), [http://iranhrdc.org/files/pdf\\_fa/Executions/Lack-of-official-announcement-of-executions-of-four-political-prisoners-Hrana.pdf](http://iranhrdc.org/files/pdf_fa/Executions/Lack-of-official-announcement-of-executions-of-four-political-prisoners-Hrana.pdf).

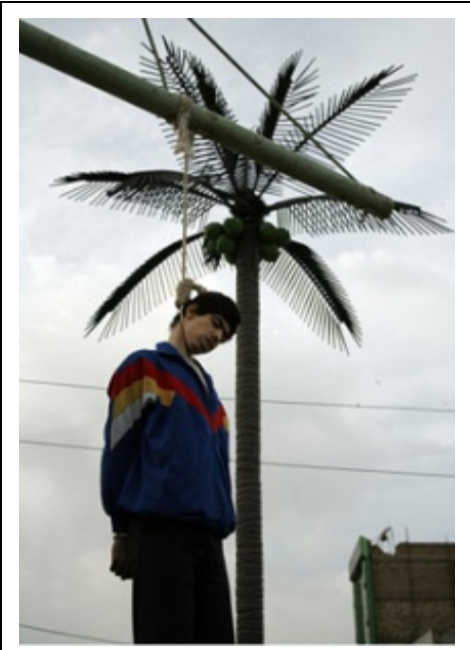
<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> <http://zamanehdev.redbee.nl/45324#.U4S58SgVGAo>

<sup>130</sup> *Only One Month to Find, Sentence, and Execute Suspect, Says Ahwazi Activist*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN (May 16, 2011), <http://www.iranhumanrights.org/2011/05/ahwaz-suspects-execute/>

The five included: Mohammad Ali Amouri, a fisheries engineer and former editor of the Arabic-language student publication al-Toras (“Heritage”) at the Industrial University of Isfahan; Jaber Alboshoka, a stonemason; Jaber’s brother Mokhtar Alboshoka, a computer science graduate and mandatory service soldier with the IRGC who was arrested while on leave from his base; Hashem Sha’baninejad<sup>131</sup>, a poet and master’s student in political science at Chamran University in Ahvaz, where he was the editor of the student publication *al-Basira* (“Awareness”); and Hadi Rashedi, a teacher and chemist.<sup>132</sup>



*The public execution of Ali Afrawi in Ahvaz.*

The men were arrested in the weeks before the April 2011 protests. Several other co-founders of al-Hiwar were also arrested around the same time period—from roughly late February to early March 2011.<sup>133</sup> According to Saied Alboghbaysh, one of the individuals detained on February 26, 2011, it is most likely that they were taken to the MOIS detention center in the Chaharshir neighborhood of Ahvaz.<sup>134</sup>

In December 2011, the IRI’s UK-based English-language television news channel, Press TV, aired confessions from Hadi Rashedi and Hashem Sha’abaninejad<sup>135</sup>, but later in a letter published on several opposition websites, Sha’abaninejad disavowed the confessions and contended that they were extracted under severe physical torture.<sup>136</sup> Reports have since emerged confirming Sha’abaninejad’s account.<sup>137</sup>

The men were tried before Judge Mohammad Bagher Mousavi of Branch 2 of the Revolutionary Court of Ahvaz, along with another co-founder Abdolrahman Asakereh and several other members of al-Hiwar. Amouri, the Alboshoka brothers, Sha’baninejad and Rashedi were convicted of *muharibih*, or “warring against God” for allegedly killing a law enforcement official and sentenced to death on July 7, 2012.<sup>138</sup> The death sentences were confirmed by Iran’s Supreme Court on January 9, 2013.<sup>139</sup>

Saied Alboghbaysh, a co-founder of the organization who was arrested during the same period as the five death row inmates, recalls hearing the voices of some of the death row inmates—whom he had known since childhood—in the MOIS detention center where he was briefly detained:

<sup>131</sup> Sometimes referred to as “Sha’bani Amouri”, or simply “Sha’bani” in the literature.

<sup>132</sup> *Zemne Ezhare Negarani Az Ehtemale Gharib O Alvoghoe Ejraye Hokm [Expressing Concerns Over Immanent Execution]*, ALARABIYA (Jan. 30, 2013), <http://www.alarabiya.net/articles/2013/01/30/263406.html>.

<sup>133</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>134</sup> *Id.*

<sup>135</sup> See *Al-Ahwazi Terrorist Group in Iran*, PRESS TV (Dec. 13, 2011), <http://www.presstv.ir/Program/215617.html>. See also Videotape: Press TV confession of Hashem Sha’abani, YOUTUBE (Oct. 16, 2013) *Etrafat-e Hashem Shabaninejad terrorist-e gorohak-e Ahwazi dar Khozestan film-e shomareh-e se [The Confessions of Hashem Shabaninejad, Member of an Ahwazi Terrorist Group Based in Khozestan, Film Number 3]* YOUTUBE (Jan. 22, 2002), [http://www.youtube.com/watch?v= rn\\_fXP\\_9js](http://www.youtube.com/watch?v= rn_fXP_9js). See also, *Nagsh Press TV dar ahkam i’dam barayih ham mihanar Arab va Kurd [The Role of Press TV in the Death Sentences of Arab and Kurdish Compatriots]*-YOUTUBE (Oct. 16, 2013) <http://www.youtube.com/watch?v= RZkQJz9Lm8>.

<sup>136</sup> *Zendani Siasi Mahkum bih I’dam: Taht Shikanjih I’tiraf Kardam [Political Prisoner on Death Row: I Confessed Under Torture]*, RAHESABZ <http://www.rahesabz.net/print/71232>. See also, *Zendani Siyasi Ahwazi Mahkom Beh Edam: Tahte Feshar Eteraf Kardeh Bodam [Ahwazi Political Prisoner Sentenced to Death Penalty: I Confessed Under Pressure]*, BBC NEWS (June 10, 2013), [http://www.bbc.co.uk/persian/iran/2013/06/130610\\_145\\_ahwazi\\_activist\\_execution\\_openletter.shtml](http://www.bbc.co.uk/persian/iran/2013/06/130610_145_ahwazi_activist_execution_openletter.shtml).

<sup>137</sup> *Five More Ahwazi Arabs Sentenced to Death by the Islamic Republic of Iran*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (July 10, 2012) <http://www.iranhrdc.org/english/news/inside-iran/100000155-five-more-arab-iranians-sentenced-to-death-in-ahwaz-by-the-islamic-republic-of-iran.html#.UmP9q2X6FLc>.

<sup>138</sup> *Five More Ahwazi Arabs Sentenced to Death by the Islamic Republic of Iran*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (July 10, 2010), <http://www.iranhrdc.org/english/news/inside-iran/100000155-five-more-arab-iranians-sentenced-to-death-in-ahwaz-by-the-islamic-republic-of-iran.html#.UmP9RGX6FLc>.

<sup>139</sup> *IRI Executes Two Ahwazi Arab Men*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 31, 2014), <http://www.iranhrdc.org/english/news/press-statements/1000000428-iri-executes-two-ahwazi-arab-men.html#.UOG70sfGXEs>.

They asked me about my relationship with Mohammad Ali Amouri, Rahman Asakereh, Hadi Rashedi and others. Of course I already knew that Mr. Rashedi had been arrested the day before... I could clearly hear my friends' voices as they were being tortured. It seemed like extremely harsh torture beyond what I personally experienced, but I could hear them and could recognize their voices clearly. I recognized Hadi Rashedi's voice, and also that of Mohammad Ali Amouri. They sounded like something out of a horror movie, the horrible sound that spills out of the gut of a man being tortured.<sup>140</sup>

After their death sentences were issued, the co-founders of al-Hiwar were transferred to Karun Prison. In the months following, several of the prisoners were repeatedly transferred back to an MOIS facility and subjected to additional torture.<sup>141</sup>



Judge Khaki, an official of the Revolutionary Court system in Ahvaz, confirming the death sentences against the founders of the Al-Hiwar Cultural Institute.

At the end of January 2014, Sha'baninejad and Rashedi's death sentences were implemented and they were executed in secret without advance notice to their families.<sup>142</sup> Amouri and the Alboshoka brothers remain incarcerated in Karun prison awaiting the implementation of their sentences. Asakereh, their codefendant who was sentenced to twenty years' prison on the same charges, remains behind bars.<sup>143</sup>

Although al-Hiwar was officially registered with the local branch of the IRI's National Youth Organization in 2000 and received a preliminary permit to begin its activities, several members of the organization faced pressure from the authorities towards the end of President Mohammad Khatami's time in office.<sup>144</sup> This pressure increased after unrest in the province in 2005—after which the organization's long wait for its official permit was extended indefinitely—and only intensified over the course of the presidency of Mahmoud Ahmadinejad. Co-founder Saied Alboghbaysh recounts being summoned to local MOIS offices no less than fourteen times between 2003 and 2011.<sup>145</sup>

The increasing scrutiny and ultimate arrests of members of al-Hiwar follow a pattern reminiscent of that faced by civil society throughout Iran over the last decade, but the imposition of death sentences on five of its co-founders—individuals who were reportedly engaged in peaceful activism within the framework of the IRI's own laws and were nominees for the 2013 Civil Courage Prize<sup>146</sup>—is a particularly harsh example of the IRI's increasing heavy-handedness towards civil society.<sup>147</sup>

<sup>140</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>141</sup> *Resumption of Torture of Ahwazi Arab Political Prisoners From Khalafabad (Ramshir) in Khuzestan After the Imposition*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Aug. 17, 2012), <http://www.iranhrdc.org/english/news/inside-iran/1000000177-resumption-of-torture-of-ahwazi-arab-political-prisoners-from-khalafabad-ramshir-in-khuzestan-after-the-imposition-of-death-sentences.html#.UmP9RmX6FLc>. See also, *Khatare Marg Hashem Shabani va Hadi Rashedi Ra Tahdid Mikonad [The Death Sentence is Threatening Hashem Shabani and Hadi Rashedi]*, ASRE NOO (Sep. 7, 2013), <http://asre-nou.net/php/view.php?objnr=28032>.

<sup>142</sup> *IRI Executes Two Ahwazi Arab Men*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 31, 2014), <http://www.iranhrdc.org/english/news/press-statements/1000000428-iri-executes-two-ahwazi-arab-men.html#.UOG70sfqXEs>.

<sup>143</sup> *Seeking Rights to Cultural Identity: The Deathly Struggle of Ahwazi Arab Activists*, JUSTICE FOR IRAN (February 2013), <http://justiceforiran.org/wp-content/uploads/2013/02/Al-Hiwar-Report-EN-21FEB.pdf>.

<sup>144</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>145</sup> *Id.* Interestingly, Alboghbaysh adds that until 2005 he and other al-Hiwar members were always issued formal summons for questioning at the local MOIS office in writing, but that summons after 2005 were not documented—instead of being presented with written summons either through mail or by visitors to their homes, members of al-Hiwar were simply called up and told that their presence was required. Alboghbaysh believes that this was because the local MOIS officials summoning them did not want their actions to be documented.

<sup>146</sup> *Fa' alane Arab Mahkom Beh Edam, Kandidaye Jayezeh Beinolmelali Shoja'at Madani Shod/Anha Dar Etesabe Ghaza Be Sar Mibarand [Arab Activists Sentenced to Death, Were Nominated for the Award for Civil Courage/ They Are On a Hunger Strike]*, JUSTICE FOR IRAN (Mar. 17, 2013), <http://justiceforiran.org/news/courage-award/?lang=en>.

<sup>147</sup> For other examples of the IRI's increasing clampdown on civil society actors in Iran, see: *On the Margins: Arrest, Imprisonment and Execution of Kurdish Activists in Iran Today*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Apr. 11, 2012),

### 2.1.5. Ghazi Abbasi, Abdul-Reza Amir-Khanafereh, Abdul-Amir Mojaddami, and Jasim Moghaddam Payam

On August 15, 2012, Ghazi Abbasi, Abdul-Reza Amir-Khanafereh, Abdul-Amir Mojaddami, and Jasim Moghaddam Payam—four Ahwazi Arabs from the town of Shadegan—were sentenced to death on charges *muharibih*, or “warring against God”, and *ifsad fil-arz*, or “sowing corruption on earth”. The death sentences were meted by Branch 1 of the Revolutionary Court of Ahvaz, and later confirmed on February 13, 2013.<sup>148</sup>

The charges were brought about due to the prisoners’ alleged formation of an ethnic separatist terrorist group called *Kitaeb al-Ahrar* (“Writers of Liberation”) and involvement in several armed actions against various government buildings in Khuzestan, which led to the deaths of two law enforcement officers on two separate occasions. Three other codefendants, Shahab Abbasi, Sami Jadmavinejad, and Hadi Albokhanfarnejad, were each sentenced to three years’ imprisonment in exile in Ardebil, in northwestern Iran, for complicity in the alleged attacks.

In a series of letters from prison, Ghazi Abbasi and the other prisoners denied the charges and alleged that their confessions were extracted under torture and other forms of duress including the arrests of their relatives.<sup>149</sup> These letters also indicate that their trial, which was completed in one session, only lasted for two and a half hours.<sup>150</sup> They add that their attorneys were not able to adequately defend them at court. In late September 2013, Ghazi Abbasi was briefly transferred to solitary confinement in the quarantine ward of Karun Prison, prompting concerns that the implementation of his death sentence was imminent.<sup>151</sup> Abbasi, Khanafereh, Mojaddami and Moghadam Payam remained on death row in Karun Prison until December 2013 when security officers informed a family member that all four individuals had been executed.<sup>152</sup>

### 2.1.6. Al-Shabab Co-Founders

Some of the co-founders of *al-Shabab* (“Youth”), another cultural organization with a mission similar to al-Hiwar and based in Khalaf Mosallam village near the town of Shush in northwestern Khuzestan Province, were also sentenced to death for the crime of *muharibih*.

On September 9, 2013, Judge Mohammad Bagher Mousavi<sup>153</sup> of Branch 2 of the Revolutionary Court of Ahvaz issued death sentences for Ali Chobayshat and Yasin Mousavi, along with a 25-year prison sentence for their co-defendant,

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<http://www.iranhrdc.org/english/publications/reports/100000089-on-the-margins-arrest-imprisonment-and-execution-of-kurdish-activists-in-iran-today.html>. Silencing the Women’s Rights Movement in Iran, *Iran Human Rights Documentation Center* IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Aug. 2010), <http://www.iranhrdc.org/english/publications/reports/3007-silencing-the-women-s-rights-movement-in-iran.html>; *A Year Later: Suppression Continues in Iran*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 2010), <http://www.iranhrdc.org/english/publications/reports/3162-a-year-later-suppression-continues-in-iran.html>.

<sup>148</sup> *Iran: Halt Execution of Arab Minority Men*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, <http://www.iranhrdc.org/english/news/press-statements/1000000353-iran-halt-execution-of-arab-minority-men.html#.UmQCDmX6FLc>.

<sup>149</sup> Nameh-i Chahar Zendani-i Mahkoum be Edam: Dar Dadgah-i Enghelab, Khodeman va Vokalayeman Ejazeh-i Defae Nadashtim, [*Letter from four people on the execution row: in the revolutionary court, our attorneys and we were not permitted to defend ourselves*], JARAS, 26 Tir 1392, (July 17, 2013), available at: <http://www.rahesabz.net/story/73087/>.

<sup>150</sup> *Id.*

<sup>151</sup> *Documento-Iran: Riesgo Inminente De Ejecucion De Arabes Ahwazies [Ahwazi Arab Men at Risk of Imminent Execution]*, AMNISTIA INTERNATIONAL (Apr. 13, 2013), <http://www.amnesty.org/es/library/asset/MDE13/040/2013/es/b4c760a7-9144-4baf-8abc-b87322a38c5b/mde130402013en.html>.

<sup>152</sup> *Chahar Zendani-i Siasi-i Arab dar Ahvaz Edam Shodand, [Four Arab political prisoners in Ahvaz were Executed]*, HRANA, 14 Azar 1392, (December 5, 2013), available at:

<https://hra-news.org/fa/execution/%D9%87%D8%B1%D8%A7%D9%86%D8%A7%D8%9B-%DA%86%D9%87%D8%A7%D8%B1-%D8%B2%D9%86%D8%AF%D8%A7%D9%86%DB%8C-%D8%B3%DB%8C%D8%A7%D8%B3%DB%8C-%D8%B9%D8%B1%D8%A8-%D8%AF%D8%B1-%D8%A7%D9%87%D9%88%D8%A7%D8%B2-%D8%A7>.

<sup>153</sup> The same judge who sentenced the members of al-Hiwar to death. For more, see *Human Rights Violator: Seyyed Mohammad Bagher Mousavi*, Justice for Iran (March 1, 2013), <http://justice4iran.org/english/human-rights-violator-s-profiles/10042/>.

Salman Chayan. Afterwards all three, who had been detained in the MOIS detention center in the Chaharshir neighborhood of Ahvaz since their arrests in November 2012<sup>154</sup>, were transferred to Fajr Prison in Dezful.

The three prisoners were originally detained along with several of their relatives who were released on bail in June 2012. Chobayshat and Mousavi, who were charged with planting a bomb that caused an explosion on the Chogh Zambil pipeline near Shush, were also reportedly forced to give videotaped confessions after severe physical and psychological abuse.<sup>155</sup> Shortly after the pipeline explosion on October 23, 2012, a website affiliated with the IRGC declared the explosion an accident and rejected the suggestion that there had been terrorist involvement.<sup>156</sup> The prisoners were also charged with bombing a railroad track, but no media reports of such an event exist.

Reports have also emerged questioning the role of their court-appointed attorney, Abbas Torabi, a former judge in the Revolutionary Court of Ahvaz.<sup>157</sup> After the announcement of the initial sentence in their case, Chobayshat and Mousavi had twenty days to appeal their case to the Supreme Court of Iran, as specified in Article 236 of the IRI's Code of Criminal Procedure.<sup>158</sup> Unfortunately, that period passed without their attorney filing the appeal. As a result, the Revolutionary Court's sentence in the case is final. On June 12, 2014, officials of the Ministry of Intelligence informed the families of Chobayshat and Mousavi that they had been executed and barred them from holding funerals. Only Ali Chobayshat's family has been shown the location of his grave; to date Yasin Mousavi's family has not been notified of the whereabouts of his remains.<sup>159</sup>

## 2.2. Physical Violence and Psychological Abuse in Detention

According to Ahwazi Arab activists interviewed for this report, severe and prolonged physical violence and psychological abuse remains common practice for the authorities in Khuzestan. They maintain that physical violence and methods of psychological abuse are used as a means of extracting confessions from individuals in pre-trial detention, often during interrogations.

### JUDGE SEYYED MOHAMMAD BAGHER MOUSAVI

Judge Seyyed Mohammad Bagher Mousavi, a judge in Branch Two of the Revolutionary Court of Ahvaz has issued death sentences for numerous Ahwazi activists. Due to condemnation for sentencing Ahwazi Arabs to death following procedurally-flawed trials, the European Union placed Judge Mousavi, along with eight other Iranian officials, on its sanctions list on March 12, 2013 for human rights abuses.



With few exceptions, most of the activists interviewed for this report were arrested by MOIS agents and then detained, interrogated and physically and psychologically brutalized in MOIS detention centers; the MOIS facility in the Chaharshir neighborhood of Ahvaz is commonly mentioned.<sup>160</sup> Detainees and former detainees held in the Chaharshir MOIS detention center from the 1980s to the present day detail systematic physical and psychological abuse in the presence of MOIS interrogators.

Physical and psychological abuse is also reportedly used as a punitive measure against political prisoners who have been

<sup>154</sup> *Deteriorating Conditions and Televised Confessions for Jailed Ahwazi Arab Activists*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (June 28, 2013), <http://www.iranhrdc.org/english/news/inside-iran/1000000345-deteriorating-conditions-and-televised-confessions-for-jailed-ahwazi-arab-activists.html>.

<sup>155</sup> *See Pars tee vee va fa'al Arab Shush [Pars TV and active Shush Arab]* YOUTUBE (Jan. 27, 2013), <http://www.youtube.com/watch?v=VmOuyeK5-WY>.

<sup>156</sup> *Infjare Khate Loleh Gaze Shosh, Terroristi Nist [The Explosion of the Shosh Gas Pipeline Is Not a Terrorist Attack]*, TABNAK (Oct. 24, 2012), <http://www.tabnak.ir/fa/news/280751/انفجار-خط-لوله-گاز-شوش-تر-ور-بستی-نیست>.

<sup>157</sup> *Death Sentences for Ahwazi Arab Cultural Activists*, IHRDC (November 20, 2013), <http://www.iranhrdc.org/english/news/inside-iran/1000000405-death-sentences-for-ahwazi-arab-cultural-activists.html>.

<sup>158</sup> *Qanone Dadrasi Jazai [Criminal Code of Procedure]*, Article 236, available at: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html#.Uly1gmX6FLc>.

<sup>159</sup> *Two Iranian Arabs Executed in Secret*. International Campaign for Human Rights in Iran (June 16, 2014), <http://www.iranhumanrights.org/2014/06/executions-iranian-arabs/>.

<sup>160</sup> IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012), <http://www.iranhrdc.org/english/publications/witness-testimony/1000000379-witness-statement-of-karim-dahimi.html>; IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC); IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC); IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with IHRDC).

convicted, sentenced, and sent to the IRI's regular prisons but who are perceived by the authorities to be continuing their activism from prison.<sup>161</sup> In some cases simply describing prison conditions to the outside world placed a prisoner on the authorities' radar.<sup>162</sup>

### 2.2.1. Physical Abuse

As set out below, witnesses described the systematic use of physical abuse, including the use of stress positions, flogging, and electrocution. Interviewees also described routine beatings that may occur at any stage of detention in the IRI. Their testimonies suggest that the primary form of physical abuse in Khuzestan's prisons and detention centers is the use of plastic cables to beat prisoners, a practice that is often severely painful and which can cause deep scars that become infected if not treated—as is often the case.

#### 2.2.1.1. Hadi Batili

Following his February 1994 arrest, Hadi Batili was subjected to severe physical abuse in his four-month-long detention.<sup>163</sup> During interrogations, he was blindfolded and subjected to slapping, beating, and flogging by two to three interrogators. He also received electric shocks, including to his genitals.

According to Batili, he was often made to strip and stand naked while being beaten. He recalls that on one occasion:

They had electric batons that they would use to strike me from behind. They made me take off all of my clothes except for my underwear and then bound my hands and feet and flogged me from head to toe with an electric cable. For four or five months afterwards [the scars this caused] would bleed, and I was unable to stand upright. My ... ribs...are still [injured]... They would bind my hands to the ceiling and attach electricity [electrodes] to my testicles.<sup>164</sup>

His treatment at the hands of MOIS interrogators resulted in injuries requiring long-term treatment. His stomach lining was torn following interrogators "stomping" on his stomach—twenty years later, Batili says still suffers considerable pain as a result of this hernia. According to Batili, he suffered a cut blood vessel in his hand that rendered his hand immobile for months. He was physically abused again in connection with his 2006 arrest and says:

Of course when they arrested me in 2006 there was additional torture and my health problems increased...my eyes had ceased working, my ears kept whistling—and [the noise in my ears] still hasn't stopped.... I have nightmares and other problems as well. The wounds healed, but the psychological issues remain.<sup>165</sup>

According to Batili, his interrogators employed this physical abuse as a means of securing a confession that would lead to a death sentence.

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<sup>161</sup> While the use of torture as a punitive measure is substantially rarer than its use as a tool to force detainees to confess to alleged crimes, the practice is not isolated to the Ahwazi Arab detainees. See *Kurdish Political Prisoners Transferred from Orumieh Prison to an Unknown Location*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Feb. 15, 2012), <http://www.iranhrdc.org/english/news/inside-iran/1000000048-kurdish-political-prisoners-transferred-from-orumieh-prison-to-an-unknown-location.html>. See also, *Another Sunni Prisoner Has Been Transferred to an Unknown Location*, AKHBARE ROOZ (Oct. 26, 2013), <http://hra-news.org/en/another-sunni-prisoner-transferred-unknown-location>. Due to the Judiciary's track record of ignoring domestic law with regard to executions and its notorious lack of transparency, in death row cases these punitive transfers prompt fears that executions are imminent. See, e.g., *Iranian Kurdish Political Prisoner on Death Row Transferred to Unknown Location*, KURDNET (Apr. 3, 2013), <http://www.ekurd.net/mismas/articles/misc2013/3/irankurd921.htm>.

