



REPORT ON CRIMES AGAINST
HUMANITY COMMITTED IN IRAN
ON THE ORDERS OF MR ALI
KHAMENEI – SUPREME LEADER
OF THE ISLAMIC REPUBLIC OF
IRAN

CRIMES AGAINST
HUMANITY IN
IRAN

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Summary

FOREWARD 2

INTRODUCTION, PRESIDENTIAL ELECTION OF 12 JUNE 2009, ELECTORAL FRAUD AND REPRESSION ... 3

PART 1. CRIMES AGAINST HUMANITY IN IRAN 5

I. THE CLASSIFICATION AS CRIMES AGAINST HUMANITY OF ACTS COMMITTED AGAINST THE IRANIAN PEOPLE 5

A. The definition of crimes against Humanity as set down by article 7 of the Rome Statute 5

B. The existence of a widespread or systematic attack directed against the Iranian civilian population, with knowledge of the attack..... 6

1. The concept of a widespread or systematic attack directed against any civilian population . 6

2. The situation of Iran meets the definition of a widespread or systematic attack against the civilian population..... 7

C. Crimes against Humanity as set down by article 7 of the Rome Status perpetrated against the Iranian civilian population in the framework of a widespread attack..... 11

1. Murders..... 11

2. Imprisonment, torture and rape..... 14

II. ALI KHAMENEI IS RESPONSIBLE FOR CRIMES AGAINST HUMANITY AGAINST THE IRANIAN POPULATION 22

PART 2. REFERRAL TO THE INTERNATIONAL CRIMINAL COURT BY THE UNITED NATIONS SECURITY COUNCIL..... 25

I. CRIMES WITHIN THE JURISDICTION OF THE ICC..... 25

II. JURISDICTION RATIONE TEMPORIS OF THE ICC..... 25

III. PRECONDITIONS TO THE EXERCISE OF THE ICC’s JURISDICTION 25

IV. PERSONS WHO CAN BE JUDGED BY THE ICC 27

CONCLUSION 29

ANNEXES 31

FOREWARD

After the popular uprising following the fraudulent re-election of Mahmoud Ahmadinejad in June 2009 as President of the Islamic Republic, the international community was incapable of speaking with a single voice, in order to ensure that the Iranian people had the opportunity to make its own sovereign decision concerning its future. The indecision of the major countries of the world contributed to an increase in repression and the suffocation of the Iranian people's democratic aspirations.

Events after the election did however present the opportunity to identify the real problems facing Iran. These problems are political, institutional and social. The time has come for the international community to renounce the use of military force and to find the courage to accept the demands of all Iranians.

Justice is a central pillar in the fight for freedom and democracy. On 15 December 2011, I called on the heads of state and governments of the member countries of the United Nations Security Council to request the International Criminal Court (ICC) to take action against the Supreme Leader of the Islamic Republic, Mr Ali Khamenei. I in fact accuse Mr Ali Khamenei of bearing the entire responsibility for all political crimes committed by the Islamic Republic, and thus of being guilty of crimes against Humanity within the meaning of the Rome Statute.

My call was published a few weeks in advance on the social network websites through the Internet, thus allowing thousands of my compatriots to make their contribution and to participate in the drafting of this text. This project therefore came into being with the active participation of thousands of Iranians.

Both my compatriots and I are motivated by the same hope for justice. We are working together to bring our democratic project for Iran to fruition. In order to do this, we firstly have to prove that Mr Ali Khamenei bears the responsibility for crimes against Humanity perpetrated against Iranian citizens.

The institution of which he is the figurehead concentrates all political, economic, social and media power. His powers give him direct access to the executive and legislative authorities and to the judiciary. Mr Khamenei therefore bears the main responsibility for all crimes perpetrated against the Iranian people and we demand that he answers for this before an independent court whose mission is to uphold Human Rights.

This document is the result of work I have carried out with lawyers and defenders of Human Rights. It is the first report which we intend to present to the heads of government of member countries of the United Nations Security Council. It provides proof that the leaders of the Islamic Republic – and more particularly the Supreme Leader, Mr Ali Khamenei – are guilty of crimes against Humanity perpetrated against the Iranian people.

There will be a second supplementary report, which will provide further information confirming the involvement and responsibility of the leaders of the Islamic Republic in the carrying out of crimes against Humanity in Iran.

Reza Pahlavi

INTRODUCTION, PRESIDENTIAL ELECTION OF 12 JUNE 2009, ELECTORAL FRAUD AND REPRESSION

There were four candidates for the presidential election held in Iran on 12 June 2009: the outgoing President, Mr Mahmoud Ahmadinejad, and Mr Mohsen Rezai on the conservative side, and Mr Mir-Hossein Moussavi and Mr Mehdi Karroubi for the reformist camp.

This election raised the hopes of the Iranian people, who desired the departure of Mahmoud Ahmadinejad. An analysis of his first term of office had in fact shown an escalation of all those situations of crisis which Iran had already been facing. There had been no economic or social reforms which could have improved the standard of living or lead to an increase in wages. Moreover, the country had become increasingly isolated on the international scene, threats of war had increased and wealth derived from the country's natural resources had been distributed exclusively to those faithful to the regime.

This election therefore gave the Iranian people the opportunity to vote against Mr Mahmoud Ahmadinejad.

The vote started on 12 June 2009. The day after, 13 June, the outgoing President, Mr Mahmoud Ahmadinejad was officially declared the winner of the election with 62.6 % of votes, in front of Mr Mir-Hossein Moussavi who had received 33.75 % of the vote.¹

The announcement of these results opened the door to a long political crisis, with a widespread protest movement involving Iranian civil society, which demonstrated against the victory of Mr Mahmoud Ahmadinejad. These results were in fact considered, by both the reformist camp and the international community, as being a result of large scale electoral fraud.

On 14 June 2009, Mr Mir-Hossein Moussavi petitioned the Guardian Council for the cancellation of the election². This petition was rejected.

Faced with a non-violent mass protest movement, the highest governing bodies of the Islamic Republic ordered the repression of all forms of civil and political protest. Telephone and internet communications were blocked in order to prevent Iranians from communicating among themselves and with the rest of the world. In this way, the regime's authorities wanted to stop Iranians from testifying to the terrible events which were taking place in the country.

On 16 June, foreign journalists were forced to stop their activities and ordered not to cover the post-election demonstrations. Hundreds of Iranian journalists were arrested and imprisoned.

These intimidation measures were not enough to stop the people from expressing their discontent. They continued their protest. This led to hundreds of thousands of Iranian citizens protesting in the streets of Iran's major cities against the official results of the presidential election. The response of the regime's leaders to these demonstrations was to order that they be repressed, going on to publicly announce that this repression would increase in intensity.

¹ *Le Monde* – 13 June 2009 « Election in Iran : Mahmoud Ahmadinejad re-elected», http://www.lemonde.fr/proche-orient/article/2009/06/13/mahmoud-ahmadinejad-en-route-vers-la-victoire_1206422_3218.html

² *Le Monde* – 14 June 2009 « The opposition demands the cancellation of the Iranian election», http://www.lemonde.fr/proche-orient/article/2009/06/14/arrestation-de-responsables-reformateurs-pres-une-nuit-d-emeutes-a-teheran_1206723_3218.html

The Supreme Leader, Mr Ali Khamenei, himself declared as follows in the Friday prayer sermon of 19 June 2009: « *Politicians who have influence over the people should take care. Their actions are extremist and this extremism will reach a point of no return (...) they will be responsible for the blood, the violence and the chaos* »³.

Over a period of several months, the repressive measures used by the Islamic Republic's security forces resulted in murders, arbitrary imprisonment, torture and rape, as well as enforced disappearance.

The acts which took place during this widespread and systematic attack against a civilian population are though treated as crimes against Humanity by article 7, paragraph 1 of the Rome Statute.

As the repression exercised by the Islamic Republic's security forces and militias took the form of a widespread or systematic attack against the Iranian civilian population, the crimes listed by article 7 of the Rome Statute and committed in this context may therefore be classed as crimes against Humanity.

The first part of this report will therefore described the situation in Iran in the context of which crimes against Humanity were committed by the regime (**Part 1**), and which now justify the intervention of the UNSC to refer these crimes to the International Criminal Court (hereafter the « ICC »), in order to ensure that those responsible for these crimes – more particularly meaning Mr Ali Khamenei - will be judged (**Part 2**).

³ *Libération* – 19 June 2009 « *Khamenei : Le peuple a choisi celui qu'il voulait* », <http://www.liberation.fr/monde/0101575051-khamenei-le-peuple-a-choisi-celui-qu-il-voulait>

PART 1. CRIMES AGAINST HUMANITY IN IRAN

I. THE CLASSIFICATION AS CRIMES AGAINST HUMANITY OF ACTS COMMITTED AGAINST THE IRANIAN PEOPLE

A. The definition of crimes against Humanity as set down by article 7 of the Rome Statute

The Rome Statute is the first law to confirm a reference definition of crimes against Humanity. Before the Rome Statute came into force and the ICC created, crimes against Humanity meant crimes committed in particular circumstances and deemed to be so serious that they could not be treated as ordinary criminal acts.

Article 7 of the Rome Statute provides the following definition:

«For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.»

In order to determine whether any one of the acts described above can be treated as a crime against Humanity, the circumstances in which such act was committed must be taken into account. What is in fact important are the circumstances surrounding any one of the acts listed above, which cause it to be treated as either a common crime or a crime against Humanity.

The classification as crimes against Humanity of the acts listed in article 7 of the Rome Statute thus implies that they are committed in particular circumstances.

The Rome Statute defines these particular circumstances as being « *a widespread or systematic attack directed against any civilian population* ». This implies that the carrying out of the acts listed in article 7 of the Rome Statute are not exceptional but multiple and repeated, and are used to further a strategy defined by an organization or by a State⁴. Given this, the commission of just one act can therefore be classed as a crime against Humanity⁵.

