

CAUGHT IN A WEB OF REPRESSION

IRAN'S HUMAN RIGHTS DEFENDERS UNDER ATTACK

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Cover photo: The calligraphy spells out the word “Shoja”, the Persian word for “brave”. “Brave” is the name of a global campaign that Amnesty International launched in May 2017 to strengthen the recognition and protection of human rights defenders around the world. The images used to fill the letters of the word “Shoja” are of human rights defenders in Iran whose cases are covered in this report. Artist: Juan Osborne © Amnesty International

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1. EXECUTIVE SUMMARY

The election of President Hassan Rouhani in 2013 gave rise to hopes both in Iran and internationally that the human rights situation in the country would improve. However, over the course of his first term in office, the country's courageous human rights defenders, who were already struggling to recover from the 2009 post-presidential election crackdown, found themselves at the receiving end of suffocating levels of repression at the hands of the country's judiciary and security apparatus.

Since 2013, scores of human rights defenders have been handed down harsh prison sentences in connection with their peaceful human rights activities. Many more have been subjected to surveillance, interrogations and drawn-out criminal proceedings coercing them into self-censorship. The wave of repression appears to be an attempt on the part of the state's repressive arms to crush any aspirations for change created by the promises of increased freedoms made during the electoral campaign of President Hassan Rouhani in 2013.

President Rouhani and his administration have so far failed to take any meaningful steps to stop these abuses. On the contrary, they have brushed aside reports of abuses in their media interviews and statements to the UN, claiming that Iran's judiciary is independent and no one in the country is imprisoned solely for peacefully exercising their rights to freedom of expression, association and assembly. There is still no indication that his administration intends to change course during his second term in office.

Some groups of human rights defenders, such as anti-death penalty campaigners, women's rights activists and those seeking truth and justice for the gross human rights violations of the 1980s, have experienced particularly intensified repression. This has included shockingly long prison sentences, interrogations which activists have described as unprecedentedly harsh and official statements in state media which routinely label human rights defenders as "foreign agents" and "traitors" bent on harming national security and destroying traditional values. In many cases, the authorities' motive appears to have been a desire to curtail the defenders' renewed activism and campaigns.

For others, like minority rights activists, trade unionists and human rights lawyers, the tempo of repression has remained more or less the same as before President Rouhani's election. Since 2013, many trade unionists and human rights lawyers who were jailed during the crackdown following the 2009 presidential election protests have been released from prison after serving their sentences. However, the climate of fear amongst them persists as the authorities continue to resort to harassment, interrogations, fresh criminal cases, and employment bans to prevent them from carrying out their human rights activities.

This report refers to 45 individuals who have been subjected to abuses ranging from surveillance and harassment to criminal prosecutions and imprisonment for their peaceful human rights activities. The cases of 21 human rights defenders are documented in detail. The research is based on interviews that Amnesty International conducted with 22 individuals, including human rights defenders and their families and lawyers. It is also based on a close study of courts verdicts, official statements, and publicly available testimonies from human rights defenders and their families. According to the findings in the report, across the board, human rights defenders caught in the web of state repression have experienced noticeably worse treatment at the hands of Iran's abusive criminal justice system.

On the one hand, Revolutionary Courts have issued increasingly lengthy prison sentences against human rights defenders, which in many cases have exceeded a decade. On the other, the prosecution and judicial authorities have lowered the threshold for invoking national security-related charges against human rights defenders. Amnesty International was able to obtain court verdicts in the cases of eight human rights defenders, all of which demonstrate how courts cite a wider range of peaceful human rights activities as "evidence" of criminal activity. These include visiting the gravesites of those killed during the 2009 post-

presidential election protests; having contact with families of victims of human rights violations, including former or current political prisoners; signing petitions in support of human rights; giving interviews to media outlets outside Iran about human rights abuses; and merely discussing human rights on social media such as Facebook or Twitter.

Charges routinely used against human rights defenders are drawn from the Islamic Penal Code and almost always include “gathering and colluding to commit crimes against national security” (Article 610), “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498) and/or “membership of a group with the purpose of disrupting national security” (Article 499). The definitions of these crimes contravene the principle of legality as they are overly broad and vague, and allow the authorities to apply them arbitrarily. Moreover, many of these offences do not amount to internationally recognizable criminal offences.

Other charges based on the penal code which are commonly used to prosecute human rights defenders include “spreading propaganda against the system” (Article 500), “insulting the Supreme Leader” (Article 514), and “insulting Islamic sanctities” (Article 513). These offences effectively criminalize the free expression of ideas and opinions, in contravention of Iran’s international human rights obligations.

Years of repression, particularly since 2009, have left Iran without any legally authorized NGOs that work on human rights issues and are critical of the state. As a result, those caught up in the recent upsurge of repression are human rights defenders who pursue their activism independently or as part of informal groups of individuals who espouse similar causes. To communicate and organize, they rely heavily on social media. In response, the authorities have increasingly used posts related to human rights as “evidence” of criminal activity. In some court verdicts, they have also banned human rights defenders from engagement in the online space for a set period.

Other activities criminalized by the prosecution authorities and courts include communicating about human rights concerns with international non-governmental organizations (NGOs) such as Amnesty International, or with intergovernmental organizations such as the UN and the European Union (EU). This is well illustrated by the case of **Narges Mohammadi**, who was charged with several national security-related offences after meeting with the EU High Representative for Foreign Affairs and Security Policy on International Women’s Day on 8 March 2014. She was ultimately sentenced to 16 years’ imprisonment, a term which she is currently serving in Evin prison. Another emblematic case is that of **Arash Sadeghi**, who has been sentenced to a total of 19 years in prison on national security-related charges based entirely on his human rights work, including communicating with Amnesty International.

Human rights defenders who have faced reprisal for sending information regarding human rights violations to the UN Special Rapporteur on the situation of human rights in Iran include **Mohammad Maleki**, who has been subjected to a travel ban since September 2011, and **Saeed Shirzad**, who is serving a five-year prison sentence for “gathering and colluding against national security”, related entirely to his peaceful human rights work.

The criminalization of human rights defenders in Iran takes place against the backdrop of ongoing smear campaigns against human rights defenders, particularly on the internet. The authorities routinely equate the defence of human rights to “espionage”, “collusion against national security”, “incitement to sedition”, and support of the “hypocrites” – a derogatory term used by the Iranian authorities to refer to people with real or perceived links to the People’s Mojahedin Organization of Iran (PMOI), a banned opposition group that advocates the overthrow of the Islamic Republic.

Unfair trials

Trials of human rights defenders on national security-related charges in Iran take place before Revolutionary Courts, which are characterized by unfair, summary and predominantly secret processes.

All the human rights defenders whose cases are documented in the report were denied access to a lawyer from the time of arrest and during investigations. Those arrested were frequently held in prolonged solitary confinement, which may amount to torture, and were given little or no access to their families and lawyers. Many were subjected to torture or other ill-treatment during interrogations conducted by Ministry of Intelligence or Revolutionary Guard officials and compelled to “confess”. Judges failed to order investigations into allegations of torture and other ill-treatment, in breach of Iran’s own Constitution and the Code of Criminal Procedure as well as the International Covenant on Civil and Political Rights, to which Iran is a state party.

Key battlegrounds for human rights in Iran

Human rights defenders targeted by the state include individuals active on a range of human rights issues in Iran.

The authorities have targeted people involved in Iran's growing movement against the death penalty, often accusing them of "threatening national security" or "defying Islam". **Narges Mohammadi**, Executive Chairperson of the Centre for Human Rights Defenders, was sentenced to 16 years' imprisonment in May 2016, 10 years of which was for the charge of "forming a group... with the purpose of disrupting national security", which related to her involvement with the Campaign for Step by Step Abolition of the Death Penalty (known by its Persian acronym, Legam). This campaign was launched by several prominent human rights defenders in 2013.

Other anti-death penalty activists targeted include **Atena Daemi** and **Omid Alishenas**, who are each serving a seven-year prison sentence on national security-related charges brought for their peaceful opposition to the death penalty. This involved criticizing the authorities' execution record online, distributing anti-death penalty pamphlets and participating in gatherings outside prison in solidarity with families of death row prisoners.

Artists who have merely addressed death penalty issues in their art have also been criminalized. An example is the case of writer **Golrokh Ebrahimi Iraee**, who is serving a six-year prison sentence on charges that include "insulting Islamic sanctities" for writing an unpublished story about the horrific practice of stoning.

Women's rights activists have faced renewed repression in the context of the endemic discrimination and violence confronting women and girls every day in Iran. The crackdown intensified after a group of women launched in October 2015 a campaign promoting pro-women's rights candidates for the February 2016 parliamentary elections. In the first half of 2016, more than a dozen activists were summoned, interrogated and threatened with imprisonment. The level of threats led to the campaign being shut down.

Iran's intelligence bodies have used surveillance to nip in the bud any serious attempt by women's rights activists to organize themselves to challenge state-sanctioned discrimination. This has included the monitoring of activities undertaken during travel abroad, as seen in the case of **Alieh Motalebzadeh**, who is facing prosecution on national security-related charges for attending a workshop in Georgia on "Women's empowerment and elections" in October 2016.

The renewed assault on women's rights activists has been accompanied by an official discourse which flatly equates feminism with criminality and describes any initiative relating to women's rights as a "conspiracy" against national security. This hostile attitude has been expressed not only toward women's rights defenders but even toward lone voices within the government of President Rouhani who have made modest efforts to improve the situation of women's rights in the country, such as the Vice-President on Women and Family Affairs, Shahindokht Molaverdi.

Women who oppose compulsory veiling (*hijab*) have also been subject to severe smear campaigns on state media. An illustrative example is the case of US-based Iranian journalist and women's rights activist **Masih Alinejad**, who has founded a popular online campaign called My Stealthy Freedom against compulsory *hijab*. She has been repeatedly subject to sexual insults on state-sanctioned media outlets and threatened with rape and death by social media users believed to be affiliated with Iran's intelligence and security forces.

Workers defying the ban on independent trade unions are paying a high price for their bravery. The number of jailed trade unionists is believed to have dropped since 2013. However, trade unionists have continued to face long prison terms on concocted national security-related charges. Some of those in detention have faced torture and other ill-treatment. Other trade unionists, including those recently released after completing their sentences, have continued to face harassment by intelligence and security officials, dismissals from employment at both public institutions and private companies, and police violence. Yet independent workers' organizations have rarely been more needed as soaring inflation, cuts to subsidies, unpaid wages and precarious jobs have left millions of poorly paid people in Iran struggling to survive.

Trade unionists currently jailed in Iran for their peaceful activism include **Esmail Abdi**, a mathematics teacher and a member of the board of directors at the Teachers' Trade Association of Tehran, who is serving a six-year prison sentence. The prospect of imprisonment looms over many other trade unionists who are undergoing trial or awaiting the outcome of their appeals against their convictions and sentences. They include three former or current members of the board of directors at the Teachers' Trade Association of Tehran, **Mahmoud Beheshti Langroodi**, **Mohammad Reza Niknejad** and **Mehdi Bohlooli**; three members of the Syndicate of Workers of Tehran and Suburbs Bus Company, **Davoud Razavi**, **Ebrahim Madadi** and **Reza Shahabi**; and a member of the Free Union of Workers of Iran, **Jafar Azimzadeh**.

Lawyers defending prisoners of conscience and other victims of human rights violations have fared no better in the crackdown. Prominent human rights lawyer **Abdolfattah Soltani** continues to languish in Iran, serving a 13-year prison sentence on spurious national security-related charges. Other human rights lawyers, including those recently released from prison, continue to face harassment and interrogations by intelligence and security officials which prevents them from carrying out their professional duties and responsibilities effectively. Some have also experienced disbarment. Lawyers who were forced flee into exile in 2009 are not able to safely return to the country as they have pending criminal investigations against them.

As a result of all this, human rights lawyers in Iran have become an endangered species, with only a handful of lawyers shouldering the enormous task of providing meaningful, independent legal representation to prisoners of conscience and other victims of human rights violations. These lawyers often face a range of repressive measures including: arbitrary intervention by the authorities to deny or restrict their visits to their clients; delayed access to court files; lack of appropriate facilities for private consultation and communication with clients; the presence of intelligence agents and prison officials during meetings with clients; and travel bans.

Other targeted human rights defenders include those defending the rights of Iran's religious minorities, who have been repressed and discriminated against for decades. In particular, members of the Baha'i community, deemed a "heretical" sect by the authorities, have faced harassment, arbitrary arrest and detention and criminal proceedings for criticizing the ban on their enrolment in higher education institutes and for forming their own clandestine universities to provide Baha'i youth with higher education. **Rouhie Safajoo**, a 20-year-old Baha'i student and education rights activist, was arrested and detained for nearly a month in March 2016, during which she spent eight days in solitary confinement. The authorities subsequently charged her with "dissemination of lies", which they said stemmed from her critical posts on Facebook. She has been out on bail since 27 March 2016, pending trial.

Defenders who seek to advance minority rights have been similarly subjected to threats from intelligence and security officials, prosecution and imprisonment for their peaceful human rights activities. Frequently, they have also been labelled as "separatists" and accused of inciting tension to undermine Iran's territorial integrity.

Alireza Farshi Yekenli, a member of Iran's Azerbaijani Turk minority and the founder of an online campaign to commemorate International Mother Language Day, received a 15-year prison sentence in February 2017 on charges including "gathering and colluding to commit crimes against national security" and "founding groups with the purpose of disrupting national security", which stemmed from his peaceful activism.

Mohammad Ali Amouri, a minority rights activist from Iran's Ahwazi Arab minority and a founding member of a now-disbanded cultural rights group called Al-Hiwar (meaning "Dialogue" in Arabic), has been on death row since 2012. **Rahman Asakereh**, another founding member of Al-Hiwar, has been serving a 20-year prison sentence since 2011. Both men have been convicted of "enmity against God" (*moharebeh*) for their peaceful activities at Al-Hiwar, which involved the promotion of Arabic language, identity and culture.

The authorities have also undertaken renewed efforts to suppress human rights defenders seeking truth, justice and reparation on behalf of individuals who were summarily executed or forcibly disappeared during the 1980s and their families. Amongst the defenders are also relatives of victims who are still demanding to know what happened to their loved ones and bring those responsible to justice. **Mansoureh Behkish** and **Raheleh Rahemipour** are among those recently sentenced to prison terms on national security-related charges simply for trying to find out the truth, holding commemorative gatherings or visiting the sites of mass graves where their loved ones are believed to be buried. **Maryam Akbari-Monfared**, who is serving a 15-year prison sentence, is facing reprisals, including denial of medical care and threats of an additional three-year prison term and exile to a remote prison, for filing a complaint with the Office of the Prosecutor from inside prison in October 2016 in which she requested an official investigation into the mass extrajudicial executions of political prisoners, including her siblings, in 1988.

The renewed crackdown follows recently revived calls for an inquiry into the killings of several thousand political prisoners in a wave of extrajudicial executions across the country in the summer of 1988. This was triggered by the release of an audio recording in September 2016 of a meeting in 1988 in which senior officials are heard discussing and defending the details of their plans to carry out the mass executions. The release of the audio recording triggered a chain of unprecedented reactions from high-level officials, leading them to admit for the first time that the mass killings of 1988 were planned at the highest levels of government.

Human rights defenders targeted for seeking truth and justice include some born after the 1979 Revolution, who have taken to social media and other platforms to discuss the past atrocities and attended memorial gatherings held at Khavaran, a deserted gravesite in south Tehran where some of the thousands of political

prisoners who were extrajudicially executed in the summer of 1988 are buried in unmarked mass graves. The prison sentences against **Atena Daemi**, 29, and **Omid Alishenas**, 33, are examples of court verdicts reviewed by Amnesty International in which engaging in online discussions about the 1988 massacres has been cited as evidence of “criminal” activity deemed threatening to national security and insulting to the founder of the Islamic Republic of Iran and used to convict the human rights defenders.

International law and standards

The patterns of repression of human rights defenders that Amnesty International has documented violate international legal instruments to which Iran is a state party, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which articulates existing rights in a context applicable to the work of human rights defenders, recognizes the right of everyone, “individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.

Recommendations

Immediate and wide-ranging action is needed to ensure respect and protection for the vital work human rights defenders carry out, end the climate of fear they find themselves in and create a safe and enabling environment in which they can work without fear of reprisals. This is, moreover, an essential step towards improving the human rights of all those living in Iran.

Among other actions, Amnesty International is calling on the Iranian authorities to:

- Release immediately and unconditionally all human rights defenders imprisoned solely for peacefully exercising their rights to freedom of expression, association and assembly;
- Explicitly recognize the legitimate work of human rights defenders, end the criminalization of peaceful activities that promote and defend human rights, including communication and interaction with international and regional human rights mechanisms, and ensure a safe and enabling environment where it is possible to defend and promote human rights without fear of reprisal, punishment or intimidation;
- Promptly lift the undue restrictions on the right to association that are preventing individuals from forming and joining human rights NGOs and independent trade unions.

Amnesty International is also calling on other countries, in particular EU member states, as well as the EU itself, which has initiated a renewed bilateral human rights dialogue with Iran, to:

- Press the Iranian authorities, during their political dialogues and other bilateral interactions, to immediately and unconditionally release all human rights defenders imprisoned solely for their peaceful activities.

2. METHODOLOGY

This report analyses the situation that human rights defenders have been facing in Iran during the last four years. It covers the period since the election of President Hassan Rouhani in 2013 in order to test the perception often seen in Western media articles and heard from policy makers in Western European countries that Iran's increased international engagement has been accompanied by a commitment to improve the human rights situation in the country.

The report refers to 45 individuals who have been subjected to abuses ranging from surveillance and harassment to criminal prosecutions and imprisonment for their peaceful human rights activities. The cases of 21 of these human rights defenders are documented in detail. Of them, 12 had been convicted and were serving prison sentences as of 12 July 2017; five had been sentenced but were at liberty pending the outcome of their appeals; two were at liberty and undergoing trial; one had received a final conviction and sentence but was out of prison on temporary leave; and one was at liberty but under a travel ban.

Fifteen of the 21 cases detailed in the report concern human rights defenders whose cases have begun since 2013. Five – **Abdolfattah Soltani, Navid Khanjani, Maryam Akbari Monfared, Rahman Asakereh and Mohammad Ali Amouri** – concern individuals who were imprisoned before 2013 but have remained in detention during the period under review. One concerns a person who is at liberty but has been subjected to a travel ban since 2011.

In each case, Amnesty International collected information from reliable sources, including independent human rights activists on the ground and lawyers, to conclude that the human rights defenders were targeted in relation to their peaceful human rights activities. For eight of these cases, Amnesty International was also able to obtain court verdicts. In other cases where such documents were not available or could not be obtained safely, Amnesty International relied on human rights defenders, families and lawyers sharing detailed information about their content. It also reviewed published testimonies from human rights defenders and their families.

Court documents are often not available in Iran because its criminal justice system has no clear legal provisions with regard to making court judgements publicly available, contrary to Iran's obligations under international human rights law and standards. In some cases, individuals had obtained written copies of a court verdict, but were concerned, as is commonly the case in Iran, that they would face reprisal if they shared them.

In carrying out its research, Amnesty International conducted interviews with 22 people, including human rights defenders and their families and lawyers. All interviews were conducted remotely in Persian, over the phone or on social messaging applications. Unless otherwise indicated, Amnesty International has withheld the names of sources interviewed in order to protect their security. For this reason, this report does not specify the specific time, location or means of communication for the interviews conducted.

Amnesty International also reviewed statements by the Iranian authorities in both the Persian and English languages relating to cases involving human rights defenders and the government's approach to human rights more generally. The statements include the Iran government's statements in international forums, such as the UN Human Rights Council, and during dialogues with the EU, as well as their replies to the UN Special Rapporteur on the situation of human rights in Iran. They also include government statements on human rights cited in state-owned and state-affiliated news agencies.

Access to detailed information, including documentary evidence, was an important consideration in the selection of cases for this report. Amnesty International was generally able to obtain greater access to information about human rights defenders based in Tehran. The organization undertook efforts to address this limitation by diversifying its sources and documented violations against several human rights defenders belonging to ethnic minorities outside of the capital. However, it acknowledges that the report still highlights a disproportionate number of cases from Tehran.

Undertaking human rights research on Iran is fraught with challenges. The Iranian authorities generally do not permit human rights groups or international experts to visit the country. Since 1979, Amnesty International has made repeated attempts to visit Iran for research purposes, but has not been permitted to do so. Furthermore, as this report shows, the Iranian authorities have criminalized the communication and interaction of Iranian human rights defenders with international organizations.

Amnesty International sent a letter to the Head of the Judiciary on 21 June 2017, seeking information about the situation of specific human rights defenders, including many of those highlighted in this report. In particular, it requested information by 12 July. As of this date, the authorities had not responded. Amnesty International will continue to seek opportunities to discuss its concerns and recommendations with the Iranian authorities.

Amnesty International is deeply grateful to the individuals who shared information for this report, without whom this research would not have been possible.

3. BACKGROUND

In the decade following the 1979 Revolution, Iranian authorities laid the foundations of a repressive state apparatus. They enacted legislation that imposed undue restrictions on the peaceful exercise of the rights to freedom of expression, peaceful assembly and association, including the 1981 Press Law, the Islamic Penal Code, the Labour Code and the Law on Political Parties, Societies, Political and Guild Associations, and Islamic or Recognized Minority Religious Associations.

In response to the mass protests that erupted after the disputed 2009 presidential election, the authorities intensified the repression already in place for years. Thousands of people were arrested during the post-election unrest. Most of those detained were released within days but many hundreds were held incommunicado for weeks, effectively victims of enforced disappearances.¹

In the months and years that followed, human rights defenders were prosecuted, jailed, intimidated into silence or forced into exile. Non-governmental organizations (NGOs) that focused on human rights were forcibly closed down by intelligence and security officials and denied registration or operating permits. Among them were the Centre for Human Rights Defenders (CHRD), Human Rights Activists in Iran (HRA), the Association for the Rights of Prisoners, and the Committee for Human Rights Reporters (CHRR). In many cases, their members and founders were arrested and sentenced to imprisonment.

The Iranian authorities claim that they conduct judicial proceedings in a fair and impartial manner. Amnesty International has found that, on the contrary, basic fair trial guarantees are persistently violated, particularly in national security-related cases. Although a new Code of Criminal Procedure introduced several long-overdue reforms in 2015, Iranian legal system continues to lack adequate mechanisms to guarantee the rights of individuals standing trial on criminal charges and confronted by the powerful machinery of the state.²

After President Hassan Rouhani took office in August 2013, his administration immediately began efforts to improve Iran's image on the global stage, particularly with respect to its nuclear programme. The President stated this would be his priority in order to lift sanctions against Iran and set the country's economy back on track.

On 24 November 2013, Iran and a group of key actors within the international community, the permanent five members of the UN Security Council – China, France, Russia, the UK and the USA – plus Germany and the EU as a whole, agreed the Joint Plan of Action,³ a time-bound roadmap to reach mutually agreed solutions that “would ensure Iran's nuclear programme will be exclusively peaceful”.⁴ Under the agreement, Iran undertook a number of measures, including no longer enriching uranium over 5%, and the USA and EU suspended certain sanctions on Iran for the duration of the plan of action.

Since then, diplomatic and economic relations between Iran and the EU, in particular, have improved significantly, providing an opportunity for engagement on human rights issues. The EU has stated that human rights remain an area of concern and “will be a core component” of the EU's renewed relationship

¹ For more details, see Amnesty International, *From protest to prison: Iran, one year after the election* (Index: MDE 13/062/2010).

² For more details, see Amnesty International, *Flawed reforms: Iran's new code of criminal procedure* (Index: MDE 13/2708/2016).

³ The Iran Project, *Iranian team in Vienna to resume nuclear talks*, 9 May 2016, theiranproject.com/blog/2015/05/12/iranian-team-in-vienna-to-resume-nuclear-talks/

⁴ Joint Plan of Action, 24 November 2013, www.justsecurity.org/wp-content/uploads/2013/11/Iran-Nuclear-Agreement-Joint-Plan-of-Action.pdf

with Iran.⁵ As part of this, the EU reinitiated its suspended human rights dialogue with Iran in 2016, which should, in principle, provide a platform to involve civil society organizations and address issues related to human rights defenders, in line with its guidelines on such dialogues with non-EU countries⁶ and its Guidelines on Human Rights Defenders.⁷

⁵ European Commission, 'EU-Iran relations', 13 April 2016, europa.eu/rapid/press-release_MEMO-16-1368_en.htm

⁶ EU Guidelines on Human Rights Dialogues with non-EU Countries, www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A10115

⁷ EU Guidelines on Human Rights Defenders, www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133601

4. CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS

The election of President Hassan Rouhani to his first term in office in 2013 gave rise to hopes both in Iran and internationally that the human rights situation in Iran might improve. In reality however, Iran's judiciary and security apparatus have been ramping up already suffocating levels of repression against the country's courageous human rights defenders. The intensified repression against human rights defenders has dealt another heavy blow to Iran's embattled human rights movement, a movement still recovering from the crackdown unleashed by the authorities in response to mass protests following the disputed 2009 presidential election result.

Since 2013, scores of human rights defenders have been imprisoned in connection with their peaceful human rights activities. Many more have been subjected to surveillance, interrogations and drawn-out criminal proceedings coercing them into self-censorship. The wave of repression appears to be an attempt on the part of the state's repressive arms to crush any aspirations for change created by the promises of increased freedoms made during the electoral campaign of President Hassan Rouhani in 2013.

Meanwhile, President Rouhani and his administration have failed to take any meaningful steps to stop these abuses. On the contrary, they have brushed aside reports of abuses in their media interviews and statements to the UN, claiming that Iran's judiciary is independent and no one in the country is imprisoned solely for peacefully exercising their rights to freedom of expression, association and assembly. In April 2015, for example, Iran's Foreign Minister Mohammad Javad Zarif stated during a US TV appearance: "We do not jail people for their opinions... The government has a plan to improve, enhance human rights in the country as every government should... But people who commit crimes, who violate the laws of a country cannot hide behind being a journalist or being a political activist, people have to observe the law."⁸ There is still no indication whether President Rouhani's administration intends to change course during his second term in office.

The use of national security-related and other serious criminal charges to stifle human rights defenders is not new in Iran, nor are the grossly unfair trials before Revolutionary Courts, which invariably lead to convictions and harsh prison terms against defenders. However, across the board, human rights defenders caught in the web of state repression have been experiencing noticeably worse treatment at the hands of Iran's abusive criminal justice.

On the one hand, Revolutionary Courts have issued increasingly lengthy prison sentences against human rights defenders, which in many cases have exceeded a decade.⁹ On the other, the prosecution and judicial

⁸ PBS, *Charlie Rose*, "Interview with Mohammed Javad Zarif", 29 April 2015, www.youtube.com/watch?v=UzIbBZq-XoA

⁹ Under the 2013 Islamic Penal Code, individuals convicted and sentenced on multiple charges must serve only the lengthiest single sentence, but judges are required to impose sentences that exceed the statutory maximum for any single offence when they convict defendants of more than three crimes. This has led to a pattern where the authorities bring multiple spurious charges against human rights defenders as a means to ensure lengthier prison terms.

authorities have lowered the threshold for invoking national security-related offences, with courts now citing even informal activities as “evidence” of criminal activity in human rights defenders’ court verdicts. These include visiting the gravesites of those killed during the 2009 post-presidential election protests; having contact with families of victims of human rights violations, including former or current political prisoners; signing petitions in support of human rights; giving interviews to media outlets outside Iran about human rights abuses; and merely discussing human rights on social media such as Facebook or Twitter.

Communication about human rights concerns with international non-governmental organizations (NGOs) such as Amnesty International, or with intergovernmental organizations such as the UN and the EU, has also become “evidence” of criminal activity, and formed the basis of prison sentences against human rights defenders. In her March 2017 report, the UN Special Rapporteur on the situation of human rights in Iran referred to “reprisals against individuals because of their cooperation or contact with the United Nations human rights mechanisms or representatives” as “a cause for great concern”.¹⁰

These include **Saeed Shirzad**, who is serving a five-year prison sentence in Karaj’s Rajai Shahr prison for his human rights activities, including supporting the families of political prisoners and contributing to reports sent to the UN Special Rapporteur on the situation of human rights in Iran. He has said that during his interrogations, Ministry of Intelligence officials called him a “UN spy”.¹¹ Another illustrative case concerns **Mohammad Maleki**, an elderly human rights defender who has been subjected to a travel ban since 2011 in reprisal for his human rights activities, including a letter he wrote to the UN Special Rapporteur on the situation of human rights in Iran in September 2011 detailing the torture to which he was subjected during his various periods of imprisonment between 1981 and 2009.¹²



Human rights defender Saeed Shirzad © Private



Human rights defender Mohammad Maleki protesting against his travel ban © Private

The criminalization of human rights defenders in Iran takes place against the backdrop of ongoing smear campaigns against human rights defenders, particularly on the internet. The authorities routinely portray human rights defenders in official statements and state media outlets as “foreign agents” and “traitors” bent on harming national security and destroying traditional values. The defence of human rights is equated to “espionage”, “collusion against national security”, “incitement to sedition”, and support of the “hypocrites” – a derogatory term used by the authorities to refer to people with real or perceived links to the People’s Mojahedin Organization of Iran (PMOI), a banned opposition group that advocates the overthrow of the Islamic Republic.¹³

¹⁰ Report to the UN Human Rights Council, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN Doc. A/HRC/34/65, www.ohchr.org/EN/Countries/AsiaRegion/Pages/IRIndex.aspx

¹¹ Amnesty International, *Human rights activist detained* (Index: MDE 13/055/2014).

¹² Amnesty International, *Sick elderly Iranian activist on travel ban* (Index: MDE 13/6367/2017).

¹³ See for example: Fars News Agency, ‘Arash Sadeghi: Human rights defender or a collaborator with the hypocrites?’ (in Persian), 1 January 2017, www.farsnews.com/newstext.php?nn=13951011001503; Samen Press, ‘Arash Sadeghi: Human rights activist or a security criminal?’, 1 January 2017, bit.ly/2sKfoof; Otagh Khabar 24, ‘Hashtag: the deceiving of naive individuals’, 3 January 2017, otaghkhabar24.ir/news/79500; Fanousnews, ‘The reaction of Iran’s Prosecutor General to the letter of Parliamentarians about Narges Mohammadi’, 18 October 2016, bit.ly/2sKDLSP; BBC Persian.net, ‘Equating sedition with media freedom’, June 2016, bbcpersian.net/n/q=286; Ma-Hastim, ‘What was the excuse that brought the seditionists together this time?’, 15 September 2014, ma-hastim.com/paper/2591/archive

4.1 THE DEFENDERS TARGETED

HUMAN RIGHTS DEFENDERS: WHO ARE THEY?

In line with the 1998 UN Declaration on Human Rights Defenders and other international standards, Amnesty International considers a human rights defender to be someone who, individually or in association with others, acts to defend and/or promote human rights at the local, national, regional or international levels, without resorting to or advocating hatred, discrimination or violence.

Human rights defenders come from every walk of life; they may be journalists, lawyers, health professionals, teachers, trade unionists, whistle-blowers, farmers, victims, or relatives of victims, of human rights violations and abuses. They may conduct their human rights defence work as part of their professional role or as volunteers.

Human rights defenders targeted by the authorities include anti-death penalty campaigners, women's rights activists, trade unionists, human rights lawyers, minority rights activists, and relatives of those summarily executed or forcibly disappeared during the 1980s, who are seeking accountability.

Some groups of defenders, such as anti-death penalty campaigners, women's rights activists and those seeking truth and justice for the gross human rights violations of the 1980s, have clearly experienced a pattern of intensified repression. This has included shockingly long prison sentences, interrogations which activists have described as unprecedentedly harsh and aggressive, and official statements in state media which routinely label human rights defenders as "foreign agents" and "traitors" bent on harming national security and destroying traditional values.

In many cases, the authorities' motive appears to have been a desire to curtail their renewed activism and campaigns. The launch of the Campaign for Step by Step Abolition of the Death Penalty (known by its Persian acronym, Legam) and the Campaign to Change the Masculine Face of Parliament by prominent activists in 2014 were important triggers in this relation. So was the release in August 2016 of an audio recording of a meeting in 1988 in which senior officials were heard discussing and defending, for the first time, the details of their plans concerning the mass extrajudicial executions of 1988.

The audio file has revived calls for an inquiry into the killings of several thousand political prisoners in a wave of extrajudicial executions across the country during 1988. This has prompted renewed efforts by the authorities to silence all public discussions about the gross violations committed during the 1980s.

For others like minority rights activists, trade unionists and human rights lawyers, the tempo of repression has remained more or less the same. Since 2013, many trade unionists and human rights lawyers who were jailed during the crackdown following the 2009 presidential election protests have been released from prison after serving their sentences. However, the climate of fear amongst them persists as the authorities continue to resort to harassment, interrogations, fresh criminal cases, and employment bans to prevent them from carrying out their human rights activities.

Among human rights defenders targeted since 2013 are a new crop of young defenders who have emerged despite the intense repression since 2009. These young defenders, many of whom were born after the 1979 Revolution, differ in some respects from their older counterparts. They support human rights without formal training or the support of NGOs, as the authorities have effectively dismantled all independent NGOs in the country that worked on human rights concerns and were critical of the state. Consequently, they pursue their activism independently or as part of informal groups who espouse similar causes. To communicate and organize, they mainly rely on social media and online communication tools.

In turn, the authorities have increasingly used posts related to human rights on Facebook and other social media as "evidence" of criminal activity.¹⁴ Such methods are a renewed attempt to crush human rights defenders and send a chilling message that anyone who dares to speak out against injustice will not be tolerated.

¹⁴ The Iranian authorities have also arrested, sentenced and imprisoned people for posts on Facebook that deal with issues other than human rights. See Amnesty International, *Death sentence for 'insulting the prophet'* ([Index: MDE 13/064/2014](#)).