<sup>162</sup> For example, local human rights activists have alleged that the August 2013 transfer of death row inmates Hashem Sha'abaninejad and Hadi Rashedi from Karun Prison back to the Chaharshir MOIS detention center where they had been detained and tortured for months before their trial in 2011-12 was in retaliation to the inmates' authorship of several letters declaring their innocence and asking for support from the international human rights community. *Khatare Marg Hashem Shabani va Hadi Rashedi Ra Tahdid Mikonad [The Death Sentence is Threatening Hashem Shabani and Hadi Rashedi]*, AKHBARE ROOZ (Sep. 8, 2013), <http://www.akhbar-rooz.com/article.jsp?essayId=55131>.

<sup>163</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>164</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>165</sup> *Id.*

### 2.2.1.2. Abdolhamid Nazari

Abdolhamid Nazari, a convert from Shi'i to Sunni Islam<sup>166</sup>, was arrested in the spring of 1994 or 1995 (according to Nazari, the trauma he was subjected to makes it difficult to recall exact dates)—and detained in an MOIS detention center in Ahvaz for four months.

Nazari claims that during his detention he was flogged on a routine basis for long periods of his detention. The floggings did not take place in the presence of interrogators, but rather Nazari was transported to a different facility that he—based on the duration of the trip—believes was in Abadan or Dezful.

In respect to these floggings, Nazari says:

When you are getting lashes, after a certain point your body becomes numb and you don't feel the lashes anymore. One person would hold my legs, another person my head and two others would lash me from both sides. They would beat me with an electricity cable. They would give me lashes once a week or once every two weeks.<sup>167</sup>

Nazari was eventually charged with *muharibih*. He was physically abused and interrogated for six weeks in total. Nearly two decades after his detention, he still takes medication for the injuries he sustained in prison.

### 2.2.1.3. Saeed Hamidan

Saeed Hamidan was mayor of Ramshir and the owner of a business in Ahvaz when the October 15, 2005 bombing took place. He was arrested by plainclothes agents of the Ahvaz MOIS office in February 2006 and sentenced to 20 years' imprisonment for the bombing.<sup>168</sup> Hamidan was consequently forced to resign as mayor.

In the first month of his detention, Hamidan was not given access to a lawyer or informed of the charges against him. His wife and family were not informed of his whereabouts. During his detention in the Chaharshir MOIS detention center, Hamidan suffered physical abuse of escalating severity.

One day during his first month of detention, Hamidan was blindfolded and informed that he was being taken out for “fresh air”:

But [instead of going outside] they beat me with a cable. They beat me so hard that...I thought my heart was coming out of my chest. I felt like I could not breathe anymore... They kept beating me savagely. They hit me over the head, where I felt it immediately swell... I felt numb under the blows. Then they laid me down on the floor and beat me with all their might... and they asked me about others. What had so and so done? [I replied,] “How do I know what anyone else has done?”

Hamidan was beaten about the head and body, including on the soles of his feet. Covered in blood, he called out “Ya Allah” (oh, God). He heard the MOIS agents say, “Oh, he has a God too? These people are apostates, they have no God.”

In July 2006, Hamidan was charged and convicted of *muharibih* by Branch 3 of the Revolutionary Court of Ahvaz for the possession of weapons. After a further six months in Karun Prison in Ahvaz, Hamidan was exiled to Gha'em Prison in Khorasan Province in northeastern Iran. On October 3, 2008, after over two and a half years of detention, Hamidan was

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<sup>166</sup> The Ahwazi Arab Solidarity Network estimates that 80% of the Arab population in Iran is Shi'a. See *Ahwazi Arab Solidarity Network*, 8 AHWAZ HUMAN RIGHTS REVIEW (2012), <http://www.hlrn.org/img/documents/AHRR2012.pdf>. This number was likely higher in 1979, as conversions to Sunni Islam are a recent phenomenon. See IHRDC Interview with Abdolhamid Nazari (March 16, 2013) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC); IHRDC Interview with Hamid Nasseri (Aug. 26, 2013) (on file with IHRDC).

<sup>167</sup> IHRDC Interview with Abdolhamid Nazari (March 16, 2013). (on file with IHRDC).

<sup>168</sup> IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC)..

granted furlough to deal with issues surrounding the unexpected death of his brother. One week later he fled Iran.<sup>169</sup> Like many other detained Ahwazi Arab activists, the effects of this physical abuse—a violation of both international and Iranian laws<sup>170</sup>—have endured long after his escape.

#### 2.2.1.4. Saied Alboghbaysh

Saeed Alboghbaysh, one of the founders of the *al-Hiwar* cultural institute, was among the many members of the organization to be arrested in February 2011. Like many from *al-Hiwar*, including the five co-founders who were sentenced to death, Alboghbaysh was subjected to severe physical abuse while held between February and November 2011.<sup>171</sup> In his testimony, he details floggings with a cable, which he believes were aimed at extracting a confession from him.

#### 2.2.1.5. Qader Rahimi (pseudonym)

Qader Rahimi, an Ahwazi Arab welder from the city of Ahvaz, was arrested on numerous occasions for his insistence on wearing traditional Ahwazi Arab garb, the *deshdasha*.<sup>172</sup> His “five or six” separate arrests were all accompanied by physical abuse. During his first arrest he was taken to a detention center in the Padadshahr neighborhood of Ahvaz run by the Counterintelligence Unit of the local arm of the IRI’s national police force.<sup>173</sup>

Once there, he was beaten with a cable:

They hung me from the ceiling by my heels. My *deshdasha* fell on my head and they tied it up so that it covered my head. They did not want to me to see their faces.<sup>174</sup>

The use of blindfolds during interrogations is common. Many other witnesses, formerly detained in Khuzestan, reported that they did not see the faces of interrogators or other prison personnel. Their memories of these individuals’ identities are often linked to their accents.<sup>175</sup>

Rahimi continues:

In that period, I became ill, both mentally and physically. I can no longer hear with my left ear because it was damaged as the result of torture. [My hearing problems] started from my first arrest...They beat me.

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<sup>169</sup> *Id.*

<sup>170</sup> See Section 3, *supra*.

<sup>171</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>172</sup> IHRDC Interview with Qader Rahimi (Oct. 9, 2012) (on file with IHRDC). The *deshdasha* is a long, white garment worn by Arab males, especially in the Arabian Peninsula. It is also the traditional garment worn by Ahwazi Arab males. *Dishdasha*, WORLD REFERENCE, <http://www.wordreference.com/definition/dishdasha>.

<sup>173</sup> *Nirou-ye Entezami Jomhourī Eslami* (NAJA), the force responsible for general policing throughout Iran. See, e.g., NEEROHAY INTEZAMI JOMHOORI ISLAMI IRAN [THE IRANIAN NATIONAL POLICE FORCE] <http://news.police.ir/>.

<sup>174</sup> IHRDC Interview with Qader Rahimi (Oct. 9, 2012) (on file with IHRDC)

<sup>175</sup> *Id.* The Lurs are an Iranian ethnic group in Southeastern Iran that speak a distinct language related to Persian. See *Asayer Definition*, ENCYCLOPAEDIA IRANICA, <http://www.iranicaonline.org/articles/asayer-tribes> (Aug. 16, 2022) Geographical proximity to the Ahwazi Arabs—Khuzestan province itself has a substantial Lur minority—has led to some degree of ethnic animus between Lurs and Ahwazi Arabs, and Ahwazi Arab witnesses often report hearing Lur accents in detention centers. See also IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC); IHRDC Interview with Isa Yasin (Sept. 25, 2012) (on file with IHRDC); IHRDC Interview with Imad Bawi (Oct. 2, 2012) (on file with IHRDC). In addition, it is alleged that revolutionary *komiteh* paramilitaries from the neighboring province of Lorestan were involved in the events of Black Wednesday. See section 1.3, *infra*. See also *Guzdey Az Parvandiĥ Āmiran va Jināyatkārāni Chāhārshanbi Syyāhi Mahmariĥ [Selection of Cases and the Mahmariĥ Black Wednesday Criminals]*, PATRIOTIC ARAB DEMOCRATIC MOVEMENT IN AHWAZ (May 29, 2013), available at <http://www.padmaz.org/farsi/نگزیده-ای-از-چرونده-آمران-و-جنايتکاران-چ> and IHRDC Interview with Adnan Salman (Sep. 28, 2012) (on file with IHRDC); IHRDC Interview with Abu Mohammad (Sep. 27, 2012) (on file with IHRDC); IHRDC Interview with Hassan al-Hilali (Dec. 1, 2012) (on file with IHRDC)



They burned me with hot water. They beat me with a cable or green pipe. They punched my face in a way so that my lips were torn and my tooth fell out. They used any means. I was there for 45 days.<sup>176</sup>

#### 2.2.1.6. Seif Mohammadi

Independent political activist Seif Mohammadi was arrested by plainclothes agents in front of his high school in June 2010, when he was just 19. The agents took Mohammadi to the MOIS office in Shushtar, where they demanded that he “confess to doing things which I had not done”. Following his refusal, he was tied to an iron bed and beaten with a cable for almost two hours. He was then dragged to a cell by his hands and feet and placed in solitary confinement. He was not able to sleep on his back for a week due to the injuries sustained in the beating.<sup>177</sup>

#### 2.2.1.7. Kamil Alboshoka

Kamil Alboshoka was a 22-year old university student when the April 2005 protests took place. On the morning of April 15, 2005, as the demonstrations began to gain in numbers, Alboshoka was arrested along with several other protesters. He was taken to an unknown location where he was held in solitary confinement for four weeks:

After an hour in the small car, I was delivered into the hands of a man called Mr. Shavoodi. Mr. Shavoodi first slapped me twice in the face and then kicked me in the stomach, which caused me to fall.

Alboshoka was subjected to daily beatings, including with cables, sticks and hoses, which took place during questioning aimed at extracting information about the protests. More than eight years after his release, he claims that the effects of the beatings—chronic back, neck, and leg pain as well as nausea and light-headedness—linger. Alboshoka was never charged with a crime.



*Nasser Alboshoka, the cousin of Kamil Alboshoka, three days before his arrest in January of 2012. Available evidence indicates that Nasser Alboshoka died as a result of torture in custody shortly after his arrest.*

#### 2.2.1.8. Isa Savar

Isa Savari, a political activist from Susangerd, was arrested in 2007 on charges related to his involvement in the April 2005 protests. He was held at the MOIS detention center in the Chaharshir neighborhood of Ahvaz for 57 days. According to him, he was tied to a bed and to a chair and beaten with a cable and pipe in multiple attempts to extract a confession from him.

Savari stated:

When I was being tortured, my undershirt stuck to my back. The room was filled with the smell of blood and putrefaction. When I left detention, I had blood clots in my feet... My legs recovered two or three months after I was sent to regular prison.<sup>178</sup>

#### 2.2.1.9. Qasem Dinarvandi

Qasem Dinarvandi, a high school English teacher whose arrest for giving guidance to his pupils in the Arabic language is detailed in section 2.3.2.2.3 *supra*, was subjected to brutal physical abuse while held at the MOIS detention center in Chaharshir.

<sup>176</sup> IHRDC Interview with Qader Rahimi (Oct. 9, 2012) (on file with IHRDC).

<sup>177</sup> IHRDC Interview with Seif Mohammadi (Dec. 4, 2012). (on file with IHRDC).

<sup>178</sup> IHRDC Interview with Isa Savari (Dec. 1, 2012) (on file with IHRDC)

Although Dinarvandi lived in the town of Hamidieh, where he was arrested on August 25, 2010, his arresting officers stated that they were from the provincial headquarters in Ahvaz. He was transported to the MOIS detention center in Chaharshir and placed in solitary confinement. During questioning, Dinarvandi was beaten and kicked.

According to Dinarvandi, when he failed to provide responses satisfactory to his captors, these beatings became harsher and were administered by a man named Seyyed Mohsen in the detention center itself—although this was likely a pseudonym. Dinarvandi stated:

[W]ith my blindfold on, I received blows to my face, back, and sides that caught me off guard and threw me on the floor.... [There] was a bed or a bench where they lay you on your stomach and tie your hands and feet to poles at the ends of the bed... Then they beat you on the soles of your feet or on your lower or middle back with a cable... The more serious your charge, the more they beat you. And sometimes, to scare you, they would have you hold the torture cable in your hand while they question you. This is psychologically very difficult for the captive and sometimes forces him to confess to doing things that he has not done.<sup>179</sup>

In recounting his experiences in MOIS custody, Dinarvandi highlights an important fact that many Ahwazi Arab activists reiterate—that much of the abuse they endure at the hands of the security services is not only physical, but psychological as well.

### **2.2.2. Psychological Abuse**

Much of the treatment described by formerly detained Ahwazi Arab civic, political and cultural activists constitutes psychological abuse.<sup>180</sup> Those interviewed for this report detailed mock executions, long periods of isolation, poor sanitation in detention, threats of harm against a detainee's relatives, and limitations on sleep.

#### **2.2.2.1. Huda Hawashimi**

When Iranian authorities arrested Huda Hawashimi in 2006, they told her she was arrested as a replacement for her husband, who had fled Iran by that time.<sup>181</sup> While interrogated in an MOIS facility in Ahvaz<sup>182</sup>, Hawashimi stated that she was blindfolded, beaten and humiliated:

I was insulted regularly. This was the worst torture for me. If they hit me it wouldn't have made a difference. But when they trample your character under foot and show a lack of respect, you lose your normal sense of self... It was as if they didn't even realize that there was a woman in front of them. They didn't feel any [sympathy]. On the contrary, they treated me violently. I don't remember how many times... I was interrogated. It happened many times... I endured almost a year of it.<sup>183</sup>

Hawashimi, whose infant son was also imprisoned with her, often feared for her son's health. This fact was also used to exert pressure on her during interrogations.<sup>184</sup>

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<sup>179</sup> IHRDC Interview with Qasem Dinarvandi Interview (Jan. 5, 2013) (on file with IHRDC)

<sup>180</sup> The United Nations Convention Against Torture, which the IRI has never signed, defines torture generally as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. Doc. A/RES/39/46 (Dec. 10, 2012), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. The psychological pressure discussed by many Ahwazi Arabs interviewed for this report would fit this definition.

<sup>181</sup> IHRDC Interview with Huda Hawashimi (Oct. 17, 2012) (on file with IHRDC).

<sup>182</sup> *Id.* While Hawashimi cannot confirm which MOIS detention center in Ahvaz, it is likely it was the Chaharshir detention center.

<sup>183</sup> IHRDC Interview with Huda Hawashimi (Oct. 17, 2012) (on file with IHRDC)

<sup>184</sup> *Id.*

### 2.2.2.2. Masumeh Ka'abi

Like Hawashimi, Masumeh Ka'abi was arrested in a late-night raid on her house in late March 2006 in the place of her husband, an Ahwazi Arab schoolteacher and separatist political activist who was suspected of involvement in the same bombings as Saeed Hamidan and Hadi Batili. Her husband fled Iran two months prior to Ka'abi's arrest. Uniformed regular police accompanied the plainclothes agents who raided her house.<sup>185</sup>

The agents struck Ka'abi and separated her from her five young children, the youngest of whom was one year old at the time. After a struggle, her youngest child was placed in her arms and all her children were brought along with Ka'abi to the MOIS information bureau in the Amaniyeh neighborhood of Ahvaz, where Ka'abi was interrogated. She reports feeling enormous psychological pressure due to her panic at having her children in the custody of the security services. Eventually her older children were taken home, but Ka'abi was transferred to the MOIS detention center in Chaharshir where she was detained for one month in solitary confinement with her youngest son before being able to entrust him to her parents.

Ka'abi describes her distress at having her son imprisoned with her:

After the interrogation, they brought my baby [back to me]. [He] was very scared, as if they had frightened [him]... In prison, I fed him cookies or milk and similar things. He got very weak and was very ill. I thought he was going to die. They said, 'Give him to us and we will give him to your family members.' And I said, 'Even if my son dies, my son and I will stay here and I will not give him up to you.' I was very afraid of giving my child to them.<sup>186</sup>

After a month in Chaharshir, she was transferred to Sepidar prison in Ahvaz. She does not recall being charged with a crime or entering a courtroom. When it became clear that her husband would not return to Iran, she was released after a total of 11 months' detention.<sup>187</sup> A year after her release, Ka'abi tried to flee Iran with her five children by taking a commercial flight to Syria.

However authorities in Syria informed representatives of the IRI, and she and her children were all forced to return to Iran. Upon their return, further psychological pressure was exerted on Ka'abi and her children:

They took us to an MOIS office in Tehran and blindfolded us all, even my little boy and my daughter who wears glasses. They took her glasses away. She cannot see anything without her glasses and unfortunately, they never gave them back. They interrogated my children and me for about a week. They interrogated my children in front of me. Later when they separated us, they interrogated them again. For the first time, they put me in an interrogation room, separate from my children, and interrogated me. They put my elder daughters in separate rooms. When we saw each other again, they told me, "Mom, they put us in a room and interrogated us." They asked my children "How did you go from Ahvaz to Syria? Who helped you? Who were you in contact with? Do you have any news of your father?" ... My children were young at the time. My oldest daughter was under fourteen.<sup>188</sup>

After these interrogations, all six were returned to Ahvaz onboard a commercial Iran Air flight. When they got to Ahvaz they were returned to the MOIS information bureau, where Ka'abi reports that she was beaten savagely in front of her children and then separated from them. This separation had a profound effect:

No matter how many times I asked, 'What did you do to my kids?' they said, 'Your children are fine. They were taken to your father.' When I saw my children again I found out that they interrogated my

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<sup>185</sup> IHRDC Interview with Masumeh Ka'abi (Dec. 10, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/100000458-witness-statement-of-masumeh-ka%E2%80%99abi.html#.U7wO4ZRdWdE>.

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

daughters after they took me away. They were frightened. They threatened them a lot... But they did not really torture my children. They wanted to scare me. I heard awful noises. While I was in the cell [I thought] I was hearing the sound of my children being tortured. I heard these noises so much that it drove me crazy. I thought they had my kids and that they were torturing them. I was so scared. I can't forget it. I will remember it forever.<sup>189</sup>

### **2.2.2.3. Abdolhamid Nazari**

Abdolhamid Nazari, a convert to Sunni Islam, describes the use of recorded sound to exert psychological pressure during his arrest and imprisonment in the 1990s:

The psychological torture that they subjected me to was so bad that after so many years I still cannot sleep comfortably. Because of the torture, when I was released after six months, I could not see more than 3 meters ahead of me... I wasn't of sound mind and I had lost my senses...Another [problem I had] for about three months I heard noises similar to trees being cut in the forest or animal sounds like goats, sheep, or dogs. These noises were always with me and I couldn't sleep. The [prison authorities] played these noises from a small cassette player. Or they would come, at night, and knock loudly on the cell door, and then you would hear guns being fired. During that year, every minute I felt like I was going to die.<sup>190</sup>

Many recent former detainees have reported hearing sounds of torture that they believe may have been recordings that were played over and over.<sup>191</sup>

### **2.2.2.4. Hadi Batili**

In his account of his 1994 arrest and subsequent detention, Hadi Batili recounts one method of sleep deprivation inflicted by prison authorities. According to him, prison guards would insert keys into his cell door's lock as if to unlock the door. Given that his door was usually only opened when prison guards wanted to give him his meals at specified times, or take him away for interrogation, which could happen at any time, Batili relates that this conditioned him to believe that he was going to be taken for interrogation every time he heard the clattering of keys.<sup>192</sup>

### **2.2.2.5. Qasem Dinarvandi**

The profound psychological effects of solitary confinement, similarly, are mentioned by many witnesses.<sup>193</sup> Qasem Dinarvandi remembers that physical abuse caused him less distress than the combination of solitary confinement and threats against his wife did:

[In the detention center], someone came up to me and asked, "Why are you doing this to yourself? Your friends are all free, out there. Why are you here?" This type of questioning may sound ridiculous and trivial to an ordinary person, but to a detainee in solitary confinement who has suffered all kinds of mental torture, these questions are sometimes enough to make you want to confess and free yourself. Some, of course, are very resistant and will say nothing. They told me that they would execute me the next day if I don't sign and confess. They said, "No one knows you are here, because there is no record of you being detained at all. We can kill you and bury you right here and no one would know." I told them that they could kill me anytime, since I was not going to sign anything. I was fine with that. But when they spoke about my wife, that is was when I could not take it anymore. I was emotionally crushed, and did as they instructed.<sup>194</sup>

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<sup>189</sup> *Id.*

<sup>190</sup> IHRDC Interview with Abdolhamid Nazari (March 16, 2013) (on file with IHRDC).

<sup>191</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2012) (on file with IHRDC); IHRDC Interview with Yousef Azizi Bani Torof Interview (Sept. 29, 2013) (on file with IHRDC).

<sup>192</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC).

<sup>193</sup> IHRDC Interview with Yousef Azizi Bani Torof (July 29, 2013) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>194</sup> IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with IHRDC).

### 2.2.2.6. Salim Karimi (pseudonym)

Journalist Salim Karimi, who was detained in wards 240 and 350 of Evin Prison for several months in 2005-06, stated:

If they didn't get the answers they wanted, they would put you in such circumstances, including solitary confinement, that ultimately a prisoner would say, 'Whatever you want [me to confess], tell me and I will confess to it! I'll even sign my own death warrant.' Solitary confinement and the psychological warfare they waged were very difficult to endure.<sup>195</sup>

### 2.2.2.7. Saeed Hamidan

Saeed Hamidan, the former mayor of Ramshir, recounted that the sounds of abuse of other prisoners had a profound psychological effect on him:

Most of the time at the Intelligence [Unit] we could hear sounds of moaning and groaning, of those who were being tortured... This was very difficult to hear; as were the cries of babies and children.

The emotional strain of hearing the voices of others being abused is described by several Ahwazi Arab former detainees.<sup>196</sup>

### 2.2.2.8. Isa Savari

Mock executions have also been reported in recent years. Political activist Isa Savari remembers that, "[d]uring my second arrest in 2011, they hung a rope around my neck and told me they were going to execute me. Then they would kick the table from under me for a second or two."<sup>197</sup> One non-Arab former prisoner subjected to a mock execution during the course of interrogations in another region of the country has indicated that the trauma of the experience left him "completely broken", and compelled him to cooperate with his torturers.<sup>198</sup>

## 2.2.3. Use of Drugs on Detainees during Interrogation

Former prisoners, and an attorney who was periodically allowed to visit clients, report that illegal narcotics, including opium and heroin, are widely available in Khuzestan prisons and that the illicit narcotics markets in those prisons are controlled by prison authorities.<sup>199</sup> Ahmad Ahwazi (pseudonym), a former bookstore owner imprisoned from 2002-2004, stated that his interrogators routinely used opium before their interrogations.<sup>200</sup>

Some Ahwazi Arab former detainees further allege the misuse of prescription drugs either openly or surreptitiously as an aid during interrogations. The accounts these witnesses share indicate that the substances used in this fashion have profound psychological effects.

### 2.2.3.1. Huda Hawashimi

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<sup>195</sup> IHRDC Interview with Salim Karimi (March 16, 2013) (on file with IHRDC).

<sup>196</sup> Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC); IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>197</sup> IHRDC Interview with Isa Savari (Dec. 1, 2012) (on file with IHRDC).

<sup>198</sup> IHRDC Witness Statement of Ali Afshari (2008), available at: <http://www.iranhrdc.org/english/english/publications/witness-testimony/3175-witness-statement-ali-afshari.html?p=13>.

<sup>199</sup> IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC); IHRDC Interview with Ahmad Ahwazi (pseudonym) (Oct. 18, 2012) (on file with IHRDC); IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000379-witness-statement-of-karim-dahimi.html>; IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC).

<sup>200</sup> IHRDC Interview with Ahmad Ahwazi (Oct. 18, 2012) (on file with IHRDC).