B. The existence of a widespread or systematic attack directed against the Iranian civilian population, with knowledge of the attack

1. The concept of a widespread or systematic attack directed against any civilian population

According to paragraph 2 a) of article 7 of the Rome Statute, an « *attack directed against any civilian population* » means a course of conduct involving the multiple commission of acts referred to in paragraph 1 of this same article against any civilian population, pursuant to or in furtherance of a State or organizational policy.

It therefore has to be proved that the attacks were directed against the civilian population in different parts of the country.

« *Widespread* » means that attacks are directed against the civilian population in different parts of the country and not in one particular place, which leads to the presumption that the crimes committed cannot be a result of a decision made locally by just one local authority.

« *Systematic* » means that the acts listed in article 7 of the Rome Statute must involve a repeated attack against the civilian population. However, such acts can be systematic without in fact constituting crimes against Humanity. If the circumstances surrounding their commission do not constitute the furtherance of a policy implemented with this intention, they will not be classed as « *systematic* ».

Given this definition, it can be argued that the acts committed by the Islamic Republic constitute a widespread or systematic attack directed against a civilian population, with knowledge of the attack.

⁴ ICTY, Prosecutor v. Kunarac et al., Case No. IT-96-23-T & IT-96-23/1-T, Judgment, 22 February 2001

⁵ ICTY, Prosecutor v. Mrksic et al., Case No. IT-95-13-R61, Review of the Indictment Pursuant to Rule 61 of the Rules of Procedure and Evidence, ¶ 30 (Apr. 3, 1996).

2. The situation of Iran meets the definition of a widespread or systematic attack against the civilian population

a. The Iranian population as the target of a widespread or systematic attack

The people targeted by the repression organized by the Iranian regime were civilians, who were not members of any group whose activities, by their very nature, could be treated as being hostile to the authorities. These civilians are, above all, citizens, victims of an electoral fraud organized by the leaders of the Islamic Republic with the intention of maintaining Mr Mahmoud Ahmadinejad's position as President of this regime.

During the demonstrations which followed the 2009 election, the protestors did not at any time use armed force. Consequently, they maintained their status as Iran's civilian population. Neither their political demands nor their mobilization deprived them of this status, as the protestors did not at any time use violence or weapons. Their demonstrations and demands that their fundamental rights be respected remained peaceful, despite the provocation organized by the regime's leaders.

The regime's repression of the protestors thus clearly constitutes an attack directed against a civilian population, as required by article 7 of the Rome Statute.

b. The widespread and systematic nature of the attack directed against the Iranian civilian population

- The presence of the Islamic Republic's ideological forces is proof of the organized and widespread nature of the repression of the Iranian civilian population

The importance and diversity of the security forces present on the Iranian streets confronting the protestors is proof that the mission given to them was not a usual public order mission.

In fact, the security forces confronting the protestors were not simply the ordinary law and order police, but also included and were supplemented by thousands of members of the Guardians of the Revolution, the Basij militia and the organization «*Ansar-e Hezbollah*» (see photographs 1 and 2 in annexe). These forces in fact constitute a back-up for the ideological forces which serve to preserve and maintain the Islamic Republic.

Thus, the army of the Guardians of the Revolution is a para-military organization founded on 5 May 1979, which reports to the Supreme Leader of the Islamic Republic. Its mission is to ensure the preservation of the regime and its purpose is to take action not only against the population but also against foreign powers (as was the case during the Iran-Iraq war).

The Basij militia is an organization made up of volunteers in civilian clothing whose mission is to protect the regime and to combat any form of protest or behaviour deemed deviant and non-Islamic. They are established throughout the country and are also mobilized during protest movements with the aim of infiltrating demonstrations and repressing those taking part.

Finally, the Ansar-e Hezbollah organization is a para-military organization founded in 1995 and entirely devoted to the Supreme Leader and to the ideology of Velayat-e Faghih. The majority of its members are drawn from the Basij, and their mission is to ensure that the population respects

the precepts of Islam. They cannot be identified by any uniform. As with the Basij, they are in civilian clothing.

The diversity of security force members who were present on the ground to suppress protestors is proof that the repression of the Iranian civilian population was planned and widespread. In fact, the numbers involved and the diversity of the forces involved implies that there was prior organization in order to determine the missions of each one of these forces, to ensure coordination on the ground so that they could complete their mission, and to ensure the success of the operation in which they were all involved.

This is moreover confirmed by the testimony of a senior officer of the security forces ⁶ (see Annexe 2), who fled Iran and who had participated in the implementation of the plan known as «*Shahid Hemat*»:

« About eighteen months before the election, Colonel Pasdar Khancherly, director of operations, was called to a meeting held at the « Sarallah » headquarters. The purpose of this meeting was to prepare the « Shahid Hemat » plan. I attended this meeting in my capacity as a senior officer. The headquarters' commander and all of the officers were also present, together with a representative of the intelligence services.

The theme of this meeting was how to control unrest in the country, and in particular in Tehran. The meeting report was sent to all officers of the intelligence services and the security forces.

It was by organizing successive meetings such as this one, with the attendance of military chiefs, that the initial phases of the plan were prepared. A three-day operational plan on the ground was prepared. The speed with which this plan was prepared is proof of its importance. All the officers involved were surprised, firstly because they already had a heavy work load, and secondly its implementation would normally have been dealt with by the special forces responsible for controlling unrest. The justification given for their involvement in this plan was that all forces should be mobilized in a period of crisis.

A second test on the ground was carried out 7 or 8 months later, and all documents concerning this operation were classed as defence secrets. All of the armed forces were obliged to implement this plan at the time of the protests. The use of these forces and the strict implementation of the plan on the day of the election made us aware of its strategic importance».

The presence of the Guardians of the Revolution, the Basij and members of Ansar-e Hezbollah is proof of the fact that the end-aim of the operation was neither to maintain public order nor to manage the demonstration so that the protestors could demonstrate peacefully. Maintaining law and order did not in fact require the mobilization of the Islamic Republic's ideological forces. On the contrary, the mobilization of these forces clearly shows that the leaders of the Islamic Republic considered these demonstrations, which were moreover peaceful, as endangering the regime's direct interests, and as a result the Islamic Republic's ideological forces were mobilized to attack the protestors using all means, including violence.

⁶ Mr.x., a senior officer, was in a position that allowed him to know the details of the suppression plan decided by Mr.Ali Khamenei, which was implemented June 13, 2009.

Finally, the intervention of forces in civilian clothing (Basij and Ansar-e Hezbollah) is, of itself, confirmation of the intention to suppress the protestors using violence. The intervention of forces in civilian clothing in fact had the advantage for the regime of being able to more closely infiltrate the protestors, thus being able to take them by surprise and more easily suppress them. This is why a number of protestors were seriously injured, with knives or clubs and metal bars during the demonstrations. In addition, the intervention of forces in civilian clothing has the advantage for the regime of being able to use considerable violence to suppress protestors, and at the same time limiting the collection of photographic or video proof, as the absence of uniforms prevents them from being identified and they cannot be distinguished from the civilian population.

- The systematic intervention of the Islamic Republic's ideological forces in the repression of the Iranian civilian population

The presence of the Islamic Republic's ideological forces throughout the country is proof that the repression is the result of prior organization decided at national level by the political or military authorities. The regime's ideological forces were in fact seen during attacks directed against universities and university dormitories in the cities of Zahedan⁷, Mashhad, Babol and Tabriz⁸.

This mobilization of the regime's ideological forces was not therefore specific to a given city in which the maintenance of law and order had encountered difficulties because of the number of protestors and their actions. On the contrary, these forces were mobilized in an identical manner in several of Iran's major cities and they carried out their attacks against similar targets, in this case universities and university dormitories.

It is therefore clear that the organization of the security forces, and the targets which they were primarily intended to attack, was the result of a plan prepared by national political or military authorities, and that the operations were conducted in a systematic manner in several Iranian cities in furtherance of this national plan.

- Attacks carried out against previously identified targets

The facts show that the first attacks were directed against universities and students throughout the country. There is therefore reason to think that a specific category of the civilian population was the primary target of this repression. It is therefore clear that a plan was prepared by a national political or military authority in order to involve the Islamic Republic's security forces in the repression of students.

It should be recalled here that in 1999 several thousand students had protested against the closure of a reformist newspaper. This had thus alerted the leaders of the Islamic Republic of the strength of the protest movement involving students.

⁷ Amnesty International – 17 June 2009 « *Arrest and Killings Rise as Election Protest Grip Iran* », <http://www.amnesty.org/en/news-and-updates/news/arrests-and-killings-rise-election-protests-grip-iran-20090617>

⁸ Committee of Human Rights reports – 15 June 2009, <http://www.iranhrdc.org/english/publications/reports/3161-violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran.html?p=34>

There is every reason to believe that the repression of Iranian students and the attacks directed against university dormitories were a result of a policy defined in advance by the Islamic Republic's national authorities, and that the post-electoral repression which hit Iranian students took place in furtherance of this policy.

Thus, on 15 June 2009, in other words two days after the declaration of the official results of the presidential election, the media reported the arrest of around one hundred students from Tehran University, after an attack directed at the university dormitories⁹. From images filmed by a member of the security forces, and disseminated 9 months later¹⁰, it appears that the attack was carried out by the Basij, dressed for the occasion in riot gear and using tear gas and airguns.

Several students died during this operation. Fatemeh Barati, Mobina Ehterami, Mohsen Imani, Kasra Sharafi, and Kambiz Shoai were beaten to death by the Basij¹¹. Two people, Iman Namazi and Mostafa Qaniyan, were also shot dead that same evening during the attack on the Tehran University dormitories¹². According to information obtained, similar attacks took place in other universities throughout the country¹³, in particular the universities of Isfahan, Tabriz and Shiraz¹⁴. In addition, in order to protest against the attacks directed against students at Shiraz University, the University's president, Mr Mohammad Hadi Sadeqi, resigned¹⁵.