4.2 SPURIOUS CHARGES, UNFAIR TRIALS

Charges routinely used against human rights defenders are drawn from the Islamic Penal Code and almost always include “gathering and colluding to commit crimes against national security” (Article 610), “forming a group composed of more than two people with the purpose of disrupting national security” (Article 498), and “membership of a group with the purpose of disrupting national security” (Article 499). The definition of these crimes contravene the principle of legality as they are overly broad and vague, and allow the authorities to apply them arbitrarily. Moreover, many of these offences do not amount to internationally recognizable criminal offences.

Other charges from the penal code which are commonly used to prosecute human rights defenders include “spreading propaganda against the system” (Article 500), “insulting the Supreme Leader” (Article 514), and “insulting Islamic sanctities” (Article 513). These offences effectively criminalize the free expression of ideas and opinions, in contravention of Iran’s international human rights obligations.

The trial of human rights defenders under national security-related charges in Iran takes place before Revolutionary Courts. Revolutionary Courts in Iran were established in the aftermath of the 1979 Revolution to summarily try and execute those considered “anti-revolutionary”, including individuals with real or perceived affiliation with the overthrown government of the Shah. More than three decades on, unfair, summary and predominantly secret processes continue to characterize Iran’s Revolutionary Courts, undermining the right to a fair trial.

The criminalization of peaceful dissent constitutes an egregious violation of the International Covenant on Civil and Political Rights, to which Iran is a state party. Issuing criminal convictions and sentences against peaceful dissidents following unfair trial adds a further violation of international law. Amnesty International’s research consistently shows that Revolutionary Courts lack independence and remain particularly susceptible to pressure from security and intelligence forces to convict defendants and impose harsh sentences. Human rights defenders and lawyers in Iran have repeatedly expressed concerns that people appointed to Revolutionary Courts as judges are selected primarily based on their political opinions, religious beliefs and affiliation with intelligence and security bodies and not on the basis of their legal expertise and integrity. They often have no formal qualifications in law or legal training and experience.

Trials of human rights defenders, which take place behind closed doors, are often extremely brief, sometimes lasting just a few minutes. The right to adequate time and facilities to prepare a defence is usually hindered, while defence lawyers are frequently denied full access to case files and are prevented from meeting defendants until shortly before trial.

Human rights defenders have told Amnesty International that, during their trial sessions before Revolutionary Courts, the judge was hostile and biased against them and openly defended the allegations brought against them by intelligence officials. This violates the right to receive a fair hearing before an independent, impartial tribunal, which requires judges to have no interest in or pre-formed opinions about the case before them, and not to act in ways that promote the interests of one of the parties.

All of the human rights defenders whose cases are mentioned in this report were denied access to a lawyer from the time of arrest and during investigations. They were frequently held in prolonged solitary confinement, which may amount to torture, and were given little or no access to their families and lawyers. Many were subjected to torture or other ill-treatment, and compelled to “confess”. Judges failed to order investigations into allegations of torture and other ill-treatment, in breach of Iran’s own Constitution and the Code of Criminal Procedure as well as the International Covenant on Civil and Political Rights.¹⁵

¹⁵ International Covenant on Civil and Political Rights, Article 14.3.g, and UN Human Rights Committee General Comment 13, para. 14.

ARASH SADEGHI



Arash Sadeghi (left) and Golrokh Ebrahimi Iraee (right), human rights defenders and married couple © Private

“The interrogator forced me to strip naked and squat in the interrogation room. He beat me with his belt... sometimes he would squeeze my neck until I felt I was suffocating... On the second day of detention, during interrogations, I heard my wife crying in the next room... They were telling me that they would execute her.”

Human rights defender Arash Sadeghi, September 2015¹⁶

Human rights activist Arash Sadeghi, 30, has been imprisoned in Tehran's Evin prison since June 2016, serving two separate prison terms totalling 19 years. He is being punished for his peaceful human rights activities including communicating with Amnesty International and providing the organization and other human rights groups with information on the human rights situation in Iran.

Arash Sadeghi was arrested on 6 September 2014 together with his wife, Golrokh Ebrahimi Iraee (see Section 5.1), also a human rights activist and a writer. He was then taken to Section 2A of Evin prison, which is run by the Revolutionary Guards, and held in solitary confinement for six months before being released on bail on 14 March 2015. He reported that during this period, he was repeatedly tortured, including through beatings and sexual humiliation.

He was sentenced to 15 years' imprisonment in August 2015 after Branch 15 of the Revolutionary Court in Tehran convicted him of spurious charges including “spreading propaganda against the system”, “gathering and colluding to commit crimes against national security”, “insulting the founder of the Islamic Republic” and “spreading lies”. The court also activated a four-year suspended prison sentence from 2011, which similarly related to his peaceful activism.

The court verdict cited over 50 peaceful human rights activities as “evidence” of his involvement in “actions against [national] security”, many of them relating to the dissemination of information about human rights abuses. They include: giving media interviews to BBC Persian, Radio Farda, Radio Zamaneh and the Human Rights Activists News Agency (HRANA); expressing solidarity with prisoners of conscience on Facebook; denouncing physical assaults against political prisoners during a raid on Section 350 of Evin prison in April 2014; writing critical posts on Facebook about the mass executions of political prisoners during the 1980s; joining the Campaign for Step by Step Abolition of the Death Penalty (known by its Persian acronym, Legam); communicating with Amnesty International and other human rights groups outside Iran; and sending information regarding human rights violations to the UN Special Rapporteur on the situation of human rights in Iran and members of the European Parliament.¹⁷

Arash Sadeghi's trial, which consisted of two sessions before a Revolutionary Court in Tehran in May and June 2015, with each session lasting less than 15 minutes, was grossly unfair. He did not receive legal representation as the authorities denied him the right to choose his defence. They said he could only have a state-appointed lawyer, which he did not accept. No investigation was conducted into his

¹⁶ Amnesty International, *Human rights defender being tortured in Evin* (Index: MDE 13/5811/2017).

¹⁷ See Appendix for the text of the verdict.

allegations of torture and other ill-treatment. Arash Sadeghi said he told the judge he had been tortured in detention, but he was laughed at and told “everyone says that”.

The sentence was upheld on appeal in June 2016.

Arash Sadeghi staged a 71-day hunger strike from 24 October 2016 to 3 January 2017 to protest against the imprisonment of his wife for writing a fictional story against the cruel punishment of stoning. As a result, he has developed severe health problems which require hospitalization. However, the Revolutionary Guards have consistently blocked his transfer to hospital in reprisal for his hunger strike.¹⁸

¹⁸ For more details on the case, see Amnesty International, *Growing fears for hunger striker in Iran* (Index: MDE 13/029/2013); Amnesty International, *Iranian activist couple jailed in Evin prison* (Index: MDE 13/5231/2016); and Amnesty International, *Human rights defender being tortured in Evin* (Index: MDE 13/5811/2017).

5. ANTI-DEATH PENALTY ACTIVISTS

“Opposition to the death penalty is, in reality, opposition to the rule of Islam.”

Iran’s Head of Judiciary, Ayatollah Sadeq Amoli Larijani, December 2013¹⁹

Despite the lack of transparency surrounding its use of the death penalty, Iran is known to be one of the most prolific executioners in the world, second only to China. Amnesty International recorded nearly 1,000 executions in 2015 and at least 567 in 2016. The majority of those executed in Iran were convicted of drug-related offences, despite the fact that such offences do not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law.²⁰ Most of those executed for drug-related offences come from disadvantaged sectors of the population, including members of ethnic minorities and Afghan nationals. The death penalty is also imposed for vaguely worded and overly broad offences and for acts that should not be criminalized at all. Death sentences in Iran are also invariably imposed after unfair trials.²¹

A domestic movement to abolish the death penalty in Iran has re-emerged in recent years, a fact that has not gone unnoticed by the authorities. In 2013, several prominent human rights defenders launched the Campaign for Step by Step Abolition of the Death Penalty, known by its Persian acronym, Legam. In response, the authorities have intensified their repression. **Narges Mohammadi**, Executive Chairperson of the Centre for Human Rights Defenders and a world-renowned human rights defender, was sentenced to 16 years’ imprisonment, 10 years of which were due to her involvement with Legam. Several other anti-death penalty campaigners including **Atena Daemi** and **Omid Alishenas** have been sentenced to imprisonment for peaceful activities such as publishing posts on Facebook criticizing the authorities’ execution record, distributing anti-death penalty leaflets, and participating in gatherings outside prison in solidarity with families of death row prisoners.

In their official statements and court verdicts, the Iranian authorities have described peaceful campaigning against the death penalty as “un-Islamic”.²² The only form of activism in the area of the death penalty which

¹⁹ Fars News Agency, ‘Opposition to the death penalty is opposition to the rule of Islam’ (in Persian), 11 September 2013, www.farsnews.com/newstext.php?nn=13920920001052

²⁰ In March 2017, the Judicial and Legal Commission of parliament approved a bill which proposes to replace the death penalty with prison sentences ranging from 25 to 30 years for the majority of drug-related offences currently punishable with the death penalty or life imprisonment. The bill must still be voted on by parliament and vetted and approved by the Guardian Council before becoming law.

²¹ For more details, see Amnesty International, *Death sentences and executions 2016* (Index: ACT 50/5740/2017).

²² Fars News Agency, ‘Opposition to the death penalty is opposition to the rule of Islam’ (in Persian), 11 September 2013, www.farsnews.com/newstext.php?nn=13920920001052; Empire of Lies, ‘Anti-Islamic campaign Legam admits to its failure’ (in Persian), 23 September 2014, bit.ly/2s4GJzp

the authorities currently allow relates to running charity campaigns to collect “blood money” (*diyah*) and appealing to families of murder victims to grant pardon in exchange for money.²³

NARGES MOHAMMADI



Human rights defender Narges Mohammadi © Private

“Narges Mohammadi really cares for the suffering of others. Whenever she heard that a prisoner was due for execution, she did everything in her power to save them; if she did not succeed, then she joined the family of the death row prisoner in front of prison and stayed with them behind prison walls till dawn [when executions are carried out in Iran].”

Human rights lawyer and Nobel Peace Prize laureate Shirin Ebadi, October 2016²⁴

Human rights activist Narges Mohammadi, 45, has been imprisoned in Evin prison since her arrest in May 2015. She is the Executive Chairperson of the Centre for Human Rights Defenders. The authorities told her that she was arrested to resume serving a six-year prison sentence from 2011 which stemmed solely from her peaceful human rights activities at the Centre for Human Rights Defenders. However, she believes that her arrest was in reprisal for her meeting with Catherine Ashton, the then EU High Representative for Foreign Affairs and Security Policy, on International Women’s Day on 8 March 2014.

Narges Mohammadi was sentenced to an additional 16-year prison sentence in May 2016, following an unfair trial before Branch 15 of the Revolutionary Court in Tehran which convicted her of “forming a group composed of more than two people with the purpose of disrupting national security”, “gathering and colluding to commit crimes against national security”, and “spreading propaganda against the system”. The first charge, which accounts for 10 years of her sentence, was brought in connection with her involvement with Legam.

The “evidence” underlying her two other charges included her media interviews about human rights violations, her participation in peaceful gatherings outside prisons to support families of death row prisoners, her contact with other human rights defenders including Nobel Peace Prize Laureate Shirin Ebadi, her participation in peaceful protests to condemn acid attacks against women, and her 2014 meeting with Catherine Ashton. In September 2016, Branch 36 of the Court of Appeal in Tehran upheld the sentence. In April 2017, Iran’s Supreme Court rejected her request for judicial review.

Narges Mohammadi reported that during her trial session, the judge was hostile and biased against her and openly defended the allegations brought against her by Ministry of Intelligence officials. She said the judge fiercely accused her of attempting to change “divine laws” (*ahkam-e elahi*) through her anti-death penalty activities. Narges Mohammadi added that the judge did not allow her to defend herself properly. He gave her three written questions and told her that she was only allowed to answer them in writing. She said that every time she tried to speak and expand on her answers, the judge ordered her to stop. Her lawyers were similarly told by the judge that they were not allowed to speak and that, if they wished to make a point, they could do so in writing.

²³ Under Iranian criminal law, murder is punishable by “retribution in kind” (*qesas*), which involves inflicting on the guilty party the same treatment suffered by the victim of the crime. In cases of murder, this power rests with the relatives of the murder victim, who are authorized to demand and carry out the death sentence. They also have the power to pardon the offender and accept financial compensation, known as “blood money” (*diyah*), instead.

²⁴ Aasoo, ‘Narges Mohammadi, 16 years’ imprisonment for opposing the death penalty and violence’ (in Persian), 12 October 2016, aasoo.org/fa/articles/204

ATENA DAEMI



Anti-death penalty campaigner Atena Daemi © Private

Anti-death penalty campaigner Atena Daemi, 29, has been imprisoned in Evin prison since November 2016, serving a seven-year sentence for her peaceful human rights activities.

She was first arrested by Revolutionary Guard officials on 21 October 2014 and transferred to Section 2A of Evin prison, which is controlled by the Revolutionary Guards. For the first 28 days of detention, she was held in a cell which she said was infested with insects and had no toilet. With the exception of weekends, she was interrogated every day for a month and a half, often for 10 to 11 hours a day.

During most interrogations, she had to sit blindfolded, facing a wall. She was denied access to a lawyer during this entire period. In February 2015, she was released on bail.

She was sentenced to 14 years' imprisonment in May 2015 after Branch 28 of the Revolutionary Court in Tehran convicted her of "gathering and colluding against national security", "spreading propaganda against the system", "insulting the founder of the Islamic Republic of Iran and the Supreme Leader" and "concealing evidence", all of them charges under the Islamic Penal Code. Her trial in March 2015, which was joint with three other activists, lasted about 45 minutes. The conviction rested on her posts on Facebook and Twitter criticizing the authorities' execution record as well as her participation in gatherings outside prison in solidarity with families of death row prisoners. Other "evidence" used against her included the distribution of anti-death penalty pamphlets, her visits to the gravesite of those killed during protests following the 2009 presidential election, and her association with human rights defenders and relatives of political prisoners.²⁵ In September 2016, her sentence was reduced on appeal to seven years.

On 26 November 2016, plain-clothes Revolutionary Guard officials raided her parents' house and took Atena Daemi to Evin prison to begin serving her sentence. In a letter leaked from prison on 1 December 2016, she said that she was beaten and pepper-sprayed by the officials arresting her after she insisted that they present an arrest warrant. She said that her sister was punched when she attempted to intervene and that, on the way to prison, the officials blindfolded her and repeatedly threatened her by saying that they would open new cases against her.

After her imprisonment, Atena Daemi filed a complaint with the Office of the Prosecutor against the Revolutionary Guards for the violent manner in which she was arrested, but this complaint was never processed. Instead, on 23 March 2017, a criminal court in Tehran sentenced her to three months and one day in prison for "insulting public officers on duty". Her sisters Ensieh and Hanieh Daemi were convicted on the same charge with suspended prison sentences of three months and one day. On 31 May 2017, an appeal court in Tehran acquitted Atena Daemi and her sisters of the charge and quashed their sentences. Atena Daemi subsequently ended a 54-day hunger strike which she had launched on 8 April in protest at the harassment of her family members and the suspended prison sentence imposed on her sisters.²⁶

²⁵ See Appendix for the text of the verdict.

²⁶ For more details on the case, see Amnesty International, *Iranian human rights defender on hunger strike: Atena Daemi* (Index: MDE 13/6096/2017); Amnesty International, *Women's rights activist in poor health: Atena Daemi* (Index: MDE 13/6322/2017); Amnesty International, *Iran refuses hospital transfer for jailed human rights defender on hunger strike for 40 days* (Press Release, 17 May 2017).

OMID ALISHENAS



Anti-death penalty campaigner Omid Alishenas © Private

Omid Alishenas, 33, was imprisoned in Evin prison from December 2016 to 15 July 2017, when he was granted a conditional release. He had been serving a seven-year prison sentence for his peaceful human rights work, including opposition to the death penalty.

Omid Alishenas was first arrested by Revolutionary Guard officials on 4 September 2014. He spent over one year in detention before being released on bail on 18 January 2016.

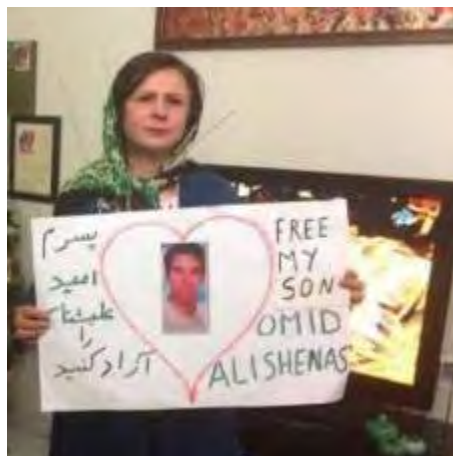
He was sentenced to 10 years' imprisonment in May 2015 after an unfair trial before Branch 28 of the Revolutionary Court in Tehran, which convicted him of charges including "gathering and colluding to commit crimes against national security" and "insulting the Supreme Leader". His trial, which was joint with three other activists, only lasted about 45 minutes. In its verdict, the court listed the following peaceful activities as "evidence" of criminal activity: distributing pamphlets against the death penalty; writing posts on Facebook describing the mass execution of political prisoners in the 1980s as inhumane; associating with "troublesome agents" (a reference to human rights activists); and visiting memorials of those killed during the 2009 unrest referred to in the court verdict as "seditionists".²⁷

The verdict also refers to him distributing a film called *To Light a Candle*, which highlights the denial of the right to higher education to Baha'i students. Omid Alishenas' prison sentence was reduced to seven years on appeal in September 2016.

His mother Simin Eyvazzadeh, who peacefully protested on a weekly basis in front of Evin prison after his arrest, was herself arrested during one such protest in November 2015. She was taken to Gharchak prison in Varamin, known for its inhumane conditions, and held there for 10 days. In response, Omid Alishenas staged a hunger strike. Simin Eyvazzadeh was eventually sentenced to 91 days' imprisonment and 74 lashes in connection with her weekly protests calling for her son's release.²⁸

"Omid met with families whose children were killed or executed... and prepared [with his activist friends] a statement asking for the execution of a political prisoner to be halted. There was nothing insulting about it... If he was anywhere else in the world he would have got a medal but here they [the authorities] have given him 10 years in prison."

Simin Eyvazzadeh, Omid Alishenas' mother, June 2015²⁹



Simin Eyvazzadeh campaigning for the release of her son Omid Alishenas © Private

²⁷ See Appendix for the text of the verdict.

²⁸ See video of Simin Eyvazzadeh protesting, with others, on the Facebook page of Omid Alishenas' father, Attila Alishenas, www.facebook.com/100006784576698/videos/1857811331121668/ (in Persian).

²⁹ Roozonline, 'Omid Alishenas' mother: They must give an award to my son not 10 years' imprisonment' (in Persian), 1 June 2015, www.roozonline.com/persian/news/newsitem/article/10-64.html

The Iranian authorities appear to fear even the discussion of human rights and the death penalty in artistic outputs and seek to stamp out this form of expression too.³⁰ This is well-illustrated by the case of writer **Golrokh Ebrahimi Iraee**, who is currently serving a six-year prison sentence on charges that include “insulting Islamic sanctities” for writing an unpublished story about the practice of stoning. Despite a movement within Iran to ban stoning, the 2013 Islamic Penal Code still allows for it as the punishment for adultery.³¹ The authorities have said that “the criminalization of adultery is consistent with an interpretation of Islamic law, and that the punishments outlined in sharia law [including stoning] are effective in deterring crimes and protecting morality”.³²

GOLROKH EBRAHIMI IRAEE



Human rights defender Golrokh Ebrahimi Iraee © Private

Writer Golrokh Ebrahimi Iraee, 36, has been imprisoned in Evin prison since October 2016, serving a six-year prison sentence primarily for writing an unpublished story about the practice of stoning. The story describes the emotional reaction of a young woman who watches the film *The Stoning of Soraya M*, which is based on a true story. The young woman becomes so enraged that she burns a copy of the Qur'an.

Golrokh Ebrahimi Iraee was initially arrested, without an arrest warrant, together with her husband Arash Sadeghi (see Section 4.1) on 6 September 2014 by Revolutionary Guard officials. She was held without access to her family and lawyer until 27 September 2014, before being released on bail. While detained, she was subjected to extended interrogations while blindfolded and repeatedly threatened with execution for “insulting Islam”.

Golrokh Ebrahimi Iraee was sentenced to six years' imprisonment in August 2015, after two brief sessions before Branch 15 of the Revolutionary Court in Tehran, each lasting less than 15 minutes. She was tried without legal representation. The first lawyer she appointed was put under pressure to withdraw and the second was barred from reading her casefile and representing her. At the first hearing, she was not given the chance to speak in her own defence because the court focused on her husband's activism and, at the second, she was in hospital recovering from major surgery. She provided the court with her medical records, but her request to adjourn the hearing was rejected. In March 2017, 30 months was reduced from her imprisonment sentence as part of a Nowrooz (Iranian New Year) pardon.

Her husband, Arash Sadeghi, staged a 71-day hunger strike from 24 October 2016 to 3 January 2017 to protest against her imprisonment. Following a global outcry, the authorities were compelled to grant Golrokh Ebrahimi Iraee temporary prison leave on 3 January 2017. However, after Arash Sadeghi ended his hunger strike, the Revolutionary Guards resorted to different punitive tactics. They obstructed the judicial review of the couple's case by Iran's Supreme Court by preventing the transfer of the court files from the Revolutionary Court in Tehran. Then, they rearrested and returned Golrokh Ebrahimi Iraee to Evin prison on 22 January despite earlier promises to extend her prison leave until her case had gone

³⁰ Amnesty International is aware of several other cases where the Iranian authorities have criminalized artists for outputs that touched on human rights. They include filmmaker Keywan Karimi, who was prosecuted and sentenced to six years' imprisonment, partly in connection with his 2012 film *Neveshtan Rooye Shahr* (Writing on the City), about graffiti written on the walls of Tehran's streets; and Atena Farghadani, who was sentenced to 12 years and nine months' imprisonment, later reduced to an 18-month suspended prison sentence, on charges that included “insulting members of parliament through paintings” for drawing a cartoon that criticized parliament for a bill that proposed to restrict access to contraception and criminalize voluntary sterilization.

³¹ For more details, see Amnesty International, *Flawed reforms: Iran's new code of criminal procedure* (Index: MDE 13/2708/2016).

³² UN General Assembly, *Report of the Secretary-General on the Situation of human rights in the Islamic Republic of Iran*, UN Doc. A/71/374, www.ohchr.org/EN/Countries/AsiaRegion/Pages/IRIndex.aspx

through the judicial review process. Since then, the authorities have not allowed the couple to see one another more than a couple of times.³³

³³ For more details on the case, see Amnesty International, *Iran: Stoning writer rearrested as Revolutionary Guards block review of her conviction* (Press Release, 25 January 2017); Amnesty International, *Human rights defender being tortured in Evin* (Index: MDE 13/5811/2017).

6. WOMEN HUMAN RIGHTS DEFENDERS

“I have always said that in a land where it is hard enough to be a woman, a mother or a human rights defender, to be all three is an unforgivable crime... and here I am, in my own homeland, convicted and imprisoned for the crime of being a human rights defender, a feminist and an opponent of the death penalty.”

Human rights defender Narges Mohammadi in an open letter from inside Evin prison, June 2016³⁴

Women in Iran are confronted daily by widespread and entrenched discrimination in law and practice, including in areas of employment, health, education, access to political office, criminal and family law. Compulsory dress codes, including the provisions on compulsory veiling (*hijab*) in the Islamic Penal Code empower police and paramilitary forces to target women for harassment, violence and imprisonment (Article 638). Violence against women and girls in Iran is prevalent and the authorities have failed to adopt laws criminalizing gender-based violence, although the Vice-President on Women and Family Affairs, Shahindokht Molaverdi, has tried hard to push through a draft bill that has been pending since 2012. Women and girls also remain inadequately protected against early and forced marriage. The legal age for marriage is 13 and fathers can apply for permission to arrange that their daughters are married at an even younger age – and to men much older than their daughters.³⁵

Despite this context as well as numerous setbacks, women rights’ defenders are active and make a difference. For example, in October 2015, a group of activists launched the Campaign to Change the Masculine Face of Parliament to push for more pro-equality women candidates for parliament.³⁶

³⁴ The full text of the letter is available at: The Advocates Post, ‘Human rights defender in Iran starts hunger strike, demanding the right to call her children’, 29 June 2016, theadvocatespost.org/2016/06/29/human-rights-defender-in-iran-starts-hunger-strike-demanding-the-right-to-call-her-children/

³⁵ For more details, see Amnesty International, *You shall procreate: Attacks on women’s sexual and reproductive rights in Iran* (Index: MDE 13/1111/2015).

³⁶ For more details, see the Facebook page of the Campaign to Change the Masculine Face of Parliament, www.facebook.com/women4parliament/posts/1687718481441612 (in Persian).

In February 2016, members of the campaign announced in an interview that all their candidates had been disqualified by Iran's Guardian Council,³⁷ which vets all individuals who seek candidacy before any election in Iran. Nevertheless, the campaign generated a five-fold increase in the number of women seeking candidacy, highlighting the demand of women for equality and women's participation in political and public life, and exposed candidates with a history of making sexist remarks.

The authorities responded to the Campaign to Change the Masculine Face of Parliament with renewed repression. Amnesty International's research shows that, between January and July 2016, more than a dozen women human rights defenders in Tehran were summoned for long, intensive interrogation by the Revolutionary Guards and threatened with imprisonment on national security-related charges for their involvement with the campaign.

The defenders were asked to present themselves to an office of the Revolutionary Guards in Tehran "to provide some explanations". Once there, they were accused of espionage and collusion with "foreign-based currents seeking the overthrow of the Islamic Republic system". During interrogation, they were verbally abused, including with gender-based slurs, and pressured to sign letters pledging not to involve themselves in civil society activities again. They were not allowed access to lawyers during interrogation, which lasted in some cases up to eight hours.

The defenders were put under intense pressure to terminate the campaign, which they eventually did on 29 February 2016.³⁸ Publicly, the authorities aired views that accused women involved with the campaign as agents of a foreign-orchestrated "infiltration project" pursuing the "soft overthrow" of the Islamic Republic of Iran.

"Those who speak of changing the masculine face of parliament and have turned websites, publications and social media into spaces for expressing their erroneous views, are the agents of Western thought... [They] do not have women's rights at their heart."

Fereshteh Rouhafa, Deputy Head of the Cultural and Social Council for Women, attacking the Campaign to Change the Masculine Face of Parliament, December 2015³⁹

The renewed assault on women human rights defenders has been accompanied by officials equating feminism with criminality and describing initiatives relating to women's rights as a "conspiracy" to weaken people's religious beliefs and values and infiltrate decision-making bodies. This hostile attitude has been shown not only toward women's rights defenders but also toward lone voices within the government of President Rouhani who have made modest efforts to improve the situation of women's rights in the country.

The most notable examples are the smear campaigns conducted against the Vice-President on Women and Family Affairs, Shahindokht Molaverdi, in media outlets affiliated with the state's security apparatus. Her statements raising concern about violence against women, women's exclusion from sports stadiums and unequal access to employment and maternity leave have been described as "thinly disguised feminist positions" that threaten traditional gender roles and the institution of the family.⁴⁰ In December 2015, *Yalsarat* newspaper, the official media outlet of the semi-official paramilitary group Ansar-Hezbollah, published articles that called Shahindokht Molaverdi a "bitch" and a "whore" who collaborates with "London-based" agents seeking the overthrow of the system.⁴¹

In a May 2016 article, *Keyhan* newspaper, a daily with close ties to the Office of the Supreme Leader, warned that women are "one of the first targets of the enemy's plans for infiltration because... targeting them

³⁷ See Radio Zamanah, 'Campaign to Change the Masculine Face of Parliament' (in Persian), 18 February 2016, www.radiozamanah.com/261528

³⁸ Campaign to Change the Masculine Face of Parliament, 'Final Statement of the Campaign to Change the Masculine Face of Parliament' (in Persian), 29 February 2016, www.facebook.com/women4parliament/posts/1724381354441991

³⁹ Armane Zanan, 'Founders of the campaign to "Change the Masculine Face of Parliament" are the administrator of enemy's infiltration [project] in the field of women' (in Persian), 1 December 2015, bit.ly/2t49aC4

⁴⁰ Rooz Online, 'The Vice-Presidency for Women facing crucifixion' (in Persian), 7 January 2015, www.roozonline.com/persian/news/newsitem/article/-72df431f8c.html

⁴¹ See, for example, BBC Persian, 'Ansar-Hezbollah's organ throws sexual insults at Iran's Vice-President' (in Persian), 27 December 2015, www.bbc.com/persian/iran/2015/12/151227_139_molaverdi_yalsarat_sexual_insult; Centre for Human Rights in Iran, 'Sexist publication and lack accountability: Yalsarat's unprecedented insults against the Vice-President for Women' (in Persian), 29 December 2015, persian.iranhumanrights.org/1394/10/shahindokht-mowlaverdi/

would result in the break-up of the family system and this, in the next stages, would lead to the collapse of the religious and political system of society.” The article defined “infiltration” as “the penetration of radical feminist perspectives [into Iranian society and culture], distancing women from the truth of “womanhood” and eliminating the woman’s role in the family”. The article referred to violence against women, women’s access to sports stadiums, and women’s employment as “marginal issues” that are “erroneously” highlighted by the agents of the infiltration project to create “false and hostile media perceptions” against the Islamic Republic of Iran.⁴²

The rhetoric that describes those working on women’s rights as criminals was put on full display in official statements about the arbitrary arrest and detention of **Homa Hoodfar**, a Canadian-Iranian professor world-renowned for her academic work on issues related to women’s rights.

HOMA HOODFAR



Canadian-Iranian professor of anthropology Homa Hoodfar
© Private

Homa Hoodfar was arrested on 6 June 2016 while on a visit to Iran from Canada. For many years, she has been involved with an international network called Women Living Under Muslim Laws, which seeks to strengthen women’s struggles for equality and human rights in Muslim contexts.

On 24 June 2016, the Prosecutor General of Tehran stated that Homa Hoodfar’s “criminal” case was in connection with “her entry into fields concerning feminism and national security offences”.⁴³ Days earlier, media outlets affiliated with the Revolutionary Guards ran articles claiming that she was “the agent of a feminist network”,⁴⁴ implying this was a criminal offence, and that the Campaign to Change the Masculine Face of Parliament was “her latest operation”.⁴⁵ The articles claimed that her work with Women Living Under Muslim Laws was aimed at “disrupting public order” and “prompting socio-cultural changes that can ultimately pave the ground... for a soft overthrow”.⁴⁶

Prior to her arrest on 6 June, Homa Hoodfar was repeatedly summoned by Revolutionary Guards for long, intense interrogation sessions about her feminist beliefs, her work with Women Living Under Muslim Laws and her association with Iranian women’s rights activists and other human rights defenders. During the interrogations, she was denied the right to have a lawyer present. Her lawyer was told that she had been charged with “spreading propaganda against the system” and “collaborating with hostile governments”.

After a sustained global campaign for her release, Homa Hoodfar was freed on 26 September 2016 and subsequently flown to Oman⁴⁷ and returned home to Canada from there.

⁴² Kayhan, ‘How has infiltration happened in the field of women and family [affairs]?’ (in Persian), 2 May 2016, bit.ly/2s00yYw

⁴³ Mashregh News, ‘Homa Hoodfar is involved in the fields of feminism and national security offences’ (in Persian), 24 June 2016, bit.ly/2sHycUx

⁴⁴ Tasmin News, ‘Homa Hoodfar, a member of anti-national security organization WLUML, arrested’ (in Persian), 15 June 2016, bit.ly/2rFyxZy

⁴⁵ Gerdab, ‘Who is Homa Hoodfar? A look at Homa Hoodfar’s anti-national security record, thoughts, actions + photograph and film’ (in Persian), 18 June 2016, <http://bit.ly/2uhoTOC>

⁴⁶ Mashregh News, ‘Homa Hoodfar, a member of anti-national security organization WLUML, arrested’ (in Persian), 15 June 2016, bit.ly/2rFW3k

⁴⁷ For more details on the case, see Amnesty International, *Heath concern for Canadian-Iranian professor: Dr Homa Hoodfar* (Index: MDE 13/4787/2016); Amnesty International, *Homa Hoodfar freed after global campaign* (Index: MDE 13/4909/2016); and Amnesty International, *Women’s rights activists treated as ‘enemies of the state’ in renewed crackdown* (Press Release, 10 August 2016).

Iran's intelligence and security bodies subject women human rights defenders to intense surveillance. This includes the monitoring of travel abroad, as seen in the case of **Alieh Motalebzadeh** below. Such surveillance has served to isolate women human rights defenders and prevent them from connecting with other defenders outside Iran to advance women's rights. This is part of a policy to nip in the bud any serious attempt to organize to challenge state-sanctioned discrimination.

ALIEH MOTALEBZADEH



Women's rights activist and photojournalist Alieh Motalebzadeh
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Women's rights activist and photojournalist Alieh Motalebzadeh was arrested on 26 November 2016 by Ministry of Intelligence officials following weeks of harassment by the authorities after she returned to Iran from a workshop in Georgia on "Women's empowerment and elections". She was subsequently charged with "gathering and colluding to commit crimes against national security" in relation to her attendance at the workshop and subjected to a travel ban.

Alieh Motalebzadeh was held in solitary confinement in Section 209 of Evin prison until 19 December 2016, when she was released on bail. During this period, she was repeatedly interrogated about why she had attended the workshop and for details about the workshop's organizers.

She was denied access to her lawyer and allowed only one in-person family visit on 7 December in the presence of her interrogator. The interrogator used this visit to admonish Alieh Motalebzadeh's husband to "not make a fuss" in reference to his media interviews about his wife's arrest and detention. The interrogator also threatened her husband and daughter with arrest, and told her husband to stop conducting media interviews about his wife.

Amnesty International understands that the Ministry of Intelligence harassed and interrogated at least 13 other women who attended the workshop in Georgia.