In detention, Huda Hawashimi was injected with what she initially assumed was a pain medication, but which made her experience severe drowsiness and even rendered her unconscious. In response to a question of whether she had experienced any sexual abuse while incarcerated, she recalled:

I can't answer the question of whether I was ever sexually abused [during my detention] because most of the time when [MOIS or prison authorities] would come to ask how I was doing...they would inject me with some form of pain medication, and when they did, I would only wake up two days later. During those two days of sleep I couldn't sense anything... I am 100% certain that I was sexually abused when I was asleep. I am certain that it occurred, because...I became aware of certain changes afterwards. I was constantly dizzy. My behavior towards them changed significantly. I had become much more nervous. I would get angry. I changed a lot after that injection. I don't know what it was, or why it lasted two days. Only God knows.<sup>201</sup>

Although Hawashimi attempted to learn what she had been given, the authorities at the detention center only repeated that it was a painkiller.<sup>202</sup>

### **2.3. Arbitrary Arrest, Detention, and Prosecution**

According to some of the Ahwazi Arab activists and citizens interviewed for this report, they were subject to arbitrary arrests, sometimes enacted by security forces of the IRI during public gatherings or in night raids on their homes.

Without exception, those interviewed state that they were not formally informed of the charges against them within 24 hours, and that their detention and interrogation continued for weeks before charges were brought. This is in contravention of Article 32 of the Constitution of the IRI, which states unequivocally that detainees must be informed of the charges against them "immediately."<sup>203</sup> Most witnesses were detained for days, weeks, or months under color of law before being charged with a crime.

The Revolutionary Courts, where many Ahwazi Arab activists are prosecuted, systematically deprive these defendants of due process rights during the course of trial and sentencing. The denial of the right to counsel, limitations on the meetings between counsel and accused, limitations on defense counsel's access to evidence, the use of torture to extract confessions<sup>204</sup> and singular reliance on reports from the security services as evidence at trial have all occurred with disturbing regularity in Khuzestan, particularly over the past decade.

Legal proceedings are conducted exclusively in Persian, a second language to most Ahwazi Arabs. When they cannot understand the language, many recalled that no translators were provided. Consequently those individuals have no understanding of the proceedings and no ability to defend themselves.

#### **2.3.1. Arbitrary Arrest in Connection with Protests or Other Public Gatherings**

Since April 2005, demonstrations have been a regular feature of political life in Khuzestan. While most reports indicate that these demonstrations are largely peaceful, interviewees have acknowledged that some demonstrators may have engaged in violence in the April 2005 protests. Regardless, reports that IRI authorities have used live ammunition against Ahwazi Arab protesters as recently as April 2011 suggest a pattern whereby freedom of assembly is violated and the peaceful expression of dissent by Ahwazi Arabs is silenced with a disproportionate use of force.<sup>205</sup> Furthermore, these

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<sup>201</sup> IHRDC Interview with Huda Hawashimi (Oct. 17, 2012) (on file with IHRDC).

<sup>202</sup> *Id.*, Hawashimi was eventually tried as a defendant in a larger death penalty cases against defendants accused of involvement in the 2005-06 Ahvaz bombings and told that she would receive the death penalty, but was ultimately sentenced to one year of prison, all of which she served in Sepidar Prison before her sentence was issued. She was released on March 31, 2007.

<sup>203</sup> QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980], art. 32, available at [http://www.iranchamber.com/government/laws/constitution\\_ch03.php](http://www.iranchamber.com/government/laws/constitution_ch03.php).

<sup>204</sup> See *infra* Section 2.2.1.

<sup>205</sup> *Iran: Investigate Reported Killings of Demonstrators*, HUMAN RIGHTS WATCH (Apr. 29, 2011) <http://www.hrw.org/news/2011/04/29/iran-investigate-reported-killings-demonstrators>.

demonstrations and other peaceful public gatherings are often followed by the large-scale arrests of peaceful demonstrators in stark violation of the free assembly rights guaranteed by the Constitution of the IRI.<sup>206</sup>

An early example of this took place in May 1985, when several Ahwazi Arabs engaged in protests when an official IRI newspaper published a claim that the Ahwazi Arabs were not in fact Arabs who had been settled there for several generations, but rather that they were itinerant Gypsies.<sup>207</sup> The May 1985 protests were the first major public manifestation of Ahwazi Arab dissatisfaction with the IRI since Black Wednesday. Several arrests took place during the demonstrations themselves, and participation in the protests became a focus of interrogations of Ahwazi Arab activists who were arrested in the following years.<sup>208</sup>

### 2.3.1.2. Kamil Alboshoka

Kamil Alboshoka was arrested by the IRGC in a march in the city bazaar of Khalafabad (Khalafieh) on the first day of the April 2005 protests.<sup>209</sup> In respect to the scale of arrests, he recounted:

Since it was still morning [when I was arrested] the protests hadn't gotten very large. There were maybe 200 protesters...in the center of town...when [the anti-riot forces] suddenly initiated the crackdown. There were at least twenty cars [carrying them], so if we figure that there were five [anti-riot police or agents] in each car, at least one hundred armed men were unleashed [on the protest].

In regards to the agents who arrested him and the others, Alboshoka recalled:

The agents spoke with Persian accents. They weren't Persian-speakers from the region, either, who speak with Bakhtiari and Luri accents...and as soon as they got to us, they hit us with the butts of their guns, and when we were on the ground they began kicking us...then they blindfolded us, handcuffed us and put us in minibuses.<sup>210</sup>

Alboshoka was interrogated in the detention centers of the IRGC and the MOIS in Ahvaz for four weeks and released on bail without being charged. He was never tried. One year later, in 2006, agents from the MOIS raided Alboshoka's family home to arrest him once again, but he was not present. During the raid, one of Alboshoka's uncles, Soltan Alboshoka, attempted to defend against the agents present but the agents shot him in the neck, killing him instantly. Following the raid, Kamil Alboshoka's father, mother, grandfather, uncles, brothers and cousins were all temporarily detained and released without charge. Since then, all have reportedly been subjected to similar treatment on at least three occasions.<sup>211</sup>

Alboshoka's family has been subjected to a sustained campaign of physical and psychological intimidation since his arrest on April 15, 2005.<sup>212</sup> In addition to the violent death of his uncle in 2006, and the arrests of his father and grandfather, Alboshoka's cousin Nasser Alboshoka was arrested on January 26, 2012. His body was made available to the family on January 30, 2012. It bore marks of torture.<sup>213</sup>

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<sup>206</sup> Article 27 of the Constitution of the IRI states that "Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved." QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980], art. 27, available at: [http://www.iranchamber.com/government/laws/constitution\\_ch03.php](http://www.iranchamber.com/government/laws/constitution_ch03.php).

<sup>207</sup> *Namei be Khatami Darbareh Havades Ahvaz [A Letter to Katami about the Situation in Ahvaz]*, IRAN EMROOZ (Apr. 25, 2005), <http://www.iran-emrooz.net/index.php?news/more/820/>; See also, Yousef Azizi Bani Torof, *Arabha dar Iran che Mikahand? [What do the Arabs in Iran Want?]*, SHAHRVAND (Sept. 20, 2012), <http://www.shahrvand.com/archives/31934>; See also, IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/100000379-witness-statement-of-karim-dahimi.html>. See also Edameh Shahrivandan Arab Irani az Englab ta Kanoon [The Execution of Arab-Iranian Citizens from the Revolution to Today], BBC PERSIAN (Sept. 17, 2013), [http://www.bbc.co.uk/persian/iran/2013/09/130917\\_25\\_anniversary\\_arabs\\_execution\\_political.shtml](http://www.bbc.co.uk/persian/iran/2013/09/130917_25_anniversary_arabs_execution_political.shtml).

<sup>208</sup> *Id.*; IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC); IHRDC Witness Statement of Jalel Sherhani (Sep. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/100000292-witness-statement-of-jalel-sherhani.html>; IHRDC Interview with Adnan Salman (Sept. 28, 2012) (on file with IHRDC).

<sup>209</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC).

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

<sup>211</sup> *Id.*

<sup>212</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC).

<sup>213</sup> *Id.*

Two paternal cousins of Kamil Alboshoka—Mokhtar and Jaber Alboshoka—were detained for roughly seven months in the local MOIS detention center. They were repeatedly tortured until they confessed to crimes that all informed parties confirm they did not commit. Isa Savari, who was detained with Mokhtar and Jaber Alboshoka, confirms that they were subjected to torture on a daily basis.<sup>214</sup> Kamil Alboshoka believes that his activism and his brief 2005 arrest are the only reasons that the rest of his family members have been targeted. Mokhtar and Jaber Alboshoka are currently on death row.<sup>215</sup>

### 2.3.1.3. Kathem Mojaddam

Kathem Mojaddam, an activist with the Islamic Wefagh Party, was arrested three times for his peaceful political activity, sanctioned by the constitution. During his last arrest on April 16, 2005, the second day of the April 2005 protests, Mojaddam was in his print and copy store on the morning of April 16 when two cars—one an unmarked Peugeot reminiscent of those driven by plainclothes officers of the MOIS and one a white Toyota SUV traditionally identified with the IRGC—arrived. Mojaddam attempted to flee but was apprehended and taken to an IRGC detention center in the Chaharshir neighborhood “adjacent to the [MOIS] detention center”. He was detained for two weeks before being informed of the charges against him and subsequently transferred to Sepidar Prison in Ahvaz.<sup>216</sup>

He was charged with having taken actions endangering national security and imprisoned for an estimated 45 days in Sepidar Prison. Charges from a 2003 arrest were also renewed. Mojaddam argued that he had already been acquitted on those charges, and he was freed—though he believes that this was a political decision. During Mojaddam’s detention, he lost his shop and expected further pressure from the authorities, so he fled Iran shortly thereafter.

### 2.3.2. Arbitrary Arrest, Detention, Interrogation and Subsequent Prosecution in Connection with Expressions of Political Opinion or Cultural Identity

The relations between Persians and Arabs in Iran and in the broader Middle East have been fraught for centuries.<sup>217</sup> The formulation of a Persian-focused Iranian nationalism in the early 20th century, especially by the Pahlavi state, pushed Ahwazi Arabs further out of the Iranian political and cultural milieu, as Arabs were blamed for modern Iran’s ills.<sup>218</sup> Not only were Arabs marginalized; they were the very element against which the modern Iranian state defined itself. For the Arabs living in Iran—the Ahwazi Arab community—this culminated in an attempt to negate their very culture.

This process did not abate with the Islamic Revolution. In the years following the end of the Reform era during the presidency of Mohammad Khatami (1997-2005), there was an increase in arrests and harassment of Ahwazi Arab journalists, civic, political, and cultural activists, and other vulnerable groups. The post-Khatami era crackdown in Khuzestan also occurred in the context of a restive province still simmering after the April 2005 protests.

Expressions of Ahwazi Arab culture have been targeted by the IRI with increasing severity in recent years. The very existence of an Ahwazi Arab cultural identity has given rise to the use of charges that are not defined in the IRI’s Islamic Penal Code in the arrests, trials and sentencing of Ahwazi Arab activists.

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<sup>214</sup> IHRDC Interview with Isa Savari (Dec. 12, 2012) (on file with IHRDC), IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC).

<sup>215</sup> *Death Sentences for Five Ahwazi Arabs Upheld by Iran’s Supreme Court*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 11, 2013), <http://www.iranhrdc.org/english/news/inside-iran/100000226-death-sentences-for-five-ahwazi-arabs-upheld-by-iran’s-supreme-court.html#UP6LLGVIOfl>.

<sup>216</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>217</sup> One famous line from the thousand-year old epic *Shahnameh* by the celebrated poet Ferdowsi laments the Islamic invasion in terms to which several Ahwazi Arabs take particular umbrage. See Jasm Bedad, *Cho Iran Nabashad Tane Man Mabad [If there is no Iran, I do not Exist]*, BLOGFA, (Apr. 11, 1999), <http://www.jasem69aria.blogfa.com/post-24.aspx>.

<sup>218</sup> See ALI ANSARI, *THE POLITICS OF NATIONALISM IN MODERN IRAN* 30-31 (Cambridge University Press, 2012). “Early nationalists were agreed on the cause of the wayward behavior—Arabs. Writers such as Akhundzadeh condemned the Arabs in no uncertain terms as the authors of Iran’s destruction...Such comments have come to characteri[z]e the ideology of Iranian nationalism as it emerged to dominate state policy in the early twentieth century.”



Those arrested tend to be charged with crimes involving national security. Most individuals charged with these crimes insist that their activities before arrest had been peaceful.<sup>219</sup> An Ahwazi Arab attorney who defended clients in several national security cases points out that, “In national security cases human rights are violated all the time. From the moment a defendant is arrested—without any warrant—until interrogation in the MOIS detention centers, they are blindfolded and [deprived of] the presence of an attorney.”<sup>220</sup>

### 2.3.2.1. Arbitrary Arrest, Detention, Interrogation and Prosecution of Journalists

Ahwazi Arab journalists, who are discouraged or barred from writing in Arabic, work under the threat of arrest and imprisonment. One Ahwazi Arab journalist and political activist stated that he never wrote about political affairs under his own name in Iran even during the Reform era for fears of eventual reprisals if the security situation changed. He did, however, write for the three bilingual Persian-Arabic periodicals that were printed in the reformist era: *Haftehnameh Ahvaz* (Persian for “Ahvaz Weekly”), *Sawt al-Sha’ab* (“Sound of the People”, in Arabic), and *al-Shawra* (“The Council”, in both languages).<sup>221</sup>

#### ARAB FRONT FOR LIBERATION OF AL-AHWAZ

According to the organization’s official website, the Arab Front for the Liberation of Al-Ahvaz was established on April 20, 1980 in Iraq. The stated purpose of the organization is to support the rights of Ahwazi Arabs. Following the occupation of Iraq by US forces in 2003, the group moved operations out of the region to Europe. General Abu-Meitham was appointed as Secretary-General of the organization on June 16, 2012.



Although the IRI’s Ministry of Islamic Guidance officially recognized these publications, the act of writing in Arabic was sufficient for the Ahwazi Arab journalists interviewed for this report to be summoned and interrogated for several hours by the MOIS. According to one journalist, the IRI authorities launched a crackdown in 2004-05 against Ahwazi Arab journalists that resulted in the closure of the few periodicals that carried Arabic-language sections, and the detention of several Ahwazi Arab journalists and editors.<sup>222</sup>

#### 2.3.2.1.1. Yousef Azizi

Although journalist Yousef Azizi resided in Tehran during the April 2005 protests, he was arrested on Monday, April 25, 2005 as unrest continued in Ahvaz. Mere hours before, Azizi had given a speech at an event organized by the Center for Human Rights Defenders, a civil society organization chaired by Nobel Peace Prize laureate Shirin Ebadi.<sup>223</sup> Azizi had previously written articles in domestic newspapers as well as several foreign Arabic-language newspapers and had been a commentator on Arabic- and Persian-language international television networks. MOIS agents had previously summoned him for interrogation in 2003, when the United States invaded Iraq, and admonished him to moderate the tone of his political commentary.

During the early days of the April 2005 protests, Azizi had criticized the IRI’s crackdown against peaceful dissent. This was not, however, the stated reason for his arrest. Instead, Azizi was accused of being responsible for the leak of the Abtahi memo that led to the April 2005 protests in Ahvaz.<sup>224</sup> Azizi was subjected to physical and mental abuse repeatedly during his detention. The case against him was opened in 2005 but was not closed until 2008. Over the intervening three years all members of his family were treated harshly by various government agencies, most likely due to their connections with Azizi.<sup>225</sup>

#### 2.3.2.1.2. Salim Karimi

<sup>219</sup> See *Urgent letter from Ahwazi Arab Sentenced to Death*, Iran HUMAN RIGHTS COMMISSION (May 22, 2013), <http://www.iranhr.org/?p=532>.

<sup>220</sup> IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with the IHRDC).

<sup>221</sup> See witness testimony of Nouri Hamza, on file with IHRDC.

<sup>222</sup> See witness testimony of Nouri Hamza, on file with IHRDC.

<sup>223</sup> See DEFENDERS OF HUMAN RIGHTS CENTER, <http://www.humanrights-ir.org/english/>.

<sup>224</sup> IHRDC Interview with Yousef Azizi Bani Torof (Sept., 29, 2013) (on file with the IHRDC).

<sup>225</sup> *Id.*

Salim Karimi, another Ahwazi Arab journalist residing in Tehran but working for foreign-based Arabic language media with official recognition from the IRI, was summoned to the MOIS in November 2006. He was accused of leaking video footage to Dubai-based media showing government agents beating protesters during the April 2005 protests.

Of his arrest and the early days of his detention in Evin prison, Karimi relates:

It was dawn on a Wednesday in November. Plainclothes officers [of the MOIS] raided my house and showed me a warrant for my arrest and the search of my house that had been issued by a Revolutionary Court...three of them entered the house. One of them was taking video footage, one of them was searching the house...and several were standing outside... They searched the whole house. When they put me in the car, they blindfolded and handcuffed me. They took me straight to Ward 209 of Evin... My interrogations began at 2 AM that first night and extended to the next morning... They would strike and kick me.<sup>226</sup>

The authorities arrested many Ahwazi Arab activists in late-night or pre-dawn raids on their homes like the one in which Salim Karimi was arrested. One common element of arrests made in this manner is the absence of arrest warrants, required by Article 119 of the IRI's Code of Criminal Procedure.<sup>227</sup> Typically armed plainclothes agents from the local MOIS offices in Ahvaz, Susangerd, and other cities conduct these raids, often with help from uniformed regular police. The vast majority of witnesses arrested in house raids report that violence, threats, and disrespectful comments towards family members, including women, characterize the conduct of the security services.<sup>228</sup>

Karimi was informed of the charges against him after three days' detention and interrogation. Ultimately, Karimi was sentenced to three years' imprisonment for taking actions against national security and was released in 2009 after serving his full term. He claims he was denied due process:

They did not even give me a chance to defend myself, considering that I had rejected all the allegations in court. The fact that I rejected the allegations is even reflected in my court order. However, accepting or rejecting the allegations, having a lawyer, etc. apparently have no (particular) impact at all. On many occasions during the interrogations, the Intelligence authorities told me that they will tell the judge what his judgment should be, i.e., three years, four years, etc. In fact, the judge has no say! Unfortunately, I figured this out much later. For a long time I thought there was such thing as the law. The interrogators used to say, "Do you think the trial judge acquit you of the charges, without our consent?! We will let the judge know how many years to give you, and he will sentence you accordingly."<sup>229</sup>

### 2.3.2.2. Arbitrary Arrest, Detention, Interrogation and Prosecution of Cultural Activists

The use of the Arabic language, holiday celebrations, clothing, and religious identity are especially sensitive for the IRI. Consequently, the IRI conflates mere cultural activity with political activism and views expressions of Ahwazi Arab cultural activism as threats to national security. At its most extreme, this can result in violent reprisals and death sentences for Ahwazi Arabs attempting to promote their literature and customs. Most commonly, however, the suspicions aroused by the simple expression of Ahwazi Arab cultural difference lead to arbitrary arrest and detention.

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<sup>226</sup> IHRDC Interview with Salim Karimi (March 16, 2013) (on file with the IHRDC).

<sup>227</sup> AINI DADRASSI JAZAI [CRIMINAL PROCEDURE CODE] Tehran 1378 [1999], art. 119 (Iran), available at <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/100000026-english-translation-of-the-islamic-republic-of-irans-criminal-code-of-procedure-for-public-and-revolutionary-courts.html>.

<sup>228</sup> IHRDC Interview with Salim Karimi (March 16, 2013) (on file with the IHRDC); IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with the IHRDC); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Masumeh Ka'abi (Dec. 10, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000458-witness-statement-of-masumeh-ka%E2%80%99abi.html#.U7wO4ZRdWdE>; IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with the IHRDC)..

<sup>229</sup> IHRDC Interview with Salim Karimi (March 16, 2013) (on file with the IHRDC)..

### 2.3.2.2.1. Saleh Hamid

Like other Ahwazi Arab youths in the 1990s and 2000s, Saleh Hamid, a cultural and political activist, traveled to Syria for his university education. After enrolling in the University of Damascus, he joined the university's Ahwazi Arab Students' Association. According to Hamid, this organization primarily promoted Ahwazi Arab local poetry and culture and also addressed student affairs. Hamid believes that he was identified as a subversive by Syrian intelligence, because he was detained at Imam Khomeini airport immediately upon arriving back in Iran for a vacation:

I was detained in Tehran for four days. The authorities confiscated my passport and other documents. After four days of detention in an unknown location in Tehran due to my student activities, I was released. The authorities said I could go see my family and then return to Tehran to get my documents from the MOIS after further interrogations. They said that after that my passport would be returned and that I would be allowed to leave again to continue my education. I left Tehran for Ahvaz.<sup>230</sup>

Although he was detained in solitary confinement for four days, Hamid was not charged with any crime at the time. Before being able to return to Tehran to secure his passport, Hamid was arrested in Ahvaz:

It was two or three weeks later that a number of plainclothes Intelligence officers came to my father's home in Ahvaz and arrested me. For two months I was detained at one of the secret facilities of the local office of the MOIS in Ahvaz. The authorities wanted to make me confess about my activities under torture since they didn't have any evidence against me. My activities were focused on the culture of Ahwazi Arabs and other Arabs in Iran. I wasn't particularly politically active.<sup>231</sup>

After two months' detention in the IRGC Intelligence Division's detention center in Chaharshir—also locally known as the IRGC 6<sup>th</sup>—Hamid was charged with distributing propaganda against the IRI and released on 250 million Rials' bail (roughly 27,000 USD).

As Hamid fled Iran before his trial, it is unknown if the authorities had any other evidence against him. During Hamid's two-month detention, he was held in solitary confinement, and reports that his interrogator made several threatening remarks. Hamid recounts, "It was mostly mental and emotional torture. For instance, they would make threats against my family, or tell me that my mother was emotionally distraught. They threatened that if I didn't confess, they were in contact with certain people who would do bad things to my family."<sup>232</sup>

### 2.3.2.2.2. Saied Alboghbaysh

Saied Alboghbaysh<sup>233</sup> endured some ten months of pre-trial detention and torture, but he was not charged with a crime in the case against his fellow co-founders of the *al-Hiwar* Cultural Institute in Branch 2 of the Revolutionary Court of Ahvaz.<sup>234</sup> Three of his colleagues are currently on death row, while another two were executed at the end of January 2014. Alboghbaysh is unequivocal as to the group's aims:

Our main concern was to revive the local Arab culture, because as you know, the instruction of Arabic is banned in those regions.<sup>235</sup> The language is only taught in university as a foreign language. Our aim was to bring people closer to their ancestral roots and culture. Our emphasis was to keep and revive the local

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<sup>230</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with the IHRDC).

<sup>231</sup> *Id.*

<sup>232</sup> *Id.*

<sup>233</sup> See *infra* Section 2.1.4.

<sup>234</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>235</sup> Article 16 of the Constitution of the Islamic Republic of Iran states that Arabic language instruction is compulsory every year in middle school and secondary school. QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980], art. 16, available at [http://www.iranchamber.com/government/laws/constitution\\_ch02.php](http://www.iranchamber.com/government/laws/constitution_ch02.php). The witness is referring specifically to the prohibition against the instruction of all classes in the local Arabic dialect of Khuzestan rather than one class of Classical Arabic per school year.

culture and we were not concerned with the Arab culture outside of Iran. Our objectives had no political element whatsoever, let alone the Nasserist<sup>236</sup> goals we were later accused of pursuing. We had no non-Iranian goals. Our goal at the time was only to help people safeguard their local culture. We were in no way influenced by any foreign [political] movements, be they Nasserist or Ba'athist.<sup>237</sup>

Other sources establish that cultural activism was the group's only function.<sup>238</sup> However the IRI found Alboghbaysh's co-founders guilty of *muharibih*. They spent over a year and three months in pretrial detention before their sentence was issued.<sup>239</sup>

### 2.3.2.2.3. Qasem Dinarvandi

Although Qasem Dinarvandi<sup>240</sup> was not an activist, the fact that he taught his class in Arabic placed him on the radar of the Iranian authorities. Arrested in a house raid on his father's house on August 25, 2010, he recalls that, "they raid your house with no prior notice..."<sup>241</sup> The plainclothes agents did not show him a warrant.