During the night of 14 to 15 June 2009, bodies were hastily buried by the Islamic Republic's forces, without the victims' families being informed¹⁶. Families, which had demanded that the bodies of family members who had died during this attack be returned to them, then came under considerable pressure and received serious threats from the regime's police and courts¹⁷.

Finally, during the major demonstration of 15 June 2009, Mr Mir-Hossein Moussavi and Mr Mehdi Karroubi, reformist candidates for the presidential election, joined the protestors in Tehran. Mr Moussavi made a speech demanding that the people's vote be respected¹⁸. During this day, the security forces did not launch any attacks and limited themselves to policing the demonstration, despite the fact that this demonstration had been prohibited by the authorities¹⁹.

⁹ BBC Persian Service – 22 February 2010, <http://www.youtube.com/watch?v=XE7kE8PQpxo> (The video of the attack on Tehran university dormitories only came to light on 22 February 2010)

¹⁰ Ibid.

¹¹ The Guardian – 14 June 2009 – « *Death in the dorms: Iranian students recall horror of police invasion* », <http://www.guardian.co.uk/world/2009/jul/12/iran-tehran-university-students-police> (the article is dated Sunday 12 June 2009, which does not exist. Given the facts reported, it appears that the date is a mistake and in fact concerns 14 June 2009).

¹² Iran human Rights documentation centre – Feb 2010 « Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran », <http://www.scribd.com/doc/26814347/Violent-Aftermath-The-2009-Election-and-Suppression-of-Dissent-in-Iran>

¹³ BBC Persian Service – 15 June 2009 « *Unrest Spreads in Iran's Universities* », http://www.bbc.co.uk/persian/iran/2009/06/090615_ba-ir88-uni-unrest.shtml

¹⁴ Committee of human rights reporters – 15 June 2009, <http://www.iranhumanrights.org/tag/iranelection/>

¹⁵ The Guardian – 16 June 2009 « *Unrest in Iran Spreads to the Provinces as Students Clash with Security Forces* », <http://www.guardian.co.uk/world/2009/jun/16/iran-shiraz-university-chancellor-resignation>

¹⁶ Le Monde – 2 September 2011 « *L'UE décrète un embargo sur les importations de pétrole syrien* », http://www.lemonde.fr/proche-orient/article/2011/09/02/l-ue-decrete-un-embargo-sur-les-importations-de-petrole-syrien_1566983_3218.html

¹⁷ Bamdad Khabar – 16 June 2009 « *Government of the Coup Buried the Bodies of the Martyrs of University Dorms* », http://www.bamdadkhabar.org/2009/06/post_1909/

¹⁸ Khabgard – 16 June 2009 « *Speech of Mir-Hossein at June 15 Demonstration* », <http://www.khabgard.com/?id=-1534175924>

¹⁹ New York Times – 16 June 2009 « *Defiance Grows as Iran's Leader Sets Vote Review* », http://www.nytimes.com/2009/06/16/world/middleeast/16iran.html?_r=1

There were however violent clashes in the cities of Ahvaz²⁰ and Shiraz²¹. In Shiraz, the security forces fired into the air and the police commander for the Fars province, Ali Moayeri, authorized his forces to fire live ammunition into the protestors.

- The Iranian civilian population was a victim of an attack directed against it in furtherance of a policy determined in advance

All of the information gathered shows that the attacks directed against the Iranian civilian population were initially directed against Iranian students at places where they were to be found in large numbers, in other words the university dormitories. The attacks took place at night, when the students were sleeping. The students were therefore attacked when they were committing no unlawful act and were involved in no public order offences.

Moreover, these attacks were directed against all students, with no distinction whatsoever. This means that the operations were not intended to lead to the arrest of certain students – further to a specific warrant and as the alleged perpetrators of a breach of the law – but against them all.

The Islamic Republic's security forces also used disproportionate force. It further appears that this disproportionate use of force was intentional, given that the attacks were carried out by the Basij and were directed against all students. The fact that this disproportionate use of force was planned is all the clearer in that the means made available to the security forces very largely exceeded those generally made available to officers entering places, at night, where unarmed civilians were present, for whom there were no grounds to suspect that the latter were involved in violent actions.

Finally, the fact that these attacks were directed against students in different cities in the country, using repressive methods and with the cooperation of the ideological forces proves that these attacks were both widespread and systematic.

C. Crimes against Humanity as set down by article 7 of the Rome Statute perpetrated against the Iranian civilian population in the framework of a widespread attack

1. Murders

According to article 7, paragraph 1 a) of the Rome Statute, murder is a crime against Humanity when committed in the framework of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

a. Murders committed in the framework of a widespread attack directed against the Iranian civilian population

The repression after the election resulted in a number of murders committed by the Islamic Republic's security forces. The security forces did not use conventional methods with the intention of maintaining law and order, during the demonstrations against electoral fraud of 12 June 2009. As mentioned above, the presence in the demonstrations of the Basij, the Guardians

²⁰ Associated Press – 15 June 2009 « *Protestors Rally for Mousavi in Election Dispute* », <http://www.msnbc.msn.com/id/31365097/>

²¹ Msnbc – 15 June 2009 « *Protestors Rally for Mousavi in Election Dispute* », <http://www.msnbc.msn.com/id/31365097/>

of the Revolution and members of Ansar-e Hezbollah is proof that the regime leaders' intention was to suppress the protestors, and not to manage their peaceful demonstrations.

Moreover, the Islamic Republic's security forces had no hesitation in using firearms to quash the demonstrations (see video 1, video 2, video 3, video 4, video 5, video 6, video 7 – description of the videos in annexe 2 ; see photograph 3). There can therefore be no argument of legitimate defence to justify the methods used. It is however only in a situation of legitimate defence that a member of the security forces is, in principle, authorized to use his service weapon.

Some members of the security forces in fact positioned themselves on rooftops in order to fire live ammunition into the civilian population (see video 9 – description of videos in annexe 2).

This appears very clearly in a video made by a protestor and uploaded to YouTube²². On 15 June 2009, Nasser Amirnejad was shot dead²³. Mehdi Karami and Massoud Khosravi were also shot dead the same day²⁴. This was also the case for Davoud Sadri, whose family only found out about the causes of his death several weeks later²⁵. Kianoush Asa also died from a shot to the side and one to the neck²⁶, and his body was only discovered by his family nine days later, in other words 24 June 2009, in the mortuary of the hospital to which he had been transferred.

In the face of the violence perpetrated by the Islamic Republic's security forces, Mr Mir-Hossein Moussavi sent a letter to the Islamic Republic's National Security Council to condemn the conduct of the security forces, whose members had been dressed in civilian clothing, and to protest at the use of clubs and guns against «*peaceful protestors*»²⁷.

This letter is a testimony to the truth of the violent actions against the protestors, and denounces the methods used, the aim of which was to commit murder and to propagate fear.

The reply of the Supreme Leader of the Islamic Republic, Mr Ali Khamenei, to this call made by Mr Moussavi, was given in the Friday prayer sermon, as follows: «*If the political elite does not respect the law and makes bad decision, they will be responsible for all resulting acts of violence or riots* »²⁸. In other words, Mr Ali Khamenei put the responsibility for this violence and for these deaths on the people who had called for the demonstrations.

The testimony of a senior officer confirms that the security forces involved in the repression had excessive means available to them, compared with what was needed to maintain law and order:

« A few hours after the election results had been declared, there were popular demonstrations. The armed forces were well prepared. They used heavy weapons, which are not generally used during demonstrations, and in particular fire arms. Live

²² Video File: *Basiji* Attacking People at Azadi Square after the Election – 16 June 2009, http://www.youtube.com/watch?v=BeJLbn9Vs_Q

²³ Nasser Amirnejad – Iranrights.org, <http://www.iranrights.org/english/memorial-case-61366.php>

²⁴ Hra News – 28 July 2009 «*List of the Identified Dead Reached 78 Peoples*», <http://www.hra-news.org/news/2610.aspx>

²⁵ Rooz Online – 1 August 2009 «*Nader Karami, Basiji Shooter Killed Davoud Sadri* », <http://www.roozonline.com/english/news3/newsitem/article/basiji-shooter-killed-davoud-sadri.html>

²⁶ Radio Farda, 19 August 2009 - *My Mother Will Never Believe Kianoosh's Death*, <http://www.radiofarda.com/articleprintview/1802961.html>

²⁷ Reuters – 17 June 2009 «*Iran Set for a Day of Mourning after Protest Deaths* », <http://www.reuters.com/article/idUSTRE55F54520090617>

²⁸ Khamenei.ir – 19 June 2009 – «*Friday prayer sermon* », http://french.khamenei.ir//index.php?option=com_content&task=view&id=1042&Itemid=47

ammunition was fired into the protestors, and stun guns, bayonets, cutters, clubs and iron bars were also used».

b. Ali Khamenei's call to commit murder

In the Friday prayer sermon of 19 June 2009, the Supreme Leader, Ali Khamenei, made it known that the repression would continue and that acts of violence committed by the Islamic Republic's security forces, in particular murders, would not involve the responsibility of the perpetrators of these acts, but that of the protestors and of those who had encouraged them to demonstrate in the streets. In other words, the Supreme Leader made it clear that the protestors themselves were responsible for risking their own lives.

This sermon therefore confirmed the decision made by the Islamic Republic's highest authorities to blindly and violently repress any person demonstrating opposition to the results of the presidential election of 12 June 2009.

The day after this sermon, and clearly believing that they enjoyed increased legitimacy, the security forces, dressed in civilian clothing, again attacked the protestors by infiltrating the demonstrations and then attacking the protestors with guns, blades and knives²⁹.