Since her release, Alieh Motalebzadeh and her family are believed to be under heavy surveillance by the authorities.

In November 2014, prominent imprisoned human rights defender **Narges Mohammadi** (see Chapter 5) wrote an open letter to President Rouhani, explaining how, during her interrogations, Ministry of Intelligence interrogators had bombarded her with questions related to her involvement with various civil society groups, including the Women's Citizenship Centre (Kanoon Shahrbandi Zanan), a civil society organization which

seeks to eliminate discrimination and violence against women.⁴⁸ She has said: “The direction in which the interrogations were being taken showed me that, in reality, the focus of the security bodies is on eliminating civil society.”⁴⁹

Narges Mohammadi was also intensely interrogated about a meeting that she and a group of leading women’s rights activists had with Catherine Ashton, the then EU High Representative for Foreign Affairs and Security Policy, at the Austrian embassy in Tehran on International Women’s Day on 8 March 2014 as well as her participation in the peaceful protests staged outside of government buildings calling on the authorities to investigate a string of acid attacks on women in the city of Esfahan, central Iran, in October 2014.

“The question that arises is why, instead of interrogating and detaining those responsible for acid attacks, the security bodies are targeting those who are protesting against the horrific crimes committed against the women of this country. Is it the case that either way, women should be the victims of violence, first as victims of acid attacks and then as [peaceful] protesters against acid attacks?”

Narges Mohammadi in an open letter to President Rouhani, November 2014⁵⁰

The crackdown on women human rights defenders has also included harsh responses to women who oppose compulsory veiling (*hijab*), claiming women’s rights to freedom of belief and religion and freedom of expression. State media regularly use derogatory terms such as “sluts”, “deviant” and “corrupt” to demean and degrade these women.



Narges Mohammadi with “compulsory hijab policy equals violence against women” written on her palm © Private

Such smear campaigns against women’s rights activists have been manifested most extremely in the case of US-based Iranian journalist and women’s rights activist **Masih Alinejad**, who is the founder of a popular online campaign called My Stealthy Freedom, which encourages women from Iran to post online pictures of themselves without headscarves by way of opposing compulsory *hijab*. State-sanctioned media outlets have published concocted articles describing her as a “whore” and claimed that she was “gang-raped after overdosing on cocaine and stripping naked in the streets.”⁵¹ In June 2017, she also received a number of death threats from social media accounts believed to be affiliated with Iran’s intelligence and security forces.

⁴⁸ Tribune Zamaneh, ‘Narges Mohammadi speaks of her interrogations in a letter to the President’ (in Persian), 12 November 2014, www.tribunezamaneh.com/archives/61938

⁴⁹ Kaleme, ‘Narges Mohammadi reports on her six-hour-long interrogation in Office of the Prosecutor in Evin Prison’ (in Persian), 9 November 2014, www.kaleme.com/1393/08/18/klm-202149/?theme=fast

⁵⁰ Tribune Zamaneh, ‘Narges Mohammadi speaks of her interrogations in a letter to the President’ (in Persian), 12 November 2014, www.tribunezamaneh.com/archives/61938

⁵¹ New York Times, ‘My Stealthy Freedom Founder the target of ugly smear campaign on social media’, 12 June 2017, nytlive.nytimes.com/womenintheworld/2017/06/12/my-stealthy-freedom-founder-the-target-of-ugly-smear-campaign-on-social-media/



Picture from a woman in Iran rejecting compulsory hijab © My Stealthy Freedom Campaign

Human rights defenders speaking out against compulsory *hijab* have also been accused of “insulting Islam” and threatened with harsh penalties ranging from imprisonment to the death penalty.

“The judge told me that my opposition to compulsory veiling was tantamount to opposing the clear rulings of the Qur’an and that I had insulted religious sanctities and my sentence should be the death penalty.”

Atena Daemi in a post on her Facebook page, October 2016⁵²

As part of the renewed crackdown on women human rights defenders, the authorities have also applied such pressure on both print and online publications that promote women’s rights that they have been forced to close or suspend production, creating a climate of fear that has led to increased self-censorship.

In 2016, during the same period that members of the Campaign to Change the Masculine Face of Parliament were summoned for interrogations, the authorities also targeted the website Feminist School (Madreseh feministi), which posts reports and articles on issues related to feminist theories and practices as well as the state of women’s rights in Iran and globally.⁵³ People associated with the website, most of whom were also involved with the Campaign, were threatened with imprisonment on national security-related charges if they continued their work on the website; the Feminist School website has not been updated since mid-February 2016.

⁵² Tribune Zamaneh, ‘I, Atena Daemi, speak to you from inside Iran’ (in Persian), 4 October 2016, www.tribunezamaneh.com/archives/106259

⁵³ See the website of Feminist School: www.feministschool.com

7. WORKERS' RIGHTS ACTIVISTS

“Going by the evidence used to convict [us], it must be said that any effort... to improve the livelihood of teachers and workers in the country amounts to acting against national security.”

Trade unionists Esmail Abdi and Jafar Azimzadeh in a joint statement from Evin prison, April 2016⁵⁴

Undue restrictions on the right to freedom of association and a ban on independent trade unions exist in Iran. However, many workers in Iran have courageously formed such unions as well as workers' support organizations. They have been driven to do so as a result of unpaid wages, precarious work conditions, staggering inflation and poor living standards.

These workers are human rights defenders as they are striving to ensure the right of everyone to form and join trade unions and enjoy just and favourable conditions of employment, social security, and an adequate standard of living, including access to adequate food, clothing, housing, education and quality health services.

The authorities' response to their efforts has been persistently harsh. Simply because of their legitimate trade union activities, workers' rights defenders have been sacked without justification or forced into early retirement; attacked and beaten by the police; subjected to reprisals for peacefully protesting to claim unpaid wages; arbitrarily arrested and detained; tortured and otherwise ill-treated; and sentenced to long prison terms on spurious national security offences.

As with other human rights defenders, trade unionists defending the right to form and join trade unions have been arrested and given harsh prison sentences on trumped-up charges, including “spreading propaganda against the system”, “gathering and colluding to commit crimes against national security” and “forming a group with the purpose of disrupting national security”.⁵⁵

The court verdicts against trade unionists that Amnesty International has reviewed blatantly reveal the extent to which Iran's courts cite peaceful trade union activities as “evidence” of “acts against national security” and “anti-revolutionary propaganda”. These activities include: organizing peaceful gatherings, such as ones on International Worker's Day; attending peaceful protests against poor wages and publishing their photographs online; receiving invitations to attend international meetings of trade unions; signing statements in support of trade union rights; and launching petitions to seek a rise in the national minimum wage.

⁵⁴ Teachers and Workers Rights, ‘The statement of Jafar Azimzadeh and Esmail Abdi about [their] hunger strike action’, 9 April 2016, <http://bit.ly/2Osh4MW>

⁵⁵ For more details, see Amnesty International, *Iran: Release imprisoned trade unionists and uphold workers' rights* (Index: MDE 13/6147/2017).

“During recent years, [the accused] has used trade union issues as a pretext to send out text messages inviting members and associates of trade unions to demonstrations, sign numerous statements, conduct interviews with counter-revolutionary media outlets... and portray the conditions of workers in the country as appalling... These actions by the accused have helped fuel the propaganda [machine] of the anti-Revolutionary.”

An excerpt from the judgement of Branch 26 of the Revolutionary Court in Tehran sentencing Davoud Razavi to five years' imprisonment, February 2016⁵⁶

7.1 INDEPENDENT TRADE UNIONS

Iran's Labour Code generally permits worker representation only through an Islamic Labour Council or a trade association (also known as a guild society).⁵⁷ Under the existing legal framework, an Islamic Labour Council and a trade association cannot exist at the same enterprise.⁵⁸ In practice, Islamic Labour Councils have received more support from the government, which has resulted in an organizational monopoly in their favour. On many occasions, the Committee on Freedom of Association, a body created by the International Labour Organization (ILO) to examine complaints about violations of the right to freedom of association, has criticized this practice.⁵⁹

The primary purpose of Islamic Labour Councils, as set out in Iranian legislation, is to support the Islamic Republic rather than trade union rights. The Labour Code states that their purpose is “to propagate and disseminate Islamic culture and to defend the achievements of the Islamic revolution.”⁶⁰ Furthermore, candidates standing for election to Islamic Labour Council boards face discriminatory screening procedures,⁶¹ including the need to demonstrate their “practical allegiance” to Islam⁶² and show that they are faithful to the rule of the Supreme Leader (*velayat-e faqih*).⁶³

Trade associations are not independent either and must obtain state approval to function. The Labour Code stipulates that “all trade associations and their respective centres shall... draw up their by-laws taking account of applicable statutory provisions and shall submit them to their respective general meetings for approval and to the Ministry of Labour and Social Affairs for registration”.⁶⁴ The Ministry of Labour and Social Affairs is mandated to determine the conditions of eligibility to become a member or official of the association and to monitor the conduct of elections. Trade associations are required to inform the Ministry of general assemblies at least 15 days before they take place. Ministry officials are entitled to observe, interfere in and disrupt such meetings, and issue measures of suspension and dissolution.⁶⁵

The ILO's Committee on Freedom of Association has expressed concern that the legislative provisions concerning the registration and validation of trade associations in Iran constitute “grave interference in the

⁵⁶ See Appendix for the text of the verdict.

⁵⁷ The employees of an enterprise that has neither an Islamic Labour Council nor a trade association may appoint an individual worker to represent their interests. This mode of representation, known as a workers' representative, is envisaged for small-scale enterprises with less than 10 employees as the employees of such enterprises are not qualified to form a trade association. See Article 2 of the Code of Practice on the Formation, Scope of Duties, Authorities and Method of Performance of Trade Associations and Respective Centres, available on the Iranian parliament's website: rc.majlis.ir/fa/law/show/114044 (in Persian).

⁵⁸ Labour Code, Section 130, www.ilo.org/dyn/natlex/docs/WBTEXT/21843/64830/E90IRN01.HTM#c6

⁵⁹ In particular, the Committee has requested Iran on several occasions to amend Section 131 of the Labour Code, which enshrines organizational monopoly, so as to ensure that the legislation allows for trade union pluralism. For more information, see ILO, *350th Report of the Committee on Freedom of Association, Case No. 2567 (Islamic Republic of Iran): Interim Report*, 2008, para. 1163, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_094216.pdf; ILO, *371st Report of the Committee on Freedom of Association, Case No. 2807*, 2014, para. 574, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_239692.pdf

⁶⁰ Labour Code of Iran, Section 130.

⁶¹ For more details, see Amnesty International, *Determined to live in dignity: Iranian trade unionists struggle for rights* (Index: MDE 13/024/2011).

⁶² This practice is also discriminatory against members of Iran's religious minorities.

⁶³ Law on the Formation of Islamic Labour Councils, Article 2 (J).

⁶⁴ Labour Code, Section 131, Note 2.

⁶⁵ ILO, *350th Report of the Committee on Freedom of Association, Case No. 2567 (Islamic Republic of Iran): Interim Report*, 2008, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_094216.pdf

fundamental freedom of association rights of workers and have been applied in a manner so as to infringe upon the independence of their organizations.”⁶⁶

In 2011, the UN Human Rights Committee stated that Iran “should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination”.⁶⁷ The UN Committee on Economic, Social and Cultural Rights, the body tasked with overseeing Iran’s implementation of the International Covenant on Economic, Social, and Cultural Rights, similarly recommended in its Concluding Observations in 2013 that Iran “take steps to ensure that independent trade unions can be formed and carry out their activities without interference, including unions of teachers, bus workers and sugar-cane workers, as well as the Iran Free Workers’ Union.” The Committee also called upon Iran “to immediately release labour rights activists and members of independent trade unions currently serving prison sentences who acted in conformity with internationally recognized trade union standards.”⁶⁸

JAFAR AZIMZADEH



Chair of the Free Union of Workers of Iran Jafar Azimzadeh © Private

“We have not done anything other than defending our human dignity and that of other working class people... The [peaceful nature] of our activities, which is aimed at obtaining our lawful, human entitlements, is even obvious from the ‘evidence’ cited in our court cases to support the national security charges brought against us. It is entirely focused on activities such as collecting signatures against wages falling below the poverty line, forming independent trade unions, attending gatherings in front of [government] buildings, and writing grievance letters.”

Trade unionists Esmail Abdi and Jafar Azimzadeh in a joint statement from Evin prison, April 2016

Trade unionist Jafar Azimzadeh, a welder and the Chair of the Free Union of Workers of Iran, was sentenced to six years’ imprisonment in March 2015 after Branch 15 of the Revolutionary Court in Tehran convicted him of “gathering and colluding to commit crimes against national security” and “spreading propaganda against the system”. He also received a two-year ban on “membership in political and social parties, groups or collectives” and “engagement in online space, media and press”.

The conviction was based solely on his peaceful trade union activities, including: his work collecting 40,000 workers’ signatures on a petition for a rise in the national minimum wage; his interviews with media outlets based outside Iran; his involvement with founding the Free Union of Workers of Iran; his participation in the 2009 International Workers’ Day rally in Laleh Park in Tehran and other peaceful demonstrations in front of Parliament and the Ministry of Cooperatives, Labour and Social Welfare; and his meetings with other trade unionist groups, such as the Syndicate of the Workers of Haft Tapeh Sugar Cane Company and the Syndicate of Workers of Tehran and Suburbs Bus Company.

In October 2015, he received a short written summons from the Office for the Implementation of Sentences, which said that he needed to present himself to Evin prison to begin serving his six-year

⁶⁶ ILO, *350th Report of the Committee on Freedom of Association, Case No. 2567 (Islamic Republic of Iran): Interim Report*, 2008, para. 1162, www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_094216.pdf

⁶⁷ Concluding observations of UN Human Rights Committee: Iran, UN Doc. CCPR/C/IRN/CO/3, para. 26.

⁶⁸ Concluding observations of UN Committee on Economic, Social and Cultural Rights: Iran, UN Doc. E/C.12/IRN/CO/2, para. 15.

sentence. The summons indicated that his conviction and sentence had been upheld on appeal even though no decision had been communicated to him. He was arrested on 8 November 2015 to begin serving his six-year sentence. He was released on temporary leave several months later on 30 June 2016, after a 63-day-long hunger strike.

In October 2016, Branch 33 of the Supreme Court rejected the judicial review of Jafar Azimzadeh's six-year prison sentence. Jafar Azimzadeh may be summoned to prison to begin serving his sentence at any moment.

In May 2017, Jafar Azimzadeh was acquitted of national security-related charges in a separate case, for which a Revolutionary Court in Saveh, Markazi province, had sentenced him to 11 years' imprisonment in 2015.

7.2 TEACHERS' TRADE ASSOCIATIONS

The Iran Teachers Trade Association (ITTA),⁶⁹ which is affiliated with Education International (the world's largest sectoral global union), has branches in almost all of Iran's 31 provinces. Of these, at least 17 are officially registered. In recent years, teachers have mobilized to peacefully protest against low wages that have not kept up with inflation, job insecurity, deteriorating quality of education and poor living conditions.

In January 2015, after the Ministry of Education announced an increased budget for the year, teachers staged peaceful protests complaining that the rise was insufficient to provide the necessary increase in wages.⁷⁰ On 27 January, the ITTA also issued a public statement raising its concerns about the budget.⁷¹ Later that year, on 16 April, teachers across Iran joined peaceful protests.⁷² Among the grievances raised by the teachers were poor wages, imprisonment of teacher trade unionists, and discrimination in employment practices. Further nationwide protests by teachers followed in May.

ITTA members have faced harassment and arrests for years. Just prior to and after the May 2015 protests, several of them were harassed by the authorities, arbitrarily arrested and detained, and prevented from exercising their professions. On 22 July 2015, thousands of teachers attempted to gather in front of parliament to protest against the repression and to demand the release of teacher **Esmail Abdi** (see below). Security forces disrupted the gathering and arrested scores of teachers. According to an announcement by the Minister of Education on 27 July 2015, the teachers were later released.⁷³

⁶⁹ The ITTA is a nationwide union with local branches in the provinces of Iran. ITTA-Tehran, of which Esmail Abdi is a member, is the largest branch.

⁷⁰ Iranian Labour News Agency, 'The reasons for the protests of the ITTA two days ago' (in Persian), 22 January 2015, bit.ly/2rOdbDD

⁷¹ Iranian Labour News Agency, 'Demands of the representatives of teachers to the President' (in Persian), 28 January 2015, bit.ly/2sk5Z9g

⁷² Iranian Labour News Agency, 'Thousands of teachers across the country held a silent rally' (in Persian), 16 April 2015, bit.ly/1Qjiu4U

⁷³ Asr Iran, 'Minister of Education: Detained teachers have been released' (in Persian), 27 July 2015, <http://bit.ly/2uQfe2h>

ESMAIL ABDI



Trade unionist Esmail Abdi © Private

Trade unionist Esmail (Ismail) Abdi, a mathematics teacher and the former Secretary General of ITTA-Tehran (also known as the Teachers' Trade Association of Tehran) and current member of ITTA-Tehran's board of directors, is serving a six-year sentence in Evin prison.

Branch 15 of the Revolutionary Court in Tehran convicted him in February 2016 of national security offences, including "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security".

The charges stem from his trade union activities, including organizing peaceful demonstrations held by teachers and ITTA members outside parliament in April 2015 in protest against poor wages, the inadequate education budget, and imprisonment of teacher trade unionists; as well as associating with Education International.

His trial was grossly unfair: he was denied access to a lawyer of his choice during the entire investigative phase and his lawyer was not allowed to review his court file before trial. In October 2016, Branch 36 of the Tehran Appeals Court upheld the sentence. He was arrested on 9 November 2016 to begin serving his sentence.

On 30 April 2017, Esmail Abdi began a hunger strike to protest the criminalization of peaceful trade unionists. In an open letter from 22 April 2017, Esmail Abdi asked: "Is it a crime to be a member of a trade association and participate in peaceful demonstrations...? Is it a crime to speak out against the theft of public funds...? Is it a crime to gather signatures petitioning the government to uphold the law?"⁷⁴

Esmail Abdi was first arrested on 27 June 2015, after he went to the Prosecutor's Office in Evin prison to inquire about a travel ban imposed on him. He was taken to Section 2A of Evin prison and held for 40 days in solitary confinement, without access to a lawyer. On 14 May 2016, he was released on bail, following a two-week hunger strike to protest against the repression of trade unionists.

Before his arrest in June 2015, intelligence officials from the Revolutionary Guards had summoned him for interrogation a number of times, and had pressured him to resign from his ITTA-Tehran position and cancel planned nationwide demonstrations. Once, on 3 May 2015, intelligence officials summoned him and threatened that a suspended 10-year sentence from 2011, also connected to his peaceful trade union activities, would be immediately implemented unless he made a formal announcement on Facebook that he was resigning from his ITTA-Tehran post and cancelled planned nationwide demonstrations that the ITTA had helped organize. Esmail Abdi made the announcement, but the ITTA-Tehran did not accept his resignation. The protest went ahead as planned, with thousands of teachers gathering peacefully in front of parliament in Tehran and outside the offices of the Ministry of Education in different cities.

During interrogations, intelligence officials also warned Esmail Abdi against associating with international organizations, including Education International, and said his participation in their international gatherings was a "red line". This warning against associating with international organizations blatantly violates Iran's obligations under international law, including Article 8 (b) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which guarantees the right of trade unions to join international organizations.⁷⁵

⁷⁴ Human Rights Activists News Agency (HRANA), 'Esmail Abdi's open letter: I will start a hunger strike from 31 April', 22 April 2017, www.hra-news.org/letters/a-337/

⁷⁵ For more details on the case, see Amnesty International, *Iranian trade unionist faces sixteen years in jail* (Index: MDE 13/3843/2016); Amnesty International, *Teacher union activist must be released* (Index: MDE 13/5332/2016); and Amnesty International, *Health fears for jailed Iranian teacher unionist* (Index: MDE 13/6260/2017).

The prospect of unjust imprisonment looms over several other teacher trade unionists including **Mohammad Reza Niknejad**, a former board member of ITTA-Tehran, and **Mehdi Bohlooli**, a member of ITTA, who each face five years' imprisonment; and **Mahmoud Beheshti Langroodi**, spokesperson of the ITTA, who has been sentenced to a total of 14 years in prison following three separate convictions related to his trade union activities. He has received at least five written summons to report to prison to resume serving his sentences, but has said he will not comply with them.

7.3 TEHRAN BUS WORKERS' UNION

The Syndicate of the Workers of Tehran and Suburbs Bus Company (SWTSBC), a trade union for workers employed by the United Bus Company of Tehran (Sherkat Vahed), was banned after the 1979 Revolution, but re-established in 2004 after many bus workers had not been paid for months. The authorities have never granted the union official registration.

The authorities have consistently harassed, intimidated and prosecuted SWTSBC members, particularly board members, under spurious charges stemming solely from their peaceful activism, including organizing and participating in strikes.

Some members have been imprisoned, including **Reza Shahabi**, **Davoud Razavi** and **Ebrahim Madadi** (see below). **Reza Shahabi**, who was sentenced to six years' imprisonment for his peaceful trade union activities,⁷⁶ was released on medical leave in October 2014, after spending over four years in prison. However, from November 2016, he started facing renewed pressure to return to prison to complete the remainder of his sentence, which was according to the authorities three months. As of 12 July 2017, Reza Shahabi and Davoud Razavi were subjected to a travel ban, which prevented them from travelling to Geneva, Switzerland, in June 2017 for the 106th International Labour Conference.

EBRAHIM MADADI



Ebrahim Madadi, deputy head of the Syndicate of the Workers of Tehran and Suburbs Bus Company © Private

Ebrahim Madadi, the deputy head of the SWTSBC, was sentenced to five years and three months in prison in August 2016 after Branch 26 of the Revolutionary Court in Tehran convicted him of “gathering and colluding to commit crimes against national security” and “disrupting public order by participating in illegal gatherings”.

The conviction was based solely on his peaceful trade union activities including attending peaceful gatherings to support workers' rights and demand increased wages.

The criminal proceedings against Ebrahim Madadi started after he was arrested by Ministry of Intelligence agents on 29 April 2015, in advance of May Day gatherings he was planning to attend.

He spent 22 days in solitary confinement in Section 209 of Evin prison without access to a lawyer or his family before being released on bail. His trial took place nearly a year later, on 16 April 2016. As of 12 July 2017, he was at liberty pending the outcome of his appeal.

Ebrahim Madadi had earlier served a sentence of three and a half years for “acts against national security” in relation to his peaceful trade union activities; he was released in April 2012.

⁷⁶ For more details, see Amnesty International, *Trade unionist given six-year prison sentence* ([Index: MDE 13/027/2012](#)).

DAVOUD RAZAVI



Davoud Razavi, a member of the Syndicate of the Workers of Tehran and Suburbs Bus Company © Private

Davoud Razavi, another member of the SWTSC, was arrested on 29 April 2015 and held in solitary confinement in Section 209 of Evin prison for 22 days before being released on bail on 20 May 2015.

His trial took place on 13 January 2016 before Branch 26 of the Revolutionary Court, which sentenced him in February 2016 to five years' imprisonment for "gathering and colluding to commit crimes against national security".

As "evidence" against him, the court listed "organizing gatherings for different excuses including the occasion of International Worker's Day and low wages".

The court admonished Davoud Razavi not only for attending "illegal gathering" but also for taking photos that were published online, which the court cited as "anti-revolutionary propaganda". The court also mentioned an invitation Davoud Razavi had received to attend an ILO international conference and noted that as "evidence" of contact with "opposition labour rights activists outside of Iran". Nowhere in the documents reviewed by Amnesty International does the court provide any evidence of criminal activity.⁷⁷

Davoud Razavi has lodged an appeal and, as of 11 July 2017, was awaiting its outcome.

⁷⁷ See Appendix for the text of the verdict.

8. HUMAN RIGHTS LAWYERS

“The issue is that there are some lawyers who could be troublemakers.”

Zabihollah Khodaian, Legal Deputy of Iran's Judiciary, June 2015⁷⁸

Repression against human rights defenders includes lawyers who represent individuals imprisoned for politically motivated reasons, including prisoners of conscience, or who publicly raise concerns over torture and unfair trials. Lawyers constitute a professional group whose work is often closely related to the promotion and protection of human rights. Their instrumental role in the promotion and protection of human rights is recognized in the preamble of the Basic Principles on the Role of Lawyers, which stipulates that adequate protection of human rights and fundamental freedoms requires that all persons have “effective access to legal services provided by an independent legal profession”.

Following the crackdown unleashed by the authorities in response to the 2009 presidential election protests, scores of human rights lawyers were imprisoned. During the time period looked at in this report, all the human rights lawyers whose cases were known to Amnesty International except for **Abdolfattah Soltani** (see below) were released after serving their sentences.

However, the climate of fear has persisted as the authorities have continued to subject human rights lawyers, including those recently released from prison, to harassment, interrogations and disbarment to prevent them from carrying out their professional duties and responsibilities effectively. The lawyers who had to escape into exile in 2009 are not able to safely return to the country as they have pending criminal investigations against them.

As a result, only a handful of human rights lawyers now shoulder the enormous task of providing meaningful, independent legal representation to prisoners of conscience. These lawyers often face a range of repressive measures including: arbitrary intervention by the authorities to deny or restrict their visits to their clients; delayed access to court files; lack of appropriate facilities for private consultation and communication with clients; the presence of intelligence agents and prison officials during meetings with clients; and travel bans.

Since 2015, Amnesty International has also documented an emerging pattern where prosecutorial authorities and Revolutionary Courts do not allow political prisoners, including prisoners of conscience, to be represented by lawyers known for their commitment to justice and human rights. The authorities cite as justification Article 48 of Iran's 2015 Code of Criminal Procedure, which only allows individuals facing national security-related charges to select their lawyer for the investigation stage from a roster of lawyers

⁷⁸ Islamic Republic News Agency, ‘The judiciary’s response to criticisms about some of the amendments to the Code of Criminal Procedure’ (in Persian), 30 June 2015, www.irna.ir/fa/News/81665750/

approved by the Head of the Judiciary.⁷⁹ Human rights lawyers are frequently told that they are not on the approved list, even though no official list has been made public.

ABDOLFATTAH SOLTANI



Human rights lawyer Abdolfattah Soltani © Private

Human rights lawyer Abdolfattah Soltani has been imprisoned in Evin prison since September 2011, serving a 13-year sentence for carrying out his professional work and defending human rights. He was awarded the International Bar Association's Human Rights Award in 2012, as well as the Nuremberg International Human Rights Award in 2009.

He is one of the founders of the Centre for Human Rights Defenders in Iran, which was forcibly closed by the authorities in 2008.

Abdolfattah Soltani was first arrested on 16 June 2009 during the post-election unrest. He was held in Evin prison until 26 August 2009, when he was released on bail.

He was rearrested on 10 September 2011 and charged with several trumped-up national security offences including "spreading propaganda against the system", "gathering and colluding to commit crimes against national security", "forming a group with the purpose of disturbing national security", which related to his involvement with the Centre for Human Rights Defenders. He was also charged with "accepting an illegal prize and illegal earnings", which related to his acceptance, via his wife, Massoumeh Dehghan, of the Nuremberg International Human Rights Award.

In March 2012, he was informed that Branch 26 of the Revolutionary Court in Tehran had convicted him of the charges brought against him and sentenced him to 18 years' imprisonment. The conviction was based entirely on his human rights work. The court also barred him from practising law for 20 years. In June 2012, his prison sentence was reduced on appeal to 13 years and the ban on practising law to two years.

Since his imprisonment in September 2011, Abdolfattah Soltani has been held in poor conditions and without access to adequate medical care. In recent years, he has been transferred to the prison clinic several times because of chest pains and heart palpitations. However, he has been returned to his cell each time having been given either no medical treatment at all or merely drugs such as aspirin and propranolol to regulate his heartbeat. The prosecutorial authorities have repeatedly refused to grant him medical leave or authorize his transfer to a hospital outside prison to receive specialized treatment, against the advice of his doctors. On one occasion, Abdolfattah Soltani's family was told by prison officials that the Prosecutor General opposes granting Abdolfattah Soltani medical leave because he remains "steadfast" in his beliefs.⁸⁰

Among lawyers who have been released since 2013 after serving prison sentences stemming from their human rights work are:

- **Nasrin Sotoudeh**, the 2012 Sakharov Prize Laureate, who was released from prison in 2013 after serving three years of a six-year prison sentence in connection with her work as a lawyer, which included defending countless cases of prisoners of conscience and defending juveniles sentenced to death;
- **Mohammad Seyfzadeh**, one of the founding members of the Centre for Human Rights Defenders, who was released from prison in 2016 after serving five years in prison for his role in the centre, which involved advocating for the human rights of political prisoners as well as prisoners facing the death penalty;

⁷⁹ For more details, see Amnesty International, *Flawed reforms: Iran's new code of criminal procedure* (Index: MDE 13/2708/2016).

⁸⁰ For more details on the case, see Amnesty International, *Health taken hostage: cruel denial of medical care in Iran's prisons* (Index: MDE 13/4196/2016).

- **Mohammad Ali Dadkhah**, another member of the Centre for Human Rights Defenders, who was released in 2013 after serving less than a year in prison for his human rights work, which included defending prisoners sentenced to death;
- **Hamid Reza Moradi, Mostafa Daneshjou, Amir Eslami, Reza Entesari, Afshin Karampour, Farshid Yadollahi and Omid Behrouzi**, lawyers of prisoners belonging to Iran's Gonabadi Dervish religious minority, who were released in 2015 after serving over four years in prison; and
- **Javeed Hootan Kian**, who was released in 2013 after spending nearly three years in prison, during which he reported being tortured and otherwise ill-treated; he had been arrested after an interview with two German journalists about the controversial case of his client, Sakineh Mohammadi Ashtiani, who had been sentenced to death by stoning for "adultery".

Some of these lawyers including **Nasrin Sotoudeh, Mohammad Seyfzadeh** and **Javeed Hootan Kia** have faced disbarment and term-specific bans on practising law and limitations on what types of clients they may represent following their release from prison. Some, like **Mostafa Daneshjou**, have been denied access to higher education institutes.

NASRIN SOTOUDEH



Human rights lawyer Nasrin Sotoudeh protesting outside the Iranian Bar Association © Private

Human rights lawyer **Nasrin Sotoudeh** has faced both a ban and restrictions on the types of cases in which she may be involved. Her sentence included a 10-year ban (reduced from 20 years on appeal) on practising law and travelling abroad.⁸¹ In August 2014, her husband, Reza Khandan, reported that Nasrin Sotoudeh's law licence had been reinstated by Branch One of the Disciplinary Tribunal for Lawyers at the Iran Bar Association earlier that month.⁸² Two months later, Branch Two of the same Tribunal reversed this and barred Nasrin Sotoudeh from practising law for three years.⁸³

⁸¹ For more details on the case, see Amnesty International, *Iran releases prominent human rights lawyer* ([Press release](#), 18 September 2013).

⁸² Reza Khandan posted his report on his Facebook page: www.facebook.com/reza.khandan.5/posts/838633279480355 (in Persian).

⁸³ Iranian Students' News Agency, 'Nasrin Sotoudeh has been barred from practising law for three years', 18 October 2014, bit.ly/2sL9Nxr

She immediately began a sit-in protest in front of the Bar Association.⁸⁴ After protesting daily for over a year, her licence was reinstated. However, Amnesty International understands that in practice, she is not permitted to represent prisoners of conscience or others who have been imprisoned for political reasons.⁸⁵

In addition to disbarment, the authorities have resorted to harassment and intimidation in order to prevent human rights lawyers from taking on the cases of political prisoners. During her long legal career, **Giti Pourfazel** has represented a variety of clients, including prisoners of conscience and human rights defenders. In July 2016, she announced she had stopped practising law and explained that it was because of the persistent harassment she had been facing:

“Most of the cases I took [concerned] individuals who were being persecuted for their political beliefs. I gave interviews and talked about these cases and that’s how I got into all kinds of trouble that continues to this day. It got to a point where I couldn’t continue on that path any longer. I was under a lot of pressure... I kept getting phone calls from them [intelligence officials] and I was summoned many times and asked to sign documents pledging I would never give interviews to foreign channels. But I told them there’s no law against it.”

Giti Pourfazel describing in a media interview the harassment she suffered due to her professional work, July 2016⁸⁶

Massoud Shafiee has represented prisoners of conscience and others imprisoned for political reasons, including US nationals Shane Bauer and Josh Fattal, who were arrested while hiking in the Iraq-Iran border area in July 2009.⁸⁷ He was harassed by the authorities after the hikers were released in 2011. In a 2014 interview, Massoud Shafiee said that the Ministry of Intelligence had interrogated him and confiscated his passport, and that he had not been able to work for three years. He said that he had received no instructions to stop work but whenever he took on a client, he would receive a call the next day to revoke his representation.⁸⁸

In June 2015, **Atena Farzadani**, an artist who was jailed at the time for defending human rights through her paintings, and her lawyer **Mohammad Moghimi** were charged with “illegitimate sexual relations short of adultery” after they shook hands in prison.⁸⁹ Following Mohammad Moghimi’s arrest, there was a period in which Atena Farzadani appeared to have no access to a lawyer since Mohammad Moghimi was barred from meeting her. On 19 October 2015, a criminal court in Tehran acquitted both of them. The court said that, while their act of shaking hands was “religiously forbidden” (*haram*), it could not be considered an offence in this case because it had not been committed “with the intention to seek sexual pleasure” as stipulated under the Islamic Penal Code.⁹⁰

⁸⁴ Reza Khandan wrote about Nasrin Sotoudeh’s protest on his Facebook page and posted a picture of her outside the Iran Bar Association:
www.facebook.com/photo.php?fbid=866924213317928&set=a.188200697856953.48071.100000010721965&type=3&theater

⁸⁵ Centre for Human Rights in Iran, ‘The continued crackdown on human rights lawyers’, 28 July 2016, persian.iranhumanrights.org/1395/05/lawyers-prisoners/ (in Persian).