By the time I had changed and headed for the courtyard, I realized that it was filled with security agents. Some 12 to 15 of them... Some carried Kalashnikov rifles... They treated my family with disrespect. They told them to keep their mouths shut. They created an atmosphere of fear, for my mother, sister, and the rest of my family. My wife was in complete shock. She became mute and confused. Later I was told that after they had taken me away, my mother and my wife fainted.<sup>242</sup>

Dinarvandi was transported to the Chaharshir MOIS detention center. As a result of his interrogation and torture over his two weeks of pre-trial detention, Dinarvandi went on a hunger strike to protest his treatment.<sup>243</sup>

Under duress, Dinarvandi confessed to crimes including the propagation of Wahhabism. After two weeks' detention in the MOIS detention center, he was taken to Branch 13 of the Revolutionary Court of Ahvaz, a branch presided over by a procurator compiled the evidence to be used in a later case. There, he insisted that his confession was invalid as a result of the torture used to obtain it. In response, the procurator retorted, "I know you Arabs! When Saddam came to power you all rejoiced. You are all Saddam Hussein supporters. And now, you want to get rid of this regime. Come and sign these confessions. It will do you a lot of good."<sup>244</sup> The authorities did not give him an opportunity to obtain legal counsel until after his arraignment at Branch 13, but Dinarvandi did not sign any further confessions. He was finally charged with insulting the Supreme Leader and other sacred personages<sup>245</sup> and transferred to Karun Prison, where he remained for 45 days before bail was set and he was able to secure his release.<sup>246</sup> "One or two weeks" after his release, Dinarvandi was summoned to Branch 3 of the Revolutionary Court, which was presided over by a Judge Shirzad Barani, who sentenced him to two years' imprisonment.<sup>247</sup>

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<sup>236</sup> The political ideology of secular pan-Arab nationalism associated with Gamal Abdel Nasser, the President of Egypt from 1952-1971. See *Nasserism*, OXFORD INDEX, <http://oxfordindex.oup.com/view/10.1093/oi/authority.20110803100223499>.

<sup>237</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>238</sup> *Seeking Rights to Cultural Identity: The Deathly Struggle of Ahwazi Arab Activists*, JUSTICE FOR IRAN (Feb. 2013), <http://justiceforiran.org/wp-content/uploads/2013/02/Al-Hiwar-Report-EN-21FEB.pdf>. See also, IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with the IHRDC); IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with the IHRDC)..

<sup>239</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>240</sup> See *supra* Section 2.2.1.5.

<sup>241</sup> IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with the IHRDC)..

<sup>242</sup> *Id.*

<sup>243</sup> *Id.*

<sup>244</sup> *Id.*

<sup>245</sup> QANUNI MOJAZATE ISLAMI [ISLAMIC PENAL CODE] Tehran 1392 [2013], arts. 513-515 (Iran), available at: <http://iranhrdc.org/english/human-rights-documents/iranian-codes/1000000351-islamic-penal-code-of-the-islamic-republic-of-iran-book-five.html#2>. These charges have been described by some human rights activists as being based on subjective criteria and therefore being an unacceptable limitation on free speech. It is additionally noteworthy in light of the offense which led to Dinarvandi's arrest, the use of Ahwazi Arabic dialect for instruction of his students.

<sup>246</sup> IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with the IHRDC)..

<sup>247</sup> *Id.*

### 2.3.2.3. Arbitrary Arrest, Detention, Interrogation and Prosecution of Political Activists

The Ahwazi Arabs have been among Iran's most neglected ethnic minorities even before the Revolution of 1978-79. That marginalization has gradually worsened since Black Wednesday and the definitive rupture of the Ahwazi Arab population from the IRI that occurred on that day.

Since Black Wednesday, much of the Ahwazi Arab population has been left behind by the political institutions of the IRI. Twenty-five years after the beginning of the Iran-Iraq War and the crackdowns on Ahwazi Arab activism it incurred, the political marginalization of Ahwazi Arabs continues apace. According to many Ahwazi Arab political activists, the reformist era of 1997-2005 allowed for a temporary renaissance of Ahwazi Arab civil society, exemplified by the foundation of the moderate regional Islamic Wefagh Party in the 1990s and 2000s, but the party was ultimately proscribed.<sup>248</sup> The pattern of dismissals and political marginalization of mainstream Ahwazi Arab politicians, political figures and civil servants has been a largely uninterrupted pattern since the institution of the IRI.

As with the treatment of those primarily concerned with preserving and promoting Ahwazi Arab cultural heritage, the treatment of Ahwazi Arab political activists has grown especially harsh since April 2005—again, the most common manifestation is the arrest and detention of Ahwazi Arab political activists for long periods before charges are brought. Some are released without ever being charged.

#### 2.3.2.3.1. Saeed Hamidan

Saeed Hamidan was in the middle of his four-year term as the elected mayor of the town of Ramshir—the town where the al-Hiwar Cultural Institute was founded—when he was arrested in early March 2006.<sup>249</sup> Five months after his arrest, Hamidan was finally brought to trial. The dossier was titled ‘Organs of *Muhibban al-Nasser*.’<sup>250,251</sup>

During his interrogations, Hamidan was asked “to explain about the Muhibban al-Nasser. Up to that point I had not heard about [the group], and had no idea why I was arrested. I had tried not to do anything against the law. That is to say, I always respected the law and worked within its framework. But they were just arresting everyone.” The group was alleged to be a terrorist organization involved in the 2005-06 Ahvaz bombings. In contrast, Hamidan details his political views:

What we wanted was respect for Articles 15 and 19 of the Constitution concerning rights of ethnic minorities with regards to being able to learn and teach their language and have freedom in establishing cultural organizations or political parties. We had issued a manifesto. In that manifesto we stated our objections to change the names of villages from their original Arab names to Persian names.<sup>252</sup>

But, according to Hamidan, “In order for the [local MOIS] offices to show their superiors, the Ministry of Intelligence in Tehran, that they are working hard, they burned wet and dry together.”—a Persian idiom meaning “innocent and guilty alike”.<sup>253</sup>

#### 2.3.2.3.2. Kathem Mojaddam

Kathem Mojaddam, who was arrested twice during the Reform era—having been arrested once as a youth in 1988—was an activist with the moderate Wefagh Party in Ahvaz, which was aligned with the presidential administration at the time.<sup>254</sup> During his 2003 arrest, his first during the Reform era, “they wanted to force me to confess that I was a separatist.

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<sup>248</sup> *Ahwazi: Iran Bans Lejnat Al-Wefaq, Minority Rights Group*, UNREPRESENTED NATIONS AND PEOPLES ORGANIZATION (UNPO) (Nov. 6, 2006), <http://www.unpo.org/article/5772>. See IHRDC Interview with Saeid Alboghbaysh (Sept. 25, 2012) (on file with the IHRDC); IHRDC Interview with Abbas Heydari (Sept. 26, 2012) (on file with the IHRDC); IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC); IHRDC Interview with Salim Karimi Interview (March 16, 2013) (on file with IHRDC); IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>249</sup> See *infra* Section 2.2.1.3.

<sup>250</sup> “The Lovers of Nasser” in Arabic.

<sup>251</sup> IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC).

<sup>252</sup> *Id.*

<sup>253</sup> *Id.*

<sup>254</sup> See *infra* Section 1.5.

The truth was, however, that by then I had passed those phases, and my aim was to establish a cultural system to study our ethnic history and demand our rights within the framework of the law. Perhaps in their view this was illegal.”<sup>255</sup>

After two months in solitary confinement, during which time he was beaten during interrogations, he was charged and released on bail. Although the party that Mojaddam supported was allied with the government of the time, he was charged with espionage.<sup>256</sup> He states that this was his interrogators’ goal from the beginning of his detention:

[The interrogators] asked about [the Wefagh Party’s] relations with the Saudi Embassy... We had gone to the Embassy a few times, but we did not have a special relationship with them. They [the Embassy] had asked for a report about the relations between the Ahwazi Arabs and other Iranians. We prepared a report and gave it to them, but then they said no, we have good relations with Iran and don’t agree with your position. I asked if they [the Embassy] would help us with cultural activities, for instance, to print books or literature, or provide scholarships for friends to go there to study, etc. But they did not accept, and thus our relationship was cut off. The authorities, however, claimed that we provided classified information to them [the Embassy].<sup>257</sup>

Mojaddam was never convicted. He believes that the severity of the charges leveled against him in 2003 were indicative of the security services’ general dissatisfaction with the growing strength of the Wefagh Party: “my arrest was not as a result of these activities, rather for [my involvement in] Wefagh party. After my release, the party branched off and eventually dissolved. This [dissolution] naturally reduced the authorities’ sensitivity to the Wefagh.”<sup>258</sup>

### 2.3.2.4 Converts to Sunni Islam from Shi’a Islam

The authorities have treated suspected converts from the official religion of Twelver Shi’a Islam<sup>259</sup>, the majority religion in Iran<sup>260</sup> to Sunni Islam, the religion of the majority of the Arab world, with notable brutality. Traditionalist schools of Sunni Islam are sanctioned by the IRI Constitution, so it should be noted that many of the Ahwazi Arabs arrested on suspicions of conversion are ultimately charged with adhering to Wahhabism.<sup>261</sup> Although the charge is religious, much of the discourse on the topic within Iran highlights that the state’s fear is primarily political in nature.<sup>262</sup> As with arrests of cultural and political activists, the IRI appears to rely heavily on forced confessions in these matters.

#### 2.3.2.4.1. Hamid Nasserri

Hamid Nasserri, a convert to Sunni Islam who was arrested in May 2006, states that he did not convert for ethnic or political reasons.<sup>263</sup> After his arrest at his home in Ahvaz, Nasserri was detained in an unknown MOIS detention center for four months. His interrogations focused on his beliefs and accused him of Wahhabism. During these interrogations,

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<sup>255</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> This formulation has a double meaning since “wefagh” means “reconciliation.” *Id.*

<sup>259</sup> Article 12 of the Constitution of the IRI states that: “The official religion of Iran is Islam and the Twelver Ja’fari school [in usual al-Din and fiqh], and this principle will remain eternally immutable. Other Islamic schools, including the Hanafi, Shafi’i, Maliki, Hanbali, and Zaydi, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites...” The five “other Islamic schools” mentioned are all branches of Sunni Islam. QANUNI ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1358 [1980], art. 12, available at [http://www.iranchamber.com/government/laws/constitution\\_ch01.php](http://www.iranchamber.com/government/laws/constitution_ch01.php). See also Article 23 of the Constitution of the IRI, which guarantees limited freedom of religion.

<sup>260</sup> See <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>.

<sup>261</sup> A relatively modern extremist interpretation of Sunni Islam. *Analysis: Wahhabism*, PBS: FRONTLINE <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/analyses/wahhabism.html>.

<sup>262</sup> Official and semi-official press in Iran often report on the threat posed by the spread of Wahhabism in Khuzestan *Gostaresh Shaded Vahabeet dar Ramshir Khoozestan [The Spread of Wahhabism in Ramshir, Khoozeshstan]*, Hazrateh Valiasr (May 1, 2011), <http://www.valiasr-aj.com/fa/page.php?bank=khabar&id=2541>; Mohammad Safizadeh, *Wahhabism, a great threat to Islamic Civilization*, TEHRAN TIMES (June 15, 2013), <http://www.tehrantimes.com/component/content/article/52-guests/108546-wahhabism-a-great-threat-to-islamic-civilization>. Attempts have been made to connect Ahwazi Arab political separatism with Wahhabism. *Hamkari Vahabeat ba Tajzeh Talaban Ahvaz [Cooperation between Wahhabists and Ahwazi Separatists]*, ALBORZ NEWS (Apr. 11, 2010), <http://www.alborznews.net/fa/pages/?cid=19061>.

<sup>263</sup> IHRDC Interview with Hamid Nasserri (Aug. 26, 2013) (on file with IHRDC).

Nasseri was struck several times by his interrogators. Reiterating that he was a traditional Sunni, Nasseri appealed to the Constitution of the IRI, which gave Sunnis of the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi schools the right to hold religious gatherings in accordance with the tenets of their faith.<sup>264</sup>

Finally, after four months' detention Nasseri was charged with convening a group to disturb national security, taking actions against national security and distributing propaganda against the IRI by the Branch 5 of the Revolutionary Court of Ahvaz. Upon being arraigned Nasseri was released on bail. He was given the opportunity to employ an attorney, but believes that the attorney his family hired while he was in detention took advantage of his situation and did not adequately defend him. His trial took nearly three years—during the interim he was arrested again in front of the Revolutionary Court in 2007. Eventually, he was sentenced to ten years' imprisonment in exile in the town of Masjed-e Soleiman in the northeast of Khuzestan province.<sup>265</sup>

#### 2.3.2.4.2. Abdolhamid Nazari

Abdolhamid Nazari<sup>266</sup> was a steelworker and professional singer of Islamic prayers<sup>267</sup> who converted to Sunni Islam in 1985. When he was summoned to the information bureau of the MOIS office in the Amaniye neighborhood in Ahvaz, Nazari went with his wife and children—they were sent home and were not informed of his whereabouts for “four or five months.”<sup>268</sup>

Whereas other witnesses interviewed for this report who faced legal sanction were tried in the Revolutionary Court system, Nazari was tried in a branch of the Special Clerical Courts<sup>269</sup> in the Kianpars neighborhood of Ahvaz, presided over by Gholam-Hossein Mohseni-Eje'i, Minister of Intelligence from 2005-2009 and incumbent Prosecutor-General of the IRI.<sup>270</sup> He was detained for one week before being informed of charges:

One week after I was arrested and interrogated numerous times by the Revolutionary Guards [or MOIS agents], I was taken to the court for the first time. The only time they would take my blindfold off was when they took me to the Special Clerical Court. Because I was a Seyyed and had previously been a prayer chanter in religious ceremonies, they sent my case to the Special Clerical Court... Moseni-Ejei was the judge. When I was in court they treated me so badly that when I was sent back to my small cell, with everything that I've said about it before, the cell felt like heaven, like a five-star hotel. In court they would beat me and really insult me...I was accused of changing my faith from Shia to Sunni. My trial was horrible. ...They alleged that I was the founder of [the movement towards] the Sunni religion in the region.<sup>271</sup>

Nazari was not given the opportunity to hire an attorney, nor was one provided for him. When he attempted to respond to his charges in court, he claims that, “As soon as I spoke they would insult me, using filthy words. They wouldn't let me talk and defend myself.”<sup>272</sup> His trial continued for a year, during which he had “25 to 30” court sessions. The Special

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<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> See *infra* Section 2.2.1.2.

<sup>267</sup> Mohammad Reza Darvish, *Ritual and Religious Music in Iran*, IRAN CHAMBER SOCIETY (1997), [http://www.iranchamber.com/music/articles/ritual\\_religious\\_music.php](http://www.iranchamber.com/music/articles/ritual_religious_music.php).

<sup>268</sup> IHRDC Interview with Abdolhamid Nazari (March 16, 2013) (on file with the IHRDC).

<sup>269</sup> The Special Clerical Courts are typically used to try dissident clerics and their supporters. The Special Clerical Courts have their own security apparatus and are notorious for ignoring defendants' due process rights. See Majid Mohamadi: “*Dadghahe Vijeyeh Rohaniyat: Falsafeh Vojodi, Sere Tahavol, Sakhtar va Karkard* [Majid Mohamadi: “*The Special Clerical Court: Philosophy, Transformation, Structure and Workings*”] IRAN HUMAN RIGHTS DOCUMENTATION CENTER, [http://www.iranhrdc.org/persian/permalink/3099.html#\\_UoS2I2X6Fn9](http://www.iranhrdc.org/persian/permalink/3099.html#_UoS2I2X6Fn9); Mirjam Kunkler, *The Speical Court of teh Clergy (Dadjah-Ye Vizheh-Ye Ruhaniyat) and the Repression of Dissident Clergy in Iran*, SOCIAL SIENCE RESEARCH NETWORK (May 13, 2009), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1505542](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1505542); Banafsheh Zand, *Kazemeini-Boroujerdi's wife interrogated at Special Clerical Court*, BAMAZADI (Sept. 16, 2013), <http://www.bamazadi.org/2013/09/kazemeini-boroujerdis-wife-interrogated.html>.

<sup>270</sup> Mohseni-Eje'i was fired as Minister of Intelligence after the 2009 post-election unrest, but appointed as Prosecutor-General instead.

*Ahmandinejad Tageer Vazeer Eteleat ra be Naaramiha Ertbat Dad* [Due to the Uprising, Ahmandinejad Changed the Ministry of Intelligenc], BBC FARSI (Aug. 20, 2009), [http://www.bbc.co.uk/persian/iran/2009/08/090820\\_si\\_ahmandinejad\\_intelligence.shtml](http://www.bbc.co.uk/persian/iran/2009/08/090820_si_ahmandinejad_intelligence.shtml).

<sup>271</sup> IHRDC Interview with Abdolhamid Nazari (March 16, 2013) (on file with the IHRDC).

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

Clerical Court sentenced Nazari to death. Eventually, upon appeal, his sentence was reduced to ten years' imprisonment.<sup>273</sup>

## 2.4. Conditions of Detention

The individuals interviewed for this report testified to inhumane conditions of detention in MOIS and IRGC Intelligence Division detention centers in Khuzestan and/or Karun and Sepidar Prisons.<sup>274</sup>

Kamil Alboshoka's time in an unknown detention center in the spring of 2005 echoes these experiences:

The cell in the detention center was just big enough for me to sleep in. I could only lie down on the floor. They gave me two blankets and a pillow. It was pitch dark, as there was no light. The door to the cell had a tiny opening through which they passed me my food. I never saw the prison guard, because around them, we always had to have our blindfolds on...

The weather was quite hot. April weather in Ahwaz is in the mid 30's (Celsius). We had no fans. Because of the heat, I could not use the two blankets they gave me to cover myself. I used them as a mattress. They were military blankets. They were grey and smelled awful, like the smell of something very old that has never been washed or cleaned. This is how it was. Was it deliberate? I don't know.<sup>275</sup>

Case studies of specific detention centers and prisons follow below.

### 2.4.1. Chaharshir MOIS Detention Center

The detention center in the Chaharshir intersection in Ahvaz has facilities occupied by both the MOIS and the IRGC Intelligence Division. It is typically used for pre-trial detention for individuals facing national security or smuggling charges. Although pre-trial detention is technically not supposed to last for long periods of time, in practice it may go on for months. As in most detention centers in Iran, detainees are kept in solitary confinement; some cells are described to be roughly two meters by one-and-a-half meters<sup>276</sup> and others closer to one meter by one meter in area.<sup>277</sup> According to at least one former detainee, the cramped nature of the cells in Chaharshir makes sleep difficult.<sup>278</sup>

During Kathem Mojaddam's first arrest in 1988, he was held in the Chaharshir detention center for twenty days. He recalls that, "[S]olitary cells are horrific and dirty. I recall [one time] from the window that was high up, a snake crawled into my solitary cell. At that time one side of Ahwaz was desert, and we were outside the city. The snake was about to crawl in and I managed to hit it with a broom that was there. There was nothing there. My cell was a 2x3, the same size as other cells. There was nothing particular in the cell; a piece of mat and two blankets, which were dirtier than the mat on the ground."<sup>279</sup>

Witnesses also report having no interaction with other inmates in the Chaharshir detention center, aside from writings on the walls of solitary cells and bathrooms.<sup>280</sup>

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

<sup>274</sup> The two main prisons in Khuzestan—both of which are located in Ahvaz, as is Chaharshir, the province's main detention center.

<sup>275</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC).

<sup>276</sup> IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with IHRDC)..

<sup>277</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>278</sup> IHRDC Interview with Qasem Dinarvandi (Jan. 5, 2013) (on file with IHRDC)..

<sup>279</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC)..

<sup>280</sup> IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.



Regarding the food served to detainees, Saeed Hamidan says, “For three and a half months there...I ate just a few bites and only in the evenings. If you can imagine, my original weight was 240 pounds and by the time I was transferred from the detention center to Karun Prison I weighed 145-150 pounds.”<sup>281</sup>

Abdolhamid Nazari had a similar experience. “They served us particularly bad food. God knows in prison I was never able to eat [until my] stomach [was full]. For example, one day they would give us an egg. Another day they would give us a potato or a few beans.”<sup>282</sup>

#### 2.4.2. Karun Prison

In April 2011, Zia Nabavi, an ethnic Persian student activist arrested during the 2009 post-election protests and sentenced to fifteen years in exile in Karun Prison wrote an open letter to Mohammad Javad Larijani, the head of the Judiciary’s Human Rights Commission. In it, he wrote:

The most significant challenge facing Karun prison in Ahvaz is the intense overcrowding and population density in for example ward 6, where I am currently incarcerated. Based on the number of beds available, this ward has a maximum capacity of 110 prisoners, but on average more than 300 prisoners are held in this ward at all times; in other words three times the maximum capacity allowed! Obviously, such a large population has a hard time fitting in the rooms even when standing, and as a result of the overcrowding, many sleep on the floors (I myself slept without a bed for six months) and a third of the prisoners sleep outside in the courtyard.<sup>283</sup>

Kathem Mojaddam had similar memories from his arrest during the April 2005 protests: “Space was scarce. I saw with my own eyes, both in Karoon and Sepidar prisons, how hundreds of people slept in hallways. The inmates told me, regardless of it being winter or summer, even if it was 50 degrees [Celsius], they held on to their spot. When it was raining, these people would take their blankets and go into the washrooms, and return after the rain had stopped.”<sup>284</sup>

Mojaddam recalls from his detentions in Karun Prison in 2003 and 2005 that, “Political prisoners were kept among other prisoners. The regime claimed there were no political prisoners, and that these people were all anti-revolutionary and considered common criminals, such as robbers and murderers... They even stole my ulcer medication. They also stole my shoes and food.”<sup>285</sup>

In addition to the well-documented problems of overcrowding, hygiene, and poor nutrition, in July 2013, the prison’s air conditioning system broke down.<sup>286</sup> Fears were raised that prisoners would suffer from exposure to the extreme heat of the Ahvaz summer where temperatures can reach up to 115 degrees Fahrenheit in July.<sup>287</sup>

#### 2.4.3. Sepidar Prison

Sepidar Prison is located in a neighborhood of the same name near Karun Prison in Ahvaz. Huda Hawashimi was transferred to Sepidar Prison after being sentenced in 2006. When she first arrived at the prison, she recalls,

I was put in quarantine first. There is a private yard behind Sepidar Prison where other prisoners cannot see you. There was a room with a restroom...it had a toilet and little yard. The prisoners in the prison ward could not see or visit you because I was denied visitation or conversation. I could not talk to them, I

<sup>281</sup> IHRDC Interview with Saeed Hamidan (Oct. 19, 2012) (on file with IHRDC)..

<sup>282</sup> IHRDC Interview with Abdolhamid Nazari (March 16, 2013) (on file with IHRDC)..

<sup>283</sup> See *Jailed Student Zia Nabavi Details Gruesome Prison Conditions in Letter to Iranian Judiciary’s Head of Human Rights*, PERSIAN2ENGLISH (May 13, 2011), available at: <http://persian2english.com/?p=21915>.

<sup>284</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC)..

<sup>285</sup> *Id.*

<sup>286</sup> *Fajeeh Bozorg Ensani dar Zendaneh Karoon Ahvaz ra Daryabeed [Conditions of the Karoon Prison in Ahvaz]*, MELI MAZHABI (July 30, 2013), <http://melimazhabi.com/?ahzab=فاجعه‌بزرگ-انسانی-در-زندانه-کارون-اهواز>.

<sup>287</sup> *Iran, Islamic Republic of*, WORLD WEATHER INFORMATION SERVICE (June 12, 2014), <http://worldweather.wmo.int/114/c00939f.htm#climate>.

could not see them, and they could not see me either. They wanted to show other prisoners that I was different from the rest of them, and that I was a terrible person. That is how I felt.<sup>288</sup>

Masumeh Ka'abi, whose imprisonment in Sepidar Prison was roughly contemporaneous, stated: "My son and I were in a small cell. I begged them to let me make a phone call to inform my family [so that they could bring things like] clothing for my son and me. They said, 'We are not allowed. We have an order saying that you are forbidden from having visitors or phone calls.'"<sup>289</sup>

## 2.5. Harassment

The human rights situation in Khuzestan province has continued to deteriorate in the years since 2005. Pre-existing trends regarding the IRI's far-reaching surveillance, harassment, arbitrary arrests and use of torture to extract confessions—which has allegedly led to custodial deaths<sup>290</sup>—have worsened. The implementation of long terms of detention prior to the registration of formal charges, and widespread neglect of due process, have also ebbed and flowed according to the political situation in Khuzestan.