20 June 2009, Neda Agha-Soltan was shot dead³⁰.

23 June 2009, Kaveh Alipour was killed by a shot to the head³¹.

25 June 2009, members of the security forces continued their armed attacks from roof tops³².

1 July 2009, Ashkan Sohrabi was killed by a shot to the chest³³.

21 July 2009, Massoud Hashemzadeh was also killed by a shot to the chest³⁴.

a. Murder as an instrument of repression

It is therefore clear that the continuation of the repression was officially proclaimed by the Supreme Leader of the Islamic Republic, who, through his sermon of 19 June 2009, cleared the perpetrators of the violence which had led to the death of dozens of protestors of any responsibility.

By making this speech, the Supreme Leader had not questioned either the violence used against the protestors, or the methods used to repress the demonstrations. Quite to the contrary, he confirmed the continuation of this repression, even threatening its intensification, using the unconventional methods which had already been used.

²⁹ BBC Persian Service – 20 June 2009 « *Iran Police Clash with Protestors* », <http://news.bbc.co.uk/2/hi/8110582.stm>

³⁰ New York Times – 22 June 2009, <http://www.nytimes.com/2009/06/23/world/middleeast/23neda.html> AND http://www.youtube.com/watch?v=d90bwM4No_M&feature=related

³¹ Wall Street Journal – 23 June 2009 « *Son's Death Has Iranian Family Asking Why* », <http://online.wsj.com/article/SB124571865270639351.html>

³² Video File: Shooting of the *Basij* at the Civilians – 25 June 2009, <http://www.youtube.com/watch?v=srzMo4Zatcg&feature=PlayList&p=BBE591B85F04F82A&index=43>

³³ Rooz Online – 1 July 2009 « *My Brother Was Only 18* », <http://www.roozonline.com/english/news3/newsitem/article/my-brother-was-only-18.html>

³⁴ BBC Persian Service – 21 July 2009 « *New Information Regarding the Death of Masoud Hashemzadeh* », http://www.bbc.co.uk/persian/iran/2009/07/090721_nm_iran_hashemzadeh.shtml

In fact, in various parts of the country, the security forces used fire arms without being in a position of legitimate defence. The use of live ammunition can only be explained by the intention to kill members of the civilian population, who were however peacefully demonstrating in the street.

2. Imprisonment, torture and rape

According to articles 7, paragraph 1, a), e) and f) of the Rome Statute, imprisonment, torture and rape constitute crimes against Humanity when committed in the framework of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

The testimonies of those who escaped the Islamic Republic's jails reveal the extent and frequency of these practices during the post-election repression.

a. Imprisonment or other severe deprivation of physical liberty

- The «Moharebeh» charge to justify the arbitrary imprisonment of the Iranian civilian population

Numerous protestors arrested during the post election events were brought before the Islamic Republic's revolutionary courts and judged for having committed the crime of «*Moharebeh*», which means «*war against God*».

This charge can be made for any act which goes against the interests of the Islamic Republic. There is in fact no definition of the crime of Moharebeh. It is therefore a tool which allows the regime to accuse any person and to condemn this person to any sentence. The crime of Moharebeh can therefore lead to the death penalty.

The classification of an action, regardless of its reality, can therefore lead to the perpetrator being judged for the crime of Moharebeh. This classification therefore directly depends on the penal policy applied by the head of the judiciary (who, as will be seen, is appointed by the Supreme Leader of the Islamic Republic, and who can be removed from office at any time if he does not comply with order; in other words, the head of the judiciary must follow orders given to him by the Supreme Leader.)

In addition, the benefit for the Supreme Leader in having a citizen charged with the crime of Moharebeh lies in the fact that his authority makes him a religious reference for the clergy. His interpretation of Islamic law takes precedence over all other interpretations proposed by other religious leaders and, therefore, over non-religious authorities. As a result of this prerogative, he can issue interpretations of circumstances, thus providing a legal basis for harsher sentences as a result of a conviction of the crime of Moharebeh.

These interpretations are in fact the result of a judicial policy which the Supreme Leader can apply in the short term. If the circumstances demand that the judiciary be used as an instrument to repress protestors, then the Supreme Leader simply has to interpret the act of demonstrating, challenging his power and attacking the foundations of the Islamic Republic, as a crime of Moharebeh. If there are other events which demand that the Supreme Leader mobilizes the judiciary, then he is free to interpret any other act as constituting the crime of Moharebeh. A political demonstration and drug trafficking can therefore both be treated in the same way as crimes of Moharebeh.

The crime of Moharebeh is thus an effective instrument of judicial repression, in that it allows the Supreme Leader all the freedom necessary to use the judiciary to repress protestors and any other behaviour which the regime finds unacceptable, and also allows him to order penalties which can include the death penalty.

- The use of Moharebeh against protestors since 2009

The charge of Moharebeh was used against numerous protestors arrested during the post-election demonstrations. Their arrests, which for the most part took place when they were participating in a peaceful demonstration, subsequently led to them being brought before the courts and receiving severe sentences. Despite the fact that their action was peaceful, it was the expression of their opposition which was condemned by the courts of the Islamic Republic, and which was judged as a crime of Moharebeh.

On 21 February 2008, Shabnam Madadzadeh and his brother were arrested for national security offences and found guilty of the crime of Moharebeh on 27 January 2009. They were sentenced to 5 years' imprisonment.

On 13 June 2009, Shiva Nazar-Ahari was arrested and then released on bail of \$ 200 000. She was again arrested on 20 December 2009 when going to the funeral of Ayatollah Montazeri. She was released on bail of \$ 500 000 on 12 September 2010 but was charged with the crime of Moharebeh and sentenced to 6 years' imprisonment and 74 lashes. Her sentence was reduced on appeal to 4 years' imprisonment. She never denied that she was active in the defence of Human Rights and in the feminist campaign «*One million signatures*».

On 9 July 2009, Majid Dori was arrested in Qazvin and imprisoned. He was found guilty of the crime of Moharebeh in December 2009 and sentenced to 10 years in prison.

On 6 December 2009, Hamid Haeri was arrested when the intelligence services raided his home. He was found guilty of the crime of Moharebeh and sentenced to 15 years in prison.

On 27 December 2009, Abolreza Ghanbari was arrested during anti-government protests. He was found guilty of the crime of Moharebeh and condemned to death. This sentence was confirmed on appeal.

On 31 December 2009, Maryam Akbari-Monfared was arrested when the intelligence services came to her home because she had participated in anti-government protests on 27 December 2009. She was immediately imprisoned at the Evin prison in Tehran and accused of the crime of Moharebeh.

On 28 January 2010, Mohammad-Reza Ali Zamani and Arash Rahmanipour were hung after being found guilty of the crime of Moharebeh, because of their membership of a monarchist political organization.

On 9 May 2010, Farzad Kamangar, Ali Heidarian, Farhad Vakili, Mehdi Eslamian and Shirin Alahouli were executed after being found guilty of the crime of Moharebeh.

On 19 May 2010, Masoumeh Yavari and Zahra Jabari were sentenced to 7 and 4 years imprisonment, after being found guilty of the crime of Moharebeh. Zahra Jabari had been arrested on 18 September 2009 during anti-government protests.

On 17 May 2011, Mohammad and Abdullah Fathi were executed in Isfahan. They had been found guilty of the crime of Moharebeh on the grounds of their membership of a dissident political organization.

b. The crimes of torture and rape committed against imprisoned protestors

On 11 August 2009, the former candidate, Mehdi Karroubi, was the first to denounce the torture and rape of protestors detained in Iranian prisons³⁵. On that same date, the authorities acknowledged that 4 000 people had been arrested and that 300 were still in custody³⁶.

The arrests made during the demonstrations were followed by the total isolation of the people concerned; it was impossible for their families to discover where they were being held. For most of them, this was the state of affairs for several weeks³⁷. Others though died whilst being tortured during their detention.

On 15 June 2009, when he had participated in Mir-Hossein Mousavi's election campaign in the city of Mashhad, Hamid Maddah Shourcheh was arrested during the demonstration which took place that day, and was held in detention. A few days after his release, he died following a brain haemorrhage caused by the treatment he had received in prison³⁸.

On this same day, Amir-Hossein Toufanpour was arrested during a demonstration in Tehran. His family started to search for him when they received a telephone call during the evening informing them that he had been shot in the arm, and that he was being treated at the Tehran Hazrat-e Rasoul hospital. They did not however manage to find him. It was only four days later that his body was discovered. He did indeed have a gunshot wound in his arm, but also another gunshot wound in the chest and yet another at the waist. His arms and nose had been broken and he also had a deep gash at the back of his head which had been filled with cotton wool, presumably to stop the bleeding³⁹.

On 9 July 2009, Ali Akbar Kheradnejad participated in a demonstration in Tehran. He was arrested by the Basij during the afternoon. He has stated that he was continually beaten by the Basij from the time he was arrested⁴⁰.

Again on this day, Amir Javadifar was arrested in Tehran. Ali Akbar Kheradnejad was detained with Amir Javadifar. He has reported that the doctor present in the prison had asked that one of the arrested people take Amir Javadifar to hospital, along with another seriously injured prisoner. Despite the doctor's insistence, Amir Javadifar was transferred to the Kahrizak detention centre.

Ali Akbar Kheradnejad was threatened with a transfer to this same detention centre, and was forced to make a written statement admitting his involvement in «*crimes against national security*».