⁸⁶ Centre for Human Rights in Iran, ‘Iranian Human Rights Lawyer Quits after Years of State Harassment and Threats’, 14 July 2016, www.iranhumanrights.org/2016/07/sattar-beheshti-giti-pourfazel/

⁸⁷ For more details, see Amnesty International, *Iran: Release US hikers following ‘grossly unfair’ trial* (Press release, 21 August 2011).

⁸⁸ Centre for Human Rights in Iran, ‘Three years after I represented three Americans I still cannot work and am on a travel ban’, 4 August 2014, persian.iranhumanrights.org/1393/05/massoud-shafiee/ (in Persian).

⁸⁹ For more details on the case, see Amnesty International, *Iran: Indecency trial of jailed cartoonist and her lawyer for shaking hands absurd* (Press Release, 2 October 2015).

⁹⁰ For more details on the case, see Amnesty International, *Iran confirms forced ‘virginity test’ on artist* (Index: MDE 13/3878/2016). See also the appendix for the full court verdict.

9. MINORITY RIGHTS ACTIVISTS

Members of religious minorities, including Baha'is, Sufis, Yaresan (*Ahl-e Haq*), Christian converts, Gonabadi Dervish and Sunni Muslims, suffer discrimination in law and practice, including in education, employment and inheritance, and are persecuted for practising their faith. Disadvantaged ethnic minorities, including Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen, also face entrenched discrimination, curtailing their access to employment, adequate housing and the exercise of their cultural, economic, civil and political rights. In the spheres of politics specifically, ethnic or national minorities, which are concentrated in border provinces, have generally criticized the centralization of political life and the absence of any measures to ensure minority self-government.

Iran is a state party to the International Convention on the Elimination of all forms of Racial Discrimination, which imposes specific obligations to prevent, prohibit and eliminate any distinction, exclusion, restriction or preference based on, among others, racial, national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights. Article 27 of the International Covenant on Civil and Political Rights, to which Iran is also a state party, establishes that ethnic, religious and linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Members of minorities who speak out against violations of their human rights face arbitrary arrest, torture and other ill-treatment, grossly unfair trials, imprisonment, and in some cases the death penalty. Human rights defenders who stand up for the rights of Iran's minority communities are also subjected to ongoing repression, as illustrated below in relation to those campaigning on two long-standing concerns.

9.1 ACCESS TO HIGHER EDUCATION FOR BAHÁ'IS

The Baha'i minority, which numbers between 300,000 and 350,000 people, face systematic persecution in law and practice.⁹¹ The authorities regularly incite hatred and violence against them, describing them as "heretical", "deviant", "filthy" and "counter-Revolutionary".⁹²

Baha'is have been denied access to higher education since shortly after the 1979 Revolution. In response, some Baha'is set up the Baha'i Institute for Higher Education in 1987. After repeated acts of harassment and intimidation by the authorities for providing alternative higher education, the authorities detained leaders

⁹¹ Statement by Asma Jahangir, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 13 March 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21376&LangID=E
See also Report to the UN General Assembly, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN Doc. A/HRC/25/61, www.refworld.org/docid/534e4d0d4.html

⁹² See Baha'i International Community, *Inciting hatred: Iran's media campaign to demonize Baha'is*, October 2011, www.bic.org/sites/default/files/pdf/inciting-hatred-book_0.pdf; the UN Special Rapporteur on freedom of religion or belief and the UN Special Rapporteur on the situation of human rights in Iran, 'Most recent backlash against Baha'is exposes authorities' extreme intolerance for religious minority group', 8 June 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20073&

of the Institute in May 2011. Tens of people associated with it, including teachers, were sentenced to long terms of imprisonment.⁹³

The authorities have also resorted to arbitrary detention and the misuse of the criminal justice system to silence Baha'i students claiming their right to higher education as well as human rights defenders who have denounced the authorities for discriminating against Baha'i students. Despite the threats and attacks directed against them, Baha'i students are increasingly speaking out when higher education institutions expel them or refuse to register them even though they have passed the admission exams.

ROUHIE SAFAJOO



Baha'i student Rouhie Safajoo © Private

"Be silent, they say.

"Speak not, be silent.

"And yet I cannot. I have no desire to.

"I shall perish if I do not speak. I have always had a pen since I can remember. The pen is part and parcel of my existence. I cannot be silent."

Rouhie Safajoo' poem on her Facebook about a five-year-old Baha'i boy whose parents were imprisoned for teaching at the Baha'i Institute for Higher Education, March 2016⁹⁴

Baha'i student Rouhie Safajoo, aged 20, was arrested on 8 March 2016 at her home in Karaj, north-west of Tehran, by eight Revolutionary Guard officials who introduced themselves as employees of the state gas company before entering the house. The officials told her that she was being arrested "in relation to her Facebook activities". They searched the house and asked her to provide the password to her personal accounts, including her email.

In the months leading up to her arrest, Rouhie Safajoo had written several posts on her Facebook account about the violation of her right to higher education and the discrimination she suffered as a Baha'i. Despite passing Iran's university entrance exam in 2014 and 2015, she had not been allowed to enrol. She had filed a complaint with several state authorities and had written, along with other Baha'i students, an open letter to President Rouhani expressing dismay that his administration had not kept its promise to respect the rights of Baha'is to higher education and non-discrimination.

Following her arrest, Rouhie Safajoo was taken to Section 2A of Evin prison, where she was held in solitary confinement for eight days. She had no access to a lawyer during this period even though she was interrogated every day for four hours. She was not permitted to call her family until five days after her arrest.

During interrogations, she was blindfolded and forced to sit facing a wall. Her interrogators questioned her about her Facebook posts, repeatedly insulting her religious beliefs and calling her "mental", "brazen" and "stubborn". Rouhie Safajoo was released on 27 March 2016 after posting bail. She was subsequently summoned to the Office of the Prosecutor where she was charged with "dissemination of lies" under Article 18 of the Cyber Crimes Law. As of 12 July 2017, she was at liberty awaiting her trial date.

⁹³ For more details, see Amnesty International, *Silenced, expelled, imprisoned: Repression of students and academics in Iran* (Index: MDE 13/015/2014).

⁹⁴ The full text of Rouhie Safajoo's poem is available on her Facebook page: www.facebook.com/photo.php?fbid=1023644417721505&set=a.548757438543541.1073741832.100002278700376&type=3&theater (in Persian).

NAVID KHANJANI



Baha'i rights activist Navid Khanjani © Private

Navid Khanjani, a founding member of the Committee of Human Rights Reporters, the Committee for Pursuit of the Right to Education for Baha'i Students, and the Association to Oppose Discrimination in Education,⁹⁵ has been imprisoned in Raja'i Shahr prison since August 2012. He is sentenced to 12 years and five months' imprisonment for his peaceful human rights activities.

He was first arrested in Esfahan on 2 March 2010 and transferred to Evin prison, where he spent 65 days in detention, 25 of which were in solitary confinement. He was not allowed access to a lawyer while in detention.

During this period, he said he was tortured while interrogated, including by beatings and periods of strangulation while blindfolded.

Navid Khanjani was sentenced to 12 years' imprisonment in January 2011 after an unfair trial before Branch 26 of the Revolutionary Court in Tehran, which convicted him of "forming a group with the purpose of disrupting national security", referring to the Association to Oppose Discrimination in Education, "creating unease in the public mind" and "spreading propaganda against the system".

His sentence was confirmed on appeal in August 2011.

9.2 LINGUISTIC RIGHTS FOR MINORITIES

One of the grievances repeatedly voiced by Iran's national or ethnic minorities concerns the lack of opportunities to learn, promote and use their own language, in private and in public, freely and without any interference or discrimination.

The protection of linguistic rights for persons belonging to minorities is based on the two pillars of protection for minorities found in international legal instruments: the right to non-discriminatory treatment in the enjoyment of all human rights;⁹⁶ and the right to the maintenance and development of identity through the freedom to practice or use those special and unique aspects of their minority life – typically culture, religion, and language.⁹⁷ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities calls on states to take positive measures to create favourable conditions for minorities to develop their language. The situation of ethnic and linguistic minorities in Iran falls far short of these standards.

Non-Persian ethnic minorities, who include Azerbaijani Turks, Baluchis, Kurds, Turkmen, Gilakis and Mazandarani, Lurs and Arabs, make up approximately half of Iran's population.⁹⁸ Article 19 of the Iranian Constitution states, "All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; colour, race, language, and the like, do not bestow any privilege." In practice, however, experts have noted the dominant trend through successive Iranian governments to emphasize the ascendancy of the Persian ethnic group and make Persian the only official language for the delivery of administrative services, access to the judiciary and public education.⁹⁹

⁹⁵ The Association is an independent organization created around October 2009. Most members are said to be Baha'i students. The organization campaigns for the right to education for those excluded for reason of religious or ethnic identity or on grounds of gender discrimination.

⁹⁶ International Covenant on Civil and Political Rights, Articles 2(1) and 26.

⁹⁷ International Covenant on Civil and Political Rights, Article 27.

⁹⁸ Nazila Ghanea-Hercock, *Ethnic and religious groups in the Islamic Republic of Iran: Policy suggestions for the integration of minorities through participation in public life*, 2004.

⁹⁹ See for example, Nazila Ghanea-Hercock, *Ethnic and religious groups in the Islamic Republic of Iran: Policy suggestions for the integration of minorities through participation in public life*, 2004.

In June 2016, the government announced that optional Turkish and Kurdish language courses would be offered in schools in two provinces, Kurdistan and West Azerbaijan, although implementation remained unclear. Members of the Turkmen minority publicly appealed to President Rouhani for a similar dispensation. This is, however, insufficient to address the grievances of Iran's minority communities, who have historically complained about the use of Persian as the sole medium of instruction at all levels of primary and secondary education, a policy which is believed to have contributed to disproportionately low levels of learning and high dropout rates in provinces populated by non-Persian ethnic minorities.

Other related grievances include the suppression of educational efforts to teach and promote minority languages, the scarcity of publications in minority languages, and the lack of culturally and linguistically inclusive local programming by state radio and television.

Human rights defenders in Iran who speak out against the monolingual and monocultural vision of the state and its exclusion or marginalization of minority communities risk facing harassment, arbitrary arrest and detention. Activists who link their human rights work to their national or ethnic identity risk further violations of their rights including unfair prosecutions and lengthy prison sentences.

As the cases of activists discussed below illustrate, intelligence and security forces frequently associate proponents of minority rights with "separatist currents", and accuse them of inciting tension to divide the nation and undermine Iran's territorial integrity.

ALIREZA FARSHI



Alireza Farshi, a member of Iran's Azerbaijani Turkish minority © Private

"Your excellency, what do you exactly mean by describing our mother language as 'the so-called mother language'? Do you have doubts that we also have our own mother language? ... I have simply tried to gather signatures in support of obtaining a permit to organize a gathering for the International Mother Language Day. Nowhere in the law is collecting signatures in favour of obtaining permits from official bodies defined as gathering and colluding against the Islamic Republic."

Alireza Farshi in his defence submission, April 2017¹⁰⁰

Alireza Farshi, a member of Iran's Azerbaijani Turkish minority and the founder of an online campaign to commemorate International Mother Language Day, faces lengthy imprisonment for his peaceful activism. He was sentenced to 15 years' imprisonment in February 2017 after a Revolutionary Court in Baharestan, Tehran province, convicted him of "gathering and colluding to commit crimes against national security" and "founding groups with the purpose of disrupting national security". The court also sentenced him to two years of internal exile in the city of Bagh-e Malek in southern Khuzestan province.

The court verdict cites a long list of peaceful activities as "evidence" against him. These include attending private gatherings commemorating International Mother Language Day in 2014 and 2015; launching a change.org petition in February 2015 to call on the Iranian authorities to allow commemorative gatherings on International Mother Language Day; and communicating with activists in different cities in relation to organizing events on International Mother Language Day. In the verdict, the court repeatedly dismisses International Mother Language Day as "the day of the so-called mother language" and claims that Alireza

¹⁰⁰ Alireza Farshi, *Objections and Defenses* (in Persian), 17 April 2017, www.facebook.com/photo.php?fbid=1838635286162140&set=a.604570552901959.158356.100000470582517&type=3&theater

Farshi's effort to mark the occasion "pursues anti-security goals under the guise of a so-called cultural activity and activates pan-Turkish and separatist agents... in order to spark ethnic agitations."¹⁰¹

The court also criminalizes Alireza Farshi's leading role in submitting a letter to the head of the UN Educational, Scientific and Cultural Organization (UNESCO) in Tehran in February 2015 seeking the organization's assistance with obtaining official permission to hold a commemorative event on International Mother Language Day in Tehran. The court characterized the communication as "an attempt to exert human rights-related pressure against the regime".

As "evidence" of Alireza Farshi's involvement in "criminal" activity, the court also refers to his participation in meetings in 2014 in which civil society activists discussed strategies for campaigning on issues related to their mother language, the disappearance of Lake Urmiah (a giant salt lake in north-western Iran that has experienced severe drought in recent years), and the establishment of an academy for the Azeri Turkish language. The court describes the activists present in these meetings as "seasoned separatist elements" without providing any further explanation.

Alireza Farshi's posts on Facebook and Telegram are also mentioned as "criminal evidence". According to the court, these posts reflect Alireza Farshi's "hostile mentality against the country's territorial integrity" and "promote separatist thoughts". In reality, the posts cover a wide range of subjects from the situation of prisoners of conscience belonging to Iran's Azerbaijani Turkish minority to broad questions related to history, language, nationhood and identity. Alireza Farshi has consistently maintained that he does not espouse separatist causes in his writings.

Alireza Farshi was arrested on 21 February 2015 during a celebration of International Mother Language Day at a friend's house in Baharestan. He was held in solitary confinement in Section 209 of Evin prison, which is run by the Ministry of Intelligence, until 19 April 2015, when he was released on bail. He was denied access to a lawyer during this period even though he was repeatedly interrogated. A month into his detention, he was granted permission to make a brief telephone call to his mother on the occasion of Nowrooz, the Iranian New Year. As of 12 July 2017, he was at liberty pending the outcome of his appeal.

Alireza Farshi's case is connected with the cases of three other minority rights activists, **Akbar Azad**, **Behnam Sheikhi** and **Hamid Monafi**, also targeted for their peaceful activism. They have each been sentenced to 10 years' imprisonment and two years of internal exile in southern cities far from their families' place of residence.

RAHMAN ASAKEREH AND MOHAMMAD ALI AMOURI



Rahman Asakereh © Private



Mohammad Ali Amouri © Private

¹⁰¹ See Appendix for the text of the verdict.

Mohammad Ali Amouri, a 40-year-old minority rights activist from Iran's Ahwazi Arab minority and a founding member of a now-disbanded cultural rights group called Al-Hiwar (meaning "Dialogue" in Arabic), has been on death row since 2012. Rahman Asakereh, another founding member of Al-Hiwar, aged 41, has been serving a 20-year prison sentence since 2011. Both men have been punished for their peaceful activities at Al-Hiwar, which included promoting Arabic culture and identity through poetry events, language classes and reading sessions, voicing demands for newspapers in the Arabic language, and conducting community education to reform traditional practices among Arab clans which are harmful toward women and girls.

Mohammad Ali Amouri was arrested in January 2011 after he was deported to Iran from Iraq despite being a recognized refugee under UNHCR protection. He had left Iran in 2008 after repeated interrogations and dismissal from his teaching position.

Rahman Asakereh was arrested together with several other founding members of Al-Hiwar shortly after, in February 2011. At the time of his arrest, he was studying for a Master's Degree in Social Sciences at the University of Ahvaz and was working on a dissertation about the challenges faced by bilingual students in Iran's education system. He had set up a private library at his home in Ramshir (Khalafabad) where youth could borrow books about Arab history and culture.

The arrests of Al-Hiwar members followed years of harassment by intelligence and security officials, who had repeatedly summoned the activists for interrogation and accused them of "espionage", "collusion with Ba'athist currents" and "espousal of ethnic tension".

Following their arrests, Mohammad Ali Amouri and Rahman Asakereh were held for several months in solitary confinement in a secret detention centre in Ahvaz, which was controlled by the Ministry of Intelligence. They have said that, during this period, they were repeatedly tortured, including through sleep and food deprivation, kicking, beatings with electric cables and gas hoses and suspension from the ceiling. The torture was aimed at extracting false "confessions" about the men's involvement with an armed group intent on overthrowing the Islamic Republic. The exact name and profile of this armed group was never made clear by the authorities.

In June 2012, Mohammad Ali Amouri and Rahman Asakereh stood trial before Branch Two of the Revolutionary Court in Ahvaz. The court dismissed the men's allegations of torture without ordering an investigation, and relied on their forced "confessions" to convict them of "enmity against God" (*moharebeh*). Branch 32 of the Supreme Court upheld the sentence in December 2012.

In early 2014, Rahman Asakereh was transferred to Mashhad's Vakil Abad prison in north-eastern Iran, which is very far from his family's place of residence in southern Khuzestan province. This has inflicted further pain and suffering on Rahman Asakereh and his wife and four children, who cannot afford the cost of travel to see him.

10. CAMPAIGNERS ON PAST VIOLATIONS

“What kind of a state is this that the act of some families [purchasing] flowers for the unmarked graves of their loved ones at Khavaran [a mass grave site] is held to amount to gathering and colluding against state security?”

Human rights defender Mansoureh Behkish, in a letter symbolically addressed to her deceased mother, November 2016 ¹⁰²

Human rights defenders seeking truth, justice and reparation for thousands of prisoners who were summarily executed or forcibly disappeared in the 1980s have faced new levels of retribution by the authorities. They include relatives of victims, who have become human rights defenders out of necessity, and younger human rights defenders who have taken to social media and other platforms to discuss the past atrocities.

The renewed crackdown follows recently revived calls for an inquiry into the killings of several thousand political prisoners in a wave of extrajudicial executions across the country in the summer of 1988. This was triggered by the release in August 2016 of an audio recording of a meeting in 1988 in which senior officials are heard discussing and defending the details of their plans to carry out the mass executions.¹⁰³

The release of the audio recording triggered a chain of unprecedented reactions from high-level officials, leading them to admit for the first time that the mass killings of 1988 were planned at the highest levels of government.¹⁰⁴

Since then, several human rights defenders have been subjected to reprisals or prosecution on vague national security-related charges for their peaceful efforts to learn the fate and whereabouts of their loved ones. The persecution signals renewed efforts by the authorities to silence all public discussions about the gross violations committed during the 1980s, with a view to erasing the memory of them from collective consciousness. **Ahmad Montazeri**, the son of the late Ayatollah Hossein Ali Montazeri, who was at that time

¹⁰² The letter is available at: www.kanoonjb.co/index.php/window/item/4144-bio-m-behkish-pain-of-my-heart-i-did-not-understand

¹⁰³ The audio file is available on the Soundcloud page of Radio Zamaneh: soundcloud.com/radiozamaneh/yakydru8jded (in Persian).

¹⁰⁴ Deutsche Welle Persian, 'The reaction of authorities and public figures in Iran to the release of Ayatollah Montazeri's audio file', 14 August 2016, bit.ly/2tfxqSI

the Deputy Supreme Leader, was sentenced to 21 years' imprisonment in November 2016 for posting the audio file on his father's website though the sentence was later reduced to six years and suspended.¹⁰⁵

MANSOUREH BEHKISH



Human rights activist Mansoureh Behkish © Private

“My dear mother, this is an upside-down world and the roles of complainant and accused have been interchanged. Instead of accounting for the suffering they have inflicted on us all these years, [the authorities] continue to harass and abuse us.”

Mansoureh Behkish in an open letter symbolically addressed to her deceased mother, November 2016¹⁰⁶

Human rights activist Mansoureh Behkish, who lost six members of her family during the mass executions of the 1980s, was sentenced to seven and a half years in prison in January 2017 after a Revolutionary Court in Tehran convicted her of “gathering and colluding to commit crimes against national security” and “spreading propaganda against the system”.

The conviction stems solely from her peaceful activities to seek truth and justice, including holding commemorative gatherings at her home; visiting the families of victims; taking flowers to Khavaran (a deserted mass gravesite in the south of Tehran), where two of her brothers are believed to be buried in unmarked graves; and posting about Iran's human rights violations on Facebook and other online platforms. Her conviction and sentence followed two interrogation sessions by Ministry of Intelligence officials during which she was denied the presence of a lawyer, and a trial session in late 2016 that lasted less than an hour.¹⁰⁷

Since the 1980s, Mansoureh Behkish has been subjected to repeated harassment, arbitrary arrests and periods of detention by intelligence and security forces in attempts to silence her and stop her going to Khavaran with flowers and pictures. She was given a suspended sentence of four years and six months in 2011 because of her human rights work, particularly with the Mothers and Families of Khavaran, which is comprised of mothers and other family members of political prisoners summarily executed during the 1980s in Iran as well as the Mothers of Laleh Park, which is largely comprised of women whose children were killed, detained or forcibly disappeared in the post-election violence in 2009.¹⁰⁸ If her latest sentence is upheld on appeal, the suspended sentence may be activated and she would face up to 12 years in prison.

The mass extrajudicial executions of 1988 began shortly after an unsuccessful armed incursion by the Iraq-based People's Mojahedin Organization of Iran in July that year. Political prisoners from across the country were rounded up and held incommunicado, with no news of them heard for months afterwards. Reports circulated among relatives that prisoners were being executed in groups and buried in unmarked mass graves. Distraught family members searched the cemeteries for signs of freshly dug trenches.

¹⁰⁵ Amnesty International, *Iran: Repression of those seeking truth and justice for 1980s killings needs to stop* (Index: MDE 13/5840/2017).

¹⁰⁶ The letter is available at: www.kanoonjb.co/index.php/window/item/4144-bio-m-behkish-pain-of-my-heart-i-did-not-understand

¹⁰⁷ For more details, see Amnesty International, *Spurious charges for human rights defender* (Index: MDE 13/5207/2016).

¹⁰⁸ For more details see, Amnesty International, *Iran urged to quash prison sentence for 'Mourning Mothers' activist* (Press release, 13 April 2012).

From late 1988 onwards, families were verbally told by the authorities that their relatives had been killed but the bodies were not returned and most locations of burial sites were not disclosed.

Most of those executed had already spent years in prison for the peaceful exercise of their rights, including undertaking activities such as distributing newspapers and leaflets, taking part in peaceful anti-government demonstrations, and having real or perceived affiliations with various political opposition groups. Some had already completed their sentences but had not been released because they refused to make statements of “repentance”.

Today, it is still not known exactly how many victims were extrajudicially executed and precisely where the victims were buried in secret. To date, no Iranian officials have been investigated and brought to justice for the extrajudicial executions. The authorities have deployed various tactics to destroy evidence of mass graves including bulldozing; turning the sites into unsightly garbage dumps; hiding mass graves beneath new, individual burial spots; and pouring concrete over mass graves.¹⁰⁹

They have also regularly tormented their families by referring to mass graves as “the damned land” (*la’nat abad*) and describing their loved ones as “outlaws” who did not deserve a proper burial or tombstone. Families have been forbidden from holding commemorative gatherings or decorating the mass gravesites with memorial messages.

MARYAM AKBARI MONFARED



Maryam Akbari Monfared © Private

“How do you think you can scare someone in my position into silence?

What have you even left for me that you are threatening to deprive me of?

Don’t you feel ashamed that you are threatening to cut the family visits of a mother?”

Maryam Akbari Monfared, in an open letter from inside Evin prison, November 2016¹¹⁰

Prisoner of conscience Maryam Akbari Monfared filed, from inside prison, a formal complaint with the Office of the Prosecutor in Tehran in October 2016, seeking an official investigation into the mass executions of several thousand political prisoners, including two of her siblings, in 1988; the location of the mass graves where their bodies were buried; and the identity of the perpetrators involved.

To date, the authorities have not processed the complaint. Instead, they have resorted to various punitive tactics. Since October 2016, they have refused to take her to her medical appointments outside prison to receive adequate treatment for her rheumatoid arthritis and thyroid problems. As a result, she is experiencing severe pain in her legs. They have also repeatedly threatened to stop her family visits. In May 2017, she was threatened with an additional three-year prison term and exile to a remote prison.¹¹¹

Maryam Akbari Monfared was arrested on 31 December 2009 and forcibly disappeared for five months. It later transpired that she had been held in solitary confinement for the first 43 days after her arrest, during which she was subjected to intense interrogations without access to a lawyer. She met her state-appointed lawyer for the first time at her trial, which was limited to one brief hearing lasting less than an hour. She was sentenced to 15 years in May 2010 after Branch 15 of a Revolutionary Court in Tehran convicted her of “enmity against God” (*moharebeh*). The conviction was solely based on the fact that she had made phone calls to her relatives, who are members of the banned People’s Mojahedin Organization of Iran

¹⁰⁹ For more details, see Amnesty International, *Iran: Desecrating mass grave site would destroy crucial forensic evidence* (Press release, 1 June 2017).

¹¹⁰ The letter is available at: www.hra-news.org/2016/hranews/a-8510/

¹¹¹ For more details, see Amnesty International, *Reprisal for speaking out against 1988 Massacre* (Index: MDE 13/6267/2017); Amnesty International, *Prisoner denied treatment for filing a complaint* (Index: MDE 13/5090/2016).

(PMOI), and had visited them once in Iraq. Her husband has said that during her trial session, the judge told her she was paying for the activities of her relatives with the PMOI. Branch 33 of the Supreme Court upheld the sentence in August 2010.

10.1 REPRISALS FOR CONTACT WITH UN MECHANISMS

In the face of widespread impunity, some human rights defenders have resorted to contacting UN human rights mechanisms, including the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Working Group on Enforced or Involuntary Disappearances, to increase the efforts to uncover the fate and whereabouts of their relatives and secure accountability.¹¹² This has prompted the authorities to step up their crackdown against relatives of victims.

RAHELEH RAHEMPOUR



Raheleh Rahempour holding a placard with a picture of her brother. The placard reads: "You killed my brother. What did you do with his child?" © Private

Raheleh Rahempour was handed down a one-year prison sentence in February 2017 after Branch 15 of the Revolutionary Court of Tehran convicted her of "spreading propaganda against the system" for giving media interviews, attending gatherings with the Mothers of Laleh Park, and signing petitions. These activities were part of her attempts to learn what happened to her niece Golrou Rahempour, who was born in Evin prison in April 1984. Golrou was taken away from her mother when she was only 15 days old, ostensibly for medical testing. The family was subsequently told that Golrou had died. Despite the family's requests, the authorities never provided a death certificate, information about her death, or even if and where she had been buried.

Raheleh Rahempour's brother Hossein, Golrou's father, was arrested in August 1983 along with his pregnant wife for his affiliation with the Organization of Revolutionary Workers.

In late August to mid-September 1984, Hossein Rahempour's family received a phone call telling them to pick up his personal effects and that he had "gone to hell", understood to mean he had been executed.¹¹³

In July 2016, the UN Working Group on Enforced or Involuntary Disappearances stated that it had examined the cases of Hossein and Golrou Rahempour and requested information from the authorities.¹¹⁴ Soon after, Raheleh Rahempour began receiving threatening phone calls from Ministry of Intelligence officials. On 16 August 2016, she received a written summons from the Office of the Prosecutor in Evin prison to present herself for interrogation within five days.¹¹⁵ This resulted in the prosecution against her.

On 24 November 2016, a number of UN experts called on the Iranian authorities to cease their harassment of Raheleh Rahempour for "trying to learn the fate of her brother and his newborn daughter".¹¹⁶

¹¹² See, for example, Justice for Iran, 'The complaint of Maryam Akbari Monfared about the 1988 executions to the United Nations' (in Persian), 17 February 2017, justice4iran.org/persian/news/maryam-akbari-un/

¹¹³ For more details, see Justice for Iran, 'Revolutionary Court: Golrou, the newborn child disappeared in Evin, is a fictional case' (in Persian), 2 February 2017, justice4iran.org/persian/news/baby-golrou-2/

¹¹⁴ UN Human Rights Council, Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, UN Doc. A/HRC/WGEID/109/1.

¹¹⁵ Centre for Human Rights in Iran, 'Raheleh Rahempour has been summoned to the Office of the Prosecutor for investigating the disappearance of a newborn in Evin' (in Persian), 27 August 2016, persian.iranhumanrights.org/1395/06/raheleh-rahempour-summoned/

¹¹⁶ UN Office of the High Commissioner for Human Rights, 'UN experts condemn charges against Iranian woman seeking missing relatives', 24 November 2016, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20928&LangID=E

As of 12 July 2017, Raheleh Rahemipour was at liberty pending the outcome of her appeal. In April 2017, she filed another complaint with the Office of the Prosecutor in Tehran as well as with the Article 90 Commission of parliament, named after the article in Iran's Constitution empowering the parliament to investigate complaints against any of the three branches of government, to learn about the fate of her niece.

10.2 NEW GENERATION SEEKING TRUTH

Human rights defenders targeted for seeking truth and justice include younger human rights defenders born after the 1979 Revolution who have taken to social media and other platforms to discuss the past atrocities, and attended memorial gatherings held at Khavaran.

For example, human rights activist **Amir Amirgholi** was imprisoned from December 2014 to May 2017 solely for his peaceful human rights activities, including participating in gatherings at Khavaran to commemorate people executed and buried in mass graves in 1988.

Amnesty International has reviewed court verdicts in which engaging in online discussions about the 1988 massacres has also been cited as evidence of "criminal" activity deemed threatening to national security and insulting to the founder of the Islamic Republic of Iran.

In the case of anti-death penalty activist **Omid Alishenas** (see Chapter 5), the court verdict mentions "publication of false materials about those executed in 1988 under the pretext of remembering victims" among the list of activities for which Omid Alishenas was convicted of "gathering and colluding to commit crimes against national security" and "insulting the Supreme Leader".

Atena Daemi, another young anti-death penalty activist (see Chapter 5), wrote on her Facebook page in 2014, "we have not forgotten the massacres [of the] 1980s" and sarcastically adapted a famous statement by Iran's first Supreme Leader to criticize Iran's execution record. This was used to convict her of "insulting the founder of the Islamic Republic of Iran".

Continued attempts by the authorities to enforce a culture of silence about the atrocities of the 1980s violates the right of families, as well as of society as a whole, to know the truth about past human rights violations.

The right to truth has a collective dimension that ensures society has full knowledge of its past and is an essential element in the fight against impunity that contributes towards the non-repetition of such atrocities. Principle 3 of the UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity states:

"A people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations."

11. THE RIGHT TO DEFEND HUMAN RIGHTS

International human rights law and standards guarantee the right to defend human rights as an autonomous and independent right. The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders), adopted by consensus by the General Assembly in 1998, recognizes the right of everyone, “individually and in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Article 1). Human rights defenders are thus defined on the basis of their activities, more than on their identity or status.

The Declaration on Human Rights Defenders does not create new rights, but rather articulates existing rights in a context applicable to the work of human rights defenders. These rights are afforded legal protections via other international instruments that can be legally binding, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights; Iran is a state party to both of them. The Declaration recognizes the crucial role that human rights defenders play in the advancement of human rights, which often exposes them to additional and specific risks, thus requiring specific measures for their protection.

States bear the ultimate responsibility to protect human rights defenders, to prevent and effectively address allegations of human rights violations and abuses committed against them and related to their human rights work, and to ensure that they can carry out their work in a safe and enabling environment. Article 2 of the Declaration on Human Rights Defenders specifically calls on states to adopt the necessary steps to ensure that the human rights referred to in the Declaration are effectively guaranteed as they are crucial for any type of human rights work. These include rights to freedom of expression, peaceful assembly and association.

Article 19 of the ICCPR states that “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, in writing or in print, in the form of art, or through any other media of his choice.” Paragraph 3 establishes that the right to freedom of expression may be subject to certain restrictions, but only if these are provided by law and are necessary and proportionate to a legitimate aim (the respect of the rights or reputations of others, and the protection of national security or of public order or of public health or morals). Any restrictions on freedom of expression on the internet must also comply with these criteria.¹¹⁷

The UN Human Rights Council has recognized that people have the same right to freedom of expression online as they do offline, and condemned state “measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law”.¹¹⁸

The UN Human Rights Committee, the authoritative body overseeing implementation of the ICCPR, has stated that “extreme care must be taken by States parties to ensure that treason laws and similar provisions relating to national security... are crafted and applied in a manner that confirms to the strictest requirements

¹¹⁷ Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/66/290, pp. 6-7.

¹¹⁸ UN Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet, UN Doc. A/HRC/32/L.20.

of paragraph 3 [of Article 19]”. Furthermore, the Committee has explained that “it is not compatible with paragraph 3 [of Article 19] to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information”.¹¹⁹

The rights of peaceful assembly and the right to association, including the right to form and join unions, which are, respectively, enshrined in Articles 21 and 22 of the ICCPR, are also crucial to the work of human rights defenders. The Declaration on Human Rights Defenders specifically acknowledges “the legitimacy of participation in peaceful activities to protest against violations of human rights”. Public assemblies have long been a tool used by human rights defenders to influence decision makers and, despite increasing activism online, peaceful protests remain a significant method of communicating dissatisfaction with the authorities.

The right to freedom of association, for its part, allows for individuals to form or join formal or informal groups to take collective action, and requires states to create an environment in which associations can function effectively and to refrain from imposing stringent conditions on registration that might operate as undue restrictions.¹²⁰ States also have an obligation to abstain from unduly obstructing the exercise of this right, including the right to seek, secure and use resources, including from foreign or international sources.¹²¹

In December 2013, the UN General Assembly adopted a resolution recognizing that women of all ages who engage in the promotion and protection of human rights, and people who engage in the defence of the rights of women and gender equality, play an important role.¹²² The resolution calls upon institutions at the international, regional and national level to recognize the crucial role of women human rights defenders and grant them protection in accordance with their obligations.

These obligations include the responsibility of states “to ensure that the promotion and protection of human rights are not criminalized or met with limitations in contravention of their obligations and commitments under international human rights law”. The specific activities listed in the resolution include trade union activities, marches, peaceful demonstrations and assemblies that aim to promote and protect human rights.

¹¹⁹ UN Human Rights Committee, General Comment 34.