### 2.5.1. Surveillance

Multiple witnesses indicate that in the course of interrogations their interrogators played recordings or showed transcripts of the detainees' previous telephone conversations, suggesting state surveillance of their communications, not pursuant to any warrant or legal order.

#### 2.5.1.1. Saleh Hamid

Former student activist Saleh Hamid stated that telephone conversation transcripts that he was shown during one detention at the MOIS office in Ahvaz in 2007 indicated that his mobile phone, which was on the IranCell network, had also been tapped.<sup>291</sup> During interrogations, he says that:

[Interrogators] told me directly that they were monitoring my family's phone line...I even heard a few of the conversations. They said that on a specific day I spoke to a specific person and that there was a recording of it, on such and such day, you spoke with so and so, and here is the recording of it.<sup>292</sup>

#### 2.5.1.2. Isa Savari

Political activist Isa Savari stated, during his interrogation, it was evident that he was under surveillance:

They had my emails. Since I used Internet cafes, they had [access to] all of my emails, including messages that I had sent abroad detailing [ongoing] human rights activism and listing the names of prisoners...everything was under surveillance. Because of things that they said about telephone conversations that I had had, I realized that they had been observing me for about three months. They had even tapped my mobile phone.<sup>293</sup>

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<sup>288</sup> IHRDC Interview with Huda Huwashimi (Oct. 17, 2012) (on file with IHRDC).

<sup>289</sup> IHRDC Interview with Masumeh Ka'abi (Dec. 10, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000458-witness-statement-of-masumeh-ka%E2%80%99abi.html#.U7wO4ZRdWdE>.

<sup>290</sup> IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC). See *Ahvazi Arab political activist Jamil Sowaidi reportedly tortured to death in custody*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Nov. 9, 2012), <http://www.iranhrdc.org/english/news/inside-iran/1000000206-ahwazi-arab-political-activist-jamil-sowaidi-reportedly-tortured-to-death-in-custody.html>.

<sup>291</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC). See Steve Stecklow, *Special Report: How foreign firms tried to sell spy gear to Iran*, REUTERS (Dec. 5, 2012), <http://www.reuters.com/article/2012/12/05/us-huawei-iran-idUSBRE8B409820121205>.

<sup>292</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC).

<sup>293</sup> IHRDC Interview with Isa Savari (Dec. 12, 2012) (on file with IHRDC).

### 2.5.1.3. Salim Karimi

Interrogations during Salim Karimi's 2006 arrest suggest that this surveillance was not total—at least at the time:

They [the interrogators] asked me about activities I engaged in, places I visited, things I had bought in Tehran, and... conversations I had. They had all of this information on tape. It was then that I realized that not only had they put my phones—both home and cell—under surveillance, but they had me under surveillance every time I travelled inside or outside the country as well. They asked a lot of questions about my previous mobile phones and wanted those SIM cards, which I no longer had. Their questions were not always accurate, and they bluffed a lot as well, which indicated that (despite the intercepts and surveillance) they did not have complete knowledge.<sup>294</sup>

One human rights activist avers that a switch in SIM card formats in 2007 made cell phone communications much easier to monitor.<sup>295</sup>

### 2.5.2. Extraterritorial Harassment

Escape from Iran is not always enough to ensure the safety of peaceful Ahwazi Arab political and cultural activists. Some Ahwazi Arabs report imprisonment of themselves<sup>296</sup> or their relatives<sup>297</sup>, or surveillance and intimidation by state security services in Syria.<sup>298</sup> Others report imprisonment by the governments of Iraq<sup>299</sup> and Lebanon under the influence of powerful IRI-affiliated non-state actors—the Badr Corps and Hezbollah, respectively.<sup>300</sup>

Shi'a cleric Shaykh Mohammad Kazem Khaqani reports that Syrian intelligence agents threatened his daughters. According to Khaqani the agents were in a parked car on the street where his family lived when he was teaching Shi'a theology in Damascus, Syria.<sup>301</sup>

In 2006, as Yousef Azizi's case was pending in Iran, his son who was studying at the University of Damascus was arrested by Syrian authorities.

Like Azizi's son, Isa Yasin was arrested twice. He claims that he was not involved in any activities at the time. Rather, "I was studying hard ... until in 2005, when Iran sent a list to the Security Office [*al Ammiyat al-Dowleh*] ... of the Syrian government (to indicate) that that the [Ahwazi] Arabs, who were studying at the University of Damascus, had to return to Iran."<sup>302</sup> Yasin was arrested in April and was incarcerated for eight months.

I was in my dorm in the university compound when I was arrested. Three of my friends who had come from Iran were also arrested. We were kept in solitary in a terrible room in the basement. It was very cold and damp and we were not allowed to get up from the floor to stand up. There was a little window, where

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<sup>294</sup> IHRDC Interview with Salim Karimi (March 16, 2013) (on file with IHRDC).

<sup>295</sup> IHRDC Interview with Ali Kalaei (Aug. 6, 2013) (on file with IHRDC). Note that technical information confirming this switch is not available. Irancell, one of the primary mobile coverage providers in the IRI, is owned by proxies of the IRGC. See Iran Internet Freedom Status 2013, Freedom House, [http://www.freedomhouse.org/report/freedom-net/2013/iran#.VB\\_1Ltwk\\_1o](http://www.freedomhouse.org/report/freedom-net/2013/iran#.VB_1Ltwk_1o).

<sup>296</sup> IHRDC Interview with Isa Yasin (Sept. 25, 2012) (on file with IHRDC).

<sup>297</sup> IHRDC Interview with Yousef Azizi Bani Torof (Sept. 29, 2013) (on file with IHRDC).

<sup>298</sup> IHRDC Witness Statement of Ahmad Khalili (Oct. 8, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000482-witness-statement-of-ahmad-khalili.html>; IHRDC Interview with Mohammad Kazem Khaqani (Sept. 30, 2012) (on file with IHRDC); IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC); IHRDC Interview with Nouri Hamza (Oct. 4, 2012) (on file with IHRDC); IHRDC Interview with Adel Asadinia (July 25, 2013) (on file with IHRDC).

<sup>299</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC).

<sup>300</sup> IHRDC Witness Statement of Ahmad Khalili (Oct. 8, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000482-witness-statement-of-ahmad-khalili.html>.

<sup>301</sup> IHRDC Interview with Mohammad Kazem Khaqani (Sept. 30, 2012) (on file with IHRDC).

<sup>302</sup> IHRDC Interview with Isa Yasin (Sept. 25, 2012) (on file with IHRDC).

if we stood up, someone would come and threaten to send us back to Iran or throw us out of the country. Later on, [the Syrian authorities] made us pledge not to engage in political activities against Iran.<sup>303</sup>

Saleh Hamid spent nearly three years in a prison in Basra for illegally crossing the border when he fled Iran after two successive arrests by the MOIS. During those arrests, he too was given indications that he had been under surveillance during his course of university study in Syria.<sup>304</sup> Immediately upon crossing the border, he was arrested and severely tortured by individuals that he reports were affiliated with the Badr Corps.<sup>305</sup> Hamid spent much of his prison term with Mohammad Ali Amourinejad,<sup>306</sup> who was eventually transferred to agents of the MOIS at the Shalamcheh border in February 2011 despite having reportedly filed for refugee status with the UNHCR in Iraq during the course of his detention. Amourinejad is one of the five Ahwazi Arab co-founders of the al-Hiwar cultural organization who were sentenced to death.<sup>307</sup>



The Karun River (Rud-e Kārun) is the largest river in Iran and spans from the Zagros mountain range in Isfahan and eventually joins the Shatt al-Arab waterway which discharges into the Persian Gulf.<sup>1</sup> Ahvaz, the center of Khuzestan province, lies along the path of the river and 70% of the province relies on the Karun River and its subsidiaries for their water supply.<sup>1</sup> Water quality has declined in the province due to heavy pollutants coming in from provincial cities in Khuzestan and the surrounding areas.<sup>1</sup> Khuzestan is Iran's most heavily industrialized province given that a quarter of Iran's heavy industries are situated in the province.<sup>1</sup> Industrial plants that are built around Ahvaz in the areas surrounding the Karun River

such as sugar refineries, petrochemical factories, paper mills and steel plants release industrial waste directly into the river, in most cases without any prior treatment of the water.<sup>1</sup> Similarly, large petrochemical plants, refineries and soap factories release pollutants which concentrate downriver, closer to Abadan and Khoramshahr, resulting in the further degradation of the water quality. In sum, approximately 315 million cubic meters of industrial sewage enters the river on an annual basis.<sup>1</sup> Additionally, the ongoing construction of several large dams on the Karun and its tributaries has proved problematic from an ecological perspective, lowering the water level of the river and increasing salinity.<sup>11</sup> In his October 2013 report, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, expressed concern regarding the limited access to clean drinking water in the province.<sup>1</sup> He noted that many were at risk of consuming polluted water due to a failure of local water and waste companies to properly filter water.<sup>1</sup>

In addition to the negative environmental effects and health consequences for residents, additional plans to divert water from the Karun River have been controversial for many. Protests broke out in Ahvaz during October 2013 in response to "Behest-Abad," a diversion project intended to divert water from the Karun basin to alleviate water shortages in provinces in central Iran such as Isfahan and Kerman.<sup>1</sup> The move was criticized as discriminatory against Ahwazi Arabs given that the diversion would lead to water scarcity, thereby weakening the local agricultural economy and cutting off the supply of drinking water<sup>1</sup>, and protests against the deteriorating state of the river continue. Some have even alleged that such actions were being used to exert pressure on the Arab population, which is especially concentrated downriver in the southern and western parts of Khuzestan Province, and implement a program of forced migration.<sup>1</sup> (Pictured: Masjed-e Soleyman Dam on the Karun River)

<sup>303</sup> *Id.*

<sup>304</sup> IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC).

<sup>305</sup> *Id.*

<sup>306</sup> *Id.*

<sup>307</sup> *Joint Statement: Halt the Execution of Five Ahwazi Arabs*, IRAN HUMAN RIGHTS DOCUMENTATION CENTER (Jan. 23, 2013),

<http://www.iranhrdc.org/english/news/100000231-halt-execution-of-five-ahwazi-arabs.html#UUN3N2XqRn8>.

Ahmad Khalili, the son of a former political prisoner, was forced to flee Syria for Lebanon with his wife because he feared imminent arrest. When he arrived in Beirut, he was arrested. During his detention, he relates that he had Persian-speaking visitors whom he did not know. His visitors threatened him and indicated that he could be killed in prison. Ultimately, in part because he had already filed paperwork with the Beirut UNHCR office, Khalili was released. While still in Lebanon, however, he reports that he was under surveillance by individuals claiming to be affiliated with the Iranian embassy.<sup>308</sup>

### 3. Violations of International and Iranian Laws

As demonstrated by the case studies outlined in the preceding sections of this report, the IRI's treatment of members of the Arab ethnic minority violates international and domestic law. International legal instruments relevant to the treatment of the IRI's Arab citizens include the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a signatory. The ICCPR prohibits torture and guarantees that all individuals have the right to life and freedom of speech, freedom of assembly, freedom of religion, electoral rights, and legal rights including the right to due process and access to legal counsel.

The witness testimony in this report demonstrates the IRI's violations of international human rights law pursuant to both the ICCPR and the codification of ICCPR's article 7, embodied in the Convention against Torture with respect to the Arab activist community. It is in the area of "confession" extraction where the violations are especially pervasive. Many of the interviews taken by IHRDC for this report indicate that the authorities made attempts to obtain confessions through a variety of methods, some of which reached the threshold of torture or other cruel, inhumane or degrading treatment.<sup>309</sup> The UN Committee Against Torture has made numerous findings on whether certain types of conduct, including some interrogating techniques, reach this threshold.<sup>310</sup> As demonstrated in this report, many Arab activists have been subjected to such cruel, inhumane or degrading conduct and interrogation techniques.

The testimony gathered suggests that the treatment of imprisoned Arab activists routinely violates the Convention Against Torture (CAT), which prohibits the exertion of "severe pain, whether physical or mental", and the United Nations Standard Minimum Rules for the Treatment of Prisoners, a set of non-binding guidelines for the conditions in which prisoners are held, wherein it is stated that "[t]here shall be no discrimination on grounds of race, ... language, religion, political or other opinion...[or] national or social origin."<sup>311</sup>

Evidence also suggests that the IRI is in contravention of another international instrument, the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which the IRI is a signatory, as well as the United Nations Declaration on Rights of Persons Belonging to National, Ethnic, Religious, and Linguistic Minorities and which affirms that, "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity."<sup>312</sup>

In addition, applicable domestic laws take three forms: those invoked in prosecutions of Arab activists, those that purport to set out their individual rights as defendants, and those that ensure the rights of linguistic and ethnic minorities.

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<sup>308</sup> IHRDC Witness Statement of Ahmad Khalili (Oct. 8, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000482-witness-statement-of-ahmad-khalili.html>.

<sup>309</sup> IHRDC Witness Statement of Karim Dahimi (Sept. 25, 2012) <http://www.iranhrdc.org/english/publications/witness-testimony/1000000379-witness-statement-of-karim-dahimi.html>; IHRDC Interview with Kamil Alboshoka (Sept. 27, 2012) (on file with IHRDC); IHRDC Interview with Yousef Azizi Bani Toref (Sept. 29, 2013) (on file with IHRDC); IHRDC Interview with Qader Rahimi (Oct. 9, 2012) (on file with IHRDC); IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC); IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>; IHRDC Interview with Seif Mohammadi (Dec. 4, 2012) (on file with IHRDC); IHRDC Interview with Rahim Hamid (Jan. 3, 2013) (on file with IHRDC).

<sup>310</sup> For example, in a case of a Serbian citizen of Romani origin the Committee made findings of torture when it found credible the applicant's allegation that he had been arrested and severely beaten while in police custody. See *Danilo Dimitrijevic v. Serbia and Montenegro*, Communication No. 172/2000, U.N. Doc.CAT/C/35/D/172/2000 at ¶ 7.1 (2005)

<sup>311</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners, G.A. Res. 45/111, ¶ 6, U.N. Doc.A/Res/45/11 (Dec. 14, 1990), available at: <http://www.unhcr.org/refworld/docid/3ae6b36e8.html>.

<sup>312</sup> UN Declaration on Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, G.A. Res. 47/135, ¶ 1, U.N. Doc. A/RES/37/135 (Dec. 18, 1992), available at: <http://www.un.org/documents/ga/res/47/a47r135.htm>.

Articles 15, and 16, of the Constitution of the IRI guarantee minority language rights in mass media and give special recognition to the instruction of the Arabic language, respectively, and Article 19, ensures equal rights for all citizens regardless of ethnic or linguistic identity. Articles 20, 22-25, 27-32, 34, 35, 37, 38 and 41 ensure further rights of citizens and especially criminal defendants and prisoners. Witness testimony indicates that many of these provisions are regularly violated.

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

Articles 186, 190 and 191 of Iran's old Islamic Penal Code, according to which most of the witnesses interviewed for this report were adjudged, are illustrative of the first problem: application. In the new Islamic Penal Code<sup>313</sup>, Articles 279, 282 and 283 are illustrative of the same. These provisions essentially prohibit an individual from taking up arms against the state or from joining and supporting a group or organization that takes up arms against the Iranian State:

From the old IPC:

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

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

From the new IPC:

**Article 279- *Moharebeh*** is defined as drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity. When a person draws a weapon on one or several specific persons because of personal enmities and his act is not against the public, and also a person who draws a weapon on people, but, due to inability does not cause insecurity, shall not be considered as a *mohareb* [i.e. a person who commits *moharebeh*].

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

Consequently, an individual who is affiliated with such a group can be found guilty of “*moharebeh*” or “*efsad-e fel-arz*,” which can be, respectively, translated as “waging war [against God]” and “corruption on earth” with a possible sentence of death:

From the old IPC:

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<sup>313</sup> The new Islamic Penal Code was adopted in April 2013, the English translation of which can be accessed here: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html> (for Books One and Two of the IPC). However, the previous version of the code, which promulgated in 1990, was in effect for most cases referenced in this report. For the old Islamic Penal Code, see <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html> (English translation of Books One and Two); see also <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/1000000351-islamic-penal-code-of-the-islamic-republic-of-iran-book-five.html> (English translation of Book Five, which remains unchanged).

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

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

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

From the new IPC:

**Article 282-** The *hadd* punishment for *moharebeh* is one of the following four punishments:

- (a) The death penalty (hanging)
- (b) Crucifixion
- (c) Amputation of right hand and left foot
- (d) Banishment

**Article 283-** The judge has the discretion of choosing one of the four punishments prescribed in article 282.

Articles 498 and 499 of Iran’s Islamic Penal Code (Book Five)<sup>314</sup> are illustrative primarily of the second problem—a category of prohibited behavior that is so wide and vague that almost any form of activism and expression is criminalized. The provisions state that whoever forms or joins a group or association either inside or outside of the country, which seeks to “disturb the security of the country”, if not considered as *mohareb*, will be sentenced to between 2-10 years of imprisonment.<sup>315</sup> The provisions provide absolutely no definition to “disturb” or “security of the country.” Both terms, absent any codified limit, obviously lend themselves to discretion of judges and abuse by security forces of the government. This is why, as demonstrated by the evidence underlying this report, such a wide array of Arab political and civic activism is functionally criminalized despite clear legal protections of such activity in both the Constitution of the IRI and international human rights law.

Also, other provisions of the same law prohibit such a wide degree of conduct in a vague manner that renders its application susceptible to abuse by governmental authorities. Article 500 states that “Anyone who engages in any form of propaganda against the IRI, or in support of opposition groups and organizations, shall be sentenced to three months to one year in prison.” Aside from the inherently expansive term of “any form,” there is again no definition or textual limitation to “propaganda.” Article 610 states that two or more people who “collude and conspire” to commit or facilitate a crime against the internal or external security of the nation will be imprisoned for between two to five years.<sup>316</sup> Again, there are no codified definitions or limitations of key terms such as “collude and conspire” and “act against internal or external security.”

### 3.1. Violations of International and Domestic Law

The ongoing arrests of peaceful Arab political activists since the protests and bombings of 2005-06 have resulted in a raft of abuses under international and Iranian laws.<sup>317</sup>

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<sup>314</sup> Book Five is the only part of the Penal Code that has been adopted permanently and unlike the rest of the Penal Code is not subject to experimental periods. Passed on May 22, 1996, Book Five deals with ta’zir crimes and deterrent punishments, crimes against national security, crimes against property and crimes against people. Book Five also deals with theft, fraud, forgery, insult and a wide range of other offenses. Although the new Penal Code was adopted in 2013, Book Five was not subject to the revision. Therefore it remains unchanged from the previous version and this text is what is in force today.

<sup>315</sup> QANUNE MAJAZATE ISLAMI [ISLMAIC PENAL CODE] Tehran 1390 [2013], art. 498 (Iran). “Anyone, with any ideology, who establishes or directs a group, society, or branch, inside or outside the country, with any name or title, that constitutes more than two individuals and aims to perturb the security of the country, if not considered as *mohareb*, shall be sentenced to two to ten years’ imprisonment.” Article 499—“Anyone who joins, as a member, any of the groups, societies, or branches aforementioned in article 498, shall be sentenced to three months to five years’ imprisonment, unless it is proved that he had been unaware of its aims.”

<sup>316</sup> QANUNE MAJAZATE ISLAMI [ISLMAIC PENAL CODE] Tehran 1390 [2013], art. 610 (Iran) “When two or more individuals collude and conspire to commit crimes against the internal or external security of the country or prepare the facilities to commit the aforementioned crimes, unless they are regarded as *mohareb*, shall be sentenced to two to five years’ imprisonment.”

<sup>317</sup> IHRDC Interview with Isa Savari (Dec. 12, 2012) (on file with IHRDC); IHRDC Interview with Saleh Hamid (Oct. 16, 2014) (on file with IHRDC); IHRDC Interview with Seif Mohammadi (Dec. 4, 2012) (on file with IHRDC).

The human rights violations perpetrated by the IRI against Arab activists are similar to the abuses perpetrated against other civil society actors in Iran, regardless of ethnicity. Arab activists are arrested by same security services active elsewhere in Iran—the MOIS, IRGC Intelligence Division, and NAJA. When arrested they are routinely subjected to physical torture including beatings, electric shock, and whippings on their backs and feet, and they are often held for weeks or months without being charged with a crime.

A small number of Arabs do engage in violent actions against IRI personnel and property, but many of the individuals subjected to the aforementioned treatment are engaging in activities explicitly protected by the Constitution of the IRI. If they are charged, they are usually charged with vaguely defined national security crimes like *moharebeh* and *efsad fel-arz* and are rarely given access to legal counsel. Instead, they are tried and sentenced—usually by branches of Revolutionary Courts—on flimsy or nonexistent evidentiary grounds.

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

As in many other cases throughout Iran, former defendants and attorneys have alleged that verdicts and sentences in national security cases are dictated to Revolutionary Courts by the MOIS before even preliminary hearings have been held, and are typically based only on the reports of MOIS agents themselves.<sup>318</sup> The Revolutionary Courts are a subset of courts designed to try, inter alia, offenses against national security. Within their procedural schemes the right to fair trial is significantly weakened. They are chaired by only one judge and closed to the public. These courts ignore basic rights of the convicts; for instance, they refrain from giving a copy of their judgments, and ban the accused and his/her defense lawyers from reading the dossier.

Some prisoners are even sentenced to death in this manner, as recounted in section 2.1 *infra*.

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

Beyond the problems of the “security laws,” the evidence outlined in this report demonstrates that the IRI is in violation of its own Constitution. The areas that these violations primarily relate to are: i) arrests and detention, ii) access to counsel, iii) interrogation methods and the use of torture, and iv) fair trial rights. The witness testimony described in this report demonstrates that the IRI is engaging in violations in each of these areas.

### **3.1.1. Arrest**

The IRI’s treatment of Arab activists provides several stark examples of violations of provisions of its own constitution. For instance, under Article 32 of the Iranian Constitution, upon arrest detainees must be immediately informed of the charges against them and their file must be sent to judicial authorities within 24 hours of their arrest.<sup>319</sup> Within the Arab context, this provision is routinely and flagrantly violated.

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<sup>318</sup> IHRDC Interview with Hadi Batili (Oct. 8, 2012) (on file with IHRDC); IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with IHRDC).

<sup>319</sup> QANUNU ASSASSI JUMHURII ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN], art., 32 1358 [1980], No one may be arrested unless in accordance with the procedure laid down by law. In case of arrest, the accused must, without delay and in writing, be given notice of and explained the charge and the evidence; and the preliminary dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours and the preparations to the trial must be completed as soon as possible. The violation of this article shall be liable to punishment in accordance with the law.”



### 3.1.2. Access to Counsel

The issue of access to counsel is another area where the evidence demonstrates a troubling pattern by the IRI in its treatment of the Arabs. According to Article 35 of the Iranian Constitution, “Both parties to a lawsuit have the right in all courts of law to employ an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.” Article 185 of the Criminal Procedure Code, accordingly, has provided: “In all criminal cases, both parties can choose and instruct their own attorneys...”<sup>320</sup>

In practice, however, the provisions of Article 35 are not always upheld. For example, Kathem Mojaddam who was tried on charges of espionage and endangering national security, reports that he was not given the opportunity to instruct an attorney to represent him in the trial level proceedings against him.<sup>321</sup>

In addition to the shortcomings in the implementation of the right to counsel under Iranian law there is also a codified exemption to this right. Under Article 128 of the Criminal Procedure Code of the IRI, judges have the discretion to bar a defendant’s access to lawyers in cases where there are “confidential matters or when the judge decides that the presence of another person (including the lawyer) might cause ‘corruption’ or in ‘crimes against national security,’ the presence of the lawyer is dependent on permission of the court.”<sup>322</sup> Unfortunately, this exemption has become utilized extensively in cases involving Arab activists. While the exemption’s language itself is inherently problematic, in practice it has been used to create a broad exception in Iran’s own constitutional protections for accused and their right to counsel. With respect to a number of cases involving Arab activists, suspects have been detained for months in pre-trial detention with no access to a lawyer. Often their lawyers are only granted access to their clients after the interrogations are finished and only days before the trial.