³⁵ The Guardian – 14 August 2009 « Protesters raped in Tehran jail, politician claims », <http://www.guardian.co.uk/world/2009/aug/14/protesters-raped-iran-jail>

³⁶ BBC – 11 August 2009 « Iran Admits 4,000 June Detentions », http://news.bbc.co.uk/2/hi/middle_east/8195586.stm

³⁷ Asr-e-nou - 14 July 2009 « Joint Statement against the New Wave of Crushing and Suffocation », <http://asr-e-nou.net/php/view.php?objnr=4617>

³⁸ Gooya News – 6 July 2009 « Hamid Maddah Shourche, a Member of Mousavi's Campaign in Mashhad Was Killed », <http://news.gooya.com/politics/archives/2009/07/090434.php>

³⁹ Human rights activists news agency - 29 July 2009 « Exposing the Identity of Another Member of the Green Movement Who Lost his Life: Amir Hossein Toufanpour », <http://www.iranhrdc.org/english/publications/reports/3161-violent-aftermath-the-2009-election-and-suppression-of-dissent-in-iran.html?p=34>

⁴⁰ Human rights activists in Iran – 9 September 2009 « Interview of HRAI with Seyyed Ali Akbar Kheradnejad in *Eyewitness Account of the Conditions in Evin and How Amir Javadifar Died* », http://hrai.net/index.php?option=com_content&view=article&catid=66:304&id=1716:54657&Itemid=293

He was then transferred to the Evin prison. At the Evin prison, the prisoners were placed in isolation and were unable to have any outside contact⁴¹.

Amir Javadifar died from his injuries at the Kahrizak prison, after having been held for four days. A medical report stated that he had broken bones and that his fingernails had been pulled out.

On 30 July 2009, forty days after the death of Neda Agha-Soltan⁴², Maryam Sabri went to the Behesht Zahra cemetery in Tehran to attend the memorial ceremony for this young woman, who had died on 20 June 2009. She reports that around one hundred Basij and Guardians of the Revolution arrived during the ceremony, during which those present were shouting anti-government slogans. She started to run, in order to escape from the Basij and the Guardians of the Revolution when they charged into the people present. She fell and was surrounded by Basij and Guardians of the Revolution. Whilst she was on the ground, they hit her violently with clubs and kicked her. Along with other people, she was handcuffed and blindfolded⁴³. They were taken to an unknown place of detention.

Whilst she was in detention, she reports that she heard screams and crying. She was interrogated three times, but refused to cooperate with her interrogators. During the fourth interrogation, she was raped. When she was being raped, her interrogator said to her « *You want to take your vote back? Well I'm here to give it back to you! I'm going to give you your vote and you'll tell me whether you like it!* »⁴⁴ (see video 8).

During subsequent interrogations, Maryam Sabri was again raped on several occasions. After the 4th rape, her torturer told her that she would be released if she cooperated with the Islamic Republic's security forces. « *We'll let you go on one condition: you go where we tell you to go and do what we tell you to do. You won't say anything about what happened here. If you talk, we'll kill you. We'll follow you everywhere and if you make one mistake we won't let you live. You will die, like lots of others have died and no-one has found* »⁴⁵ (see video 8).

After her release, she was ordered to infiltrate the demonstrations and provide information to the authorities. As she refused to cooperate she was threatened, before deciding to leave Iran to take refuge with the UN in Ankara, Turkey.

On 19 August 2009, Ebrahim Mehtari was arrested in Tehran. He was handcuffed, blindfolded and taken in an unmarked car to an unknown detention centre⁴⁶. During the 5 days he was held, he was continuously interrogated; the interrogations were videoed. He says that he was safe as long as he kept talking. When he refused to reply, he was beaten by his interrogators. He was tortured and raped. His body was found covered with cigarette burns (on his head, neck, shoulders and wrists). After being seriously injured by the torture and rapes he had suffered, he was left for dead in the street⁴⁷.

⁴¹ Iran human Rights documentation centre – Feb 2010 « Interview of HRAI with Seyyed Ali Akbar Kheradnejad in *Eyewitness Account of the Conditions in Evin and How Amir Javadifar Died*», <http://www.scribd.com/doc/26814347/Violent-Aftermath-The-2009-Election-and-Suppression-of-Dissent-in-Iran>

⁴² In Shia Islam, a new ceremony is held forty days after the death of a person

⁴³ Iran Human rights documentation center – 3 December 2009 *Interview with Maryam Sabri*

⁴⁴ Voice of America - Maryam Sabri, <http://www.youtube.com/watch?v=sPEBinmEh4>

⁴⁵ *Idem*.

⁴⁶ Iran Human rights documentation center – 3 and 4 December 2009 interview with Ebrahim Ali Mehtari

⁴⁷ Libération – 4 février 2010 « *It is my duty to talk about rape* » <http://www.liberation.fr/monde/0101617331-j-ai-le-devoir-de-parler-des-viol>

In December 2009, a special Commission investigating what had happened to people arrested and imprisoned during the post-election events concluded that the protesters' accusations of rape were unfounded⁴⁸.

In a message published on 24 November 2011 (see Annexe 3), the Ayatollah Seyyed Hossein Kazemini Boroudjerdi⁴⁹ confirmed and denounced the systematic torture and rape taking place in the prisons of the Islamic Republic. He in fact raised 40 points. We are quoting points 6, 29 and 37 as an example:

6. *All types of physical and psychological torture are also used to break the accused person's resistance and to force a confession, both against himself and against others, such that the confession can persuade the judge to order severe sentences;*
29. *No medical examinations, a lack of medication, no specialists, opposition to the hospitalisation of prisoners, the use of torture on sensitive parts of the body which leads to either death in prison or leaves released prisoners with residual injuries;*
37. *The rape of political prisoners or family members to bring pressure to bear which will continue for their entire life.*

c. Confirmation by a Colonel of the Guardians of the Revolution of the torture and rape of prisoners

The following is an extract from an article written by the journalist Katayoune Amiri, which was published in the magazine Paris Match on 17 July 2011⁵⁰. This extract is included in full, to exclude any risk of changing its content:

« When we really want to break political prisoners we send them to the «barn», the «terminus» or the «slaughterhouse», hellholes where the majority of detainees have infectious diseases. » This information comes from Colonel Z. H., aka Babak Rahimi, the name on his false identity card. He's talking to us in a Starbucks cafe. Formerly a Sepah officer, a prison security inspector, he has recently fled Iran for North America. About sixty years old, chubby-faced, looking lost, he says he is divorced and has no children: he was hit by shrapnel during the war with Iraq, which made him sterile.

« We were the eyes and ears of the Leader. Our job: to keep an eye on people in charge of the country's prisons, whether or not official. By comparing our reports, the Leader's office also kept an eye on us. We confiscated dozens of films of torture which were intended to leave the country. In fact, the lot of political prisoners is sorted in advance by the judge, with secret codes on the arrest warrant. A Z at the bottom of

⁴⁸ Emrouz - 10 January 2010 « Complete Text of the Special Report of the Majlis, Role of Judge Mortazavi in the Kabrizak Events Was Officially Declared », <http://www.emruznews.com/ShowItem.aspx?ID=27307&p=>
<http://www.iranhrdc.org/english/publications/reports/3162-a-year-later-suppression-continues-in-iran.html?p=19>

⁴⁹ The Ayatollah Seyyed Hossein Kazemini Boroudjerdi was imprisoned for several years because of his opinions concerning the separation of political and religious affairs.

⁵⁰ Paris Match - 17 July 2011 « Iran : sous la botte de la torture », <http://www.parismatch.com/Actu-Match/Monde/Actu/Iran-Sous-la-botte-de-la-torture-314097/>

the page means «get a confession by any means », a slightly deformed figure 8: «torture and execute after confession ». Those who got a trial were the lucky ones ... »

An NGO, Harana, has listed 76 types of torture used during the current year. The colonel glanced at the report and then said with a frozen smile: « You know, salt on open wounds, weights attached to testicles and electric shocks are nothing compared to some torture methods imported from Russia. They send people there for training. For example, there's the "the three-bladed fan": the prisoner is attached to the blades, and then the fan is rotated in crushed ice and the prisoner is hit with electric cables. They all confess. »

The colonel drinks his tea. He swears that he has never killed or mistreated anyone. « But I have seen dozens of students raped with closed bottles, or broken bottles to cause haemorrhages. And the collective rape of young women. Yes, the torturers pray before the rape, which is authorized by fatwas. I am still haunted by a young girl. In order to get information from Mahmoud Khorram Chokoung, a petrochemical engineer being held at the main prison for the Centre province, they raped his 9 year old daughter, Haideh, in front of him. The child screamed, calling for her father. He swore against the Almighty, and was hung as an enemy of God. I don't know what happened to the child. »

According to the colonel, now murders are more often carried out at secret centres. Each city has between 15 and 30. The most terrifying is the 005 in the capital, close to Mehrabad airport. When they want to publicise a murder – to terrorise the others – they release a prisoner saying: « You are free, but have become dumb. » Then an assassin finishes him off in exchange for a remission of sentence. Since 2010, the regime has increasingly used criminals for its dirty work. The more zealous also follow ideology classes to praise Khamenei, who absolves them of their sins.

« The worst», says the Colonel, «are the national security detention centres. The police never go in there. Only the superior officers of the Sepah, like me. The number of victims goes beyond the imagination. But word is getting out as the jailors and torturers are putting money away to leave ... Some of them, like me, hope that they can redeem themselves. I can't take any more. When my own sister told me my money stank, I cracked.» She is a widow. The colonel has raised her two children; he says he loves them as if they were his own. He is terrified for them now. His nephew, a teenager, opposes the regime. If he finds out what his uncle used to do, he will reject him. « Young people don't want this regime anymore ». He sighs ...« including the leaders' children ... ».

d. The widespread use of torture and rape in the prisons of the Islamic Republic

Cases reported by protesters who had been arrested and imprisoned show that there is a widespread use of torture and the rape of prisoners. In fact, these cases show that exactly the same treatment was inflicted on protesters held in different detention centres. This widespread practice must therefore have resulted from an order given by a high political or military authority.

When committed against a civilian population on the order of a political or military authority, the objective of rape is to terrorise the population and to make this population give up any defiance. Rape is also the worst possible humiliation and frequently has social consequences for people who have been raped (rejection by their families).