¹²⁰ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/20/27, para. 60.

¹²¹ Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/23/39, para. 8.

¹²² UN General Assembly, Resolution adopted on the Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders, UN Doc. A/RES/68/181.

12. CONCLUSIONS AND RECOMMENDATIONS

The ongoing repression against human rights defenders in Iran has been a sign of the determination of the state's repressive apparatus to crush hopes for improvement heralded by the election of President Hassan Rouhani in 2013 and to curtail renewed activism. Anyone standing up for human rights has been at increased risk of arrest and prosecution, creating an intense climate of fear. In case after case, prosecution authorities and Revolutionary Courts, which work under the influence of intelligence and security bodies, have cited peaceful human rights activities as "evidence" of criminal activity against national security.

Despite the pervasive assault on their rights and freedoms, human rights defenders in Iran remain steadfast in their commitment to justice. They continue their brave struggle across the country's key battlegrounds for human rights, advocating for the abolition of the death penalty, campaigning for women's rights, defending independent trade unions, demanding equal rights and opportunities for ethnic and religious minorities, and seeking truth, justice and reparations for the gross human rights violations of the 1980s.

The Iranian authorities – from the judiciary to the executive branch – should stop denigrating human rights defenders as "criminals" bent on harming national security. Instead, they should recognize the role they can play in promoting a fairer and more just society and guaranteeing the human rights of all those living in Iran.

12.1 RECOMMENDATIONS TO IRAN

Amnesty International calls on the Iranian authorities to implement the following recommendations:

Recognition and protection of human rights defenders

- Release immediately and unconditionally all human rights defenders imprisoned solely for peacefully exercising their rights to freedom of opinion and expression, association and assembly through their human rights work.
- Quash, without delay, all criminal convictions and sentences issued against human rights defenders which stem from their peaceful human rights work.
- Ensure that the criminal justice system is not misused to target or harass human rights defenders and refrain from bringing criminal charges or any other punitive proceedings against human rights defenders that stem solely from the peaceful exercise of their human rights.
- Stop the harassment and persecution of families of the victims of mass killings in the 1980s and guarantee their rights to truth, justice and reparation, including by conducting a thorough, effective and independent investigation into the extrajudicial and summary executions and enforced disappearances, and bringing to justice those responsible in fair proceedings without recourse to the death penalty.
- Take all necessary legislative and other measures to prevent, deter and punish acts of intimidation and reprisals against human rights defenders in relation to their communications and interactions with international and regional organizations.

- Publicly recognize, in law and practice and across all three branches of the government, the legitimate work of human rights defenders in Iran, and refrain from using language that stigmatizes, abuses, disparages or discriminates against human rights defenders, including characterizing them as “terrorists”, “spies”, “traitors” or “threats to national security”.
- Ensure women human rights defenders have access to the specific protection they need against gender-based threats and violence they may face due to their work.
- Translate into Persian and relevant minority languages, and promote and widely disseminate in Iran the UN Declaration on Human Rights Defenders, and adopt comprehensive national legislation for its effective implementation, in consultation with human rights defenders and in accordance to their wishes,.
- Establish national human rights institutions independent of the judiciary and state, and provide them with the necessary human and financial resources to carry out their duties effectively, including a specific mandate to monitor the situation of human rights defenders.
- Implement a public awareness campaign about the work of human rights defenders and ensure it is widely disseminated.
- Extend an invitation to the UN Special Rapporteur on the situation of human rights in Iran and the UN Special Rapporteur on the situation of human rights defenders to conduct visits without restrictions on duration or scope and ensure they are allowed to meet with human rights defenders without hindrance.

Criminal justice system

- Ensure that no one is subjected to arbitrary arrest and detention, criminal prosecution and imprisonment solely for the peaceful exercise of their rights to freedom of opinion and expression, association and assembly, including for exercising these rights through online social media platforms, and release immediately and unconditionally anyone so detained.
- Establish independent and impartial bodies to investigate allegations of human rights violations promptly, thoroughly and effectively, and to provide reparations to victims and affected families in accordance with international human rights standards.
- Take effective measures to prohibit and prevent all forms of torture and other cruel, inhuman or degrading treatment or punishment, including the delay or denial of adequate medical care for people in custody, and ensure that those suspected of such abuses are investigated and brought to justice in fair proceedings and without recourse to the death penalty. Victims should have an enforceable right to reparations in accordance with international law and standards.
- Ensure that all trials meet international standards for fair trial, including by ensuring that all arrested people have access to a lawyer of their choice immediately following their arrest and throughout the investigation stage.
- Ensure that no one is coerced into testifying against themselves or others or to “confess” guilt and that no such “confessions” are accepted as evidence in court, except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made.
- Abolish Revolutionary Courts as they are fundamentally unfair and lack internationally recognized standards of impartiality and judicial independence.
- Commute all death sentences and order a moratorium on executions in line with the December 2007 UN General Assembly resolution calling for a worldwide moratorium on executions.
- Ensure that all individuals in custody, pending their release, receive adequate health care to the same standard as available in the community, including prevention, screening and treatment, free of charge and without discrimination.
- Ensure that prisoners who require specialist treatment are transferred, free of charge, to medical centres or outside hospitals, whenever such treatment is not available in prison.

Legislative reform

- Repeal or amend, with a view to bringing into conformity with international law, vaguely worded provisions of the Islamic Penal Code that unduly restrict the rights to freedom of expression, association and peaceful assembly, such as Articles 498, 499, 500, 508, 513, 514, and 610.
- Ensure that restrictions on freedom of expression are narrowly and clearly defined, and do not exceed those which are permissible under international law.
- Lift stringent requirements in laws that provide for the registration of associations, including NGOs and trade unions, which might operate as undue restrictions to their formation and operation.
- Initiate legislation to allow workers to exercise their right to form and join independent trade unions and to collectively bargain in line with Iran's obligations under international law.
- Review as a matter of urgency all legislation with a view to removing all provisions that discriminate against or have a discriminatory impact on persons belonging to ethnic or national, religious and linguistic minorities.
- Issue directives and take effective measures to counter the discriminatory application of laws in order to ensure that all Iran's minority communities enjoy their full range of civil, political, economic, social and cultural rights.
- Take measures so that members of minority communities can be taught in their mother tongue and have adequate opportunities to learn their mother tongue.
- Review as a matter of urgency all legislation in Iran in order to identify and remedy all laws that discriminate directly against women or have a discriminatory impact on women.
- Adopt comprehensive legislation and exercise due diligence to prevent, investigate and punish gender-based violence, including domestic violence and marital rape.
- Repeal Article 638 of the Islamic Penal Code to abolish compulsory veiling (*hijab*), which violates women's rights to freedom of belief and religion, freedom of expression and the principle of equality and non-discrimination.
- Repeal laws that criminalize consensual sexual relations between adults, including adultery and consensual sexual activity between same-sex adults.
- Review all legislation under which a convicted person may be killed by the state, with the immediate aim of reducing the scope of the death penalty and with a view to the eventual abolition of the death penalty.

International human rights mechanisms

- Ensure the full and prompt implementation of the Concluding Recommendations of the UN Human Rights Committee, the UN Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.
- Ratify promptly and without reservation the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights; and the ILO Conventions concerning Freedom of Association and Protection of the Right to Organise (1948) and the Right to Organise and Collective Bargaining (1949).
- Withdraw the reservation to the Convention on the Rights of the Child considering that it is of a general nature and incompatible with the object and purpose of the Convention, and ratify the Optional Protocol to the Convention on the Rights of the Child.
- Allow international scrutiny of the human rights situation in Iran, including by allowing unhindered visits by UN special human rights procedures as well as independent international human rights organizations such as Amnesty International.

12.2 RECOMMENDATIONS TO OTHER GOVERNMENTS

As Iran continues to take steps to strengthen economic and diplomatic ties with global partners, Amnesty International makes the following recommendations to all states:

- Use all opportunities in relations with Iran, up to the highest level and in public settings, to call on the Iranian authorities to recognize and promote the work of human rights defenders and to protect them.
- Raise the cases of individual human rights defenders detained in prison or facing other reprisals in dialogues with Iran.

In the light of EU's renewed bilateral human rights dialogue with Iran, Amnesty International makes the following additional recommendations to the EU and its member states:

- During all political dialogues, including human rights dialogues and other bilateral discussions, urge the Iranian authorities to immediately and unconditionally release all human rights defenders imprisoned solely for their peaceful human rights activities, including those who have been persecuted for speaking with EU officials.
- Ensure that, when visiting Iran, officials of the EU and its member states meet with human rights defenders, including those in jail, and seek assurances from the Iranian authorities that no individuals will be targeted for reprisals following meetings with EU officials.
- Ensure that discussions on the relations of the EU and its member states with Iran reflect commitments to protect and support human rights defenders.

APPENDIX: COURT VERDICTS

Iran's criminal justice system has no clear legal provisions with regard to making court judgements publicly available, contrary to Iran's obligations under international human rights law and standards.¹²³ In many instances, lawyers are not even permitted to obtain a copy of a judgment against their client; instead they are often only allowed several hours or less to review the judgement at the court and take handwritten notes. In cases where a written verdict is issued, lawyers or individuals may fear reprisals from the authorities if the verdicts are shared publicly.

The lack of public access to court judgements through a public register has resulted in Iran's criminal justice system often being shrouded in secrecy, particularly in national security-related cases.

For this report, Amnesty International was able to obtain court verdicts in the cases of eight human rights defenders; these verdicts provide direct proof of the pattern of courts citing peaceful human rights activities as "evidence" of criminal activity. For this reason, Amnesty International has considered it important to include them in this appendix.

¹²³ Article 14(1) of the International Covenant on Civil and Political Rights, to which Iran is a state party, provides that "any judgement rendered in a criminal case or in a suit at law shall be made public". The obligation to ensure that courts' judgements are made public is part of making the administration of justice public and open to public scrutiny.

ARASH SADEGHI AND GOLROKH EBRAHIMI IRAEE

The following is a transcribed copy of the verdict¹²⁴, in Persian, handed down by Branch 26 of the Revolutionary Court in Tehran against Arash Sadeghi (see Chapter 4.2) and Golrokh Ebrahimi Iraee (see Chapter 5) in June 2015. The verdict details Arash Sadeghi's conviction on the charges of "spreading propaganda against the system", "gathering and colluding to commit crimes against national security", "insulting the founder of the Islamic Republic" and "spreading lies", and his sentence of 15 years' imprisonment. The verdict also activates a four-year suspended prison sentence from 2011.

In the same verdict, details of Golrokh Ebrahimi Iraee's conviction on the charges of "spreading propaganda against the system" and "insulting Islamic sanctities" are presented.

¹²⁴ Courtesy of the Human Rights Activists Network Agency (HRANA).

اهم فعالیت های متهمین به شرح ذیل می باشد:

- ملاقات و دیدار از حدود هشت زندانی امنیتی آزاد شده
- دیدار با خانواده ستار بهشتی به همراه تعدادی از دوستان هم بندی زندان اوین
- دیدار با خانواده های کشته شده های بعد از انتخابات ۸۸ و دهه شصت
- نشر اکاذیب و تبلیغ علیه نظام متهم ردیف اول و دوم در قالب به اشتراک گذاری مطالب و تصاویر پیرامون آزادی و مرخصی زندانیان امنیتی در فضای صفحه شخصی فیسبوک
- ایجاد دو صفحه و مدیریت آنها در فیسبوک با نامهای فری سعید شیرزاد و احمد شاهرزایی توسط متهمین ردیف اول و دوم
- تهیه و امضای نامه ای خطاب به احمد شهید و خانم ناوی پیلای
- ارتباط نوید کامران با برخی متهمان اغتشاشات ۸۸ از جمله پیمان عارف، مهدیه گلرو و فخر السادات محتشمی نامبردگان عضو گروهک رادیکال آرش صادقی می باشند که با هدایت نامبرده در سلسله اقدامات امنیتی در فضای مجازی و حقیقی مشارکت داشته اند.
- در اقدامی تامل برانگیز بلافاصله پس از دستگیری نامبردگان خبر بازداشت آنان در خبرگزاری هرانا و البته گروهک منافقین و دیگر خبرگزاری های فیلتر شده منعکس گردید، با عنایت به گزارشات معاون اطلاعات قرارگاه ثارالله تهران و افاریر صریح و ضمنی متهمین و صورت جلسه کشفیات و اسناد و مدارک ابزاری توسط مامورین، اطلاعات موصوف که از حامل های اطلاعات الکترونیکی متهمان و از اطلاعات موجود در فضای مجازی که متعلق به متهمین بوده استخراج شده و ضم پرونده گردیده است و به لحاظ اینکه متهمان در شبکه اجتماعی فیس بوک و فضای مجازی صفحاتی را ویرایش و یا باز نشر و یا در معرض دید سایر اعضا قرار داده و مدیریت می کرده اند و محتوای آن ضد امنیتی بوده و همکاری متهم آرش صادقی و ارتباط و همکاری و مصاحبه ی با انواع و اقسام رسانه ها و تارنها و خبرگزاریها و شبکه های ماهواره ای (اعم از رادیوی و تلویزیونی) معاند و مخالف نظام مقدس جمهوری اسلامی ایران و حضور فعال در جمعاعات غیر قانونی حمایت از زندانیان در مقابل زندان اوین و در این بین گروههایی از جمله (فعالین دانشجویی چپ)(فعالین دانشجویی لیبرال)(بهاییان)(گروه شورای احیای انجمن اسلامی و دانشجویان اطلاع طلب) و... ضمن ترغیب دیگر دانشجویان نقش غیر قابل انکاری در دستگیری فضای سیاسی دانشگاهها داشته است.
- آرش صادقی در این راستا یکی از افرادی است که نقش مهمی دارد که توسط قرارگاه ثارالله سپاه مورد شناسایی قرار گرفت. راه اندازی گروهی دانشجویی با محوریت خود و برگزاری



سلسله جلسات و اقداماتی جهت اخراج در نظم کشور انجام داده است. متهم با همراهی این گروه که اکثراً از فعالین زندانی و افرای و بعضاً دانشجوی و محروم از تحصیل و عده ای از اعضای فرقه ضاله بهائیت به ملاقات خانواده های سیاسی میروند و در تمام تحصن های مربوط به حمایت از زندانیان سیاسی شرکت و صرف نظر از نیت فکری اطلاع رسانی میکنند. به صورت موردی میتوان به موارد ذیل اشاره کرد و این در حالی است که این موارد تنها بخش کوچکی از فعالیت ضد امنیتی این فرد میباشد.

- مشارالیه در حمایت از مریم شفیق پور مطلب حضور در مقابل دادگاه انقلاب را روی صفحه فیسبوک گذاشته و به دنبال آن گروهی جلوی دادگاه انقلاب تظاهرات کردند. با استعلام از پرونده مریم شفیق پور مشخص گردید در زمانی که آرش صادقی در بازداشت به سر میبرد مریم شفیق پور پدر نامبرده را ترغیب به مصاحبه با رسانه های ضد انقلاب کرده است
- متهم کردن نظام به حصر و آزار سران فتنه (شکنجه و آزار موسوی و رهنورد) در غالب پست فیسبوکی. نامبرده در این پست ادعا میکند سران فتنه در شرایط غیر انسانی در خانه خود زندانی هستند و حتی اجازه ارتباط با هیچ حیوان خانگی را ندارند. در ادامه ادعا میکند، نامبردگان در ایزوله ترین شرایط قرار دارند (مطلب کامل در صفحه ۸۷)
- حمایت از نرگس محمدی (تجمع در مقابل زندان اوین)
- تجمع اعتراضی در مقابل زندان اوین بعد از اعدام معدوم غلامرضا خسروی
- حمایت از صبا آذربیک (صفحه فیسبوک) انتشار مطالب متعدد در حمایت از وی
- انتشار خبر مظلوم نمایی زندانیان سیاسی، محسن فشقایی، سعید شیرزاد، حسین رونقی و...
- انعکاس اخبار کذب در رسانه های ضد انقلاب از روند قانونی پرونده های امنیتی
- شرکت در مراسم استقبال از مجید درکی (زندانی امنیتی)
- جلسات محفلی با دانشجویان اخراجی، شورای حق تحصیل، احیای انجمن اسلامی
- ارتباط با خانواده های زندانیها و معدوم دهه شصت و ۸۸
- ارتباط با تعدادی از عوامل اغتشاشات ۷۸ متوجه محمدی و رضا محمدی و دیدار با خانواده نامبردگان



- انتشار مطالب موهن و کذب از مقام معظم رهبری و امام خمینی
- ترویج و حمایت از فرقه ضاله بهائیت و حمایت از زندانیان زندانیان سیاسی از طریق ارسال گزارش ها متعدد برای احمد شهید، و ارتباط با تنی چند از نمایندگان پارلمان اروپا و عفو بین

الملل و ارسال گزارشهای متعدد و اختصاصی از نقض حقوق بشر در ایران

- انتشار اخبار کذب در مورد شرایط زندانیان
- متهم کردن نظام به خاک و خون کشیدن مردم
- حمایت از عناصر بفاق با درج تصاویر غلامرضا خسروی و نگارش مطالبی در حمایت سازمان منحوس منافقین
-
- نگارش مطالب متعدد در حمایت از گروهک منافقین و گروههای معاند و غیر انسانی خواندن اعدام های دهه شصت
- متهم کردن امام خمینی به ایجاد فضای بسته و خفقان آلود همراه با اعدام در فضای دهه شصت
- تهییج دیگران برای اعلام حضور در تجمع دراویش
- حضور در تجمع غیرقانونی دراویش
- حضور در مراسم و برنامه های عناصر ضد انقلاب
- ارتباط و همکاری با رسانه های بیگانه:
- مصاحبه با شبکه و سایتهای ضد انقلاب مثل: بی بی سی، چنل وان، وی او ای (صدای امریکا وایسته به وزارت امور خارجه امریکا) رادیو فردا، رادیو زمانه، هراتنا، جرس، روز آنلاین و...
- ارتباط دادن، لینک کردن خانواده های زندانی با شبکه های ماهواره ای و سایتهای ذکر شده
- ارسال اخبار و گزارش کذب از روند قانونی متهمان در دستگاه قضایی و ارسال این گزارشها و خبرها برای رسانه های ذکر شده
- ارتباط با سر پل منافقین (بهروز جاوید تهرانی)
- مصاحبه با فرناز کمالی در مورد وضعیت بهداشت در افرادی و سیاه نمایی علیه زندانیان در ایران
- مصاحبه با محمد یزدان پناه خبرنگار رادیو فردا در مورد نقض حقوق اقلیت های دینی و دراویش
- تهیه گزارش های متعدد از نقض حقوق شهروندی و ارسال برای فیروزه رمضان زاده، خبرنگار سایت جرس
- عضویت در گروه لگام (لغو اعدام) و امضای بیانیه های این مجموعه



- ارتباط مستمر با مجید نیکنام روزنامه نگار فراری نزدیک به حزب اعتماد ملی و یکی از مسئولین سایت سخام نیوز و ارسال خبر برای نامبرده
- ارتباط با لاله مودن زاده و ارسال گزارش برای نماینده احمد شهید
- ارتباط با بهاره دیویس نماینده سازمان عفو بین الملل و ارسال گزارش برای وی
- مصاحبه با سرپل سازمان منافقین، بهروز جاوید تهرانی و گزارش در مورد نقض حقوق دراویش
- همکاری با خبرنگار بی بی سی پناه فرهاد بهمن. تهیه یک مستند از زندگی آرش صادقی توسط بی بی سی به پاس خوش خدمتی های نامبرده برای رسانه استعمار پیر بی بی سی
- ارتباط با وی او ای رسانه وزارت امور خارجه امریکا
- ارتباط با سلمان سیما یکی از اعضای دانش اموختگان لیبرال (ارسال گزارشهای حقوق بشری) انتشار گزارشات در نشریات اسرائیلی
- ارتباط با فریبا راد رئیس یک موسسه خیریه در امریکا که منابع مالی آن توسط اسرائیل تحت لوای مسائل حقوق بشری تامین میشود. نامبرده افراد مختلفی از زندانیان امنیتی را با فریبا راد آشنا میکند
- ارتباط با محمد ملکی، و شرکت در جلسات محفلی در منزل نامبرده
- مصاحبه با مجری همجنسباز شبکه کانال یک (آرش بینش پزوه) با عنوان چگونه افرادی را تحمل کنیم انجام میدهد در این مصاحبه تصویری نامبرده اقدام به سیاه نمایی علیه زندانیان ایران میکند و استراتژی هایی در مورد چگونگی مقابله با شرایط انفرادی ارائه میکند
- مصاحبه با رادیو زمانه و ارسال خبر برای سایت زمانه
- ارتباط نزدیک با یکی از رابطین پارلمان اروپا (مرسده محسنی) و ارسال خبر و گزارش. نامبرده از خانواده های معدومین دهه شصت نیز میباشد.
- ارتباط با میترا پورشجری از عوامل بنیاد پرومند و فرزند محمد رضا پورشجری (سیامک مهر) از زندانیان امنیتی و ارسال خبرهای داخل زندان برای نامبرده.
- مصاحبه با فرشته فاضلی و لینک کردن خانواده های حسین رونقی و سعید شیرزاد و... با خبرنگار روز آنلاین
- ارسال خبر برای مسیح علی نژاد و لینک کردن خانواده ها با خبرنگار خارج نشین
- آدمن پیجهای فری سعید شیرزاد، فری احمد شاهرضایی و سایت فعالین در تبعید



- نامبرده با لینکهایی که در داخل ۳۵۰ و رجایی شهر داشته است از داخل زندان خبرهای غیر واقعی برای رسانه های ضد انقلاب ارسال کرده است.
- متهم، در ترویج خبرهای غیر واقعی و ایجاد جنگ روانی از داخل زندان تبحر خاصی دارد. نمونه آن بولد کردن خبرهای دروغ در غالب حوادث فروردین ماه در ۳۵۰ میباشد.
- ایجاد درگیری های متعدد با مسئولین زندان در دو الف، و زدن سیلی و مشت به صورت زندانیان
- ضرب و شتم یکی از کارشناسان پرونده در حین بازجویی. نامبرده مدعی است کارشناس نامبرده با همسرش بدرفتاری کرده که در بازبینی دوربین های بند دو الف کذب بوده گفته ها به اثبات رسید که در گزارش صفحه (۲۳۵ و ۲۳۶) ذکر شده است
- نامبرده چه در مرحله بازجویی و چه بعد از آن از عملکرد های ضد امنیتی خود دفاع و حاضر به برائت جستن از گذشته خود نشد.
- متهم ردیف دو گلرخ ابرایی :
- بخشی از فعالیت های نامبرده به شرح زیر میباشد:
- تسخر ارزشها و مقدسات و تهیه خوراک برای رسانه های ضد انقلاب و حمایت از عناصر سازمان تروریستی منافقین و فعالیت تبلیغی علیه نظام
- اقدام به فعالیت های افراطی و مخل امنیت کشور در قالب ترویج و حمایت فرقه ضاله بهائیت، حمایت از زندانیان امنیتی در قالب تهیه گزارش و ارسال برای احمد شهید میباشد. نامبرده در گزارشات متعدد و کذب (از طریق لاله موزن زاده) که برای نماینده احمد شهید ارسال کرده، اقدام به سیاه نمایی علیه نظام نموده است که در صفحه های ۲۳۶ و ۲۳۷ به آن اشاره شده است
- حمایت از شاهین نجفی خواننده مرتد و نشر مطالب متعدد در دفاع از نامبرده
- توهین به مقدسات در دفترچه شخصی
- مخالفت با حکم قصاص از طریق نگارش مطالب متعدد
- آتش زدن قرآن، که در بازجویی ها پذیرفته و آن را صرفاً یک داستان عنوان کرده که شخصیت داستانی فردی است که مرتکب گناه میشود و در پایان توبه میکند
- فعالیت تبلیغی علیه نظام از طریق تهیه خوراک برای رسانه های ضد انقلاب
- سیاه نمایی کشور و متهم کردن نظام به شکنجه (اشاره به کهریزک)



- باز نشر خبرهای هرانا، ارتباط رسانه ای با سر بل منافقین (بهروز جاوید تهرانی)
- عضویت در گروه نگام (لغو اعدام) و امضای بیانیه های این مجموعه
- آشنایی و ارتباط با خبرنگاران و رسانه های ضد انقلاب از طریق همسرش و ارسال خبرهای کذب از وضعیت زندانیها
- فعالیت تبلیغی علیه نظام از طریق تهیه خوراک برای رسانه ها از طریق پر رنگ کردن موضوعات حقوق بشری
- انتشار اخبار در حمایت از عناصر مسئله دار (آرش صادقی): گلرخ ابراهیمی ایرانی از سال ۸۹ تا ۹۲ در حالی که هیچ نسبتی با آرش صادقی نداشته است اقدام به انتشار اخبارها و کلیپی با عنوان آرش صادقی را آزاد کنید نموده است. انتشار اخبار افرادی مانند سعید شیرزاد، زینب جلالیان و زندانیان امنیتی دیگر که به طور کامل در صفحه ۹۱ ذکر شده است
- متهم کردن نظام به شکنجه، نقص عضو و مفقود کردن آرش صادقی، در حالی که نامبرده اواسط سال ۹۲ بدون هیچ آسیبی از زندان آزاد میشود
- زیر سوال بردن طرح حجاب
- کشف حجاب، و ترویج بی حجابی از طریق گذاشتن عکسهای بدون روسری در کنار همسر در فضای مجازی
- درج تصاویر عناصر نفاق در صفحه فیسبوک
- حمایت از منافق معدوم، غلامرضا خسروی
- نگهداری پوستر منافقین (معدومین بهکیش)
- درج تصاویر عناصر تجزیه طلب (زینب جلالیان) در صفحه فیسبوک و حمایت از این عنصر تجزیه طلب
- متهم کردن نظام به حصر و آزار سران فتنه (شکنجه و آزار موسوی و رهنورد) با حمایت از نوشته های همسرش. در این رابطه (صفحه ۲۳۶)
- شرکت در تجمع دروازش مقابل دادگاه انقلاب به همراه همسرش
- شرکت در تجمع روز دادگاه مریم شفیق پور به همراه همسرش
- شرکت در مراسم استقبال از مجید دری از زندانیان امنیتی
- شرکت در تجمع غیرقانونی بدرقه نرگس محمدی



- شرکت در تجمع غیر قانونی معدوم غلامرضا خسروی
- برگزار جلساتی محفلی در خانه و کافی شاپ با عنوان حقوق زنان در جامعه
- شرکت در کلیه تجمعات سال ۸۸، منزل نامبرده در روزهای اغتشاشات در حوالی میدان انقلاب بوده است. از همین رو در تمام تجمع حضور فعال داشته است
- دیدار با خانواده زندانیها و معدومین ۸۸ و دهه شصت به همراه همسرش آرش صادقی
- ارتباط با تعدادی از عوامل اغتشاشات ۷۸ منوچهر محمدی و رضا محمدی و دیدار با خانواده نامبردگان
- نامبرده گلرخ ابرایی در حین بازجویی و بعد از آن، همچنان از عملکرد های ضد امنیتی خود دفاع و حاضر به برائت جستن از گذشته خود نشد.
- متهمین ردیف سوم و چهارم و کشف پاسور و ماهواره از متهم ردیف پنجم و دیگر شواهد و قراین موجود بزهکاریشان محرز و مسلم است لذا با استناد ماده ۶۱۰ و ۵۰۰ و ۵۱۴ و ماده ۱۸ قانون جرایم رایانه ای و ماده ۱۳۶ و ۱۳۷ قانون مجازات اسلامی مصوبه ۱۳۹۲ و ماده ۵۱۳ و ۷۰۶ قانون مجازات اسلامی و ماده ۹ قانون ممنوعیت بکارگیری تجهیزات دریافت ماهواره به متهم ردیف اول و آرش صادقی را مورد اتهام بند الف (اجتماع و تبانی برای ارتکاب جرم علیه امنیت کشور) به تحمل ۷ سال و ۶ ماه حبس و در مورد اتهام بند ب (فعالیت تبلیغی علیه نظام جمهوری اسلامی) به تحمل ۱۸ ماه حبس و در مورد اتهام بند پ (توهین به مقامات مندرج در ماده ۵۱۴ قانون مجازات اسلامی) به تحمل ۳ سال حبس و در مورد اتهام بند ت (نشر اکاذیب در فضای مجازی و تشکیل گروه) به تحمل ۳ سال حبس محکوم به اضافه ۴ سال تعلیق مندرج در پرونده سال ۸۹ و متهم ردیف دوم (گلرخ ابراهیمی ایرانی) را در مورد اتهام بند الف (فعالیت تبلیغی علیه نظام جمهوری اسلامی) به تحمل یک سال حبس و در مورد اتهام بند ب (توهین به مقدسات اسلام) به تحمل ۵ سال حبس محکوم و متهم ردیف سوم (بهنام موسیوند) را در مورد اتهام بند الف (فعالیت تبلیغی علیه نظام جمهوری اسلامی) به تحمل ۱۸ ماه حبس و متهم ردیف چهارم (نوید کامران) را در مورد اتهام بند الف (فعالیت تبلیغی علیه نظام جمهوری اسلامی) به تحمل ۱۸ ماه حبس و متهم ردیف پنجم (محمد باقر موسیوند) را در مورد اتهام بند الف (نگهداری آلات قمار) ضمن انهدام آلات به پرداخت یک میلیون و پانصد هزار ریال جزای نقدی و در مورد اتهام بند ب (استفاده از تجهیزات دریافت از ماهواره) ضمن ضبط تجهیزات به نفع دولت به پرداخت ۲ میلیون ریال جزای نقدی محکوم می نماید ایام بازداشت با استناد ماده ۷ قانون مجازات اسلامی کسر و محاسبه گردد. حکم صادره حضوری و ظرف ۲۰ روز قابل اعتراض در دادگاه تجدیدنظر تهران است.



ATENA DAEMI AND OMID ALISHENAS

The following is the verdict, in Persian, handed down by Branch 28 of the Revolutionary Court in Tehran against Atena Daemi (see Chapter 5) and Omid Alishenas (Chapter 5) in May 2015. The verdict sentences Atena Daemi to 14 years' imprisonment for "gathering and colluding against national security", "spreading propaganda against the system, "insulting the founder of the Islamic Republic of Iran and the Supreme Leader" and "concealing evidence". In September 2016, on appeal, her sentence was reduced to seven years' imprisonment.

During the same trial, Omid Alishenas was sentenced to 10 years' imprisonment for charges including "gathering and colluding to commit crimes against national security" and "insulting the Supreme Leader". In September 2016, his sentence was reduced on appeal to seven years' imprisonment.

فَلَا تَسْبِغُوا لِمَا نَزَلَتْ بِهِ الْوَحْيُ أَنْ تَعْلَمُوا

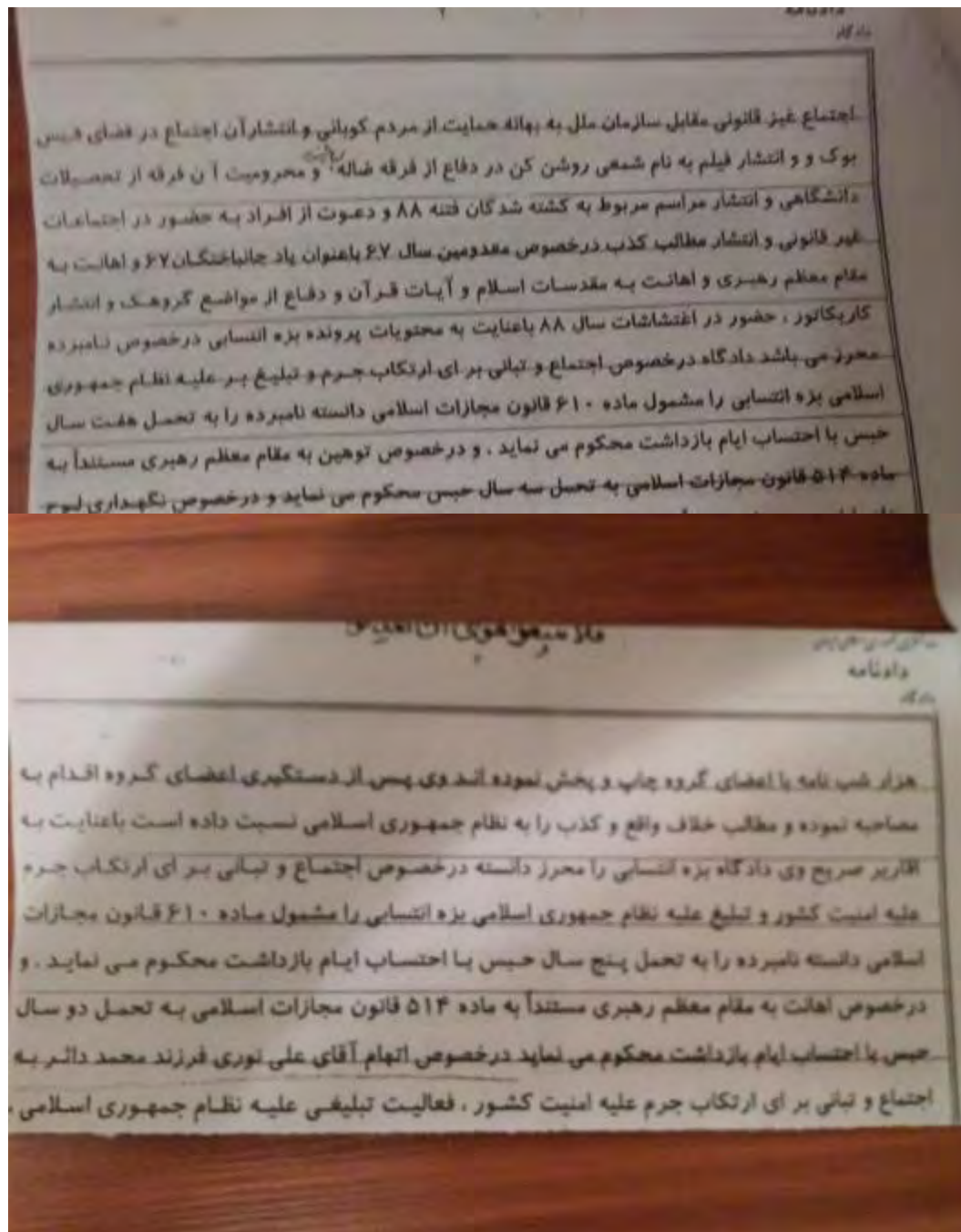
دادنامه

بسم الله الرحمن الرحيم

بتاریخ ۱۳۹۳/۱۲/۲۰ شعبه ۲۸ دادگاه انقلاب اسلامی تهران بتصدی امضاءکننده ذیل در وقت مقرر تشکیل است پرونده کلاسه ۱۹۶۱/۱/۹۳/ط/د- اتهامی آقایان ۱- امید علیشناس فرزند آیتلا ۲- علی نوری فرزند محمد ۳- ناسورستنی فرزند ابراهیم ۴- محمد حسین دائمی فرزند یحیی ۵- فاطمه دائمی فرزند محمد حسین دائمی بر ای ارتکاب جرم علیه امنیت کشور فعالیت تبلیغی علیه نظام جمهوری اسلامی، توهین به مقام معظم رهبری، نگهداری تجهیزات دریافت از ماهواره و نگهداری ۷۰۰ حلقه لوح فشرده مبتذل تحت نظر است باعنایت به مجسوع محتویات پرونده و بر رسیهای انجام شده و استماع مذاکعات نامبردگان و استماع مذاکعات وکلای آنان دادگاه ختم رسیدگی را اعلام و به شرح ذیل مبادرت به صدور رای می نماید.