### 3.1.3. Interrogation

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

Article 38—All forms of torture for the purpose of obtaining confessions or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance to the law.

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

The evidence gathered for this report, however, demonstrates that the IRI is routinely in violation of Iran’s own Constitution in its treatment of Arab political and civil activists.<sup>323</sup>

The detention practices employed against many of the activists described in this report clearly amount to a violation of Article 39. And, as demonstrated, in some instances, detentions of some Arab activists also have been in violation of

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<sup>320</sup> AINI DADRASSII JAZI [CRIMINAL PROCEDURE CODE], Tehran 1378 [1999], art. 186 (Iran); “[i]n cases of crimes punishable by *qisas* of life [i.e. a life for a life], execution, stoning to death or life imprisonment, if the accused does not introduce his or her defense lawyer, assigning a public defender is mandatory, except for unchaste crimes in which the accused refuses the presence or introduction of a defense lawyer.”

<sup>321</sup> IHRDC Interview with Kathem Mojaddam (Oct. 7, 2012) (on file with IHRDC).

<sup>322</sup> AINI DADRASSII JAZI [CRIMINAL PROCEDURE CODE], Tehran 1378 [1999], art. 128 (Iran): “The accused can have one person as his or her lawyer. After the investigations are finished, and without interfering with the investigations, the lawyer can present the judge his/her statements which s/he considers necessary in revealing the truth and in defense of her/his client or in the sake of rule of law. The statements of the lawyer shall be recorded in the minutes.” Note—In confidential cases, or if, according to the judge, the presence of individuals other than the accused causes corruption and further, in cases of crimes against the security of the state; the presence of the lawyer in the examining stage is subject to the permission of the court.”

<sup>323</sup> IHRDC Interview with Huda Huwashimi (Oct. 17, 2012) (on file with IHRDC); IHRDC Interview with Qader Rahimi (Oct. 9, 2012) (on file with IHRDC).

Article 38 and its prohibition on torture for the extraction of a confession.<sup>324</sup> The specific conduct that has been documented that would clearly pass the threshold of torture includes rape, excessive beating, death threats and extended solitary confinement.

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

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

### 3.1.4. Fair Trial Rights

The report has also documented the IRI’s violation of the fair trial rights of many Arab activists. As a general matter, fair trial rights are supposed to be guaranteed by the Iranian Constitution. According to Article 168 of the Constitution, political offenses are required to be tried openly and in the presence of the jury.<sup>325</sup> In addition, under criminal procedure laws, crimes punishable by the death penalty and life imprisonment and amputation shall be tried in the Provincial Criminal Court before five judges.

In addition to violating domestic laws, the IRI’s treatment of imprisoned Arab activists and their relatives is routinely in contravention of international human rights law.

The International Covenant on Civil and Political Rights (ICCPR), ratified by Iran in 1975, protects the rights to freedom of expression, assembly and association in articles 19,<sup>326</sup> 21,<sup>327</sup> and 22<sup>328</sup>. Arrests for exercising these human rights have been declared arbitrary even in the case of legitimate security concerns.<sup>329</sup> The witness testimony in this report demonstrates that the IRI routinely violates its obligations under all of these articles of the ICCPR in its treatment of Arab political and cultural activists.

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<sup>324</sup> IHRDC Witness Statement of Saied Alboghbaysh (Sept. 25, 2012), available at: <http://www.iranhrdc.org/english/publications/witness-testimony/1000000371-witness-statement-of-saied-alboghbaysh.html>.

<sup>325</sup> Since “political offenses” have never been defined by law, this constitutional requirement is abandoned in practice.

<sup>326</sup> International Covenant on Civil and Political Rights art. 19, Dec. 19, 1966, G.A. Res. A/RES/21/2200. “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

<sup>327</sup> International Covenant on Civil and Political Rights art. 21, Dec. 19, 1966, G.A. Res. A/RES/21/2200. Article 21 of the ICCPR guarantees the right to peaceful assembly and states: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

<sup>328</sup> International Covenant on Civil and Political Rights art. 22, Dec. 19, 1966, G.A. Res. A/RES/21/2200. Article 22 of the ICCPR guarantees the right of freedom of association and states in relevant part: 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

<sup>329</sup> For example, according to a case against Turkey decided by the UN Working Group on Arbitrary Detention (UNWGAD), in 1991, Murat Demir and Bedii Yaracii were arrested by Turkish authorities for belonging to Devrimci-Sol (a radical Marxist-Leninist political opposition group tied to the assassination of several Turkish Military Officers). The Turkish government claimed that Demir and Yaracii violated the Turkish Act on Terrorist Activities, which “includes criminal offences consisting of expressions of opinion.” Despite the fact that Devrimci-Sol is a designated foreign terrorist organization the UNWGAD determined that Demir and Yaracii were arbitrarily arrested for exercising “the right to express their opinions freely and the right to be associated for political purposes.” U.N. Econ. & Soc. Council [ECOSOC], Sub-Comm. on Human Rights, Working Group On Arbitrary Detention, Decision No. 43/1992 (Turkey), U.N.E/CN.4/1994/27 (Dec. 17, 1993) at 25, available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/1994/27>.

International law similarly protects the due process rights of the accused. Article 9 of the ICCPR outlines the state's duty to provide due process before it limits, interferes with, or otherwise extinguishes an individual's liberty.<sup>330</sup> Article 9(2) requires government agents to promptly inform the accused of the reasons for his or her arrest at the time of arrest, and Article 9(3) obligates it to promptly bring the accused before a judge and hold a trial within "a reasonable time."<sup>331</sup> Article 9(3) also provides that "it shall not be the general rule that persons awaiting trial shall be detained in custody." Article 14(2) provides that the accused has the right to be presumed innocent.<sup>332</sup>

Article 14 (3)(b) of the ICCPR also requires that defendants be provided "adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one's] own choosing." Individuals have the right to counsel both at trial and at stages prior to trial."

The United Nations Human Rights Committee (HRC), a body responsible for interpreting the ICCPR, has stated unequivocally that "all persons who are arrested must immediately have access to counsel ... without delay."<sup>333</sup>

The witness testimony in this report demonstrates that the IRI has violated each one of these due process protections in respect to its treatment of Arab prisoners of conscience. The most problematic areas concern the pattern of arrests without charges and access to counsel. It is also notable that one attorney interviewed for this report states that his representation of Arabs in the 2005-06 Ahvaz bombings case caused professional difficulties and a fear for his freedom and security that ultimately caused him to flee Iran.<sup>334</sup> This practice of targeting the "defenders" has been a repeated pattern by the IRI, not only with respect to the Arabs but with many other categories of accused, including women's rights advocates and other human rights activists.

In addition, the IRI's detention and interrogation of Arab prisoners also contravenes its international human rights treaty obligations. Torture and inhuman treatment are also prohibited under international law. Article 7 of the ICCPR provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."<sup>335</sup> The ICCPR's categorical prohibition against such conduct is codified in detail in the UN's Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment.<sup>336</sup> In particular, the Convention specifically prohibits any act "intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession."<sup>337</sup>

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<sup>330</sup> Article 9 states: 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

<sup>331</sup> *Id.*

<sup>332</sup> International Covenant on Civil and Political Rights art. 14(2), Dec. 19, 1966, G.A. Res. A/RES/21/2200. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."

<sup>333</sup> Concluding observations of the Human Rights Committee: Georgia, U.N. Doc. CCPR/C/79/Add.75 ¶ 27 (1997),: <http://www.un.org/Docs/journal/asp/ws.asp?m=CCPR/C/79/Add.75>. See also *Berry v. Jamaica*, where the petitioner claimed he was held in detention for 2.5 months without access to legal representation. The Jamaican government failed to contest his allegations, saying only that he could have applied to Jamaican courts for a writ of habeas corpus. The HRC concluded that the government had violated articles 9(3) and 9(4) of the ICCPR by denying the petitioner access to legal representation. *Berry v. Jamaica*, Communication No. 330/1988 (7 April 1994) U.N. Doc. CCPR/C/50/D/330/1988, available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=CCPR/C/50/D/330/1988>.

<sup>334</sup> IHRDC Interview with Ahmad Hamid (Jan. 8, 2012) (on file with IHRDC), See also, William Yong, *Dissident Iranian Journalist is Jailed in a Continued Crackdown*, NEW YORK TIMES (Sept. 22, 2012), <http://www.nytimes.com/2010/09/23/world/asia/23tehran.html>.

<sup>335</sup> International Covenant on Civil and Political Rights art. 7, Dec. 19, 1966, G.A. Res. A/RES/21/2200.

<sup>336</sup> See Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, June 26, 1987, UN Doc. A/39/51 1465 U.N.T.S. 85, available at: <http://www1.umn.edu/humanrts/instree/h2catoc.htm>.

<sup>337</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art., 1, June 26, 1987, UN Doc. A/39/51 1465 U.N.T.S. 85, available at: <http://www1.umn.edu/humanrts/instree/h2catoc.htm>. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. 2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading

## Conclusion

The IRI is notorious for political repression of all dissenting voices throughout its 34-year existence, and those impulses have only intensified since 2009. Iranians regardless of ethnic background are subject to this increasing repressiveness, but because of the unique historical and social foundations of the ethnic Arab experience in modern Iran, the political marginalization and repression of Arabs occur in an especially sensitive context. When juxtaposed with the effects of decades of suppression of expressions of local culture, the political proscription and denial of basic civil rights to Arabs activists and ordinary citizens makes continued unrest a certainty.

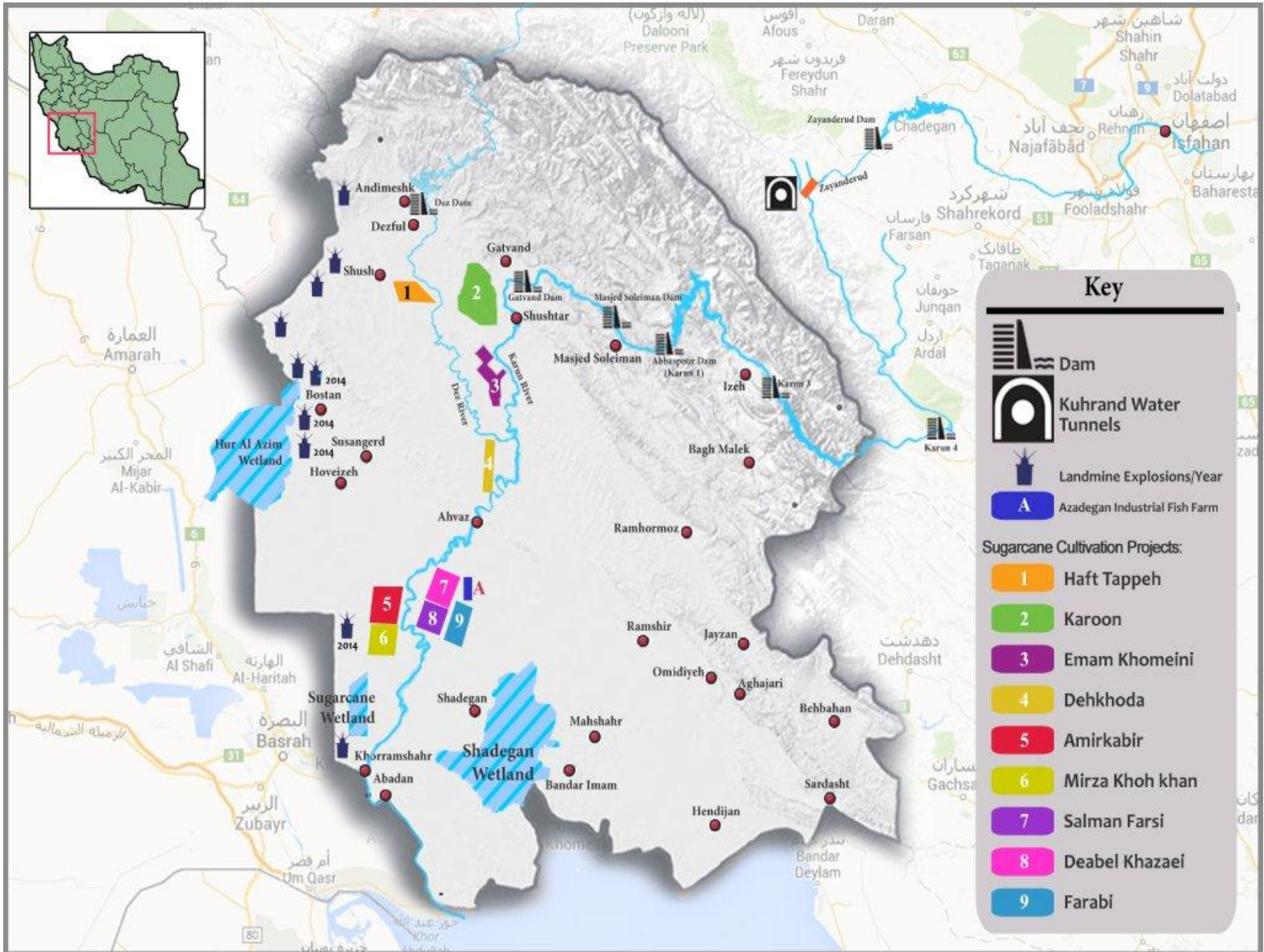
This is not to imply that the IRI has a vested interest in continued tensions with the ethnic Arab population, or that its policies of marginalization are intended to achieve the effects related above. Such an assertion would be impossible to make based on the evidence available.

But it is undeniable that an atmosphere of distrust and enmity is fostered by the selective criminalization of ethnic Arab culture, it is not difficult to see why some Arabs conclude that all government policies in the region that adversely affect them were imposed because of their ethnic identity.

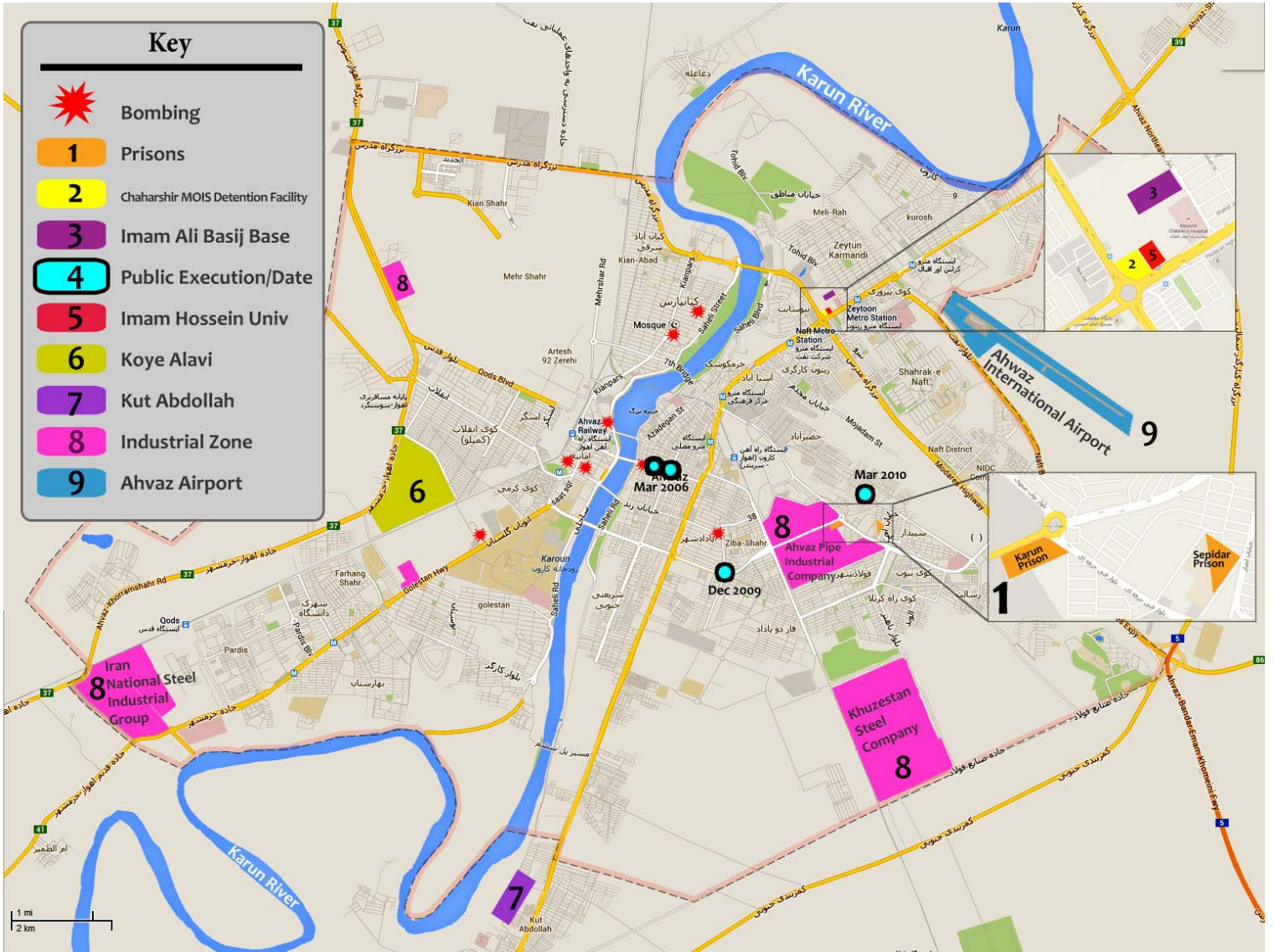
In turn the IRI's typical heavy-handed response to the inevitable political dissent fostered by such limitations only exacerbates tensions and guarantees a worsening of the human rights situation faced by Arab activists and ordinary citizens. In place of an Iran for all Iranians that celebrates and benefits from its diversity, the IRI has fostered a tense situation in Khuzestan through deliberate policy, neglect, or a combination thereof. Although it is alleged that some segments of the Arab activist community employ violent methods in the pursuit of separatist aims, the IRI's violations of human rights in Khuzestan are problems of its own making.

**Appendix I:**  
Geography of Khuzestan  
Province

Khuzestan Province:



# Ahvaz:



## Prisons mentioned in this report:



**1. Karun Prison**, also known as Ahvaz Central Prison, is situated in the east of Ahvaz near Karun Square. Many consider this prison as one of the worst prisons in the country in terms of hygiene, food, and the minimum amenities required for prisons.

**2. Sepidar Prison** is situated at a triangular property in Sepidar Square. It is in the vicinity of Karun Prison.

**3. The Chaharshir MOIS Detention Center** is located in Chaharshir Square in northeastern Ahvaz. This facility is next to Imam Hussein University, which is affiliated with the Islamic Revolutionary Guard Corps. The Basij base in eastern Ahvaz, known as Imam Ali base, is also close to the Chaharshir Detention Center. Many witnesses report being taken to this facility first for interrogations after being arrested.

### **Fajr Prison, Dezful**

*This prison is situated in northern Khuzestan. It has a capacity of 750, but it currently houses 2500 inmates. According to reports, the conditions in this prison, like other prisons in Khuzestan Province, are appalling. The lack of adequate space for prisoners to sleep, serious hygiene problems, spread of disease, and inadequate nutrition are some of the issues reported at this prison.*



**Appendix II:**  
Judgments in the Case of  
Abdulmir Khanaferih, et al.

# السلامة العامة



دادگستری جمهوری اسلامی  
ایران

«فَلَا تَتَّبِعُوا الْقَوَى أَنْ تَغْدِلُوا»

شماره دادنامه: ۹۱۰۹۹۷۶۱۲۲۱۰۰۶۶۶  
شماره پرونده: ۸۸۰۹۹۸۶۳۰۰۴۰۰۶۲۶  
شماره بایگانی شعبه: ۹۰۱۲۱۰  
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پیوست:

شعبه اول دادگاه انقلاب دادگستری شهرستان اهواز

## دادنامه

پرونده کلاسه ۹۱۰۹۹۷۶۱۲۲۱۰۰۶۶۶ / ۸۸۰۹۹۸۶۳۰۰۴۰۰۶۲۶ شعبه اول دادگاه انقلاب دادگستری شهرستان اهواز دادنامه شماره ۹۱۰۹۹۷۶۱۲۲۱۰۰۶۶۶

شاکلی:

آقای نماینده محترم دادستان به نشانی اهواز دادگستری کل

متهمین:

۱. آقای عبدالرضا امیر خنافره با وکالت آقای عبدالسلام ساکی به نشانی اهواز کیانپارس نبش خیابان ۶ غربی مجتمع آلا طبقه ۳ واحد ۴ دفتر وکالت ساکی و آقای یونس نواصری به نشانی اهواز خ نادری مجتمع بهار طبقه

دوم واحد ۵

۲. آقای عبدالامیر مجدمی با وکالت آقای رسول زمانی فروشانی به نشانی اهواز خ طالقانی نبش نظامی

۳. آقای شهاب عباسی ۴. آقای غازی عباسی با وکالت آقای یونس نواصری به نشانی اهواز خ نادری مجتمع بهار طبقه دوم واحد ۵

۵. آقای جاسم مقدم پیام با وکالت آقای احسان معاضدی به نشانی اهواز کیانپارس نبش خیابان ۵ شرقی دفتر وکالت اشرفی

۶. آقای سامی جدمای نژاد با وکالت آقای عزیز باوی به نشانی اهواز کمپلو خ انقلاب بین ولیعصر و ارفع پاساژ عبدالخانی ط ۲

۷. آقای هادی آلیوخنفر نژاد با وکالت آقای سید عبدالرضا مرعشی به نشانی اهواز خ طالقانی خ فردوسی به سمت کاوه پ ۳۵۸ ط ۲

اتهام: محاربه و افساد فی الارض

## رای دادگاه

در خصوص اتهام آقایان ۱- غازی عباسی، فرزند احمد، متولد ۱۳۶۱، مجرد، فاقد سابقه کیفری با وکالت آقای یونس نواصری ۲- عبدالرضا امیر خنافره، فرزند یونس، متولد ۱۳۶۶، مجرد، فاقد سابقه کیفری با وکالت آقایان یونس نواصری و عبدالسلام ساکی ۳- جاسم مقدم پیام، فرزند سعید، متولد ۱۳۶۴، مجرد، فاقد سابقه کیفری با وکالت آقای احسان معاضدی ۴- عبدالامیر مجدمی، فرزند هوشنگ، متولد ۱۳۵۹، متأهل، فاقد سابقه کیفری با وکالت آقای رسول زمانی فروشانی ۵- هادی آلیوخنفر نژاد، فرزند عبدالخضر، متولد ۱۳۶۰، متأهل، فاقد سابقه کیفری با وکالت آقای سید عبدالرضا مرعشی ۶- سامی جدمای نژاد، فرزند عزیز، متولد ۱۳۶۰، مجرد، فاقد سابقه کیفری با وکالت آقای عزیز باوی ۷- شهاب عباسی فرزند احمد، متولد ۱۳۶۵، مجرد فاقد سابقه کیفری با وکالت آقای یونس نواصری، همگی مبنی بر محاربه و افساد فی الارض از طریق دست بردن به اسلحه و تیر اندازی برای ایجاد رعب و هراس و سلب امنیت مردم. بدین توضیح که بنا به محتویات پرونده متهمین فوق یا تشکیل گروهی که علی الظاهر به نام کتابت الاحرار و با انگیزه تجزیه طلبانه و قومی مبارزت به تیر اندازی های متعدد و مکرر نموده که بالغ بر یازده مورد از این تیراندازی ها به مأمورین انتظامی یا ادوات و وسایل نقلیه نیروی انتظامی به عنوان نماد امنیت جامعه بوده و هدف آنان از این تیراندازی ها که بعضاً منتهی به قتل مأمورین نیز شده است فقط ایجاد رعب و هراس و سلب امنیت مردم تیراندازی ها که بعضاً منتهی به قتل مأمورین نیز شده است فقط ایجاد رعب و هراس و سلب امنیت مردم تحقیقات



دادگستری جمهوری اسلامی  
ایران

«فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَخْلُوا»