The leaders of the Islamic Republic therefore introduced the use of rape in their torture array in order to repress the protesters. All the information gathered clearly shows that the use of this inhumane treatment against political prisoners is the result of a plan prepared at national level, which constitutes a crime against Humanity within the meaning of article 7 of the Rome Statute.

II. ALI KHAMENEI IS RESPONSIBLE FOR CRIMES AGAINST HUMANITY AGAINST THE IRANIAN POPULATION

In order to prove the responsibility of the Supreme Leader of the Islamic Republic, Mr Ali Khamenei, for all crimes committed against the Iranian population, there is a need to describe the institutional structure of the Republic which, as will be seen, results in the referral of all of the regime's political decisions to the Supreme Leader, and thus all of the responsibility.

According to the Constitution of the Islamic Republic of Iran, the Supreme Leader determines the regime's general policy, supervises its implementation and commands the armed forces⁵¹.

The Supreme Leader also deals with the appointment, removal and resignation of members of the Guardian Council, the Head of the judiciary, the Director of Iranian television, the Joint chief of staff, the Commander in chief of the Army of the Guardians of the Islamic Revolution and the Heads of the military and police⁵².

It is the Supreme Leader's role to settle differences of opinion and to coordinate the relationship between the three authorities, to deal with problems encountered by the regime which cannot be settled by ordinary means, in other words through the intermediary of the Expediency Discernment Council⁵³.

These prerogatives show that the room to manoeuvre of the President of the Islamic Republic is restricted to the role that the Supreme Leader wishes to give him. At best, the president is free to act exclusively within those limits that the Supreme Leader imposes on him.

With even greater limits on its room to maneuver, the Islamic Consultative Assembly – the Iranian parliament – is never in a position to implement the laws which it votes. Article 72 of the Constitution in fact provides that *«The Islamic Consultative Assembly cannot enact laws contrary to the usual and Abkam of the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred, in accordance with Article 96.»*⁵⁴. Article 96 reads as follows *«The determination of compatibility of the legislation passed by the Islamic Consultative Assembly with the laws of Islam rests with the majority vote of the Fuqaha' on the Guardian Council; and the determination of its compatibility with the Constitution rests with the majority of all the members of the Guardian Council.»*⁵⁵. Article 93 again insists on this point, by providing that *«Laws voted by the Islamic Consultative Assembly have no legal status without the approval of the Guardian Council, except for the purpose of approving the credentials of its members and the election of the six jurists on the Guardian Council.»*⁵⁶

The corner stone of the Islamic Republic's legislative process, the Guardian Council thus acts as a Supreme Court or Constitutional Council. It is the Guardian Council which settles questions of compliance with the laws of Islam. According to article 91 of the Constitution, the Guardian Council is created *«in order to examine the compatibility of the legislation passed by the Islamic Consultative Assembly with Islam and Constitutional Law»*⁵⁷. It is made up of *«six 'Adil Fuqaha' conscious of the present needs and the issues of the day, to be selected by the Leader»* and *«six jurists, specializing in different areas of law,*

⁵¹ Constitution of the Islamic Republic, article 110.

⁵² Ibid.

⁵³ Ibid. Nota Bene : the Expediency Discernment Council acts as an arbitrator in differences of opinion between the parliament and the Guardian Council.

⁵⁴ Constitution of the Islamic Republic, article 72.

⁵⁵ Constitution of the Islamic Republic, article 96.

⁵⁶ Constitution of the Islamic Republic, article 93.

⁵⁷ Constitution of the Islamic Republic, article 91.

to be elected by the Islamic Consultative Assembly from among the Muslim jurists nominated by a vote of the Assembly »⁵⁸.

It is easy to see the hold that the Supreme Leader has over the Guardian Council, a hold which is absolute, given his right to appoint the Head of the judiciary who then, in his turn, appoints half of the members of the Guardian Council. Article 157 of the Constitution in fact provides that *«In order to fulfil the responsibilities of the judiciary power in all the matters concerning judiciary, administrative and executive areas, the Leader shall appoint a just Mujtabid well versed in judiciary affairs and possessing prudence and administrative abilities as the head of the judiciary power for a period of five years who shall be the highest judicial authority.»*⁵⁹

Quite clearly, the Supreme Leader will only appoint as the Head of the judiciary a person who will carry out his duties in compliance with the instructions given to him by the Supreme Leader. The first example of this is the appointment of the six jurists of the Guardian Council by the Head of the judiciary. The hold of the Supreme Leader over this institution is all the greater in that he is the religious leader responsible for the interpretation of Islamic law to which the Guardians are required to submit themselves. The Supreme Leader thus not only chooses the members of the Guardian Council but also decides how they will carry out the mission entrusted to them. He defines both the meaning and the scope of the Islamic laws which the Guardians must ensure are complied with.

The Supreme Leader therefore appears as the « superpower » able to intervene at the three levels of authority (executive, legislative and judicial) on which the Islamic Republic of Iran is founded, with the power to settle and negotiate differences of opinion. The institution of the Supreme Leader, created upstream of Iranian political life, leads to a confusion of powers which is contrary to any concept of democracy, which is above all based on a separation of powers. The elections which take place from time to time in the Islamic Republic cannot, under any circumstances, provide any guarantee of the respect of this democratic principle.

The Supreme Leader himself is an institution to which all access is closed. In fact, the Supreme Leader is elected for life by the Assembly of Experts, which itself is elected by the people. Does « elected by the people » mean that there is a glimpse of legitimacy, even if indirect, in the Islamic Republic? The answer is no. Candidates for election to the Assembly of Experts, as is the case for candidates for any election (presidential, legislative or other) must get past the Guardian Council. The Guardian Council in fact filters candidates and discards those which do not satisfy the Islamic virtues which must be complied with in order to protect the interests of the regime. And it is the Supreme Leader who defines the Islamic virtues.

The institutional structure of the Islamic Republic thus closes the system for the benefit of the Supreme Leader, by giving him the right to intervene at all stages of the political process.

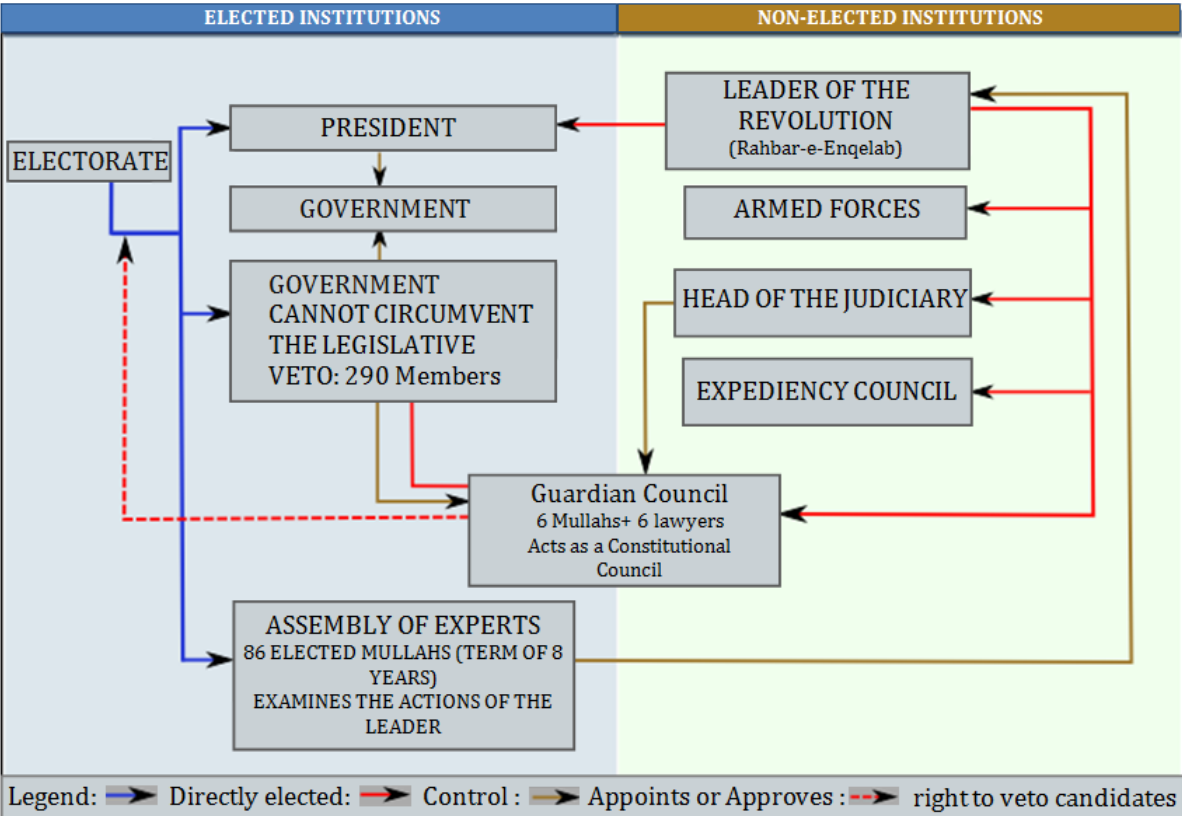
This explains the failure of the reformist movement under President Mohammad Khatami who, between 1997 and 2005, was not able to fulfil the promises he had made to the Iranian people. The prerogatives available to the Supreme Leader of the Islamic Republic make it impossible for the regime to progress towards a State subject to the rule of law and towards the normalization of Iran's relationship with the international community. These prerogatives allow the Supreme Leader to intervene in all aspects of political, economic and social life in Iran and, for this purpose, places all of the State's institutions at his disposal, over which he has absolute and exclusive control.

⁵⁸ Ibid.

⁵⁹ Constitution of the Islamic Republic, article 157.

The above shows that the sole leader of the Islamic Republic is the Supreme Leader of the Islamic Republic, on whom the regime’s policy and resulting decisions depend. As there is no authority or institution which can act independently of the Supreme Leader, it is the latter who bears the primary and principal responsibility for the crimes against Humanity committed during the post-election repression of the Iranian civilian population since 2009.