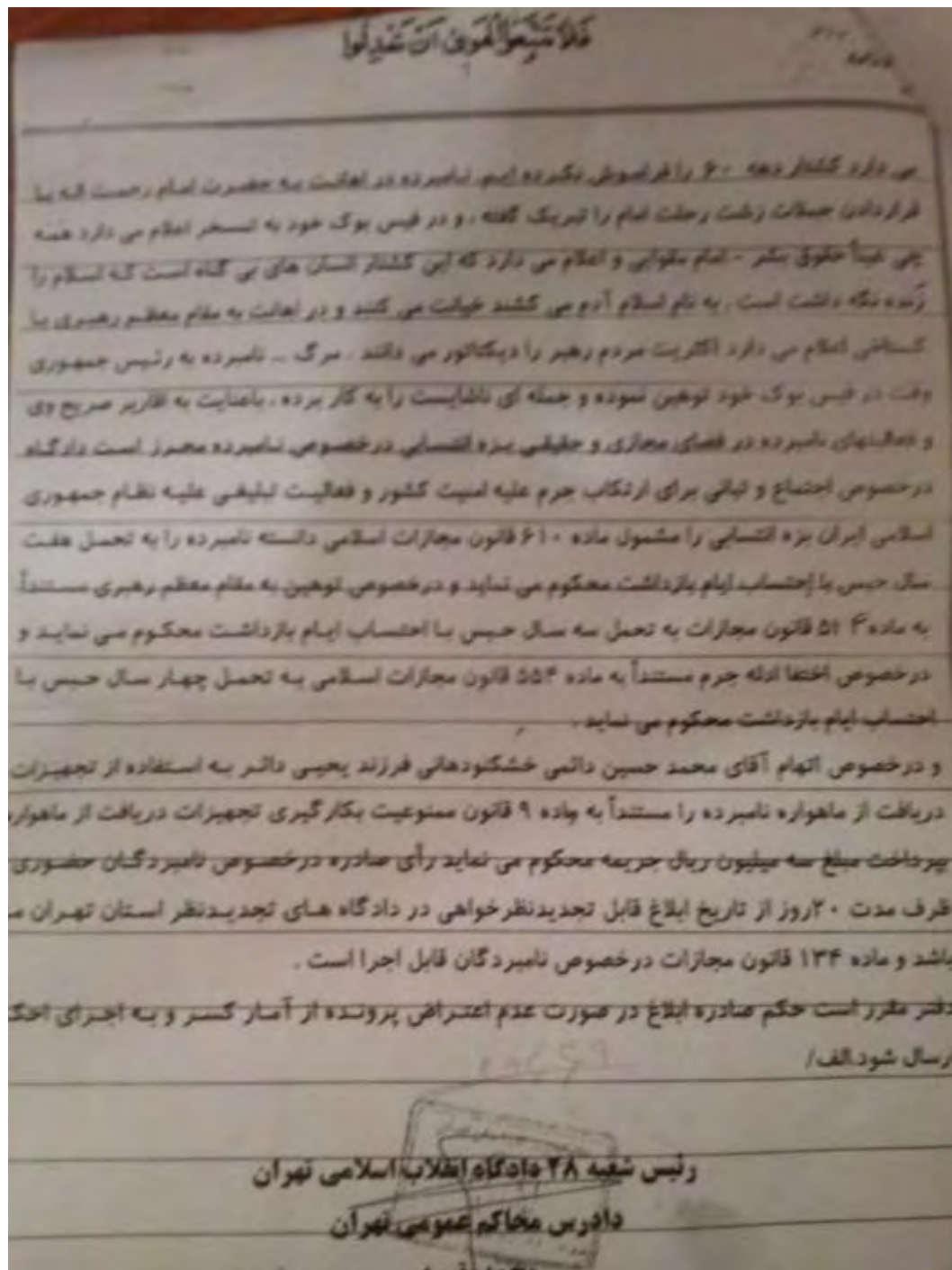
رای دادگاه

در خصوص اتهام آقای امید علیشناس دائر به اجتماع و تبانی برای ارتکاب جرم علیه امنیت کشور - فعالیت تبلیغی علیه نظام جمهوری اسلامی، توهین به مقام معظم رهبری، نگهداری ۷۰۰ حلقه لوح فشرده مبتذل، استفاده از تجهیزات دریافت ماهواره باعنایت به محتویات پرونده نامبرده از اعضای گروهک دانشجویی طرفدار جریان جهاد انقلاب در دانشگاههای تهران با محوریت آرش صادقی بوده اقدامات ضد امنیتی وی در قالب تبلیغ و ترویج فرقه ضاله و مظلوم نمایی فرقه ضاله و حمایت از عناصر ضد انقلاب داخل و خارج از کشور و حمایت و دفاع از زندانیان منافق و جریان فتنه، توهین به مقام معظم رهبری در فضای حقیقی و مجازی ادامه داشته وی با اعضا گروه و در راستای اهداف گروه در جهت اقدام علیه امنیت کشور با خانواده زندانیان امنیتی و گروهکی ملاقات داشته و در سالگرد کشته شدگان فتنه ۸۸ حضور داشته و اقدام به تهیه شب نامه در دفاع از منافقین و منافق معدوم ارژنگ داودی به تعداد ۳۰۰۰ نسخه و پخش آن در سطح تهران و اقدام به شعار نویسی در سطح تهران نموده و انگیزه خود را اینکه اعدام افراد گروهکی و منافق را عمل غیر انسانی و ضد حقوق بشر دانسته و فعالیت وی با اعضای گروه در فضای مجازی انتشار ملاقاتهای گروه با خانواده زندانیان و انتشار مراسم حضور در اغتشاشات خیابانی خانواده معدومین ۶۷ بوده است. از فعالیتهای نامبرده حضور در مراسم مربوط به مصطفی کریم پیگی با سخنرانی محکوم نرگس محمدی و نسرین ستوده و حضور در



نامبرده را به تحمل پنج سال حبس با احتساب ایام بازداشت محکوم می نماید. و در خصوص اهانت به مقام معظم رهبری مستنداً به ماده ۵۱۳ قانون مجازات اسلامی به تحمل دو سال حبس با احتساب ایام بازداشت محکوم می نماید. در خصوص اتهام خانم فاطمه دائمی خشکوند هائی فرزند محمد حسین معروف به آتفا دائر به اجتماع و تبانی برای ارتکاب جرم علیه امنیت کشور فعالیت تبلیغی علیه نظام جمهوری اسلامی ایران، توهین به مقام معظم رهبری ریاست جمهوری در فضای مجازی، اختلا ادله جرم برای خلاصی مجرم علی نوری، باعنایت به محتویات پرونده و بررسیهای انجام شده و گزارش معلولت اطلاعات قرارگاه ثاراله نامبرده به همراه اعضای گروه دانشجویی در جریان ضد انقلاب داخل و ضد انقلاب مستقر در خارج از کشور در راستای اهداف آن گروه و علیه امنیت کشور اقدام حضور در تجمعات غیر قانونی در مقابل سازمان ملل و حضور در مقابل زندان رجائی شهر در حمایت از معدوم ریحانه جباری (منافق) و حضور در تجمع مقابل زندان اوین در حمایت از متهمین امید علیشناس و آرش صادق اعضا گروه در اعتراض به بازداشت نامبردگان و برقراری ارتباط با مادران عزادار (پارک لاله - جهت حضور در مراسمات و اغتشاشات، تشکیل دستجات غیر قانونی جهت برهم زدن امنیت با برگزاری جلسات به منظور تصمیم گیری در جهت اعتراض به احکام قضایی صادره در خصوص منافقین و متهمین جریان و ملاقات با خانواده کشته شدگان سال ۸۸ و شعار نویسی و توزیع و در حمایت و دفاع از محکوم نفاق ارژنگ داودی و ارتباط و ارسال اطلاعات به خبرگزاری های ضد انقلاب و معاند کمپین بین الملل حقوق بشر، خبرگزاری هرانا و ارتباط با عناصر مسئله دار محمد نوری زاد، نرگس محمدی، خانواده ستار بهشتی و فعالیت در جهت حمایت از زندانیان فتنه، هواداری از گروهک منافقین و ارسال اخبار به سریل نفاق اهانت به بنیادگذار جمهوری اسلامی و اهانت و افترا به مقام معظم رهبری و اهانت به رئیس جمهوری، نامبرده اقرار می نماید که در مراسم ندا آقاسلطان و مراسم خانم زینال و تجمع در مقابل سازمان ملل و مقابل زندان اوین و مراسم مربوط به روح الامینی و کامران جوادی و بر سر مزار کشته های ۸۸ و در تجمع ریحانه جباری در مخالفت با اعدام وی و تجمع جلو سفارت ترکیه حضور فعال داشته است و پس از آشنائی با اعضای گروه امید علیشناس مبادرت به برگزاری جلسات محفلی در کافی شاپ و پارک لاله نموده در خصوص اجتماعات غیر قانونی و شعار نویسی و توزیع شب نامه اتخاذ تصمیم نموده اند. نامبرده اقرار می نماید که در راستای اهداف گروه در تمامی مراسمات کشته های ۸۸ و بر سر مزار آنها حضور داشته و در خصوص امحای آثار جرم اقرار می نماید که پس از دستگیری علی نوری عضو گروه مبادرت به تغییر رمز فیس بوک و ایمیل

وی نموده در خصوص انتشار تصاویر مربوط به شعارنویسی در خیابانهای تهران، برایانه نظام انظار می
 دارد که اعضا گروه شعار نویسی را شبانه انجام دادند. و تا نیمه های شب طول کشید پس از تهیه
 تصویر نامبرده تصاویر را به برخی از افراد ضد انقلاب خارج از کشور ارسال می نماید. نامبرده در
 جت گروهی با ماذح نظری و جعفر قدیم خانی از عناصر ضد انقلاب خارج نشین در فیس بوک می
 نویسد فعالیتهای گروه را دیوار نویسی انداختن اعلامیه علیه اعدام ها در خانه ها - دیدار با خانواده
 های زندانیان گروهکی - برگزاری سالگرد جان باختگان فتنه تا کار های نهادین از جمله آویختن طناب
 دار روی مجسمه های سطح شهر ارائه می نماید. نامبرده در فیس بوک خود با اهانت به نظام مقدس
 جمهوری اسلامی اعلام می دارد ... جمهوری اسلامی اینکه خون انسانها برایش بی ارزش است. نامبرده
 در دفاع از کردهایی که در جریان گروهکی زندان هستند اعلام می دارد به دلیل سنی بودن محاکمه
 شده اند. نامبرده در خصوص همکاری با کمپین زندانیان گروهکی و فتنه اعلام می دارد تصاویر مربوط
 به زندانیان و تصاویر خانواده زندانیان و عکس های ثبت نامه نویسی در خصوص محکوم ارژنگ داودی
 منافع را از طریق جت برای ضد انقلاب خارج نشین ماذح نظری ارسال کرده است در خصوص ارتباط با
 خبرگزاریهای ضد انقلاب و معاند کمپین بین الملل حقوق بشر خبرگزاری هرانا اعلام می دارد که پس
 از دستگیری اعضا گروه فعالان خارج از کشور با وی تماس گرفته اند و شماره تماس داده اند. تا
 در صورت داشتن خبر به آنها بگوید و خبر دستگیری اعضا گروه خبرگزاری هرانا سهام نیوز کمپین
 زندانیان مدنی و بالاتر و خویش کار کرده اند نامبرده در دفاع از فتنه گران ۸۸ اعلام می دارد که
 من فتنه ام و اعلام می دارد که نظام افراد بی سلاح را به روشهای مختلف کشته است و افرادی که به
 کشورهای مختلف پناهنده شدند به دلیل فشارهای نظام بر آنها و خانواده هایشان می باشد و اعلام می
 دارد اتفاقات ۸۸ هرگز بخشیده نمی شود. نامبرده در خصوص اهانت به رهبری معظم انقلاب از طریق
 توئیتر در اعتراض به سخنان رهبری به ناخشنودی های اعلام شده توسط رهبر معظم انقلاب اعلام می
 دارد رهبر یک عکس را در رابطه با ۲۲ تا ۳۳ نا بخشودنی در انتخابات ۸۸ منتشر کرده که با
 احساسات مردم بازی کرد و تمام فعالان در توئیتر و مردم عادی معترض شدند اعلام می دارد نا
 بخشودنی ندا آقا سلطان - نا بخشودنی اختلاس ۳ هزار میلیاردی نا بخشودنی ۱۵ سال بی خوری از
 سعید زینالی - نا بخشودنی کشتن محمد مختاری و صانع ژاله ، نا بخشودنی زیر گرفتن مردم با ماشین
 نیروی انتظامی - نا بخشودنی بابک زنجانی وی در دفاع از فتنه گران اعلام می دارد دست بند سبز به
 دست کردم ، به دلیل یاد بود کشته های ۳۶ سال - افراد بی گناه توسط نظام و در فیس بوک خود اعلام



DAVOUD RAZAVI

The following is the verdict, in Persian, that Branch 26 of the Revolutionary Court in Tehran issued against Davoud Razavi, sentencing him to five years' imprisonment for "gathering and colluding to commit crimes against national security".

بسمه تعالی

بتاریخ ۹۴/۱۰/۲۹ در وقت فوق العاده شعبه ۲۶ دادگاه انقلاب اسلامی تهران به تصدی امضاءکننده زیر تشکیل است پرونده کلاسه : ۱۹۸۷۴/۹۴.د. اتهامی سید داوود رضوی فرزند سید جلال تحت نظر است با توجه به تحقیقات به عمل آمده و استماع مدافعات متهم و وکیل مدافع ، ضمن اعلام ختم دادرسی با استعانت از خداوند متعال به شرح زیر مبادرت به انشای حکم می نماید :

رای دادگاه

حسب کیفرخواست صادره از دادسرای عمومی و انقلاب ناحیه ۱۳ تهران ، آقای سید داوود رضوی فرزند سید جلال به شماره شناسنامه ۱۰۹۹ متولد ۱۳۳۳ شماره ملی ۰۴۹۱۱۳۶۱۱۰ شیعه و مسلمان با سواد و بازنشسته شرکت واحد متاهل دارای سابقه کیفری آزاد با قرار کفالت با وکالت آقای صالح نیک بخت متهم است به اجتماع و تبانی به قصد اقدام علیه امنیت کشور و اخلال در نظم و آرامش عمومی از طریق حضور در تجمعات غیر قانونی با این توضیح متهم در سال ۱۳۸۴ به هنگام

حضور در شرکت واحد به علت اعتصاب کارگری دستگیر و در شعبه ۱۴ دادگاه انقلاب اسلامی تهران محاکمه و به یک سال حبس تعلیقی محکوم می گردد و حکم تعلیقی از سوی شعبه ۳۶ دادگاه تجدیدنظر استان قطعی می گردد. به واسطه محکومیت و فعالیتهای غیر قانونی و اخلال در نظم و امنیت عمومی از شرکت واحد اخراج لیکن به واسطه شکایت در دیوان عدالت اداری سال ۹۰ به شرکت واحد بازگشته و اواخر همان سال بازنشسته شده است. در طول سالهای اخیر مشکلات صنفی شرکت واحد را بهانه قرارداده و با ارسال پیامک و دعوت اعضا و مرتبطین سندیکای شرکت واحد به تجمعات و امضای بیانه های متعدد و مصاحبه با رسانه های ضد انقلاب علی الخصوص وابسته به گروهکهای چپ مارکسیستی و کمونیستی و نشان دادن وضعیت اسفبار اوضاع کارگران کشور و پی گیری امورات بازداشتیها و محکومین دادگاههای کشور و به زعم خود یک رشته مبارزات را علیه نظام داشته است از جمله فعالیتهای غیر قانونی متهم برگزاری تجمعات به بهانه های مختلف از جمله روز جهانی کارگر، حداقل دستمزد کارگران، انتخابات شورای اسلامی کارگر و تعاونی مسکن شرکت واحد در مقابل وزارت کار، شهرداری تهران و مجلس شورای اسلامی بوده است. متهم در خرداد ماه سال ۹۳ به همراه یکی از عناصر سابقه دار و مرتبط جریان کارگری اپوزیسیون خارج از کشور و به دعوت یکی از اعضای گروهک اتحاد بین المللی در حمایت از کارگران ایران جهت شرکت در یک اجلاس بین المللی وابسته به سازمان جهانی کار به فرانسه دعوت که به دلیل ممنوع الخروجی بلا اثر گردیده است. از جمله آخرین اقدامات وی و سندیکای غیر قانونی شرکت واحد برگزاری تجمع غیر قانونی در اعتراض به تعیین حداقل دستمزد کارگران در واپسین روزهای سال ۹۳ در مقابل وزارت کار بوده که حدوداً ۳۰ الی ۴۰ نفر از کارگران شرکت واحد حاضر و از این تجمع فیلم و عکس تهیه و در رسانه های مجازی به انتشار گذاشته است. این عملکرد متهم موجب فراهم سازی خوراک تبلیغاتی ضد انقلاب شده است با وجود مستندات ابرازی از سوی سازمان اطلاعات تهران و ارایه گردشکار مفصل از عملکرد متهم، وکیل مدافع و متهم اتهام اجتماع و تبانی را انکار و برای توجیه آن نمونه رای قبلی در خصوص شخصی به نام ابراهیم مددی همدست متهم را به دادگاه ارایه نموده است از طرفی در خصوص اتهام اخلال در نظم و آرامش عمومی را نیز فعالیت صنفی قلمداد نموده حال آنکه با توجه به عملکرد متهم اقدامات وی فراتر از فعالیت صنفی بود. و به لحاظ همراهی و مشارکت سایر دوستان در کلیه تجمعات غیر قانونی شرکت نموده است لیکن اقدامات متهم فعل واحد و غیر قابل تجزیه و مشمول مقررات ماده ۶۱۰ از قانون مجازات اسلامی (مبحث تعزیرات) به تحمل ۵ سال حبس تعزیری با احتساب ایام بازداشت قبلی محکوم می نماید. ایام بازداشت قبلی متهم هنگام اجرای حکم کسر و محاسبه گردد. رای حضوری و پس از ابلاغ ظرف ۲۰ روز قابل اعتراض در محاکم تجدید نظر استان تهران است.

ماشاءالله احمد زاده - دادرش شعبه ۴ انقلاب اسلامی تهران

ATENA FARGHADANI AND MOHAMMAD MOGHIMI

In the following verdict¹²⁵, in Persian, from October 2015, Atena Farghadani and her lawyer Mohammad Moghimi were acquitted of “illegitimate sexual relations short of adultery”, a charge which had been brought against both of them for shaking hands in prison in June 2015.

¹²⁵ Courtesy of the Human Rights Activists Network Agency (HRANA).



دادگستری کل استان تهران

«طَلَّ تَتَبِعُوا الْبُهْوَىٰ أَنْ تَذَلُّوا»

شماره دادنامه: ۹۴۰۹۹۷۲۱۸۰۱۰۰۷۹۱

تاریخ تنظیم: ۱۳۹۴/۰۷/۲۷

شعبه ۱۱۶۱ دادگاه کیفری دو مجتمع قضایی قدس شماره پرونده: ۹۴۰۹۹۸۰۲۷۶۴۰۰۰۲۴

شماره پایگانی شعبه: ۹۴۰۵۰۶

تهران (۱۱۶۱ جزایی سابق)

دادنامه

پرونده کلاسه ۹۴۰۹۹۸۰۲۷۶۴۰۰۰۲۴ شعبه ۱۱۶۱ دادگاه کیفری دو مجتمع قضایی قدس تهران (۱۱۶۱ جزایی سابق) تصمیم نهایی شماره ۹۴۰۹۹۷۲۱۸۰۱۰۰۷۹۱


متهمین: ۱. خانم آتنا فرقدانی فرزند محمدتقی ۲. آقای محمد مقیمی فرزند رحیم با وکالت آقای هوشنگ پوریابانی فرزند نوراله به نشانی خ استاد مطهری - انتهای خ لارستان - نبش چهارراه عبده - ساختمان سپهر - واحد ۱۵۰

تپام: دست دادن با موکل

گرددشکار: دادگاه ختم رسیدگی را اعلام و به شرح ذیل مبادرت به صدور رای می نماید.

رای دادگاه

در خصوص اتهام ۱- محمد مقیمی فرزند رحیم، ۳۷ ساله، مجرد، با سراد، فاقد سابقه کیفری و ساکن شهر تهران ۲- آتنا فرقدانی فرزند محمد تقی ۲۹ ساله، مجرد، باسواد، فاقد سابقه کیفری و ساکن تهران، بر دو متهم با وکالت آقای هوشنگ پوریابانی هر دو متهم دایر به رابطه نامشروع دون زنا و عمل منافی عفت دست دادن به یکدیگر بدین توضیح که متهم ردیف دوم به اتهامی که در پرونده امر مطرح است در زندان به سر میبرد و متهم ردیف اول که وکیلی دادگستری می باشد جهت ملاقات با وی و مذاکره جهت تجدیدنظرخواهی از رای صادره به زندان مراجعه می نماید و در بدو ملاقات وکیل (متهم ردیف اول) با موکل خود (متهم ردیف دوم) متهمان اقدام به مصافحه می نمایند و با یکدیگر دست می دهند که مأموران زندان موضوع را مشاهده و سورتجلسه می نمایند و متهمان به انجام مصافحه اذعان و اقرار دارند لکن مدعی هستند که هیچگونه قصد سوئی نداشته اند و قصد لذت جنسی هم در کار نبوده است بلکه به عنوان یک عرف اجتماعی و به رسم ادب به یکدیگر دست داده اند و وکیل متهمان نیز به طور مفصل دفاعیاتی را در جلسه دادگاه عنوان نموده است که دفاعیات وکیلی متهمان به قانون مجازات اسلامی مطابقت می نماید زیرا عمل ارتكابی متهمان نمی تواند عنوان محرمانه رابطه نامشروع و یا عمل منافی عفت داشته باشد زیرا در در عناوین ذکر شده و مصادیق تمثیلی ذکر شده در ماده ۶۳۷ بخش تعزیرات قانون مجازات اسلامی قصد التذاذ جنسی نهفته است که در مانحن فیه و با توجه به محتویات پرونده این موضوع منتفی است هر چند که عمل ارتكابی

شماره دادنامه: ۹۴۰۹۹۷۲۱۸۰۱۰۰۷۹۱ تاریخ تنظیم: ۱۳۹۴/۰۷/۲۷ شماره پرونده: ۹۴۰۹۹۸۰۲۷۶۴۰۰۰۲۳ شماره بایگانی شعبه: ۹۴۰۵۰۶		«مَلَا تُقْبَلُوا إِلَهِي أَنْ تُقْبَلُوا» شعبه ۱۱۶۱ دادگاه کیفری دو مجتمع قضایی قدس تهران (۱۱۶۱ جزایی سابق)	 دادگستری کل استان تهران
دادنامه			
<p> متهمان از نظر فقهی حرام مسلم است لکن وفق ماده ۱۸ قانون مجازات اسلامی تعزیر وقتی در ارتکاب محرمات شرعی اعمال می گردد که قانون آن را جرم انگاری نموده باشد و این مقررره قانونی با اصل قانونی بودن جرایم و مجازاتها منطبق است و ماده ۲ قانون یاد شده و نیز بر این اصل تأکید دارد لذا صرف نظر از حرام بودن عمل ارتكابی متهمان که متأسفانه در بین حین از افراد جامعه رواج داشته است دادگاه عمل ارتكابی متهمان را فاقد وصف جزایی در قانون مجازات اسلامی داشته و با استناد به ماده ۳ قانون آیین دادرسی کیفری و اصل ۳۷ قانون اساسی جمهوری اسلامی ایران متهمان را از اتهام انتسابی تبرئه می نماید رأی صادره حضوری است و ظرف بیست روز پس از ابلاغ قابل اعتراض و رسیدگی در دادگاه تجدید نظر استان تهران می باشد.٪ </p>			
مجید شریف زاد			
رئیس شعبه ۱۱۶۱ دادگاه کیفری ۲ تهران			
امضای تنظیم کننده			
تهران - خیابان اشرفی اصفهانی - نبش نپاش - مجتمع قضایی قدس :نشانی			

ALIREZA FARSHI

The following is a copy of the court verdict, in Persian, issued against Alireza Farshi. A Revolutionary Court in Baharestan, Tehran province, sentenced him to 15 years' imprisonment in February 2017 after he was convicted of "gathering and colluding to commit crimes against national security" and "founding groups with the purpose of disrupting national security". The court also sentenced him to two years of internal exile in the city of Bagh-e Malek in southern Khuzestan province.

«فلا تظنوا أهنو أن تغلبوا»

شماره دادنامه: ۹۵۰۹۹۷۲۹۹۱۰۰۱۴۵۰

تاریخ تنظیم: ۱۳۹۵/۱۲/۰۱

شماره پرونده: ۹۲۰۹۹۸۲۹۸۶۷۰۱۶۹۶

شماره بایگانی شعبه: ۹۳۰۰۴۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

پرونده کلاسه ۹۲۰۹۹۸۲۹۸۶۷۰۱۶۹۶ شعبه دادگاه انقلاب شهرستان بهارستان تصمیم نهایی شماره ۹۵۰۹۹۷۲۹۹۱۰۰۱۴۵۰

متهمین:

۱. آقای اکبر آزادعلی بابالو فرزند سلطان به نشانی شهرری سوم کیان شهر خ سیامک بن بست نه پ ۱.
 ۲. آقای منصور فتحی فرزند نصراله به نشانی نسیم شهر وجه اباد خ اصلی پ ۱۰۱۸.
 ۳. آقای حمید منافی نظر لو با وکالت آقای جعفر افشارنیا فرزند اسمعیل به نشانی تهران - خ جمالزاده شمالی پلاک ۳۵۵ واحد ۲
 ۴. آقای علیرضا فرشی فرزند بهمن با وکالت آقای محمدعلی عزیزی فرزند ولی اله به نشانی تهران جمالزاده شمالی بالاتر از باقرخان نبش شیانی پلاک ۳۵۵ واحد ۲
 ۵. آقای بهنام شیخی سامانلو فرزند رشید به نشانی سلطان آباد حسن آباد ۱۰ متری قدس کوچه شادکام پ ۵۶
 ۶. آقای محمود اجاقلو فرزند علی به نشانی بهارستان آدران - شهرک قلعه میر - خ شهدا - کوچه گلپای ۷ - ۸ متری اول - پلاک ۱۹
 ۷. آقای عزیز فرشی فرزند علیقلی به نشانی نسیم شهر خ امام ره پلاک ۶۰۱
 ۸. آقای رستم کاظم پور فرزند محمد کاظم به نشانی تهران منطقه ۱۸ شهرک ولی عصر خ سیدالشهدا غربی - کوچه عیدوزائی پلاک ۴۹ واحد ۱
- اتهام: مشارکت درتشکیل جمعیت به منظور برهم زدن امنیت کشور

بتاریخ ۹۵/۱۱/۱۴ در وقت فوق العاده شعبه انقلاب دادگستری بهارستان به تصدی امضاء کننده ذیل تشکیل است پرونده کلاسه فوق تحت نظر است با بررسی پرونده و محتویات آن ختم رسیدگی را اعلام به شرح ذیل مبادرت به صدور رای می گردد:

((رای دادگاه))

با استعانت از خداوند سبحان در خصوص اتهام ۱- علیرضا فرشی دیزج یکان فرزند بهمن دائر بر اجتماع و تبانی به قصد اقدام علیه امنیت کشور موضوع کیفرخواست صاداری ۹۴۱۰۴۳۰۲۷۵۰۰۰۶۷ مورخ ۱۳۹۴/۰۲/۲۱ دادسرای شهید مقدس (اوین) و تشکیل جمعیت غیرقانونی با هدف برهم زدن امنیت کشور موضوع کیفرخواست شماره ۹۴۱۰۴۳۲۹۸۵۷۰۱۳۱۷ در تاریخ ۹۴/۰۴/۲۹ دادسرای عمومی و انقلاب بهارستان ۲- اکبر آزاد علی بابالو ، حمید منافی نظرلو فرزند حسین ، بهنام شیخی مامانلو فرزند رشید دائر بر مشارکت در تشکیل جمعیت غیر قانونی به منظور بر هم زدن امنیت کشور موضوع کیفرخواست ۹۴۱۰۴۳۲۹۸۵۷۰۱۳۱۷ مورخ ۹۴/۰۴/۲۹ دادسرای عمومی و انقلاب بهارستان موضوع گزارشات متعدد وزارت اطلاعات جمهوری اسلامی ایران به این شرح که بیان شده متهم علیرضا فرشی دیزج یکان فرزند بهمن فعالیت های قوم گرایانه ی خود را از سال ۱۳۸۰ آغاز و در سال های ۱۳۸۱ و ۱۳۸۲ با حضور در تجمع قوم گرایان در قلعه بابک فعالیت در مجله ی قوم گرایانه ی (یول) ، شرکت در مراسم به اصطلاح بزرگداشت صفرخان ، بزرگداشت پرفسور زهتابی ، بزرگداشت ۲۱ آذر ، روز کشتار فوجالی فعالیت های قومی خود را تشدید نمود و اقدام به ارتباط گیری تشکیلاتی یا عناصر تجزیه طلب آذر می کند. نامبرده در اقدامی ضد امنیتی در روز ۵ اردیبهشت سال ۱۳۸۳ با حضور در مقابل کلیسای حضرت مریم اقدام به جانیاری از ترکیه و درگیری با ارامنه ایران که با اخذ مجوز اقدام به تجمع نموده بودند می نماید که به دلیل اقدامات ضد امنیتی دستگیر می شود ، متهم علیرضا فرشی اقدامات تشکیلاتی خود را با حضور در جمع قوم گرایان افراتی در مراسم قلعه بابک و تشکیل گروهک قوم گرا در پوشش گروه

پ. ق. ۱۶۰۲۰۲/۱۴۰۲/۱۴۰۲ نشانی: جاده ساوه - کیلومتر ۲۵ - نسیم شهر - میدان هفت تیر - ابتدای بلوار خیر آباد - خیابان دادگستری - دادگستری شهرستان بهارستان

«ملا تئیمو آهوی ان تغدولا»

