



Joint Statement of FIDH and LDDHI

## Iran: Trial of jail abuse case Conviction of police officers; impunity for higher officials

5 July 2010

On 30 June 2010, the Iranian Armed Forces Judicial Organisation announced the conclusion of the trial of 12 defendants charged with crimes perpetrated in the Kahrizak Detention Centre. The centre had been used to hold scores of protestors after June 2009 Presidential Election under atrocious conditions. As a result of gross human rights violations including beatings, torture, rape and other abuses, several people died at the centre.

Out of the 12 defendants, two were sentenced to death, “temporary suspension from service, fine, flogging and payment of financial compensation” (blood money) for “intentional beating leading to the deaths of the late **Amir Javadifar, Mohsen Ruholamini and Mohammad Kamrani.**” Nine others were sentenced to imprisonment, fine, payment of compensation, flogging and temporary suspension from service. One defendant was acquitted. The court president had said earlier: “One of the defendants is civilian and 11 others are police force personnel.”

The court failed to name the defendants or their positions and ranks, details of the proceedings and the case as well as make any reference to higher-ranking officials who had issued orders for the ill-treatment of the detainees. The court dealt only with three deaths at the detention centre. Regardless of various reports about numerous other deaths at the Kahrizak Detention Centre that cannot be ascertained yet, at least two other detainees, **Ramin Aqazadeh-Qahremani** and **Abbas Nejadi-Kargar**, died as a result of torture soon after being released from the Detention Centre.

Furthermore, a young doctor, **Ramin Pourandarjani**, who was serving at the Detention Centre and had visited and treated some of the detainees, including Mohsen Ruholamini, died on 10 November 2009, a few days after testifying before the Special Parliamentary Committee (SPC) assigned to investigate the deaths and other abuses at the Detention Centre. Gen. Ahmadi Moqaddam, Commander of the Law Enforcement Force (LEF), first claimed he had committed suicide. It was then alleged that he had died of poisoning. A policeman who first saw Dr. Pourandarjani’s body reported bruises and bloodspots in his neck area. Finally it was revealed that Dr. Pourandarjani had told the SPC: “Kahrizak Detention Centre officials threatened me that I would cease to live, if I revealed the reasons for injuries to the victims.”

In its report, the Special Parliamentary Committee named specifically the then Prosecutor-General of Tehran Saeed Mortezaei as the judicial authority responsible for ordering the detainees to be sent to Kahrizak Detention Centre despite the fact that there had been enough space in Evin Prison in Tehran.

According to other reports, Judges Ali Akbar Haydarifar [or Haydarifard] and Hassan Haddad have been instrumental in issuing detention orders to consign detainees to Kahrizak Detention Centre. The former is said to have been personally involved in occasional beating of the prisoners. Involvement of the judicial officials was underlined when the then commander of the Greater Tehran LEF, Gen. Azizollah Rajabzadeh, said: "Not a single detainee arrived in or left Kahrizak Detention Centre without a judicial order." At the time, however, he alleged that nobody had been killed at the Detention Centre.

During the Special Parliamentary Committee's investigations, Saeed Mortezaei told MPS that the victims had died of meningitis and measures were being taken to immunise other inmates. He and Gen. Esmail Ahmadi Moqaddam, repeated that claim on more than one occasion and Gen. Ahmadi Moqaddam described the reports about Kahrizak Detention Centre as 'lies.'

One pro-government MP, Mr. Katouzian, who was involved in the investigations, held Gen. Ahmadi Moqaddam directly responsible for the events in Kahrizak Detention Centre. On the other hand, Gen. Ahmad-Reza Radan, deputy commander of the LEF, was named by some victims as the police official directly in charge of Kahrizak Detention Centre who personally took part in beatings and ill treatment of detainees. Other information attributed to some MPs indicated that one ardently pro-government MP, Hossein Fadaie, had been among the officials in charge of Kahrizak Detention Centre.

Kahrizak Detention Centre was closed down in August 2009 after disclosures about torture and killings and particularly when attention was drawn to it because one of the dead victims was the son of a high-ranking advisor to Mr. Mohsen Rezaie, a pro-Ayatollah Khamenei presidential candidate. Subsequently, show trials of about 100 detainees were held in August and September 2009 as well as of others in January and February 2010, where prisoners were shown in prison pajamas watching some others, who had clearly been coerced to incriminate themselves, apologise for their actions, 'confess' to being part of a 'velvet revolution', and ask the Supreme Leader for forgiveness.

After the closure of Kahrizak Detention Centre, torture and other ill treatment of detainees, to extract false 'confessions', which courts invoke to sentence prisoners, or to force the detainees to recant their beliefs, have not only not subsided, but intensified. In a most recent case, the vice-president of the Defenders of Human Rights Centre (DHRC), Ms. Narges Mohammadi was arrested late at night in front of her three-year-old twins on 10 June 2010, when the arresting agents did not produce an arrest warrant. She spent three weeks in detention and was released on bail on 1 July. Having lost at least 8 kilos, she was immediately hospitalised for partial paralysis including loss of speech. One other member of the DHRC, Journalist Abdolreza Tajik, was detained on 12 June for the third time since the June 2009 Presidential Election and has been held incommunicado since. It is feared that he is under strong pressure to make false 'confessions' and recant his actions and beliefs.

Despite the secrecy surrounding the cases of killings and other abuses in Kahrizak Detention Centre, the above information points an accusing finger, to say the least, at other higher level judicial and police officials, who have clearly tried to cover up the abuses and are not facing any proceedings. This is in stark contravention of the Islamic Penal Code that stipulates that in the event of the death of a defendant or a convict as a result of ill treatment, the person who has issued the orders and the direct culprit shall both be prosecuted (Articles 578-579 ). It also blatantly violates Iran's international obligations under the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified in 1975.

The International Federation of Human Rights (FIDH) and the Iranian League for Defence of Human Rights (LDDHI) regard these proceedings as a travesty of justice, because the authorities limited the investigation and proceedings to lower level police officers to cover up for and grant impunity to higher responsible judicial and police officials. In this sense, the FIDH and the LDDHI:

- Express support for the call of the Mourning Mothers, who have lost their children during the protests, for justice and an independent enquiry.
- Call on the Iranian authorities stop torture and ill treatment of prisoners and detainees, to grant them immediate and regular access to their families and lawyers of choice and to abide by the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ;
- Call on the Iranian authorities to publish names and positions of the defendants and details of the recent proceedings and to repeal the death sentence against them;
- Call on the Iranian authorities to end the practice of granting impunity to violators of human rights and initiate investigations about the involvement of all other officials in abuses, including, but not limited to, Judge **Saeed Mortezaei**, Judge **Hassan Haddad**, Judge **Ali Akbar Haydarifard**, MP **Hossein Fadaie**, as well as Generals **Esmā'il Ahmadi Moqaddam**, **Ahmad-Reza Radan** and **Azizollah Rajabzadeh**, and to bring to justice without recourse to the death penalty all those who ordered or perpetrated abuses against detainees;
- Urge the Iranian authorities to initiate proceedings against **Saeed Mortezaei**, who has been involved in previous human rights violations including the 2003 death of Ms. Zahra Kazemi, the Iranian-Canadian photojournalist.

The FIDH and the LDDHI renew their urgent call on the international community to adopt effective mechanisms to monitor and investigate the ever-worsening state of gross human rights violations in Iran.