The table below summarises the Iranian institutional structure, which shows how the Supreme Leader of the Islamic Republic – Ali Khamenei – concentrates all of the regime’s powers in his hands, thus making him the person primarily responsible for the crimes against Humanity committed since 2009 against the Iranian civilian population.



PART 2. REFERRAL TO THE INTERNATIONAL CRIMINAL COURT BY THE UNITED NATIONS SECURITY COUNCIL

I. CRIMES WITHIN THE JURISDICTION OF THE ICC

According to article 5 of the Rome Statute:

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;*
- (b) Crimes against humanity;*
- (c) War crimes;*
- (d) The crime of aggression.*

Accordingly, the crimes committed in Iran since 2009, which, as shown above, meet the definition of crimes against Humanity, clearly fall within the ICC's jurisdiction.

II. JURISDICTION RATIONE TEMPORIS OF THE ICC

According to articles 11 and following of the Rome Statute:

« The Court has jurisdiction only with respect to crimes committed after the entry into force of this Statute. »

In this case, the crimes against Humanity denounced by this report have been committed since the Iranian presidential election in 2009, and thus after the entry into force of the ICC Statute, which came into force in 2002. They therefore clearly fall within the jurisdiction of the Court.

III. PRECONDITIONS TO THE EXERCISE OF THE ICC's JURISDICTION

According to article 12 of the Rome Statute:

1. A State which becomes a Party to this Statute thereby accepts the jurisdiction of the Court with respect to the crimes referred to in article 5.

2. In the case of article 13, paragraph (a) or (c), the Court may exercise its jurisdiction if one or more of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3:

- (a) The State on the territory of which the conduct in question occurred or, if the crime was committed on board a vessel or aircraft, the State of registration of that vessel or aircraft;*
- (b) The State of which the person accused of the crime is a national.*

3. *If the acceptance of a State which is not a Party to this Statute is required under paragraph 2, that State may, by declaration lodged with the Registrar, accept the exercise of jurisdiction by the Court with respect to the crime in question. The accepting State shall cooperate with the Court without any delay or exception in accordance with Part 9.*

This article therefore sets as a basic principle that the ICC only has jurisdiction over article 5 crimes, committed on the territory of a State which is a party to the Statute, or committed by a national of one of these States.

However, according to article 13 of this same Statute:

« The Court may exercise its jurisdiction with respect to a crime referred to in article 5 in accordance with the provisions of this Statute if:

(a) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by a State Party in accordance with article 14;

(b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations; or

(c) The Prosecutor has initiated an investigation in respect of such a crime in accordance with article 15.»

A combined reading of articles 12 and 13, and in particular the reference in article 12 to paragraphs a) and c) of article 13, gives the UNSC the power to make a referral to the ICC concerning article 5 crimes, beyond those hypotheses set down by article 12, in other words with regard to crimes committed on a territory or by a national of a State which is not a party to the Statute.

Given this, the fact that Iran is not a party to the Rome Statute presents no obstacle to the jurisdiction of the ICC to judge crimes against Humanity committed on Iranian territory, as the UNSC can, in the case of a threat to or breakdown of peace, make a referral to the ICC Prosecutor so that these crimes can be investigated, thus leading to a hearing before this international court.

Moreover, it is on the basis of part VII of the United Nations Charter that the international criminal courts for ex-Yugoslavia and Rwanda were created in 1993 and 1994 by UNSC resolutions 808 and 955.

The purpose of this report is to ask the UNSC to make a referral to the ICC Prosecutor on the grounds of crimes against Humanity committed in Iran since 2009. It is in fact the duty of the UNSC to use the powers given to it to bring an end to the Iranian regime's repression of its civilian population, and to ensure that the crimes committed are investigated and judged, and that the threat to both domestic and regional peace that the current regime presents be brought to an end. By giving the UNSC the power to make a referral to the ICC Prosecutor for crimes committed by nationals of or on the territory of a State which is not a party to the Statute, the international community entrusted it with the responsibility to ensure the respect of fundamental human rights, of which the United Nations has been the custodian for over 60 years. It is not therefore simply a question of powers available to the UNSC but a duty, and this organization is the only body which now has the power to stop the atrocities which have been occurring on a daily basis in Iran since 2009.

IV. PERSONS WHO CAN BE JUDGED BY THE ICC

According to article 25 of the Rome Statute:

The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime [...] »

In addition, article 28 of the Rome Statute provides as follows:

«In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

a) A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

(i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

(ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

(b) With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under

his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

(ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and

(iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution. »

Given this, and in the light of the information provided above concerning the operating of Iranian institutions (**Part II.**), which demonstrates Ali Khamenei's absolute control of these institutions, including the armed forces, there can be no doubt, given his position, that the Supreme Leader bears the primary and principal responsibility for the crimes against Humanity committed against the Iranian population since 2009, as he was in power throughout this entire period.

CONCLUSION

To conclude this report, and to insist on the urgency of a referral by the UNSC to the ICC Prosecutor concerning crimes committed in Iran, reference needs to be made to the UNSC's recent intervention in *Côte d'Ivoire*.

The events which took place in *Côte d'Ivoire* at the end of 2010 and during 2011 provided a justification for the UNSC's reaction to the post-election violence, for which the former president, Laurent Gbagbo, is now being judged by the ICC.

As the political crisis in *Côte d'Ivoire* came to an end with the arrest and transfer of Laurent Gbagbo to appear before the ICC, it would be appropriate to carry out a retrospective analysis of the facts and consider the reasons which led the UNSC to make a referral to the ICC, as the end purpose of this report is in fact to encourage the Security Council to adopt the same position with regard to the crisis in Iran.

After the election of 28 November 2010, Mr Alassane Ouattara was declared the winning candidate. Mr Alassane Ouattara's followers and those of Mr Laurent Gbagbo then clashed. As the crisis persisted, an initial solution came with the UNSC voting of resolution 1975, which in particular declared, in accordance with article 7 of the Rome Statute, that;

« Considering that the attacks currently taking place in Côte d'Ivoire against the civilian population could amount to crimes against humanity and that perpetrators of such crimes must be held accountable under international law and noting that the International Criminal Court may decide on its jurisdiction over the situation in Côte d'Ivoire on the basis of article 12, paragraph 3 of the Rome Statute. ».

By way of this resolution, the Security Council confirmed that the repression of the *Côte d'Ivoire* civilian population could be considered as a crime against Humanity, and thus provided justification for a referral to the ICC Prosecutor.

The events taking place in *Côte d'Ivoire* between 28 November 2010 and 11 April 2011 have similarities with the post-election events taking place in Iran. Thus, in both of these countries, the political crisis was caused by electoral fraud which led to repression, where the methods used and the organization of this repression leads to a presumption that crimes against Humanity have been committed and are still being committed in Iran.

A classification as crimes against Humanity has thus been admitted for violent acts committed in the context of post-election repression. The crimes committed in the context of the *Côte d'Ivoire* post-election repression were thus at the origin of the referral to the ICC Prosecutor by the Security Council. It is also what eventually led the ICC Prosecutor to issue an international arrest warrant against Laurent Gbagbo. The UNSC's intervention thus allowed for the isolation of the former *Côte d'Ivoire* President, and a definitive solution to the political crisis and the cessation of crimes against Humanity.

As in the *Côte d'Ivoire*, electoral fraud was organized in Iran with the aim of keeping the outgoing President in power, and the protest movement against this was violently repressed. As the repression in Iran led to crimes against Humanity within the meaning of article 7 of the Statute of Rome, the UNSC has a duty to refer these crimes to the ICC Prosecutor.

Finally, the UNSC also intervened in the 2011 Libyan crisis. Through Resolution 1970 of 26 February 2011, the Security Council also authorized the use of force against Colonel Qadhafi's troops, thus acknowledging the ICC's jurisdiction to take action against Libyan leaders suspected of having committed crimes against Humanity. Resolution 1973 of 18 March 2011 confirmed the referral to the ICC Prosecutor for crimes against Humanity committed in Libya by Qadhafi's forces. It is in this context that the ICC Prosecutor - Luis Moreno-Campo – announced on 3 March 2011 the opening of an investigation of 10 to 15 Libyan leaders suspected of « crimes against Humanity » further to the repression of the civilian population⁶⁰.

Through these two resolutions, the Security Council has expressed its concerns concerning the humanitarian situation arising from Qadhafi's repression of a part of the civilian population. Resolution 1970 thus recalls that the authorities and Libyan leaders « *had a responsibility to protect the population* » and that, by failing to do so and on the contrary perpetrating serious violence against this population, the Libyan leaders are suspected of crimes against Humanity.

Resolution 1973 again emphasises this point by declaring « *that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians* ».

With regard to the repression carried out by the leaders of the Islamic Republic of Iran, the latter did not at any time show any intention to protect the civilian population against violence, but, quite to the contrary, committed crimes against this population which fall within the classification of crimes against Humanity. As this situation has become unbearable in both human and humanitarian terms, the Security Council must take urgent action to stop this by immediately referring the matter to the ICC.

⁶⁰ ICC press release – 3 March 2011 « *ICC Prosecutor opens an investigation in Libya* », <http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/news%20and%20highlights/statement%20020311?lan=fr-FR>

ANNEXES

ANNEXE 1 PHOTOGRAPHS AND VIDEOS

Photo 1: Intervention of plain-clothed security forces (Basij or members of Ansar-e Hezbollah)



Photo 2: Intervention of plain-clothed security forces (Basij or members of Ansar-e Hezbollah)



Photo 3: Protestor hit by a bullet



These films were made during demonstrations in 2009, by the “Citizen Reporters” and were published on the Internet. Some of these films were, subsequently taken over by the international media.