شماره دادنامه: ۹۵۰۹۹۷۲۹۹۱۰۱۲۵۰

تاریخ تنظیم: ۱۳۹۵/۱۲/۰۱

شماره پرونده: ۹۲۰۹۹۸۲۹۸۶۷۰۱۶۹۶

شماره بایگانی شعبه: ۹۲۰۰۴۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

کوهنوردی ((تورک داغییلار تو پلانتی سی)) استمرار داده در آشوبهای سال ۱۳۸۵ نقش فعال ایفا می کند و با صحنه سازی اقدام به تهیه فیلم این آشوب ها و ارسال آن به شبکه های تجزیه طلب گوناگونی وی می کند. متهم با تهیه لیستی ۸۱۴ نفره از عناصر پان ترکیست و پان آذربایست ضمن حمایت از سیاست های جاه طلبانه ی ابوالفضل ایلچی بیگ و الهام علیف مینی بر یکپارچگی آذربایجان ایران و جمهوری آذربایجان و نیز تمجید از عناصر تجزیه طلب همچون سمید متین پور ، احمد یوسفی سادات معروف به لوبالی ، صالح ایلدیریم ، جعفر پشه وری ، محمود علی چهرگانی ، دکتر جواد هیات ، آیت اله شریعت مداری ، رهبر جنبش تجزیه طلب خلق مسلمان و بسیاری از عناصر واگرا و گروهکی و محکومین امنیتی از آنها به عنوان مشاهیر آذربایجان یاد کرده و اقدام به قهرمان سازی از این عناصر نموده است و متهم برابر گزارشات ارسالی و مستندات ابرازی اداره اطلاعات ، هم صدا با عناصر تجزیه طلب خارج نشین اقدام نیروهای نظامی دولت مرکزی ایران را در ۲۱ آذر ماه سال ۱۳۲۵ که منجر به آزادی این منطقه از اشغال تجزیه طلبان فرقه دموکرات آذربایجان گردید را تحت عنوان نسل کشی عنوان نموده و به این دلیل درخواست غرامت نموده است. متهم با هدف منحرف نمودن مسیر بازجویی در تناقض آشکار در فضای مجازی چهرگانی را از مشاهیر آذربایجان معرفی نموده لکن در ایام بازداشت عنوان نموده چهرگانی بازیچه خارجی هاست. متهم در ادامه فعالیت های مجرمانه خود با تشدید فعالیت های خود در سطح دانشگاهها و راه اندازی تشکلات قومی در پوشش گروه های کوهنوردی اقدام به ترویج افکار واگرایانه نموده است که فیلم آن موجود است نامبرده در خرداد ماه سال ۱۳۸۸ مجدداً دستگیر و به یک سال حبس محکوم می شود لکن به دلیل اینکه مشارالیه از خانواده منظم شهدا بوده با تخفیف شش ماهه مقام محترم قضائی مورد رافت قرار می گیرد. نامبرده نیز در فیس بوک خود سپاه پاسداران را مورد هجمه قرار داده است. نامبرده در سالهای ۱۳۹۱، ۱۳۹۰ و ۱۳۹۲ به همراه بسیاری از عناصر تجزیه طلب سابقه دار اقدام به برگزاری جلسات تشکیلاتی به بهانه های طرح مسائل مربوط به زبان به اصطلاح مادری ، خشکاندن عمدی دریاچه ارومیه ، راه اندازی فرهنگستان زبان آذری نموده که اسناد مکشوفه ضمیمه پرونده می باشد و نامبرده در دوم اسفندماه سال ۱۳۹۲ به دلیل برگزاری جلسه غیرقانونی و بدون مجوز قومی و اقدامات واگرایانه در این جلسه دستگیر می شود متهم با ناقض خواندن قانون اساسی جمهوری اسلامی ایران به دلیل عدم پیش بینی تدریس زبان اقوام اعلام نموده قانون اساسی (که با تأیید بیش از ۹۸ درصد مردم ایران به تصویب رسیده است) باید اصلاح شود. متهم همچنین در بازجویی های مضبوط در پرونده اظهار داشته باید با تغییر قانون اساسی زمینه آموزش همه زبان ها فراهم شود و انتخاب زبانی به عنوان زبان رابط برای برقراری ارتباط بین اقوام مختلف انتخاب شود که این زبان لزوماً فارسی نیست بلکه ممکن است ترکی ، فارسی ، عربی یا انگلیسی باشد. متهم در سال ۱۳۹۳ به نزدیک شدن به روز دوم اسفند یا راه اندازی کمیته تحت عنوان کمپین اخذ مجوز برای روز زبان مادری در پوشش اقدامی به اصطلاح فرهنگی و در واقع با اهداف ضد امنیتی تلاش نموده است با فعال نمودن عناصر پان ترکیست و تجزیه طلبی که در سالهای اخیر به دلیل عدم استقبال جامعه آذری از تفکرات تجزیه طلبانه شان موفق به ایجاد جایگاه بین مردم مناطق آذری نشین نشده اند این بار با تحریک آذری زبان ها برای ایجاد هیجانات قومی در آستانه روز دوم اسفند اقدام به انتشار اخبار کذب مبنی بر اخذ مجوز برگزاری روز به اصطلاح زبان مادری در تهران نموده است تا زمینه ایجاد اعتراضات قومی با این عنوان که در تهران به عنوان شهر غیرآذری مجوز صادر شده لکن در شهرهای آذری نشین این اقدام صورت نگرفته است را فراهم آورد تا از این طریق موجبات بروز ناراضیاتی در این مناطق را مهیا سازد. متهم تلاش نموده است تا با استفاده از فن آوری های نوینی چون اینترنت اقدام به تشکیل گروههای در فضای مجازی برای ترویج افکار قوم گراییانه خود نماید بطوری که در کمپین مذکور حدود ۷۰۰ نفر از عناصر تجزیه طلب و پان ترکیست خارج و داخل کشور که برخی از آنها متواری، تحت تعقیب و یا دارای محکومیت بواسطه اقدامات ضد امنیتی نیز می باشند شرکت نموده اند متهم علیرضا فرشی به منظور اعمال فشار حقوق بشری بر علیه نظام تلاش نموده تا با دبیر کل یونسکو در تهران ارتباط گیری نماید. وی همچنین اقدام به انتشار اخبار مربوط به دستگیری عناصر قومی افراطی و یا سوژه های که توسط دستگاه امنیتی احضار و برای اقدامات ضد امنیتی توجیه شده اند نموده است. همچنین در یادداشت هایی که متهم در فیس بوک خود منتشر نموده عنوان داشته که در ارتباط با برگزاری روز به اصطلاح زبان مادری یا به اصطلاح فعالین در اردبیل ، ملکان ، کرچ ، تهران ارتباط داشته که این خود حاکی از تشکیلاتی و هدفمند بودن اقدامات نامبرده دارد. متهم برابر گزارش مضبوط در پرونده و تحقیقات انجام گرفته در راستای افکار ضد تمامیت ارضی خود با عضویت در شبکه های اجتماعی موبایل محور اقدام به ترویج افکار تجزیه طلبانه می نماید. وی از عناصر شاخص پان ترکیست در ترکیه چون نامق کمال ، ضیاء گوک آلپ ، اسماعیل کاسیریای یوسف آقچورا در تشکیل به اصطلاح یک دولت و ملت ترکی از چین تا بالکان حمایت نموده و مدعی است که کشوری بنام ایران در تاریخ باقی، تاریخ سازی و هویت سازی برای تاریخ چون ایران است که این اقدام بیانگر عمق تفکرات ضد امنیتی و ضد تمامیت ارضی وی می باشد. وی با جعلی دانستن ایران ، اقدام به توهین به ملت ایران تحت عناوین ناپسند و زشتی چون دزدی، مسخرگی ، هیزی، حقه بازی ، پارتی بازی ، تملق ، هوچیگری ، شارلاتانی ، نفاق نموده است و با بیان عباراتی چون " آذری های غیور غیرتتان کجاست؟" ترسوین زبان ترکی ، قهرمانان زبان فارسی باشید " سعی در تحریک اقوام ایرانی برای ایجاد درگیری با یکدیگر نموده است ، وی در این شبکه ها با انتشار اخبار کذب مدعی شده که حاکمیت اجازه نمی دهد برای یاد دادن زبان مادری به فرزندانمان کتاب چاپ کنیم که مطالب عنوانی در فیس بوک و

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«فلا تظنوا انهم ان تغفلوا»

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دادنامه

دادگستری گل استان تهران

شبکه اجتماعی رنگین کمان منتشر شده است. متهم اقدام به انتشار اخبار کذب و سیاه نمایی علیه نظام در خصوص وضعیت زندگی آذری های کشور نموده و مدعی شده است "آذری ها خیلی وقت است که زندگی نمی کنند بلکه زنده مانده اند" همچنین با انتشار مطلبی تحت عنوان "من زبانم را قورت داده ام" ضمن ادعای توهین به فارسی زبانها علیه آذری ها اقدام به جوسازی و تحریک قوم آذری علیه هموطنان فارسی زبان نموده است متهم در صفحات اجتماعی با زیر سؤال بردن پرچم ملی به عنوان یکی از شاخص های وحدت ملی و با هدف شربه زدن به انسجام ملی، مدعی شده است که در کشورهای کثیرالمسله (مقابل کثیرالاقوام) هر ملت می تواند علاوه بر پرچم متناسب به کشور محل زندگیشان یک پرچم ملی داشته باشد، نامبرده در راستای قهرمان سازی از عناصر مسئله دار و تجزیه طلب در شبکه های اجتماعی تلگرام عنوان کرده، شریعتمداری، چهرگانی، زهنتایی و ریشه وری شخصیت موثر آذربایجان می باشند که نمادی از ملت ترک آذربایجان دارد و مورد حمله دشمنان ترک قرار گرفته اند متهم در شبکه های اجتماعی با توهین به مقدسات و مذهب تشیع با انتساب جمله ای به شهید مطهری عنوان نموده "مردم شیعه قالبی ترین و مدعی ترین مردم هستند" وی همچنین با انتشار هجویات در صفحه فیس بوک خود ضمن به استهزاء گرفتن نماز به عنوان اصلی ترین عمل عبادی مسلمانان اقدام به درج داستانی نموده که در آن پیش نماز مرد روستایی به حج رفته و به همین دلیل اهالی آن روستا زنی را به عنوان پیش نماز انتخاب نموده اند بدین ترتیب نماز خواندن این زن موجب تحریک جنسی مردان در هنگام نماز شده است و بدین ترتیب اقدام به استهزاء نماز و توهین به نمازگزاران کرده است، همچنین با تبلیغ علیه نظام اقدام به انتشار اخبار دستگیری تعدادی از عناصر قومی در اهر و نیز خبر دستگیری عنصر قومی رسول رضوی کرده و از عناصر قوم گرا در خواست نموده به خانواده وی کمک شود. براساس مدارک مکشوفه، متهم علیرضا قرشی اقدام به برگزاری مراسم تشکیلاتی با سایر عناصر پان ترکیست پیرامون لزوم اصلاح بزرگداشت زندانیان قومی همچون عظیم قدیم و عباس لسانی، لزوم ایجاد اتحاد ایجاد تشکیلات و نگاشتن اساسنامه و تعیین سیمت ها، فعالسازی فضای دانشگاه، فعال کردن جامعه ترک زبان و آذری زبان قم، کرج، همدان، نحوه ارتباط گیری با آقای یونس برای نفوذ در ساختار حاکمیتی و ارتباط با عناصر قوم گرای سایر اقوام از جمله اعراب و اکراد نموده است. نامبرده ملت دانستن ایرانیان را ادعایی بی مژه دانسته و در راستای تفکرات جدایی طلبانه اش با حمایت از حکومت یک ساله جعفر پیشه وری در حد فاصل سالهای ۱۳۲۵-۱۳۲۴ و شهید نامیدن این عنصر تجزیه طلب و نیز تهدید نمودن محققان و پژوهشگرانی که وی را تجزیه طلب می خوانند از این حرکت ضد تمامیت ارضی تحت عنوان "حکومت ملی آذربایجان" نامبرده و تحت تاثیر همین تفکرات تجزیه طلبانه و با اعتقاد به کثیرالمسله بودن (در مقابل کثیرالاقوام) اقدام به ارائه نقشه مجعول از آذربایجان به اصطلاح جنوبی نموده است. نامبرده در صفحه فیس بوک خود ضمن نامیدن حضرت امام (ره) و مقام معظم رهبری (دوام عزه) به عنوان شاه و هم طراز دانستن ایشان در کنار شاهان قاجار و پهلوی اقدام به توهین به بنیانگذار عظیم الشان جمهوری اسلامی ایران و رهبر معظم انقلاب اسلامی نموده است. وی همچنین در آخرین اقدام با انتشار بیانیه ای در محکومیت برنامه فیتله به این بهانه اقدام به توهین به مقام معظم رهبری و فرزندان معظم له با این عنوان که برنامه مذکور متوجه ایشان و فرزندان ایشان به دلیل آذربایجانی بودن نیز می شود، نموده است متهم با اجتماع و تبانی علیه امنیت ملی و عضویت در گروههای اجتماعی موبایل مجوز ضد امنیتی از طریق تشکیل جلسات گروهکی پوششی، تشکیل تیم های کوهنوردی پوششی، تشکیل جلسات غیر قانونی و بدون مجوز تحت پوشش بزرگداشت روزه اصطلاح زبان مادری، راه اندازی کمپین به بهانه اخذ مجوز روز به اصطلاح زبان مادری و عضویت در گروه های اجتماعی موبایل مجوز یا مشی ضد تمامیت ارضی و تجزیه طلبانه و سیاه نمایی وضعیت مردم و قوم آذری، خشکاندن عمدی دریایچه ارومیه، ازبین بردن زبان آذری، انتشار اخبار مربوط به دستگیری عناصر قومی افراطی، حمایت از عناصر قوم گرای زندانی، ندادن اجازه چاپ و نشر کتب آذری به تحریک اقوام برای درگیری به قصد برهم زدن امنیت ملی. متهم با درج مطالب توهین آمیز اقدام به توهین به ملت ایران تحت عناوین ناپسند و زشتی چون دزدی، مسخرگی، هیزی، حقه بازی، بارتی بازی، تملق، هوجبگری، شارلاتانی و نفاق نموده و با بیان عباراتی چون "آذری های غیور غیرتتان کجاست؟" ترسوین زبان ترکی، قهرمانان زبان فارسی باشید، سعی در تحریک اقوام ایرانی برای ایجاد درگیری با یکدیگر نموده است که از جمله اقدامات مجرمانه وی می باشد رفتارهای مجرمانه متهم در تشکیل جمعیت و گروه جهت برهم زدن امنیت کشور به نوعی بوده که در اقراریه و اعترافات خود به برگزاری جلسات مشر، با عناصر تجزیه طلب در راستای تجزیه کشور، تلاش برای برگزاری مراسم غیرقانونی روز به اصطلاح زبان مادری، ایجاد صفحه فیس بوک، در خصوص راه اندازی کمپین ۱۰۰۰ امضایی، تهیه طومار و جمع آوری امضا برای فشار بر نظام مقدس جمهوری اسلامی ایران در راستای اخذ مجوز برای برگزاری مراسم غیر قانونی روز به اصطلاح زبان مادری، تهیه روز شمار ۲۹ روز تا ۲۲ اسفند، تحت عنوان سوم بهمن ماه تا دو اسفندماه که این روز شمار هر روز از طریق صفحه فیس بوک متهم تهیه، طراحی و منتشر گردیده است، راه اندازی اردوهای کوه نوردی و دانشجویی جذب و ساماندهی عناصر قومی و پان ترکیسم، دادن سفارش تهیه پوستر و بروشورهای تبلیغاتی به یکی از مرتبطين در راستای مراسم برگزاری مراسم روزه اصطلاح زبان مادری، ایجاد صفحه فیس بوک زبان به اصطلاح مادری، جلب و کسب اعتماد عناصر ضد انقلاب و برانداز از جمله عباس لسانی، حمید متاقي، اکبر آزاد، حسین محمدخانی در داخل کشور و احمد یوسفی سادات با نام مستعار احمد اوبالی و محمود علی چهرگانی از عناصر تجزیه طلب و برانداز گروهک های

شماره ۱۳۹۵/۱۲/۰۱ - ۲۵ - نسیم شهر - میدان هفت تیر - ابتدای بلوار خیرآباد - خیابان دادگستری - دادگستری شهرستان بهارستان
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«فلا تثبوا الهوی ان تغفلوا»

شماره دادنامه: ۹۵۰۹۷۷۹۹۱۰۱۴۵۰

تاریخ تنظیم: ۱۳۹۵/۱۲/۰۱

شماره پرونده: ۹۲۰۹۹۸۲۹۸۶۷۰۱۶۹۶

شماره پایگانی شعبه: ۹۳۰۰۴۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

غیرقانونی گاموح و ینی گاموح در خارج از کشور، مصاحبه با سایت غیرقانونی و تجزیه طلب اویان نیوز وابسته و عنصر تجزیه طلب و معاند ساکن ترکیه جهت تبلیغ علیه نظام و تهیه نمودن خوراک تبلیغاتی برای شبکه های ماهواره ای و برانداز مثل گونا، تی وی، تحریک عناصر قومی و پان ترکیت در سراسر کشور جهت تجمع مقابل استانداری ها و اخذ مجوز روزه اصطلاح زبان مادری، سیاه نمایی علیه نظام در خصوص وجود رعب و وحشت و ارباب در کشور، نشان دادن علامت بوز گورد که نماد پان ترکیتی است توسط متهم، تشبیه حاکمیت نظام به فاشیست و شومینست، افشای موقعیت و نقشه فضای داخل بند ۲۰۹ زندان امنیتی لوین، جمع آوری و انتقال اطلاعات طبقه بندی شده، جو سازی و مخدوش نمودن اذهان عمومی پیرامون قضات و قوه قضائیه، حمایت سیاسی و تبلیغاتی از زندانیان ضد انقلاب و خانواده متهمین محکوم شده از جمله عباس لسانی و آیت مهرعلی بیگلر، تبلیغ فروش متفوش به پرچم کشور آذربایجان در صفحات اجتماعی خود، که جعلی دلال بر بزه انتسابی به وی موضوع کیفرخواست اصداری دادسرا دارد. حسب محتویات و گزارشات ارسالی مامورین نهاد امنیتی در زمان دستگیری متهم اسناد و مدارکی از جمله صورتجلسه تشکیلاتی عناصر تجزیه طلب پان ترکسم، کتب غیر مجاز و کتبی که در راستای اهداف تجزیه طلبانه مورد استفاده قرار گرفته، اسناد و مدارک و جزوات آموزشی پیرامون نحوه جذب و راه اندازی هسته های تشکیلاتی، اسناد و مدارک دال بر طراحی تقویم سالانه با محتوای قومی و تجزیه طلبی، طراحی پوستر غلامرضا امینی (از عناصر تجزیه طلب پان ترکسم) که در صفحه اصلی سایت غیرقانونی و تجزیه طلب گاموح قرار داده شده، تصاویر دسته جمعی تشکیلات تجزیه طلب قومی، آذری و نمایش دادن علامت بوزگورد (نماد پان ترکسم) با دست توسط آنان، اسناد و مدارک در خصوص عکس های دسته جمعی علیرضا فرش (متهم) و نشان دادن علامت بوزگورد که نماد پان ترکسمی است توسط متهم، عکس ها و مدارک دال بر ارتباط گیری با عناصر تشکیل دهنده گروهک های غیر قانونی و برانداز گاموح و ینی گاموح، اسناد مربوط به فعالیت های متهم در راستای رسمی نمودن زبان ترکی در کشور، تبلیغ و قرار دادن عکس رهبران گروهک های تجزیه طلب پان ترکسم در صفحات اجتماعی توسط متهم، جعلی دلال بر اقدامات مجرمانه متهم در تشکیل و راه اندازی جمعیت و گروه جهت برهم زدن امنیت و آسایش عمومی کشور دارد حسب گزارش های مکرر و پیوسته وزارت اطلاعات جمهوری اسلامی ایران مضبوط در پرونده، متهم دیگر پرونده اکبر آزاد بابالو فرزند سلطان حسب کیفرخواست اصداری و گزارشات مضبوط در پرونده فعالیت های سیاسی خود را از قبل از انقلاب با مشاورت با اعضای حزب پان ایرانیست و با عضویت در حزب رستاخیز آغاز می کند. وی در زمان عضویت در حزب رستاخیز یکی از عناصر فعال بوده به گونه ای که اقدام به طراحی آرم برای این حزب نموده و در سوابق وی اظهارات سلطنت طلبانه و همکاری با ساواک موجود می باشد. پس از انقلاب و در سال ۱۳۷۰ نامبرده تحت پوشش فعالیت های فرهنگی به همراه تعدادی از عناصر پان ترکسم که برخی از آنها هم اینک متواری و در کشورهای متخاصم اقدام به فعالیت علیه جمهوری اسلامی ایران می نمایند، اقدامات قوم گرایانه خود را آغاز و تا کنون شش بار دستگیر شده و بارها نیز با دعوت از مشارالیه مورد توجیه و ارشاد قرار گرفته است. همچنین در سوابق وی احضار یاد شده توسط سازمان قضائی نیروهای مسلح در خصوص کتاب های ترکی استانبولی موجود می باشد که متأسفانه تأثیری در پیشگیری از اقدامات ضد امنیتی وی نداشته است اکبر آزاد با نگارش مقالات مختلف، سخنرانی ها عضویت در گروه دینی گاموح، برگزاری مراسم هایی نظیر قلعه پایک و سخنرانی در سالگرد ستارخان و کوهنوردی اقدامات زیادی در جهت اقدام علیه امنیت ملی و تبلیغ علیه نظام از طریق حمایت از محکومین امنیتی همچون اعضاء و سرکردگان گروهک تجزیه طلب ینی گاموح و عباس لسانی عنصر تجزیه طلب و معاند نظام و سعید متین پور محکوم به انجام جرم جاسوسی، متهم نمودن محاکم جمهوری اسلامی ایران به صدور احکام غیر شرعی و غیر قانونی، تحریک اقوام آذری برای ایجاد جنگ و کشتار بر علیه اقوام ایرانی از جمله اکراد و فارسی ها و لرامنه، نشر اکاذیب از طریق نامه نگاری به دبیر کل سازمان ملل و سیاه نمایی علیه نظام، تبانی بر ضد امنیت ملی از جمله عضویت در گروهک های تجزیه طلب ینی گاموح، جعل تاریخ و جعل سرزمین، شرکت در جلسات قوم گرایانه از جمله جلسه غیرقانونی روز به اصطلاح زبان مادری در روز دوم اسفند واقع در شهرستان بهارستان با مضامین تجزیه طلبانه، ارتباط نزدیک با عناصر تجزیه طلب و پان ترک همچون حسن راشدی، بهنام شیخی، حمید منافی، آیت مهرعلی بیگلر، شهرام رادمهر، محمود فضلی، علیرضا فرش، رستم کاظم پور، ربابه موسوی، یوسف بنی طرف، مصاحبه با شبکه های معاند جمهوری اسلامی ایران از جمله سی ان ان و الجزایر، تردد در سفارت آذربایجان و دیدار با اتباع کشورهای جمهوری آذربایجان و برخی اتباع کشور سوئد فعال در زمینه به اصطلاح حقوق بشری و سفر به کشور جمهوری آذربایجان و ترکیه به بهانه تجارت در حالی که نامبرده اساساً سابقه فعالیت تجاری ندارد تلاش برای ایجاد نماد و الگو برای جوانان از طریق اطلاق عنوان شهید به کشته شده در جریانات اغتشاشها و آشوب های سال ۱۳۸۵ در شهر نقده و مناسبت سازی روز پنجم خرداد (سالروز کشته شدن معترضین اغتشاشات) به عنوان روز شهید در مقابل روز ۲۲ اسفند که در تقویم رسمی جمهوری اسلامی ایران روز شهید نامبرده شده است، طرفداری و تبلیغ سید جعفر پیشه وری عنصر تجزیه طلب و موسس فرقه دموکرات آذربایجان و موسس حکومت به اصطلاح ملی آذربایجان و یاد کردن از این شخص ضد دین و مارکسیست به عنوان شهید برای احیای افکار تجزیه طلبانه وی، حضور در مراسم دفن و سالگرد صفرخان (عضو فرقه دموکرات) و تجلیل از وی، تماس با شبکه تجزیه طلب گونا، تی وی و تأثیر پذیری از افکار تجزیه طلبانه سید (احمد اوبالی) و مجریان شبکه، تحریک مردم

نشانی: جاده سازه - کیلومتر ۲۵ - نسیم شهر - میدان هفت تیر - ابتدای بلوار خیر آباد - خیابان دادگستری - دادگستری شهرستان بهارستان
 ب. ۱۶/۰۲/۱۴۰۲

«لَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدِلُوا»

شماره دادنامه: ۹۵۰۹۷۷۹۹۱۰۱۴۵۰

تاریخ تنظیم: ۱۳۹۵/۱۲/۰۱

شماره پرونده: ۹۲۰۹۹۸۲۹۸۶۷۰۶۹۶

شماره پایگانی شعبه: ۹۳۰۰۲۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

به ایجاد حکومت فدرالی بر خلاف قانون اساسی از جمله اقدامات متهم بوده که در گزارشات و مستندات ارزیابی نهاد های امنیتی در پرونده مضبوط می باشد. نامبرده از جمله تنورسین های حرکت به اصطلاح ملی آذربایجان می باشد که به واسطه سابقه اقدامات قوم گرایانه خود چهره ای شناخته شده در داخل و خارج کشور می باشد بر اساس اعترافات صریح محکومین گروهک تجزیه طلب بنی گاموح که در پرونده مضبوط می باشد متهم از اولین مراحل تدوین مرام نامه و نظام نامه گروهک با تشکیل جلسات متعدد در منزل خود و سایر اعضا از اهداف و اگراییانه و تجزیه طلبانه گروهک آگاه بوده و مطابق اعترافات محکومین مقرر گردیده بود که وی به عنوان اولین دبیر کل گروهک بنی گاموح انتخاب شود، گروهک مزبور پس از انتخاب برخی از اعضا از گروهک گاموح با برگزاری جلسات محفلی متعدد در اماکن مختلف میادرت به تشکیل گروهی بنام بنی گاموح (حرکت نو بیداری ملی آذربایجان به اصطلاح جنوبی) با مشی ضد امنیتی نموده و موجودیت خود را اعلام می نماید علیرغم ادعای محکومین مبنی بر آشکار بودن فعالیت آنها مستندات موجود از جمله انتخاب نام مستعار برای اعضای کمیته مرکزی، قرار گاه مخفی پیش بینی شده در نظام نامه، برگزاری جلسات گروهی در پوشش کوهنوردی، ایجاد نشریه ها و موسسه ها و صندوق های غیر علنی مذکور در نظام نامه و برقراری ارتباطات پنهان از جمله دلایل مخفی و غیر علنی بودن آن است. همچنین عبارت "تشکیلات حرکت نو بیداری آذربایجان به اصطلاح جنوبی (بنی گاموح) تشکیلاتی است سیاسی اجتماعی که برای وحدت آزادی ملی، دموکراتیک شدن، پیشرفت و رفاه عمومی ملت ترک آذربایجان به اصطلاح جنوبی مبارزه می نماید. تصریح به تشکیلاتی بودن این جمعیت که همراه مشی تجزیه طلبی و ضد تمامیت ارضی آن است. براساس اعترافات محکومین و متهم (اکبر آزاد) مضامین مندرج در نظام نامه، مرامنامه، بیانیه ها و مقالات حاکی از اعتقاد ایشان به سرزمینی مستقل به نام آذربایجان به اصطلاح جنوبی (جعل سرزمین) شامل تمامی مناطق ترک نشین ایران (آذربایجان شرقی و غربی، اردبیل، زنجان، همدان و قزوین) واقع در قسمت جنوبی رود ارس بوده و به دلیل تفاوت زبانی با سایر اقوام ایران تشکیل یک ملت (نه قوم) از ملت ایران را داده اند لذا حق دارند بر اساس اصول مندرج در قلمنامه های بین المللی (حق تعیین سرنوشت) و طی یک رفتارندوم نظام سیاسی خود را اعم از استقلال یا فدرالیسم انتخاب نمایند. بر اساس مستندات موجود که نهاد های امنیتی در پرونده ارائه نموده اند نامبرده با سوء استفاده از عنوان مصطلح " ممالک محروسه شامل ایالت آذربایجان" که در زمان حکومت قاجار برای منطقه آذربایجان استفاده می شده است و با تعیین مرز برای آذربایجان به اصطلاح جنوبی عنوان اطلاقی وی و هم سسلکانش به بخش های آذری نشین کشور، اعتقاد به مجزا بودن این منطقه از سایر مناطق ایران به لحاظ تاریخی می باشد نامبرده بر اساس مقاله (صدای خشونت) معتقد است که منطقه آذربایجان کنونی (استان های آذری نشین ایران، قسمتی از سرزمین کهن آذربایجان شامل جمهوری آذربایجان، قسمتی از ارمنستان، ترکمنستان، گرجستان، ترکیه می باشد که در ترکیب ایران (و نه جزء ایران) می باشند لذا طبق اسناد موجود (مقالات و اعترافات) خواستار احیای آن و ایجاد حکومت فدرالی و تشکیل ایالت آذربایجان در مقابل رفتار منفی جمهوری اسلامی ایران می باشد. متهم با این گونه تحریفات تاریخی، سرزمینی در پی القای این مطلب به جهانیان می باشد که جمهوری اسلامی ایران یک کشور کثیر المله نه کشور کثیر الاقوام می باشد تا از طریق و بنا بر آنچه به عنوان (هویت ملی) آمد با ایجاد هویت ملی کاذب، موجودیت سیاسی و مدنی این ملت مجعول از طریق ملل و دول دیگر دنیا به رسمیت شناخته شود که به وضوح نیات جدایی طلبانه و مغایر با اصول قانون اساسی در خصوص تمامیت ارضی (اصل نهم قانون اساسی) را بیان می کند، که با توجه به اعترافات پنج نفر از محکومین گروهک بنی گاموح و نص صریح مرامنامه و نظام نامه، بیانیه ها، نامه ها در خصوص تشکیلات سیاسی بودن گروهک به همراه اقدامات اعضا گروهک از جمله متهم در راستای ملت سازی از طریق جعل سرزمین، تاریخ، نژاد و پرچم که نمایانگر زمینه فکری متهم می باشد و نیز تعیین اسامی مستعار، تعیین قرار گاه مرکزی مخفی، موسسه ها، نشریات و صندوق های غیر علنی (مندرج در اساننامه) ایجاد ارتباطات پنهان، تشکیل محافل گروهکی در منازل اعضا یا تحت پوشش کوهنوردی، سابقه محکومیت و دستگیری همه اعضا کمیته مرکزی حاکی از تشکیلاتی بودن گروهک و ضد امنیتی بودن اقدامات آنهاست که این امر دلالت بر اقدامات مجرمانه متهم در تلاش برای ایجاد جمعیت و گروه جهت بر هم زدن امنیت کشور بوده است و از جمله اقدامات و فعالیت های تبلیغی متهم علیه نظام که هدفی جز تشکیل جمعیت و گروه جهت ارتکاب جرم نمی باشد عبارتند از نگارش چندین مقاله از جمله (صدای خشونت ۲۰۱، جان بر کفان، عباس لسانی را می شناسم) ضمن جانبداری از محکومان امنیتی از جمله اعضای گروهک تجزیه طلب بنی گاموح، سید متین پور (محکوم امنیتی به دلیل ارتکاب جرم جاسوسی) عباس لسانی (عنصر تجزیه طلب و دارای محکومیت متعدد به واسطه اقدامات ضد امنیتی) اقدام به تبلیغ علیه محاکم قضایی جمهوری اسلامی ایران نموده و با عناوینی چون در احکام غیر عادلانه و غیر شرعی عدم اجازه حضور وکیل از سوی محاکم در جلسه دادرسی اقدام به تبلیغ علیه نظام نموده است که اهداف نامبرده در اقدام و ایجاد اعمال فشار توسط کشورهای متخاصم و مراجع بین المللی علیه جمهوری اسلامی ایران به منظور تیل به اهداف تجزیه طلبانه می باشد بر اساس اسناد و مدارک ارزیابی وزارت اطلاعات متهم با درخواست از اهل قلم برای ارسال اسناد و مدارک مربوط به نسل کشی فرهنگی اقدام به سیاه نمایی علیه جمهوری اسلامی ایران نموده است، وی جمهوری اسلامی را به تلاش برای هویت زدایی از مردم مناطق آذری نشین از طریق ایجاد استانیهای مختلف در مناطق آذری نشین نموده است. نامبرده در مقالات خود به منظور تشویش اذهان عمومی حاکمان ایران را در یک صد

شماره دادنامه: ۹۵۰۹۷۷۹۹۱۰۱۴۵۰ - شعبه دادگاه انقلاب شهرستان بهارستان - دادگستری کل استان تهران - میدان هفت تیر - ابتدای بلوار غیر آباد - خیابان دادگستری - دادگستری شهرستان بهارستان - ۹۳۰۰۲۱

«فلا تقيموا آيوي ان تغدوا»

شماره دادنامه: ۹۵۰۹۹۷۲۹۹۱۰۰۱۴۵۰

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شماره پایگانی شعبه: ۹۳۰۰۲۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