شماره دادنامه: ۹۱۰۹۹۷۶۱۲۲۱۰۰۶۶۶  
شماره پرونده: ۸۸۰۹۹۸۶۳۰۰۴۰۰۶۲۶  
شماره بایگانی شعبه: ۹۰۱۲۱۰  
تاریخ تنظیم: ۱۳۹۱/۰۵/۲۵  
پیوست:

شعبه اول دادگاه انقلاب دادگستری شهرستان اهواز

### دادنامه

مامور نیروی انتظامی (بهروز تقوی) جنب بانک ملت به همراه غازی عباسی به شرح موجود در صفحه ۲۸۱ پرونده، اقرار و بیان و تشریح چگونگی تیراندازی به پاسگاه حدبه در صفحه ۲۸۳ و ۲۸۴، و تیراندازی به کلانتری ۱۱ فلکه شهرداری وفق صفحه ۲۸۷ به همراه غازی عباسی و کانتکس نیروی انتظامی واقع در فلکه آخر اسفالت شادگان وفق صفحه ۲۸۵، تیراندازی به موتور گشت نیروی انتظامی جنب پل ولایت وفق صفحه ۲۹۱، تشریح چگونگی تیراندازی به پاتروی نیروی انتظامی در مسیر جاده گیداری به شرح صفحه ۲۹۳ پرونده به همراه غازی عباسی و جاسم مقدم پیام، اقرار و تشریح چگونگی تیراندازی به پاترول نیروی انتظامی در مسیر جاده ی عبودی به همراه جاسم مقدم پیام و غازی عباسی به شرح موجود صفحه ۲۹۴ پرونده، اقرار و تشریح چگونگی تیراندازی به کانتکس نیروی انتظامی در اول جاده خروسی به شرح موجود در صفحه ۲۹۶ پرونده، اقرار و تشریح چگونگی تیراندازی به کانتکس نیروی انتظامی در اول جاده خروسی به شرح موجود در صفحه ۲۹۶ پرونده، اقرار وی به محاربه در دانسرا به شرح موجود در صفحه ۳۰۲ پرونده، اقرار متهم ردیف ۶ به شرح موجود در صفحه ۳۲۱ پرونده در دانسرا، اقرار جاسم مقدم پیام به عضویت در گروه کتائب الاحرار به شرح موجود در صفحه ۳۲۶ پرونده، اظهارات وی در خصوص تیراندازی انجام شده به شرح موجود در صفحه ۳۲۸ پرونده، اقرار به تیراندازی به ماشین دوکابین پاسگاه در فلکه لاله (بازار روز) شادگان وفق صفحه ۳۳۵ پرونده و سایر اقراریه اظهارات وی به شرح صفحات ۳۳۶ الی ۳۳۹ پرونده اقرار وی به محاربه در دانسرا به شرح صفحه ۳۴۵ پرونده، اظهارات وی مبنی بر اینکه عکس یک نفر از کسانی که به جهت بمب گذاری در اهواز به اعدام محکوم شده و علی الظاهر حکم وی اجرا شده در منزل غازی عباسی الصاق شده به شرح موجود در صفحه ۳۳۹ پرونده، اقرار غازی عباسی به تیراندازی به شرح موجود در صفحات ۳۷۲ و ۳۷۳ پرونده، اقرار در دانسرا به شرح موجود در صفحه ۲۷۹ پرونده، اقرار شهاب عباسی به تیراندازی به شرح موجود در صفحات ۳۹۷ و ۳۹۸ پرونده، صورت جلسه کشف اسلحه و مهمات مکشوفه موجود در پرونده، کیفرخواست صادره از دانسرا به شماره ۹۰۱۰۴۳۶۳۰۰۴۰۰۷۹۱، اقرار غازی عباسی به تیراندازی به بهروز تقوی و قتل وی، و سایر قراین و امارات موجود در پرونده که همگی آنان مفید علم و یقین بر توجه ارتکاب بزه انتسابی به متهمین فوق الذکر می باشد و انکار آنان در این شعبه دادگاه نیز امری طبیعی می باشد فلذا با توجه به جمیع جهات مذکور بزه انتسابی به تمامی متهمین مذکور را محرز و مسلم تشخیص داده مستندا به مواد ۱۰۵، ۱۸۳، ۱۹۰ و ۱۹۱ قانون مجازات اسلامی رای بر محکومیت متهمین ردیف های اول الی چهارم به مجازات مندرج در بند ۱ ماده ۱۹۰ قانون مذکور یعنی قتل (اعدام) از طریق طناب چوبه دار و متهمین ردیف های پنجم، ششم و هفتم به مجازات مندرج در بند ۴ ماده مذکور با رعایت ماده ۱۹۳ قانون مذکور یعنی سه سال حبس در تبعید در زندان شهرستان اردبیل صادر و اعلام می دارد در خصوص اسلحه و مهمات مکشوفه از متهمین نیز به استناد ماده ۱۰ قانون فوق الذکر رای بر ضبط و مصادره آنان به عنوان وسیله و آلت جرم به نفع دولت صادر و اعلام می دارد رای صادره حضوری و غیر قطعی می باشد. ظرف مدت بیست روز از تاریخ ابلاغ قابل تجدید نظر در دیوان عالی کشور می باشد.

علی فرهادوند

دادرس علی البیدل شعبه اول دادگاه انقلاب اسلامی شهرستان اهواز

تصویر برابر با اصل است.

نشانی: اهواز - کیابارس - خیابان توحیدشرقی - جنب پل - دادگاه انقلاب اسلامی اهواز

تجدید نظر: ۱۳۹۱/۶/۱۱

## [Ahvaz Revolutionary Court Judgment in the case of Abdolamir Khonafereh, et al.

### Translation:]

Verdict Number: 9109976123100666

Docket Number: 8809986300400626

“Follow not the lusts, lest you be misdirected.”

[Emblem]

Branch Archive Number: 901210

Branch One of the Revolutionary Court of Ahvaz

Date: August 15, 2012

Attachment:

Islamic Republic of Iran

Ministry of Justice

### Verdict

Docket number 8809986300400626, Ahvaz Ministry of Justice, Branch One of the Revolutionary Court, Court opinion number 9109976123100666

Complaining Party: The Esteemed Representative of the Prosecutor, Ministry of Justice, Ahvaz

Defendants:

1. Abdolreza Amir Khonafareh, represented by Mr. Abdolsalam Saki, at Ahvaz, Kianpars, the corner of west 6<sup>th</sup> St., Ala Complex [redacted], the office of Mr. Saki, and Mr. Younes Navaseri located at Ahvaz, Naderi St., Bahar Complex, second floor, unit 5.
2. Mr. Abdolamir Mojaddami, represented by Mr. Rasoul Zamani Foroushani, at Ahvaz, Taleqani St., corner of Nezami.
3. Mr. Shahab Abbasi
4. Mr. Ghazi Abbasi, represented by Mr. Younes Navaseri, located at Ahvaz, Naderi St., Bahar Complex, second floor, unit 5.
5. Mr. Jasem Moqaddam Payam, represented by Mr. Ehsan Mo'azedi, located at Ahvaz, Kianpars, corner of east 5<sup>th</sup> St., Ashrafi law firm.
6. Mr. Sami Jedmavinejad, represented by Mr. Aziz Bavi, located at Ahvaz, Camplo, Enqelab St., between Vali Asr and Arfa', Abdolkhani shopping center, second floor.
7. Mr. Hadi Albo Khanfarnejad, represented by Seyed Abdolreza Mar'ashi, located at Ahvaz, Taleqani St., Ferdosi St. towards Kaveh, No. 358, second floor.

Charges: Waging war on God and sowing corruption on Earth.

### Court Opinion

Regarding the charges against Messrs. 1. Ghazi Abbasi, son of Ahmad, born in 1982, single, without a criminal record, represented by Mr. Younes Navaseri, 2. Abdolreza Amir Khonafareh, son of Younes, born in 1987, single, without a criminal record, represented by Messrs. Younes Navaseri and Abdolsalam Saki, 3. Jasem Moqaddam Payam, son of Saeed, born in 1985, without a criminal record, represented by Mr. Ehsan Mo'azedi, 4. Abdolamir Mojaddami, son of Houshang, born in 1980, married, without a criminal record, represented by Mr. Rasoul Zamani

Foroushani, 5. Hadi Albo Khanfarnejad, son of Abdolkhezr, born in 1981, married, without a criminal record, represented by Mr. Seyed Abdolreza Mar'ashi, 6. Sami Jedmavinejad, son of Aziz, born in 1981, single, without a criminal record, represented by Mr. Aziz Bavi, 7. Shahab Abbasi, son of Ahmad, born in 1986, single, without a criminal record, represented by Mr. Younes Navaseri, all [have been charged with] waging war on God and sowing corruption on earth through using arms and shootings, [which have been committed] in order to instill terror and fear and to deny security to the public. According to the contents of their case files, individuals charged above formed a group nominally referred to as *Kataeb al-Ahrar* [Warriors of Liberation], but, with separatist and ethnic motivations, they have engaged in numerous shootings. Eleven of these shootings were directed at police officers or police equipment and vehicles, which are symbols of security in society. The goal of these shootings, which on occasion have resulted in the murder of police officers, was solely to instill terror and fear and to deny security to the public.

...[Illegible] police officer (Behrouz Taqavi) near Mellat Bank along with Ghazi Abbasi, as described in page 281 of the case file, confessing and explaining the details of the shooting at Hodbeh police station in pages 283 and 286, the shooting at the 11<sup>th</sup> precinct police station at Shahr-dari Rotary as stated in page 287, along with Ghazi Abbasi, and [shooting at] a police kiosk located at the last paved rotary in Shadegan, as stated in page 285, shooting at a police motorcycle next to Velayat Bridge as stated in page 291, explaining the details of the shooting at a police [Nissan] Patrol on Gidari road, along with Ghazi Abbasi and Jasem Moqaddam Payam, as stated in page 293, confessing and explaining the details of shooting at a police [Nissan] Patrol on Aboudi Road, along with Jasem Moqaddam Payam and Ghazi Abbasi, as stated in page 294 of the case file, confessing and explaining the details of the shooting at the police kiosk at the beginning of Khorousi Road as stated in page 296 of the case file, his confession regarding waging war on God at the prosecutor's office as stated in page 302 of the case file, confession of the defendant no. 6 at the prosecutor's office as stated in page 321 of the case file, Jasem Moqaddam Payam's confession to membership in *Kataeb al-Ahrar* as explained in page 326 of the case file, his statements regarding the shooting as explained in page 328 of the case file, confessing to shooting at the police station's two-cabin vehicle at Laleh Rotary (Bazar Rouz) in Shadegan as stated on page 325 of the case file, and the rest of his confessions and statements as stated in pages 336 to 339 of the case file, his confession to waging war on God at the prosecutor's office as explained in page 345 of the case file, his statements indicating that a picture of a person sentenced to death and apparently executed for involvement in a bombing in Ahvaz was hanging in Ghazi Abbasi's residence as stated in page 339 of the case file, Ghazi Abbasi's confession to [involvement in a] shooting as explained in pages 372 and 373 of the case file, confessing in the prosecutor's office as stated in page 279 of the case file, Shahab Abbasi's confession to [involvement in a] shooting as explained in pages 397 and 398 of the case file, the list of discovered weapons and ammunition in the case file, the indictment no. 9010436300400 issued by the prosecutor's office, Ghazi Abbasi's confession to shooting and killing Behrouz Taqavi, and other evidence in the case file, all of which establish that the accused have committed the crimes with which they have been charged, and [given that] it is natural for them to deny the charges in this court; therefore, considering all of the above, [this court] finds all defendants guilty of the crimes with which they have been charged. Accordingly, based on Articles 105, 183, 190, 191 of the Islamic Penal Code, [the court] sentences defendants number one through four to the punishment specified in Article 190, paragraph 1, meaning death (execution) by hanging. [This court also sentences] defendants number five, six, and seven to the punishment specified in Article 190, paragraph 4, also taking into account Article 193 of the said Code, which is three years of imprisonment and exile in the city of Ardabil. Also, regarding the weapons and ammunitions discovered from the defendants, [This court] announces that they should be confiscated as instruments of crime and held for the government's benefit. This verdict is issued at the presence of the defendants, and it is not final. This verdict may be appealed at the Supreme Court within twenty days after the date at which this verdict is issued.

Ali Farhadvand

Alternate Judge, Branch One of the Ahvaz Islamic Revolutionary Court

Copy is the same as original.

Address: Ahvaz—Kianpars – East Tohid St. – Next to the bridge – Ahvaz Islamic Revolutionary Court

شماره پرونده: ۱۳۹۱/۵/۲۵-۱۰۰۶۶۶  
شماره بایگانی شعبه: ۶۱-۱۵۷  
تاریخ تسلیم: ۱۳۹۱/۵/۲۵

اتحادیه انجمن آزادی ایران

شعبه سی و دوم دیوان عالی کشور



جمهوری اسلامی ایران  
وزارت دادگستری  
دیوان عالی کشور



تجدید نظر خواهی

تجدید نظر خواه: آقای عبدالرزاق شویخی پور به وکالت از مجامع مقدم پیام فرزندان سید و شهید الامیر مجتهدی لریزندی  
میر شنگ. آقای پیران نواصوری به وکالت از شهاب عباسی لریزندی احمد و عبدالرضا امیر مختصافره (غضازی میبانی) (۳)  
شهید اسلام سانی به وکالت از امیر مختصافره و رسول زمانی قزوینی به وکالت از عبدالامیر مجتهدی

تجدید نظر خواسته دادنامه شماره ۱۰۰۶۶۶-۱۳۹۱/۵/۲۵ صادره از شعبه اول دادگاه انقلاب اسلامی اهواز

موضوع رسیدگی شعبه سی و دوم دیوان عالی کشور

رئیس شعبه آقایان رضا فرج الهی (رئیس) - سید علی اصغر لطیفی رشمی (مشاور) - سید مصطفی قائم مناعی  
(مشور)

مخالفین: آقایان پیران نواصوری (۱) آقایان (۲) عبدالرضا امیر مختصافره، متولد ۱۳۶۶  
اسلام مجتهدی لریزندی، میر شنگ، به اتهام عضویت در گروهی که دارای انگیزه تجزیه طلبانه و قومیت گرای است و  
حمله مسلحانه به مأموران انتظامی و ادوات و اسلحه و ادوات و اسلحه انتظامی که بعضاً موجب قتل مأموران شده است، تحت تعقیب  
دادسرای عمومی و انقلاب اهواز قرار گرفته اند. بدین توضیح در پی ۱۷ موارد متعدد تیراندازی به منازل و مأموران  
انتظامی و ادوات آنها، از جمله واقعه تیراندازی مورخ ۸۷/۱۲/۸ در جنب بانک صادرات شادگان که فردی بنام پیروز  
تقوی مورد اصابت گلوله قرار گرفته و بر اثر شدت جراحات فوت شده است تحقیقات و اقدامات وسیعی از ناحیه پلیس  
آگاهی شادگان و اداره اطلاعات انجام شده تا اینکه در تاریخ ۸۸/۳/۳۱ مأموران امنیتی رد پای جریانات تجزیه طلب و  
قومیت گرا در اقدامات رعب برانگیز پیگیری و در آن تاریخ مجامع پور مقدم مورد شناسایی قرار گرفته و از منزل وی  
بازرسی معمول یک قبضه سلاح جنگی کلاشینکف تاشو به شماره ۱۹۰۲۱۰۵۳ با یک تیرنه خشاب و چهار تیرنه شنگ  
کشف شده است وی در تحقیقات بعمل آمده اظهار نموده سلاح مذکور را از فوآه مجتهدی خریداری کرده و در وهله  
بعد اظهار نموده آقا از مجتهدی به صورت امانت از وی گرفته است. اداره تشخیص هویت پلیس آگاهی نا جا در  
تیراندازی آزمایشی با سلاح کشف شده از متهم، آثار موجود بروی پوکه های آزمایشی را با ۱۸ عدد پوکه کشف شده  
در صحنه تیراندازی با منزل محمدان و هاشم خوشونی عارف و حسن خضیروای دارای وجه تشابه و به کارگیری این  
سلاح در آن صحنه را معزز دانسته است. متهم متکرم و اینستیکمی به گروهکهای تجزیه طلب شده بقیه متهمان نیز دستگیر

شماره پانزدهم ۱۳۸۱ - ۹۶۹۶۶۰۹۱۰۰  
شماره پرونده ۸۸۰۹۹۸۶۲۰۰۲۰۰۶۶۶  
شماره بایگایی شعبه: ۹۶۴۵۷  
تاریخ تنظیم: ۱۳۸۱/۱۱/۲۵  
پرونده

شماره پرونده: ۸۸۰۹۹۸۶۲۰۰۲۰۰۶۶۶

شعبه سی و دوم دیوان عالی کشور



شده اند. ساری آریو جعفری در تحقیقات مورخ ۱۳۷۷/۲۰ یک نفر تیراندازی با نشان ساسی مجرم ساری به نام ساسی منزل  
شماره ۱ و پذیرفته و اظهار نموده سلاح ساسی را از حمل میکرده و ساسی با سلاح مشغول به مجامع تیراندازی کرده است  
پونس امیر خنقاره و عبدالامیر مجرم منکر اتهام انسانی شده ولیکن مجرمی در تحقیقات معموله در اطلاعات اظهار  
نموده با مجامع مقدم ، عبدالرضا امیر خنقاره ، غازی عباسی ، شهاب عباسی ، مهدی خنقاره ، ساسی مجرمی ، عبدالسه و  
غزوه مجرمی گروه را تشکیل داده اند و تیراندازی ها را شیر ، امیر خنقاره و غازی عباسی و شهاب عباسی انجام داده و  
خود وی یک قبضه سلاح کلاشینکف قنداق دار از شهاب عباسی به مبلغ ۲۵۰ هزار تومان خریداری کرده است .  
عبدالامیر مجرمی اظهار نموده ، هنگام غروب آفتاب عبدالرضا امیر خنقاره و غازی عباسی ، سوار موتور شده به طرف  
بازار رفته و او و جاسم در منزل جاسم ایستاده اند ، حدود یک ساعت بعد تلفن جاسم زنگ خورد ( زنگ آن به صدا  
درآمد ) و تصور می کرده غازی بوده که گفت بیا و گفت مأمور نیروی انتظامی کشته شده ، زود برو خانه ، وی هم سوار  
موتور شده و به منزل رفته ، جاسم روز بعد ، وی نگران ساختمان بوده ، که جاسم در حالتش شیشه کتبه و دست پیوسته  
توزد وی آمده و اظهار نموده غازی عباسی و عبدالرضا امیر خنقاره و مهدی خنقاره دیروز مأموری را کشته اند . عبدالامیر  
مجرمی اظهار نموده همراه جاسم مقدم اقدام به تیراندازی نموده و چند مورد را پذیرفته ولیکن تیراندازی به طرف مأمور  
انتظامی را منکر شده است وی به نقل از جاسم مقدم پیام اظهار نموده عبدالرضا امیر خنقاره و غازی عباسی به طرف  
مأموران انتظامی تیراندازی کرده اند . عبدالرضا امیر خنقاره به چند مورد تیراندازی به طرف مأموران انتظامی و مردم  
اعتراف کرده است و ۱۷ مورد را برشمرده است . عبدالرضا امیر خنقاره ، اظهار نموده روزی او و جاسم کنار رودخانه  
نشسته بوده اند و بعد از همد نوروز ۸۷ غازی به او زنگ زده و به او گفته با تو کار دارم ، موتور را گذاشته و نزد او آمده  
گفته است نمیتواند جاسم متوجه شود به منزل رفته و با سلاح برگشته و به طرف بازار حرکت کرده اند ، در پس راه  
به او گفته نمیتواند مأمور انتظامی را بزند ، نمی خواهد جاسم بفهمد ، بعد از عبور از پل وارد یک کوچه شده از وسط  
بازار عبور کرده و به بازار اصلی رسیده و وارد کوچه خیابانی پشت بانک شده اند و غازی از موتور پیاده شده ، چند تیر  
به طرف مأمور انتظامی تیراندازی کرده است و بعد سوار موتور شده و از محل دور شده اند وی به قرار مستوع به  
تیراندازی به طرف کانتینر نیروی انتظامی یک نفر سرباز کشته شده و در آن عملیات وی ، غازی عباسی و شهاب عباسی  
و جاسم مقدم شرکت داشته اند وی داشتن دو قبضه سلاح کلاشینکف را که از غازی عباسی خر برداری کرده پذیرفته  
است . عبدالرضا امیر خنقاره فرزند پونس ، اظهار نموده او و غازی برده اند ، غازی زنگ زده با اولب رودخانه رفته اند  
، همراه جاسم برده بعد ( غازی ) آمده ، موتور را کنار آب پارک کرده و رفته از منزل سلاح کلاشینکف خود را آورده  
وی به همراه از سوار موتور شده و رفته اند ( به کجا ) غازی پیاده شده و تیراندازی کرده و مأمور را بقتل رسانده است





جمهوری اسلامی ایران  
قوه قضاییه

دادنامه

«فلا تبعوا الهوی ان تضلوا»

شعبه سی و دوم دیوان عالی کشور

شماره دادنامه: ۹۱۰۹۹۷۰۹۱۰۵۰۰۸۵۱

شماره پرونده: ۸۸۰۹۹۸۶۳۰۰۴۰۰۶۲۶

شماره بایگانی شعبه: ۹۱۰۴۵۷

تاریخ تنظیم: ۱۳۹۱/۱۱/۲۵

پیوست:

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و غازی حدود پنج تیر شلیک کرده است. سامی مجاهد ماوی نواد فرزند عزیز، اعضای مجموعه خود را غازی عباسی فرزند احمد، شهاب عباسی فرزند احمد، جاسم پور فرزند سعید و هادی خنفره فرزند عبدالخضر و امیر مجیدی فرزند طلیل و نام گروه را کتابت الاحراز ذکر کرده است. جاسم مقدم پیام نزد بازپرس شعبه اول شادگان اظهار نموده به همراه سایر اعضاء و از جمله غازی عباسی و شهاب عباسی فرزندان احمد و عبدالرضا خنفره و میر مجید و سامی مجید مساری نواد و هادی آلبوحنفر و عباس پور تیراندازی کرده اند (به چه صورت و به چه تعداد و کجا) وی به نقل از عبدالرضا بیان کرده که آنها یک نفر مأمور، جناب بانک به قتل رسانده اند. (غازی و عبدالرضا) تیراندازی به منازل اشخاص حقیقی و مأموران انتظامی را پذیرفته است. غازی عباسی ابتدا منکر اتهام انتساب شده و لسی در ادامه تحقیقات اظهار نموده عباسی برای خرید سیگار به دکه های دور فلکه رفته به جاسم زنگ زده که یک نفر مأمور در حال قدم زدن است ظاهراً عباسی و جاسم او را می شناسند و تنهاست و به طرف پاسگاه می رود وی تیراندازی به طرف آن مأمور و قتل او را پذیرفته و اضافه کرده، عبدالرضا زانندگی موقور را به عهده داشته و این مأمور با عباس ارتباط داشته و از عباس و شوه گرفته بوده است (مأمور مذکور بهروز تقوی نام داشته است) پرونده با تقاضای دادستان عمومی و انقلاب شادگان به مرکز استان ارسال و پس از موافقت رئیس دادگستری به شعبه اول دادگاه تجدیدنظر استنای ارسال. احاله پرونده به مرکز استان (اهواز) موافقت کرده است. شهاب عباسی در این مرحله تیراندازی به کانکس تیراندازی انتظامی و کشته شدن سرباز آن نیرو را اذعان کرده است. هادی آلبوحنفر، تیراندازی به طرف کامیونهای عبوری به همراه جاسم مقدم پیام را پذیرفته و انگیزه خود را عدم توجه به جوانان و معتاد شدن آنان و فساد پاسگاه و اخذ رشوه علنی ذکر کرده و اظهار کرده دوست داشته خوزستان (از ایران) جدا شود و با دوستان خود و بقیه گروهها هم قسم شده اند. عبدالامیر مجیدی اظهار نموده چهار بار با جاسم تیراندازی کرده، عضویت خود را در گروه و تیراندازی به طرف مأموران انتظامی و اشخاص حقیقی را پذیرفته ولیکن از قتل سرباز نیروی انتظامی اظهار بی اطلاعی کرده و یکبار جاسم در حالت تشنگی بیان کرده عبدالرضا و غازی به مأموران تیراندازی کرده اند و دو نفر درجه دار را کشته اند. عبدالرضا امیر خنفره ضمن پذیرش داشتن سلاح تیراندازی را انکار کرده و اقرار قبلی خود را ناشی شکنجه و کتک ذکر کرده است. جاسم مقدم پیام تیراندازی به طرف مردم و مأموران بانفاق عبدالرضا و هادی و غازی را پذیرفته و تیراندازی به طرف سرباز که منجر به قتل او شده یا سلاح کلاشینکف را پذیرفته و بیان نموده سلاح را از عبدالامیر خنفره خریداری کرده و علت تیراندازی خود را تحریک غازی بیان کرده است غازی ضمن پذیرش تیراندازی به طرف مردم، تیراندازی به سوی مأموران را انکار کرده و عضویت در گروهک کتابت الاحراز را نیز انکار کرده، ولیکن حمل سلاح را قبول کرده است. اولیاء دم مرحومان بهروز تقوی و سعید جدانی در شعبه بازپرسی حاضر و تقاضای قصاص کرده اند. پرونده با صدور قرار مجرمه پست و