سال گذشته (که شامل دوره حاکمیت جمهوری اسلامی نیز می شود) به اعمال ستم علیه ترکان متهم نموده است. بر اساس اسناد ابرازی متهم در جریان سخنرانی (در جلسه ستارخان) حاکمیت را به ورود مواد مخدر به آذربایجان برای زمین گیر کردن جوانان و اعمال سیاست مهاجرت اجباری جوانان به منظور آسیمه کردن مردم آذربایجان به همراه نشان دادن علامت بزقورد (گرگ خاکستری) که علامت ویژه پان ترکیت می باشد نموده است. متهم بر اساس اسناد ابرازی اداره اطلاعات، مجلس شورای اسلامی را متهم به هیت زدایی از مناطق آذری نشین با بهانه مبارزه با پان ترکیت و البته اقدام به تشویش اذهان عمومی نموده است: نامبرده نمایندگان کرد مجلس شورای اسلامی را به تلاش برای تجزیه آذربایجان و الحاق آن به کردستان متهم نموده و از این طریق موجب تشویش اذهان عمومی مردم آذربایجان شده است. متهم دیگر حمید منافی نفلو فرزند حسین با سابقه کیفری برابر گزارشات و مدارک و اسناد ابرازی وزارت اطلاعات و بازجویی های انجام گرفته فعالیت های قوم گرایانه خود را از دهه هشتاد و در پی ارتباط گیری با سایر عناصر قوم گرای افراطی آغاز می کند متهم همراه یکی دیگر از عناصر پان ترکیت (بهنام شیخی) با هدف ایجاد آشوب و اغتشاش در تهران به تبریز عزیمت نموده و ضمن شرکت در تجمع مورخ ۱۳۹۰/۰۲/۱۶ هدایت آشوبگران و اغتشاش گران را به عهده می گیرد که پس از دستگیری نامبرده به همراه بهنام شیخی به اتهام اجتماع و تبانی بر علیه امنیت کشور در شعبه اول دادگاه انقلاب تبریز مورد محاکمه قرار گرفته و بنا بر نظر مرجع قضایی هر کدام به دو سال حبس تعزیری محکوم می شوند که نیمی از محکومیت متهم بنا بر تشخیص دادگاه به مدت پنج سال تعلیق می شود متهم پس از آزادی ضمن برقراری ارتباط با تشکیلاتی با عناصر سابقه دار پان ترکیت کماکان به اقدامات ضد امنیتی و تجزیه طلبانه خود ادامه داده و ضمن دیدار با خانواده سید متین پور (یکی از عناصر تجزیه طلب آذری محکوم به جاسوسی) و تجلیل از وی و تاکید بر ادامه راه متین پور و برقراری ارتباط با عناصر افراطی قوم گرا همچون عباس لسانی و روحانی خلق لپاس شده عظیم عظیمی قدیم در اردبیل و مرند و اخذ رهنمودهای تشکیلاتی از این عناصر به منظور تحریک آذری های مقیم استان تهران به ویژه شهرستان بهارستان جهت نیل به مقاصد گروهی و در راستای اهداف از پیش تعیین شده به همراه سایر متهمین از جمله علیرضا فرش و رستم کاظم پور ، بهنام شیخی ، عظیم فرش ، منصور فتحی ، ضمن تشکیل جلسه ای تشکیلاتی در مورخ ۱۳۹۲/۱۱/۲۹ اقدام به تبانی علیه امنیت ملی و برنامه ریزی برای برگزاری جلسه ای غیر قانونی در پوشش جشن تولد همسر احدی از متهمین (منصور فتحی) و با هدف تحریک قوم آذری ساکن منطقه و تبلیغ علیه نظام منی بر تلاش نظام و حاکمیت برای از بین بردن زبان ترکی آذربایجانی می نماید. متهم یکی از عناصر اصلی برگزار کننده مراسم غیر قانونی دوم اسفند پس از مداخله نیروی انتظامی ضمن تخریب دستورالعمل ها با تحریک حاضرین و ایجاد آشوب و شکستن شیشه محل جلسه اقدام به تهدید احدی از مأمورین نیروهای انتظامی به وسیله شی برنده نموده ضمن فراری دادن برخی از متهمین خود نیز متواری می گردد. بر اساس اسناد و مدارک ابرازی مضبوط در پرونده پس از بازرسی منزل متهم جزوه آموزشی ضد بازجویی ، جزوه آموزش های حقوقی برای فعالان قوم گرا ، تقویم های تولید شده توسط قوم گرایان با ذکر مناسبت های قوم گراها ، سی دی های سخنرانی برخی از عناصر پان ترک از جمله عظیم قدیم ، جزوه آموزش مبارزه با نافرمانی مدنی از وی کشف می شود متهم حمید منافی به اتفاق متهمین دیگر پرونده عناصر قوم گرا و تجزیه طلب از جمله بهنام شیخی ، عظیم فرش ، منصور فتحی ، علیرضا فرش ، اسرافیل سلطانیان ، هادی صادقی ، باقر محمد خانی ، ابوالفضل میرزاخانی ، رستم کاظم پور قبل از برگزاری جلسه غیرقانونی روز دوم اسفند با تشکیل جلسه ای تشکیلاتی در مورخ ۱۳۹۲/۱۱/۲۹ در منزل منصور فتحی اقدامات لازم را جهت ایجاد هاهنگی انجام و در همین راستا وظایف تشکیلاتی به وی واگذار می گردد لازم به توضیح است برابر گزارشات واصله در جلسه مذکور اقدامات به عمل آمده از جمله تهیه و تکثیر و توزیع اوراق مربوط به سرود ملی آذربایجان و قرائت دسته جمعی آن توسط حاضرین (در مقابل سرود ملی جمهوری اسلامی ایران) تهیه لوح های تقدیر به منظور تجلیل از عناصر سابقه دار و محکومین امنیتی تجزیه طلب همچون سید متین پور (عنصر تجزیه طلب محکوم به جاسوسی) اکبر آزاد و مهدی نیمی با خط الرسم جمهوری آذربایجان در مقابل خط رسمی جمهوری اسلامی ایران و در مقابل پرچم جمهوری اسلامی ایران و مظهر به مهر حرکت ملی آذربایجان به اصطلاح جنوبی ((گونشی آذربایجان ملی حرکتی)) نصب پرچم جعلی آذربایجان در مقابل پرچم جمهوری اسلامی ایران ، نصب عکس عناصر تجزیه طلب همچون سید جعفر پیشه وری (رئیس و مؤسس فرقه دموکرات آذربایجان) و زهتابی بر سینه برخی از شرکت کنندگان حاکی از تشکیلاتی و تجزیه طلبانه بودن جلسه مذکور در پوشش جشن تولد و بزرگداشت روز به اصطلاح زبان مادری می باشد که جملگی دلالت بر اقدامات مجرمانه متهم در تشکیل جمعیت و گروه برای برهم زدن امنیت و آسایش عمومی کشور می باشد. متهم حمید منافی نفلو قبل از دستگیری با انتشار مقالات در فضای مجازی و بعد از برگزاری مراسم غیر قانونی دوم اسفند ضمن قرار اقدام به انتشار اخبار کذب و ارسال آن به سایت ها اقدام به جوسازی و تبلیغ علیه نظام نموده است. متهم دیگر بهنام شیخی سامانلو فرزند رشید دارای سابقه کیفری بر اساس محتویات پرونده ، مستندات ابرازی و مدارک موجود و گزارشهای مکرر وزارت اطلاعات جمهوری اسلامی ایران فعالیت های قوم گرایانه خود را از سال ۱۳۸۳ آغاز نموده و ضمن حضور در اکثر مراسمات و تجمع قوم گرایان از جمله قلعه بابک، شرکت در مراسم به اصطلاح بزرگداشت ستارخان ، بزرگداشت صفرخان (عضو فرقه تجزیه طلب دموکرات آذربایجان) بزرگداشت روز ۲۱ آذر (روز تشکیل حکومت فرقه دموکرات آذربایجان) فعالیت های خود را تشدید نموده

ب. فلز ۱۶/۰۲/۱۴۰۱ - ۲۵ کیلومتر - نسیم شهر - میدان هفت کبر - ابتدای بلوار خیرآباد - خیابان دادگستری - دادگستری شهرستان بهارستان
۶۰۴۱

شماره پایگانی شعبه: ۹۳۰۰۴۱

دادنامه

۳. نامبرده در راستای فعالیت های قوم گرایانه خود در سال ۱۳۸۵ به بهانه چاپ کاریکاتور موهن روزنامه ایران اقدام به حضور در تجمع غیرقانونی در مقابل مجلس شورای اسلامی نموده که توسط عوامل انتظامی بازداشت می شود و با اخذ تعهد مبنی بر عدم فعالیت های قوم گرایانه از زندان آزاد می گردد، لیکن پس از آزادی مجدد به فعالیت های قوم گرایانه و تجزیه طلبانه خود ادامه داده که در همین راستا همراه برخی از عناصر تجزیه طلب در مسابقه فوتبال بین تیم ملی ایران با جمهوری آذربایجان اقدام به نصب پرچم جمهوری آذربایجان بر روی سینه و صورت خو می نماید. متهم در سال ۱۳۸۷ ضمن حضور در مراسم غیر قانونی عناصر پان ترکسم به بهانه بزرگداشت ستارخان در شهر ری بار دیگر بازداشت می گردد لیکن مجدداً مورد رافت اسلامی قرار گرفته و با اخذ تعهد کتبی مبنی بر عدم فعالیت های قوم گرایانه از زندان آزاد می گردد لیکن مجدداً به فعالیت های خود ادامه داده و با توجه به فضای انتخابات ریاست جمهوری سال ۱۳۸۸ فعالیت های قوم گرایانه خود را همراه با سایر عناصر قوم گرا و تجزیه طلب تشدید می نماید و در همین راستا اقدام به تشکیل شورای فعالیت تهران با هدف ورود به موضوع انتخابات ریاست جمهوری و حمایت از نامزد انتخاباتی مورد نظر خود اکبر اعلمی می نماید و پس از رد صلاحیت مشارالیه ضمن صدور انتشار بیانیه های مختلف اقدام به زیر سوال بردن کلیت نظام جمهوری اسلامی ایران علیه و موضوع تحریم انتخابات را مطرح می نماید. متهم با هدایت افسر اطلاعاتی کشور جمهوری آذربایجان ضمن هدایت و ساماندهی عناصر قوم گرا و تجزیه طلب استان تهران اقدام به حضور در برنامه سخنرانی نامزدهای انتخاباتی به قصد طرح مطالب تجزیه طلبانه و بر هم زدن نظم عمومی بوده و تحریکاتی را در همین راستا انجام داده اند متهم برابر گزارشات مبسوط و مضبوط در پرونده از سال ۱۳۸۴ به کشور آذربایجان (تحت پوشش خرید البسه و تجارت) تردد داشته که در این سفرها اقدام به ارتباط گیری با عناصر سرویس اطلاعات جمهوری آذربایجان و یکی از عناصر شاخص تجزیه طلب بنام جعفر پشتو با نام مستعار آغری می نماید بطوری که طی سفرهای متعددی که به آذربایجان و پاکو داشته است در منزل عنصر یاد شده اقامت نموده است نامبرده ارتباط مستمری با آغری داشته به گونه ای که کلیه اخبار و اطلاعات فعالیت های عناصر قوم گرا در استان تهران و کشور از طریق ارتباط تلفنی و همچنین از طریق ایمیل برای سرویس های اطلاعاتی آذربایجان ارسال می نمود و رهنمودهای تشکیلاتی از وی اخذ می نمود در همین راستا عنصر اطلاعاتی کشور آذربایجان در مقطع انتخابات ۱۳۸۸ از جهت تاثیر گذاری در روند انتخابات طی ارتباط با بهنام شیخی خواستار اعزام یکی از فعالان قوم گرا بنام محمود اجاقلو با نام مستعار تایماز به جمهوری آذربایجان جهت انتقال محموله ای مشخص به داخل کشور می گردد. متهم نیز با هدایت آغری و هماهنگی با عنصر اطلاعاتی سفارت آذربایجان در تهران اقدام به تهیه ویزا و اعزام محمود اجاقلو به کشور آذربایجان می نماید محمود اجاقلو در تاریخ ۱۳/۳/۱۳۸۸ طی تماسی با بهنام شیخی اعلام می دارد که وارد پاکو شده و تماسی با آغری (عناصر اطلاعاتی کشور آذربایجان) داشته است محمود اجاقلو در تاریخ ۱۳۸۸/۳/۱۵ وارد ایران شده و تعداد ۴۰۰ عدد لوح فشرده، مبلغ پانصد دلار و سایر اقلام از جمله تراکت هایی با مضامین قوم گرایانه را تحویل بهنام شیخی (متهم) نموده است حسب اسناد و مدارک ابرازی از وزارت اطلاعات متهم به دلیل فعالیت های تجزیه طلبانه در سال ۱۳۸۸ بازداشت و روانه زندان می شود لیکن پس از آزادی مجدداً فعالیت های خود را ادامه می دهد از جمله برگزاری جلسات تشکیلاتی با هدف انسجام بخشی به فعالیت های قوم گرایانه در سطح شهرستان بهارستان حضور فعال در برنامه ها و تجمعات غیرقانونی عناصر پان ترکسم، شمار نویسی و هدایت برخی از عناصر برای انجام شمار نویسی با مضامین قوم گرایانه در سطح شهرستان بهارستان ارتباط و مصاحبه با شبکه ضد انقلابی و تجزیه طلب گوناگون می نماید. متهم پس از سال ۱۳۸۸ و آزادی از زندان فعالیت های خود را تشدید نمود تا اینکه در سال ۱۳۹۰ به دلیل حضور در تجمعات و اغتشاشات صورت گرفته در شهر تبریز به بهانه خشکاندن دریاچه ارومیه و همچنین تدارک انجام یک تجمع اعتراض آمیز در سطح شهرستان بهارستان بازداشت و به تبریز منتقل گردید که مجدداً به دلیل فعالیت های تبلیغی علیه نظام به شش ماه حبس تعزیری محکوم گردید که در مرحله اجرائست متهم بر اساس اسناد ابرازی و مستندات موجود در پرونده پس از آزادی از زندان مجدداً فعالیت های خود را ادامه داده و با توجه به ارتباطات خاص با عناصر گروهک های غیر قانونی و تجزیه طلب از جمله گاموج وینی گاموج اقدام به تشکیل جمعیت و جذب عناصر ترک زبان به تشکیلات خود نمود وی به همراه سایر متهمین پرونده تحت عنوان کلاسهای آموزش زبان ترکی اقدام به برگزاری جلسات تشکیلاتی در منزل خود و منزل سایر عناصر گروه در سطح شهرستان بهارستان می نمود متهم با هدایت برخی از افراد مرتبط با خود اقدام به جذب افراد ترک زبان شهرستان بهارستان برای حضور در بازی های تیم تراکتورسازی در تهران و انجام اقدامات ضد امنیتی با هدف طرح مطالبات قوم گرایانه خود می نمود و در همین راستا بارها اقدام به برنامه ریزی و تهیه وسیله ایاب و ذهاب برای عظمت افراد مختلف از شهرستان بهارستان به استادیوم های فوتبال که تیم تراکتور سازی در آن بازی داشت می نمود. متهم همزمان با وقوع زلزله آذربایجان به همراه سایر عناصر گروه از جمله علیرضا فرشی و حمید متهم فعالیت های خود را تشدید نمودند و به بهانه زلزله آذربایجان اقدام به سیاه نمایی و تبلیغ علیه نظام نمودند البته اقدامات مجرمانه متهم در تشکیل جمعیت غیرقانونی با هدف برهم زدن امنیت کشور بر اساس مستندات ابرازی، اسناد مکشوفه از وی برای دادگاه محرز گردیده برابر گزارشات مکرر و متوالی وزارت اطلاعات و اسناد مکشوفه از سایر متهمان (علیرضا فرشی، حمید منافی و اکبر آزاد) و اقدامات مجرمانه در بارگیری برای تشکیل جمعیت غیرقانونی با هدف برهم زدن امنیت کشور به قصد ایجاد اختلافات مذهبی و زبانی، تحریف رویدادها، جعل

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«فلا تقيموا الهوى ان تغفلوا»

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شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری گل استان تهران

وقایع، سیاسی کاری و نادیده گرفتن محدوده فرهنگی جامعه ایران که به مراتب بزرگتر و بیشتر از محدوده سیاسی و جغرافیایی است قدرت عظیم یک ملت را به سوی فروپاشی سوق می دهند بدون آنکه خود صاحب اقتدار شوند، چمگی باعث مخدوش نمودن امنیت و آسایش عمومی جامعه و برهم زدن این امنیت که با سختی و مجاهدت تمام ایجاد شده گردیده اند، متهمان که عامل اصلی برقرار کننده این گونه جلسات می باشند که نهاد های امنیتی به کرات در گزارشها اعلام نموده اند به همراه هم مسلک های داخلی و خارجی خود با استفاده از تاکتیک های مختلف از جمله جعل تاریخ، جعل سرزمین، جعل پرچم، جعل نژاد جعل حروف الفبا در رسم الخط در پی ملت سازی (در مقابل قومیت) برای استفاده از حقوق همچون (حق تعیین سرنوشت) هستند که حقوق بین المللی برای ملت های تحت استعمار شناسایی کرده است، متهمان با طرح مسائل واهی همچون اشغال سرزمین آذربایجان توسط ایران و کشتار آذربایجانی ها توسط فارسی زبان ها، اکراد و ارامنه و نامیدن خود به عنوان ملت های تحت ستم یا به عبارت دیگر ملت هایی که سرزمین آنها توسط اشغالگران تصرف و مورد ستم می باشند به دنبال ایجاد اختلافات قومی بین آذری ها و اکراد و سایر اقوام و نیز ایجاد اختلافات مذهبی بین مسلمانان و ارامنه به منظور ایجاد اختلاف بین مردم ایران و ایجاد آشوب و درگیری در کشور می باشند تا از این طریق زمینه مداخلات کشورهای متخاصم و سازمان های به اصطلاح حقوق بشری را فراهم آورده و به اهداف شوم خود در تجزیه کشور دست یابند متهمان که از جمله اعضای گروهک بنی گاموح می باشند با مصادره به مطلوب نمودن (اصل حق تعیین سرنوشت) به منظور بهره گیری از این اصل اقدامات مجعول گسترده ای را انجام داده اند که از جمله آن می توان به ارتقاء خود از قوم به ملت تنها به واسطه اختلاف زبانی و صرف نظر از آلبوهی از اشتراکات مذهبی، نژادی، تاریخی و فرهنگی همان گونه که در مرام نامه، نظام نامه، بیانیه ها، نامه ها، اسناد و بازجویی ها، همواره از واژه مجعول ملت آذربایجان به جای قوم استفاده نموده و با این اقدام درصدد اقاء این واقعیت مجعول هستند که مردم آذربایجان ملتی جدا از سایر مردم ایران هستند و با جعل سرزمین (آذربایجان به اصطلاح جنوبی شامل آذربایجان شرقی و غربی، اردبیل، زنجان و قسمت هایی از استان همدان و قزوین و گیلان) جعل پرچم برگرفته از پرچم جمهوری آذربایجان و بعضاً کشور ترکیه (که خود بیانگر مشی تجزیه طلبانه و الحاق گرایانه این گروهک می باشد) جعل نژاد (اعتقاده اینکه آذری ها از مغولان و سومریان هستند و از نژاد آریایی ها و به طور کلی هم نژاد سایر ایرانیان نیستند) جعل حکومت (قوم گرایان افراطی یکی از دلایل مطرح شده برای ملت سازی خود اسناد به حکومت یک ساله غیرقانونی فرقه دموکرات آذربایجان به سرکردگی سید جعفر پشه وری با اتکا هزاران سال حاکمیت مشترک در سرزمین ایران تحت سلسله های مختلف و بعضاً حاکمان ترک عنوان می کنند) جعل تاریخ (قوم گرایان افراطی با جعل وقایع تاریخی همچون بابک خرمدین، قیام ستارخان، شیخ محمد خیابانی، اقدام به تاریخ سازی مجزا، از تاریخ ایران و میارزه سرداران این منطقه را (با تحریف واقعیت) برای جدایی منطقه آذربایجان از ایران ذکر می کنند که همگی این جملیات به این منظور صورت می گیرد که قوم گرایان افراطی وابسته به محافل پان ترکسم، در پی جعل ملت آذربایجان برای معرفی خود به عنوان ملت تحت استعمار ایران (همان گونه که متهم دیگر علیرضا فرشی با معرفی کتابی تحت عنوان (صد سال استعمار) بر این امر صحنه گذاشته است) و به عبارت دیگر ملت تحت ستم (ادعای اشغال آذربایجان توسط ارتش ایران در زمان حکومت فرق دموکرات آذربایجان) و استفاده از اصل (حق تعیین سرنوشت) به عنوان یک ملت تحت استعمار، جدایی این منطقه با مردمان اصیل ایرانی از کشور می باشد کما اینکه متهم علیرضا فرشی با نقل قولی از سید جعفر پشه وری با این مضمون که "آذربایجان ترجیح می دهد به جای اینکه با بقیه ایران به شکل هندوستان اسیر باشد برای خود سرزمین ایرلند آزاد باشد و با معرفی افراد تجزیه طلبی چون سعید متین پور (محکوم به جرم جاسوسی) با عناوینی چون نلسون ماندلای ایران، و تاکید بر ادامه راه وی، اقدامات غیرقانونی در تشکیل جمعیت غیرقانونی با هدف برهم زدن امنیت کشور را ادامه می دهد متهمان با تشکیل جلسات متعدد خصوصاً جلسه مورخ ۹۲/۱۲/۰۲ در منزل متهم منصور فتحی و بزرگداشت روز به اصطلاح زبان مادری در پوشش جشن تولد همسر متهم منصور فتحی با استفاده از ابزارهای مناسب در تحریک احساسات پاک آذری زبانها و اصرار بر ارتکاب جرائم متعدد، خاصه تشکیل جمعیت غیرقانونی با هدف بر هم زدن امنیت کشور بدون اینکه پایگاه مناسبی در افکار عمومی خصوصاً مردم آذربایجان داشته باشد با ایجاد اختلافات قومی، مذهبی و زبانی، باعث انجام اقدامات مجرمانه ای شده اند که تنها فایده آن سوق دادن قدرت عظیم یک ملت به سوی فروپاشی است بدون اینکه این متهمان صاحب اقتدار و قدرتی شوند. البته به غایت به اسناد و مدارک ابرازی وزارت اطلاعات جمهوری اسلامی ایران با اسناد مشکوفاه از متهمان، اظهارات متهمان نزد مقام امنیتی بازجوکننده، مطالب متهمان در فضای مجازی، برگزاری جلسات مضره، تشکیل هسته های تشکیلاتی در راستای تحریک و تشویش اذهان پاک عمومی و تجزیه کشور، تحریک عناصر قومی و پان ترکسم در سراسر کشور، مصاحبه های مکرر با سایت های غیرقانونی و تجزیه طلب، جلب و کسب اعتماد عناصر ضد انقلاب و بر انداز نظام جمهوری اسلامی ایران، تلاش به برگزاری مراسم های غیرقانونی روز به اصطلاح زبان مادری، ایجاد صفحه فیس بوک زبان به اصطلاح مادری، تهیه طومار و جمع آوری امضاء برای فشار بر نظام مقدس جمهوری اسلامی ایران در راستای اخذ مجوز برای برگزاری مراسم غیرقانونی روز به اصطلاح زبان مادری، حمایت سیاسی و تبلیغاتی از زندانیان ضد انقلاب و خانواده محکومین، چمگی دلالت بر اصرار متهمان مبنی بر تشکیل جمعیت غیرقانونی هم سو با رفتارهای مجرمانه با هدف برهم زدن امنیت کشور می باشد. متهمان در

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 ب. ۱۶/۰۲/۱۳۹۵ - ۱۳۹۵/۱۲/۰۱ - ۹۲۰۹۹۸۲۹۸۶۷۰۱۶۹۶

شماره پانزدهم: ۹۳۰۰۴۱

دادنامه

جلسات دادرسی دادگاه علیرغم وجود اسناد و مدارک مبنی بر فعالیت آنها در تشکیل جمعیت غیر قانونی با هدف بر هم زدن امنیت کشور، منکر بزه انتسابی موضوع کیفرخواست اصداری دادسرا بوده و وکلای آنها نیز دفاع موثر و موّجّهی که دلالت بر عدم توجه اتهام انتسابی باشد در پرونده او مطرح ننموده اند. اصرار متهمان به ارتکاب بزه انتسابی بعد از تشکیل پرونده قضایی و کیفرخواست صادره حسب گزارشات جدید وزارت اطلاعات دلیل بر عدم تنبّه متهمان و عدم پاسخگویی مناسب به تذکرات نهاد های امنیتی مبنی بر اتمام فعالیت مجرمانه بوده که این امر بر دادگاه محرز گردید، متهمان هیچ اقدام مناسبی در ترک این گونه رفتارهای مجرمانه شمول ننموده اند تا دادگاه متهمان را مستحق تخفیف بداند. رفتارهای انتسابی به متهمان بنا بر موارد یادشده و مصرح در اعترافات و اقراریه مأخوذه از مشارالیهم نزد مأمورین اداره اطلاعات، مبین اقدام آشکار متهمان به اختلال در امنیت کشور از طریق تشکیل گروه یا جمعیت با اهداف و افکار تجزیه طلبانه و تفرقه بکنانه منجر به بی نظمی در امنیت و آسایش عمومی کشور می باشد به نحوی که متهمان با تأثیر و نقشی فعال در نگارش و تنظیم مقالات، فعالیت در فضای مجازی (فیس بوک) و حضور در اجتماعات غیر قانونی و اشاعه آرای مبتنی بر نزاد و قومیت و ترویج اندیشه های پان ترکیستی و ادعای تشکیل حکومتی مستقل در مناطق مشخصی از حدود سرزمینی جمهوری اسلامی ایران صراحتاً و مکرراً متعرض تمامیت ارضی کشور گردیده و حاکمیت یکپارچه دولت را مردود می دانند و به معارضه و جنگ با آن برخاسته که این امر راستا یا تحریک احساسات پاک قومیتی و هیجانات ناشی از توهّمات بزرتری خون و نزاد و با ابتناء بر زبان اقوام ایرانی به ویژه آذری زبانان ایرانی به یاریگیری در تشکیل جمعیت (نمودند. اند تا دادگاه به شرح مطالب مشروحه، گزارشات مضبوط در پرونده، بازجویی های قضایی مأمورین اطلاعاتی وزارت اطلاعات، اسناد و مدارک ابرازی از فضای مجازی (فیس بوک) و سایت های معاند نظام جمهوری اسلامی ایران، شبکه های تجزیه طلب، مرادوات مکرر و پیوسته متهمان با عناصر تجزیه طلب و محکومین آن، کتب و مقالات تهیه شده بصورت مکتوب یا منتشره در فضای مجازی و سایت های تجزیه طلب، سالنامه آذری، تشکیل کمپین های ضد امنیتی، عضویت در کانالهای تلگرامی، شرکت در مراسم به اصطلاح روز زبان مادری، اتهام انتسابی به متهمان ۱- علیرضا فرشی دیزج یکان ۲- اکبر آزاد علی بابالو ۳- بهنام شیخی مامانلو ۴- حمید منافی نظرولو ثابت و محرز تشخیص ضمن انطباق موضوع اتهامی با مواد ۱۰، ۱۲، ۲۰، ۲۱، ۲۲ و ۱۹ از قانون مجازات اسلامی مصوب ۱۳۹۰/۰۲/۱۰ و ماده ۴۹۸ از قانون مجازات اسلامی میحت تعزیرات و مجازات های بازدارنده مصوب ۱۳۷۵/۰۲/۰۲ حکم بر محکومیت هر یک از متهمان به تحمل ده سال حبس تعزیری (درجه چهارم) با احتساب ایام بازداشت قبلی صادر و اعلام می نماید. در اجرای فصل دوم از قانون مجازات اسلامی مصوب ۹۲ و با رعایت مقررات ماده ۲۳ از قانون صبر الاشارة به لحاظ نوع جرم ارتکابی و خصوصیات متهمان و اینکه رفتارهای مجرمانه متهمان پس از سیری نمودن دوران محکومیت در استان تهران ادامه نیابد در جهت تنبّه آنها برابر بند الف ماده ۲۳ از قانون مجازات اسلامی حکم بر محکومیت ۱- علیرضا فرشی دیزج یکان بر اقامت اجباری به مدت دو سال در شهرستان باغملک از توابع استان خوزستان ۲- اکبر آزاد به اقامت اجباری در شهرستان دره شهر از توابع استان ایلام ۳- حمید منافی بر اقامت اجباری در شهرستان رزنا از توابع استان لرستان ۴- بهنام شیخی بر اقامت اجباری در شهرستان مسجد سلیمان از توابع استان خوزستان با نظارت ویژه اداره اطلاعات شهرستان (محل اقامت اجباری) بر رفتار، عملکرد محکوم و اعلام و گزارش به دادسرای مجری حکم اقامت اجباری صادر و اعلام می گردد. در صورتی که محکوم علیه اقامت اجباری طی مدت اجرای مجازات تکمیلی به مفاد حکم (مجازات تکمیلی) را به درستی اجرا و رعایت ننماید دادگاه پس از گزارش دایره اجرای احکام مجری حکم برابر مقررات مصرحه در ماده ۲۴ از قانون مجازات اسلامی برابر بار اول مدت مجازات تکمیلی را افزایش در صورت تکرار، بقیه محکومیت اقامت اجباری به حبس یا جزای نقدی درجه هفت تبدیل خواهد نمود. در خصوص اتهام دیگر متهم علیرضا فرشی دیزج یکان فرزند بهمن داتر بر اجتماع و تبانی به قصد اقدام علیه امنیت کشور موضوع کیفرخواست اصداری شماره ۹۴۱۰۳۳۰۳۷۵۰۰۰۶۷ مورخ ۱۳۹۴/۰۲/۲۱ و دادسرای عمومی و انقلاب تهران (شهید مقدس اوین)، گزارشات مکرر و متعدد وزارت اطلاعات جمهوری اسلامی ایران با احراز اتهام انتسابی به متهم و انطباق موضوع با ماده ۶۱۰ از قانون مجازات اسلامی حکم بر محکومیت متهم به تحمل پنج سال حبس تعزیری صادر و اعلام می گردد. نظر به ارتکاب جرائم متعدد از ناحیه متهم علیرضا فرشی دیزج یکان (اجتماع و تبانی به قصد اقدام علیه امنیت کشور و تشکیل جمعیت غیرقانونی با هدف بر هم زدن امنیت کشور) موضوع تطبیق بر تعدد جرم و نص صریح ماده ۱۳۳ از قانون مجازات اسلامی مصوب ۱۳۹۲ بوده و حکم اشد (ده سال حبس) اجرا می شود. حسب گزارشات وزارت اطلاعات جمهوری اسلامی ایران و تحقیقات انجام گرفته راجع به سایر متهمان در پرونده، علیرغم اینکه گزارشات، مستندات و مدارک ابرازی و مضبوطی در پرونده، دلالت بر حضور متهمان منصور فتحی، عزیز فرشی، رستم کاظم پور، محمود اباقلو در جلسه تشکیلاتی تجزیه طلبی مورخ ۱۳۹۲/۱۲/۰۲ با قصد تشکیل جمعیت برای بر هم زدن امنیت کشور به نحو مشارکت دارد و این جلسه تشکیلاتی در پوشش روز به اصطلاح زبان مادری بوده و منزل متهم منصور فتحی به عنوان مکان تشکیلاتی معرفی و اقدامات مجرمانه سایر متهمان در منزل متهم یاد شده صورت پذیرفته و مستحق برخورد قضایی مناسب با رفتار مجرمانه آنها می باشد لذا اتهامات دادگاه در خصوص اتهام ۱- منصور فتحی فرزند نصرالله ۲- عزیز فرشی فرزند علی قلی ۳- رستم کاظم پور فرزند محمدکاظم ۴- محمود اباقلو فرزند علی داتر بر مشارکت در تشکیل جمعیت با هدف بر هم زدن امنیت کشور موضوع کیفرخواست اصداری شماره

نشانی: جاده ساوه - کیلومتر ۲۵ - نسیم شهر - میدان هفت تیر - ابتدای بلوار خیرآباد - خیابان دادگستری - دادگستری شهرستان بهارستان

«فلا تقيموا آلهوى ان تعدلوا»

شماره دادنامه: ۹۵۰۹۹۷۲۹۹۱۰۰۱۴۵۰

تاریخ تنظیم: ۱۳۹۵/۱۲/۰۱

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شماره بایگانی شعبه: ۹۲۰۰۴۱

شعبه دادگاه انقلاب شهرستان بهارستان

دادنامه

دادگستری کل استان تهران

۱۳۱۷.۹۴۳۲۹۸۵۷۰ مورخ ۱۳۹۴/۰۴/۲۹ دادرسی عمومی و انقلاب بهارستان با بررسی اوراق و محتویات پرونده، مذاقه در گزارشات ارسالی از وزارت اطلاعات جمهوری اسلامی ایران و نظر به اینکه متهمان فوق تحت تاثیر رفتارهای مجرمانه سایر متهمان در جلسه مورخ ۱۳۹۲/۱۲/۰۲ شرکت و قصد و نیتی مبنی بر اقدام مجرمانه در تشکیل جمعیت و گروه با هدف بر هم زدن امنیت کشور نداشته اند و در بازجویی های انجام شده و اقراریه مآخوذه نیتی جز شرکت در جلسه به اصطلاح روز زبان مادری با پوشش جشن تولد نداشته اند و از اقدام مجرمانه سایر متهمان بی خبر بوده اند و اعلام برائت از رفتارهای مجرمانه سایر متهمان نموده اند و سابقه محکومیت کیفری مرتبط با عنوان اتهامی نداشته و بر اساس گزارش نهایی وزارت اطلاعات جمهوری اسلامی ایران سابقه ای موثر از اقدامات قوم گرایانه و تجزیه طلبانه و مرابوده با عناصر تجزیه طلب ندارند و گزارشات دلالت بر تنبه و آگاهی متهمان دارد لذا دادگاه با احراز عدم سوء نیت متهمان علیرغم شرکت در جلسه تشکیلاتی مورخ ۱۳۹۲/۱۲/۰۲ (با قصد تشکیل جمعیت برای بر هم زدن امنیت کشور) در اجرای مقررات ماده ۴ از قانون آیین دادرسی کیفری و حاکمیت اصل ۳۷ از قانون اساسی حکم بر برائت متهمان ۱- منصور فتحی فرزند نصراله ۲- عزیز فرشی فرزند علی قلی ۳- رستم کاظم پور فرزند محمد کاظم ۴- محمود اوجاقلو فرزند علی از اتهام انتسابی صادر و اعلام می نماید در خصوص اسناد، مدارک، اقلام و کتب مکشوفه از متهمان، نظر به اینکه کتب و مقالات مکشوفه از جمله کتب ضاله (گمراه کننده) می باشد و نگهداری آن موجب وهن اقوام و تحریک احساسات پاک آذری زبانان می باشد لذا در اجرای مقررات تبصره یک ماده ۱۴۸ از قانون آیین دادرسی کیفری حکم بر معدوم نمودن اقلام مکشوفه صادر و اعلام می گردد. رای صادره ظرف مهلت بیست روز پس از ابلاغ قابل تجدیدنظر در محاکم تجدیدنظر استان تهران می باشد.

حسینی- رئیس دادگستری و دادگاه انقلاب بهارستان

امضای صادر کننده

نشانی: جاده ساوه - کیلومتر ۲۵ - نسیم شهر - میدان هفت تیر - ابتدای بلوار خیر آباد - خیابان دادگستری - دادگستری شهرستان بهارستان

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CAUGHT IN A WEB OF REPRESSION

IRAN'S HUMAN RIGHTS DEFENDERS UNDER ATTACK

The Iranian authorities are intensifying their crackdown against human rights defenders, who have already been working under suffocating levels of repression. Human rights defenders are routinely portrayed in official statements and court verdicts as “criminals” and “foreign agents” bent on harming national security. Since 2013, dozens of human rights defenders have been imprisoned on spurious national security-related charges based solely on their peaceful human rights activities. Many others have faced surveillance, interrogations and drawn-out prosecutions, coercing them into silence.

This report looks at the brave struggle of human rights defenders across the key battlegrounds for human rights in Iran and highlights the repression they face through 35 illustrative cases. They include anti-death penalty campaigners, women's rights activists, trade unionists, human rights lawyers, minority rights activists, and those seeking truth, justice and reparation on behalf of those extrajudicially executed during the 1980s and their families.

Amnesty International urges the Iranian authorities to release all imprisoned human rights defenders immediately and unconditionally, and to create a safe and enabling environment in which defenders can defend and promote human rights without fear of reprisals. This is an essential step towards guaranteeing the human rights of all those living in Iran.