جمهوری اسلامی ایران  
قوه قضائیه

دانشگاه

«فلا تهبوا القوی ان تغلبوا»

شعبه سی و دوم دیوان عالی کشور

شماره دادنامه: ۹۱۰۹۹۷-۹۱۰۵۰۰۸۵۱  
شماره پرونده: ۸۸-۹۹۸۶۳-۰۴-۰۶۲۶  
شماره بایگانی شعبه: ۹۱۰۴۵۷  
تاریخ تنظیم: ۱۳۹۷/۱۱/۲۵  
پیوست:

ع

کیفرخواست از لحاظ معاویه و محمل غیر مجاز سلاح به دادگاه انقلاب اسلامی اموار ارسال شده است. با توجه به اینکه بدل پرونده از لحاظ قتل عمدی به دادگاه کیفری استان ارسال شده دادگاه مرتوم اصل پرونده را مطالبه کرده فلذا اصل پرونده به دادگاه کیفری استان ارسال و بدل آن به دادگاه انقلاب اسلامی مطرح شده است. دادگاه اختصار تعیین و معرفی وکیل به متهمان نموده، آقای یونس نواصری از طرف غازی عباسی، عبدالرضا خنفره و شهاب عباسی اعلام وکالت کرده است. بقیه متهمان اعلام کرده اند قادر به انتخاب و معرفی وکیل نیستند. دادگاه بعد از سپری شدن چهار ماه از صدور قرار بازداشت موثقت متهمان رأی به ابقاء قرار بازداشت موثقت داده که مورد اعتراض متهمان قرار گرفته و شبیه ۱۷ دادگاه تجدید استان خوزستان قرار صادره را تأیید کرده است در حالیکه طبق رأی وحدت رویه شماره ۷۱۰ مورخ ۸۸/۱/۱۸ هیأت عمومی دیوان عالی کشور مرجع رسیدگی به اعتراض دادگاه عمومی جزائی است (دادگاه سا حضور متهمان و وکلای مدافع آنان و نماینده دادستان تشکیل جلسه داده. ابتدا نماینده دادستان تقاضای مجازات متهمان را کرده است سپس عبدالامیر مجدعی فرزند هوشنگ در قبال اتهام انسابی از خود دفاع کرده و اقرار قبلی خود را رد محبت شرایط خاص و تحت فشار روحی و روانی بیان و اظهار نموده هیچگونه تیراندازی نکرده و اطلاعاتی از قتل مأموران انتظامی ندارد. وکیل مدافع وی نیز اظهار نموده متهم اقرار قبلی خود را نفی نموده و هیچگونه سلاح گرمی از وی کشف نشده و سابقه مشابهی هم ندارد. متهم اظهار نموده اظهارات مندرج در صفحات ۲۳۰ و ۲۳۱ بخط اوست ولی در اداره اطلاعات در زمان نوشتن دست وی را می گرفته اند تا بنویسد و تحت این شرایط نوشته است. دادگاه در خاتمه رسیدگی با توجه به گزارش مرجع انتظامی، گزارش و تحقیقات مفصل و جامع اداره اطلاعات برگزیده ۲۸۱ تا ۳۸۵ و ۴۷۱ تا ۵۲۴ پرونده، نظریه پزشکی قانونی در خصوص علت فوت مأمور بهروز تقوی برگزیده ۲۳ الی ۳۵ و علت فوت سرباز وظیفه حبیب جدهانی موجود در صفحات ۴۴۸ و ۴۴۹ نظر به کارشناس سلاح و مهمات و بررسی پوکه های کشف شده در صحنه قتل مرحوم تقوی و جراحات گروهیان عسگری با مهمات تیراندازی شده آزمایشی از سلاح کلاشینکف شماره سریال ۱۹۰۲۱۰۴۴۳ که از منزل جاسم مقدم پیام کشف شده و اقرار وی به تعلق این سلاح به وی و نظریه کارشناس دایره تشخیص هویت ص ۱۷۶ و ۱۷۷ اقرار غازی عباسی در صفحه ۴۰۲ مبنی بر تعلق تعدادی از سلاح و مهمات کشف شده به وی و انطباقی حداقل یک مورد تیراندازی با سلاح مذکور در صحنه تیراندازی اقرار صریح متهمان به تیراندازی به طرف مأموران و ادوات انتظامی با ذکر جزئیات واقعه ها که اقرار هر یک با ذکر جزئیات حوادث و تاریخ و برگزیده مربوطه بیان شده، برعکاری آنان را احراز کرده به استناد مواد ۱۰۵ و ۱۸۳ و ۱۹۰ و ۱۹۱ قانون مجازات اسلامی ردیفهای اول تا چهارم (غازی عباسی، عبدالرضا امیر خنفره، جاسم مقدم پیام و عبدالامیر مجدعی را به اعدام از طریق شتاب چوبه دار محکوم کرده است و شهاب عباسی را به سه سال تبعید به صورت حبس در زندان اردبیل



جمهوری اسلامی ایران  
وزارت قضاوت

شماره ۱۵

«غلا تسمعوا للهوی آن تشدیوا»

تعمیر سبی و دوم دیوان عالی کشور

شماره دادنامه: ۹۱۰۹۹۲۰۹۱۰۵۰۰۸۵۱

شماره پرونده: ۸۸۰۹۹۸۴۴۰۰۴۰۰۴۲۶

شماره بایگانی شعبه: ۹۱۰۴۵۷

تاریخ تنظیم: ۱۳۹۱/۱۱/۲۵

یوسته

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محکوم نموده است. آقایان عبدالرزاق شریفی پور به وکالت از عبدالامیر مجدمی و جاسم مقدم پیام و عبدالسلام ساکی به وکالت از امیر خنایره و ایضاً رسول زمانی فروشانی به وکالت تسخیری از عبدالامیر مجدمی و آقای یونس نواصری به وکالت از عبدالرضا امیر خنایره و غازی عباسی فرزند احمد و شهاب عباسی در لایحه ای که بتاريخ ۹۱/۶/۲۶ ثبت شده به وکالت از غازی عباسی و عبدالرضا امیر خنایره تقاضای تجدیدنظر کرده است در لایحه دیگری که در تاریخ ۹۱/۶/۲۹ ثبت شده شهاب عباسی را نیز اضافه کرده است نامبرده به سه سال تبعید در زندان اردبیل محکوم شده است و مدعیات وکلای. عدم حجیت اقرار اولیه متهمان و مستندات علم دادگاه و عدم انطباق موضوع با ماده استنادی است. پرونده به دفتر دیوان عالی کشور ارسال و به این شبهه ارجاع شده است.

همین شعبه در تاریخ بالا تشکیل گردید پس از قرائت گزارش آقای فرج اللهی عضو ممیز و ملاحظه اوراق پرونده و نظریه کتبی آقای دکتر محمد رضا الهی بنش دادیار دیوان عالی کشور اجمالاً مبنی بر بلحاظ نقص تحقیقات ممتد به نقض رأی و رسیدگی مجدد در دادگاه رسیدگی کننده اولیه می باشم. در خصوص تجدیدنظر خواسته مشاوره نموده پس اکثریت چنین رأی میدهد:

« رأی بنموده »

از ناحیه وکلای مدافع متهمان مطلب موجه یا استدلالی که مبنای علم دادگاه را مخدوش نماید ارائه نشده و مستندات بین رأی همچنان بدون خدشه و دارای افاده علم نوعی است و دادنامه از حیث انطباق موضوع با قانون و رعایت اصول دادرسی فاقد منقذ است. اعتراض را مردود اعلام، دادنامه تجدیدنظر خواسته را ابرام می نماید. متذکر می شود با توجه به مسأله ۸ القول فی الارتداد جلد دوم کتاب تحریر الوسیله حضرت امام رضوان الله تعالی علیه ص ۵۵۱ چاپ جامعه مدرسین اجرای حق قصاص (حق خصوصی اولیاء دم) مقدم بر حق الله می باشد و رعایت آن الزامی است. (۱۸-۱۹)

رئیس شعبه سبی و دوم دیوان عالی کشور: رضا فرج اللهی

منشی: سید علی اصغر لطیفی دستخطی

Handwritten signature and stamp

## [Supreme Court Judgment in the case of Abdolamir Khonafereh, et al.

### Translation:]

Verdict Number: [Illegible]

[Emblem]

Docket Number: 8809986300400626

“Follow not the lusts, lest you be misdirected.”

Branch Archive Number: 910357

Branch Thirty-two of the Supreme Court

Islamic Republic of Iran

Ministry of Justice

Date: February 13, 2013

In the name of God

Appellant: 1. Mr. Abdolrazzaq Sharifipour, representing Jasem Moqaddam Payam, son of Saeed, and Abdolamir Mojaddami, son of Houshang. [2.] Mr. Younes Navaseri, representing Shahab Abbasi, son of Ahmad, and Abdolreza Mirkhonafereh (Ghazi Abbasi). 3. Abdolsalam Saki, representing Amir Khonafereh, and Rasoul Zamani Foroushani, representing Abdolamir Mojaddami.

Appellee: Verdict Number 100666-August 15, 2012, issued by Branch One of the Ahvaz Islamic Revolutionary Court.

Before Branch Thirty Two of the Supreme Court

Branch Panel [comprised of] Messrs. Reza Farajollahi (Chief Judge), Seyed Ali Asghar Latifi Rostami (Advisor), Seyed Mostafa Qa'em Maqami (Vice Member).

Case Summary: Messrs. 1. Ghazi Abbasi, son of Ahmad, born in 1982, 2. Abdolreza Amir Khonafereh, born in 1987, 3. Abdolamir Mojaddami, son of Houshang have been pursued by Ahvaz Public and Revolutionary Prosecutor's Office for membership in a group that has a separatist and [Arab] ethno-centric agenda, and for armed attacks on police officers and police vehicles, which have led to murder of police officers.\* Following 17 shootings directed at residential homes, police officers and their vehicles, including the February 26, 2009 shooting at the corner of Saderat Bank in Shadegan, during which a person named Behrouz Taqavi was shot and subsequently died as a result of his wounds, the Shadegan Police Department and the [Ministry of] Intelligence office initiated a widespread investigation. On June 21, 2009 security agents pursued the traces of separatist and [Arab] ethno-centric movements in the terrorist acts. On that day Jasem Pourmoqaddam was identified. A folding stock AK-47 assault weapon numbered 19021043, a magazine, and four bullets were discovered during the search of his home. During the investigation, he [Pourmoqaddam] stated that he had purchased the weapon from Foad Mojaddami. Later, he stated that he had borrowed it from Mojaddami. After test firings of the weapon discovered from the defendant, the police identity bureau compared the shells from the test firings to 18 shells discovered at the scene of the shooting and at the homes of Hamdan and Hashem Khashouni Aref and Hasan Khaziravi. Finding similarity between the shells, the police identity bureau decisively concluded that the discovered weapon was used at the shooting. The defendant denied belonging to separatist groups. Other defendants were arrested. On October 12, 2009, Hadi Albo Khanfarnejad admitted to shooting at the home of [illegible] along with Sami Jedmavi. Hadi Albo Khanfarnejad stated that he was carrying Sami's weapon, and that Sami fired the weapon belonging to Jasem. Amir Khonafereh and Abdolamir Mojaddami denied the charges. However, during the investigation at the Ministry of Intelligence, Mojaddami stated that he had formed the group with Jasem Moqaddam, Abdolreza Amir Khonafereh, Ghazi Abbasi, Shahab Abbasi, Hadi Khonafereh, Sami Mojaddami, Abdollah Mojaddami and Foad Mojaddami. He said that [illegible] Amir Khonafereh, Ghazi Abbasi and Shahab Abbasi were the shooters, and that he had purchased an AK-47 with a stock from Shahab Abbasi for 350,000 tomans. Abdolamir Mojaddami stated that at sunset Abdolreza Amir

Khonaferah and Ghazi Abbasi mounted a motorcycle and rode towards the market, meanwhile he [Abdolamir Mojaddami] and Jasem were at Jasem's residence. An hour later Jasem's phone received a call (the phone rang). He thought it was Ghazi. He [the person on the phone] told him to get over there, and said that a police officer has been killed. [He told him to] go home soon, and he rode his motorcycle and went home. On the next day he was worried about the building when Jasem, who had smoked crystal meth and was intoxicated, came to him and stated that Ghazi Abbasi, Abdolreza Amir Khonaferah and Hadi Khonaferah had killed an officer yesterday. Abdolamir Mojaddami stated that he, along with Jasem Moqaddam, had engaged in the shooting. He admitted to a number of shootings, but he denied shooting the police officer. He said that according to Jasem Moqaddam Payam, Abdolreza Amir Khonaferah and Ghazi Abbasi had fired at the direction of police officers. Abdolreza Amir Khonaferah has confessed to a number of shootings directed at the police and the public, and he has mentioned 17 such incidents. Abdolreza Amir Khonaferah stated that one day he and Jasem were sitting by a river, and that after New Year [13]87 [March 20, 2008] Ghazi called him and told him that he needed to speak with him. He left the motorcycle and went to see him. He said that he did not want Jasem to notice. He went home and returned with a weapon, and then they went towards the market. When they were on their way, he [Ghazi Abbasi] told him [Abdolreza Amir Khonaferah] that he did not want to shoot the police officer, and that he did not want Jasem to know. After passing the bridge, they entered an alley, went through the market, reached the main section of the market, and entered Khabbazi Alley, which is behind the bank. Ghazi got off the motorcycle and took a number of shots at the direction of the police officer. He then got on the motorcycle, and they rode away. It has been said that he admitted to shooting at the police container, as a result of which one police officer was killed. Ghazi Abbasi, Shahab Abbasi and Jasem Moqaddam participated in that operation. He has admitted to possessing two Ak-47s, which he had purchased from Ghazi Abbasi. Abdolreza Amir Khonaferah, son of Yousef, stated that he and Ghazi were together. Ghazi had called him, and he went by the river with him. Jasem was with him first and Ghazi joined them next. He [Ghazi] parked the motorcycle next to the river, and he went home to get the AK-47. He [Abdolreza Amir Khonaferah] and Ghazi got on the motorcycle and left (towards where?!), Ghazi has disembarked, shot and killed the police officer. Ghazi fired approximately five bullets. Sami Majdmavinejad [sic], son of Aziz, named the following as members of his group: Ghazi Abbasi, son of Ahmad, Shahab Abbasi, son of Ahmad, Jasem Pour, son of Saeed, Hadi Khonaferah, son of Abdolkheyr, and Amir Mojaddami, son of Alil. He stated that the group was named Ketabat al-Ahraz [sic]. Jasem Moqaddam Payam told the procurator at the Branch One of the Shadegan [Islamic Revolutionary Court] that he engaged in shooting along with other members [of the group] including Ghazi Abbasi, Shahab Abbasi, children of Ahmad and Abdolreza Khonaferah, Mir Mojaddam, Sami Jedmavinejad, Hadi Albo Khanfar and Abbaspour (How? How many? Where?). He quoted Abdolreza as saying that they murdered an officer next to the bank. (Ghazi and Abdolreza) have admitted to shooting at homes of individuals and police officers. Ghazi Abbasi initially denied the charge against him. But in the course of the investigation he said that he went to the stands around the rotary to buy cigarettes, and then he called Jasem and said that an officer is walking. Apparently Abbasi and Jasem recognized him. He was alone, and he was walking towards the police precinct. He admitted to shooting and killing the police officer, and he added that Abdolreza was operating the motorcycle. He also said that this police officer had had a relationship with Abbas, and that he had received a bribe from Abbas (the officer was named Behrouz Taqavi). By the request of the Shadegan Public and Islamic Revolutionary Prosecutor, the case was sent to the provincial capital. Following the approval of the head of the Ministry of Justice [provincial office], the case was sent to Branch One of the Province Appeals Court. He agreed with sending the case to the provincial capital (Ahvaz). At this stage Shahab Abbasi admitted to shooting at the police kiosk and killing the soldier serving in the police force. Hadi Albo Khanfar admitted to shooting at passing trucks along with Jasem Moqaddam Payam. He indicated that his motivation was drawing attention to neglect of the youth, their drug addition, corruption at the police precinct and overt acceptance of bribes. He stated that he liked Khuzestan to secede (from Iran), and that he, his friends and other groups had pledged [to commit to this cause]. Abdolamir Mojaddami stated that he has engaged in four shootings along with Jasem. He has admitted to membership in the group and shooting at the police officers and other individuals, but he stated that he was unaware of the murder of the police officer. Once when he was high, Jasem stated that Abdolreza and Ghazi have taken shots at the police and have killed two ranked officers. Abdolreza Amir Khonaferah, while admitting to possessing a weapon, denied involvement in the shooting and stated that his previous confessions were

given under torture and physical abuse. Jasem Moqaddam Payam admitted to shooting at the public and the officers along with Abdolreza, Hadi and Ghazi. He has also admitted to the fatal shooting of the soldier with an AK-47. He has stated that he purchased the weapon from Abdolamir Khonafereh, and that he got involved in the shooting at the urging of Ghazi. Ghazi admitted to shooting at the public, but he denied shooting at police officers. He also denied membership in the Ketabat al-Ahraz [sic] group. But he admitted to carrying a weapon. Relatives of the victims, Behrouz Taqavi and Habib Jedhani, appeared at the investigative branch and requested qisas. The case has been sent to the Ahvaz Islamic Revolutionary Court, and the indictment includes charges of waging war on God and carrying an illegal weapon. A copy of the case file was sent to the Provincial Criminal Court for the murder charge. That court, however, requested to have the original case file. Therefore, the original case file was sent to the Provincial Criminal Court and the copy was sent to the Islamic Revolutionary Court. The court ordered the defendants to select and introduce their attorneys. Mr. Younes Navaseri stated that he was representing Ghazi Abbasi, Abdolreza Khonafereh, and Shahab Abbasi. Other defendants indicated that they were unable to select and introduce counsel. Four months after ordering temporary detention of the defendants, the court renewed the defendants' temporary detention. The defendants appealed this decision. Branch 17 of the Khuzestan Appeals Court upheld the defendants' temporary detention, despite the fact that according to Unification Decision No. 710 dated April 7, 2009 the Supreme Court General Board is to hear appeals from a public criminal court. The trial was convened with the presence of the defendants, their attorneys and the prosecutor's representative. First, the prosecutor's representative requested the punishment of the defendants. Then, Abdolamir Mojaddami, son of Houshang, defended against the charges brought against him. He stated that his confessions were made under special circumstances and psychological pressure. He stated that he has not engaged in any shooting and that he is not aware of the murder of police officers. His attorney stated that the defendant has denied his confession, no firearm has been discovered from him, and that he does not have a record. The defendant said that the statements on pages 230 and [illegible] are in his handwriting, but while at the intelligence office [the agents] held his hand when he was writing [to force him to write]. [According to him] this was the circumstances under which he wrote [his confessions]. At the end of the trial, considering the report from the police, the comprehensive and detailed report of the [Ministry of] Intelligence office at pages 381 to 385 and 471 to 524 of the case file, the medical examiner's opinion regarding Officer Behrouz Taqavi's cause of death at pages 23 to 35, Private Habib Jedhani's cause of death in pages 448 and 449, the opinion of the weapons and ammunition expert, comparing the shells found at the scenes Mr. Taqavi's murder and Corporal Asgari's injury with the ammunition from the test firing of the AK-47, serial number 190210443, found at Jasem Moqaddam's residence, his confession that this weapon belonged to him, the opinion of the identity bureau expert at pages 176 and 177, Ghazi Abbasi's confession on page 402 stating that some of the weapons and ammunition discovered belonged to him, matching of at least one shooting with the said weapon, and the defendants' explicit confessions, regarding shooting at officers and police equipment, including the details of each incident in relevant pages, the court found them guilty. In accordance with articles 105, 183, 190 and 191 of the Islamic Penal Code, the court sentenced defendants one through four (Ghazi Abbasi, Abdolreza Amir Khonafereh, Jasem Moqaddam Payam, and Abdolamir Mojaddami) to death by hanging. Shahab Abbasi was sentenced to three years of imprisonment in exile in Ardabil Prison. Messrs. Abdolrazaq Sharifipour, representing Abdolamir Mojaddami and Jasem Moqaddam Payam, Abdolsalam Saki, representing Amir Khonafereh, Rasoul Zamani Froushani, the court-appointed attorney for Abdolamir Mojaddami, Younes Navaseri, representing Abdolreza Amir Khonafereh and Ghazi Abbasi, son of Ahmad, and Shahab Abbasi, appealed the decision in a brief dated September 16, 2012 on behalf of Ghazi Abbasi and Abdolreza Amir Khonafereh. In another brief dated September 19, 2012, they added Shahab Abbasi, who has been sentenced to three years of imprisonment in exile in Ardabil. Most of the attorneys' defense arguments state that the defendants' initial confessions and the evidence the court relied upon are not persuasive, and that the subject matter [of the case] does not conform to the referenced article [of the Islamic Penal Code]. The case was sent to the office of the Supreme Court and referred to this branch.

The branch panel convened on the day mentioned at the top [of the page]. After reading the report of Mr. Farajollahi, the member reporting, and reviewing the case file and the written opinion of Dr. Mohammadreza Elahimanesh, the assistant prosecutor of the Supreme Court, which, in summary, states that the case should be vacated and remanded to the trial court due to problems in the investigation, the panel consulted on the appellants' appeal. The majority rules as follows:

## Verdict of the Branch

No acceptable argument or reason that could invalidate the court's findings was presented by the defendants' defense attorneys. The evidence on which the verdict is based is still valid and adequate for forming judicial knowledge. The opinion of the court [below] is devoid of any deficiency regarding the application of the law and respecting due process principles. [This court hereby] announces the appeal as invalid, and upholds the verdict of the appellant. [The court] notes that considering Problem 8 in Detailed Rules Concerning Apostasy in Volume Two of Imam Khomeini's Tahrir al-Vasilah, page 444, published by the Teachers' Society [of the Qom Seminary], carrying out the qisas (the private right of the relatives) takes priority over the right of God, and it must be respected.

Chief Judge, Branch 32 of the Supreme Court: Reza Farajollahi

Advisor: Seyed Ali Asghar Latifi Rostami

\*Punctuation added where appropriate for clarity. The original Persian version of the opinion is divided into only three sentences.



Ali Chobayshat and Khaled Mousavi, members of a cultural organization called al-Shabab (“Youth”), were convicted of muharibih, or waging war on God, for their alleged role in the 2012 bombing of the Chogha Zanbil natural gas pipeline near the town of Shush, Khuzestan province. Salman Chayan, their co-defendant, was sentenced to 25 years in prison. Shortly after the pipeline explosion on October 23, 2012, a website affiliated with the Islamic Revolutionary Guard Corps declared the explosion an accident and rejected the suggestion that there had been terrorist involvement. However, on November 16, 2013, Press TV, Iran’s state-run English language news network, broadcasted their televised confessions. According to Chobayshat’s relatives, their confessions were extracted under torture. In addition, reports indicate that Chobayshat and Mousavi were not provided adequate legal representation. On June 12, 2014, officials of the Ministry of Intelligence informed the families of Chobayshat and Mousavi that they had been executed and barred them from holding funerals.