Video	Minutes	Description
1	0.11 to 0.40	In this passage, we see the security forces firing on protestors. They did not fire into the air as a warning, but directly at the protestors.
	1.08	A protestor hit by a bullet
	3.40 to 3.50	A protestor killed by a bullet
	4.02 to 4.11	A protestor hit in the stomach by a bullet
	4.15	A protestor clearly hit in the throat by a bullet
	4.20 to 4.34	A protestor killed by a bullet in the throat
	4.50	A protestor hit by a bullet
	5.03	A protestor hit in the head by a bullet
	5.52	A protestor seriously injured in the arm (knife or bullet)
	7.43	A protestor hit in the stomach by a bullet
	7.58	Neda Agha-Soltan killed by a bullet
	4.58	The security forces attack a vehicle in which there are people (proving that they were

	9.47	not acting to maintain law and order) The security forces attack motorbikes belonging to private persons (proving that they were not acting to maintain law and order)
2	4.05	There is a person on the ground covered in blood. No security force members are visible. There is reason to believe that this person was shot by a member of the security forces
3	-	A protestor with a serious stomach injury. Impossible to say whether by a bullet or a knife
4	-	A student is shot in the leg, and another hit in the head + Gunfire sounds are audible
5	-	Murder of Neda Agha-Soltan
6	-	The protestor has clearly been shot in the head. No security members are visible; shots could have come from the roof tops
7	5.00	A protestor is carried by other protestors. He has been shot. Gunfire sounds are audible

8	-	Testimony of Maryam Sabri concerning the torture and rape to which she was subjected
9	-	The security forces are positioned on rooftops and are firing live ammunition into the protestors

ANNEXE 2

TESTIMONY

My name is x, senior security officer. In 2009, I was a commander of security forces. I hope this testimony will be of use and, if my family is protected, I am willing to testify in person before a court.

As Prince Reza Pahlavi has taken the initiative to make this complaint against the regime's bloodiest Supreme Leader in the name of political prisoners, I am willing to assume the responsibility of supporting this initiative by testifying to the violent acts which I witnessed when carrying out my duties as senior officer, which were committed by the Islamic Republic against Iranian citizens.

This is a summary of my testimony, which will be completed at a later date and accompanied by documentary proof.

I. Decisions relating to internal security made before the 2009 presidential election

- a. Commanders and superior offices of the intelligence service and Sepah were transferred or appointed to work with the directors and assistant directors of the Islamic Guard's security forces, present within governmental organizations,
- b. Political activists and students were ruthlessly controlled and arrested,
- c. The anti-unrest plan « Shahid Hemat » was prepared and then implemented.

About 18 months before the election, Colonel Pasdar Khancherly, director of operations, was called to a meeting at the « Sarallah » headquarters, whose purpose was to organize the implementation of the « Shahid Hemat » plan. I attended this meeting in my capacity as senior officer. The headquarters' commander and all officers were also present, together with a representative of the intelligence service.

The subject of the meeting was the control of unrest in the country, and in particular in Tehran. The meeting report was sent to all officers in the intelligence service, security forces etc.

It was by organizing successive meetings such as this one, in the presence of the superior officers of the military forces, that the initial phases for implementing the plan were prepared. The operational implementation on the ground was planned over three days. The speed at which this plan was prepared is proof of its importance. All officers involved were surprised because, firstly they already had a heavy work load and, secondly, implementation was generally carried out by the special anti-riot force. The justification for their involvement in this plan was that all forces had to be mobilized in a period of crisis.

A crisis cell was created for the implementation of the « Shahid Hemat » plan. This brought together the Sepah Sarrallah assistant commander, a representative of the armed forces, the public prosecutor, representatives of the intelligence service and of other authorities. On the first day, a test on the ground was entrusted to the internal security forces, followed by a second and third day entrusted to the Sarrallah HQ.

A second test on the ground was launched 7 or 8 months later, and all the documents concerning this operation were classified as defence secrets. All of the armed forces were required to carry out this plan to the letter on the day of the election, which made us understand its strategic importance:

1. Intelligence agents infiltrated election campaign meetings throughout the country, even private meetings between Karroubi and Khatami, as well as student organizations, including « Tahkim Vahdat ». The Islamic Guard's office sent daily secret reports on the political beliefs of state employees and school students.
2. The police was equipped with riot gear. The Basij in government organizations, known as « Gordan Ashoura », played a major role in the violent repression of the population.

II. Decisions relating to internal security at the time of the 2009 presidential election

On the day of the election, my job allowed me to follow the details of the decisions taken at the highest level of the regime, including the council of Guardians of the constitution. This verification was carried out by a council made up of three state inspectors, representatives of the intelligence service, the assistant prosecutor, Ahmad Ali Akbar (who read the charges against 100 people arrested after the election), and a representative of the interior ministry, accompanied by his secretary. Their mission was to check that the election went smoothly and to check on complaints. I was to control and monitor security and pass on court orders. These court orders were usually sent by the prosecutor (Ahmad Ali Akbari). When the wife of Mr. Moussavi made a speech at the beginning of the election campaign calling on citizens to take to the streets if there was any fraud, she was insulted by members of the vote verification council whose members, moreover, did not appear to be impartial as they were openly sure that Ahmadi Nejad was going to win.

- Numerous citizens in the eastern districts of Tehran Narmak and Kanan telephoned me to inform me that they had seen people moving ballot boxes in vans. In the reports on electoral fraud which was prepared on the basis of these complaints, it was mentioned the routes taken by these vans. The information had been submitted to the assistant director of the Tehran intelligence service. Despite this order, I had the reports on the fraud sent, but never received any reply.
- Numerous citizens complained that in a number of polling stations the inspectors appointed by Karroubi and Moussavi had been violently turned away by plain-clothed police officers (lebas shakhsi)
- On the pretext of security, four mobile electoral ballot boxes were stored at the Sepah headquarters in Afsarieh, and four others were stored at the Eshratbad barracks, without the vote verification council being aware of this.
- 3 hours later, the ballot boxes were taken out. The people responsible for them were Sepah members. For these ballot boxes, people voted without presenting

identity papers. The fraud was so blatant, that the votes in one of these ballot boxes had to be cancelled. These frauds were all pro-Ahmadi Nejad.

- There were numerous thefts of blank birth certificates (not stamped as having already voted). In some polling stations, people came to vote with several birth certificates to vote in these names. One of them was identified: Hossieh Ershad, a Sepah member.
- In one of the polling stations, the representative of the interior minister had a false birth certificate for his vote.
- Supporters of Moussavi were arrested when the results were declared in the Gheytaieh district. At the time of these arrests, the following people were present: Ghazi Mortazavi, Pasdar Alipour, Sepah commander, and officers of the internal intelligence service.
- The arrest warrants were sent by Ahmadi Moghadam.
- There were more and more people in the streets, in particular after the arrest of Moussavi's supporters. People started to protest and there was a severe crack down on the demonstrations.
- One hour after the vote was closed, a Mullah who was there smiled and said that 57% of the English ballots were pro-Ahmadi Nejad. How he could be aware of the results so quickly after the election, given the time difference between London and Tehran.
- A lot of ballot boxes were moved, others had the locks broken. Given that this fraud was so well organized, it is obvious that it was prepared well in advance of the election.
- A number of people (in particular supporters of Moussavi and Karroubi) were arrested because they protested against this fraud. The arrests were extremely violent.
- A few hours after the election, Ahmadi Nejad's supporters marched in the street; they were all plain-clothed Basij.

III. Decisions relating to internal security after the 2009 presidential election

- A few hours after the election results had been declared, there were popular demonstrations. The armed forces were well prepared. They used heavy weapons, which are not generally used during demonstrations, and in particular fire arms (live ammunition was fired into the protestors), and stun guns, bayonets, cutters, clubs and iron bars were also used. Certain police sections, such as the Gordan Sepah, the Basij leaders, Basij in civilian clothing, were out on the streets in considerable numbers, but there were also a large number of factory managers, the Madahan, and hooligans. The people arrested were held at different places on the demonstration route: in schools, public buildings, basements of the interior ministry and the Shahyad tower, the Sepah offices, the barracks at Eshrat Abad,

Evin, Kahrizak etc. People were treated violently, regardless of their sex, age or physical condition. A number of official and unofficial reports of this violence were forwarded to us. They tell of broken bones, rapes, deaths in the Kahrizam prison and of burned bodies buried at night or put into refrigerated facilities around Tehran, in particular at Ghaleh Hassankhan. This violence was ordered by the Supreme Leader's office, by the Sepah, the Basij, the intelligence service, by Hesbollah, the various officers of the security forces etc. The government's strategy was to use maximum violence to terrify the population and dissuade them from protesting. The arrests continued during the night of pro-Karroubi and pro-Moussavi political activists, and violent attacks, such as throwing people of bridges, rapes, the mutilation of prisoners continued, together with the refusal to return bodies to families, controlling hospitals and arresting injured people in the hospitals etc.

- After the post-election violence, members of the security forces who opposed the violent treatment of the regime's opponents were transferred in order to isolate them. In a letter to the Supreme Leader, Firouz Abadi listed the names of those who should be transferred in order to isolate them from each other and to prevent any contact with political opponents. Those who refused faced sanctions: freezing of salary, demotion, surveillance of private life, threats.

For the safety of my family, I wish my identity to remain secret.

For a free Iran!
25 December 2011

XXX

ANNEXE 3

MESSAGE FROM THE AYATOLLAH SEYYED HOSSEIN KAZEMINI BOROUJERDI – IMPRISONED BY THE ISLAMIC REPUBLIC FOR HIS OPINIONS ON THE SEPARATION OF POLITICAL AFFAIRS AND RELIGION

Thursday, 24 November 2011

Report on crimes against Humanity committed against political prisoners by the regime of the Islamic Republic of Iran.

Introduction:

This document contains examples of crimes against Humanity committed by the regime of the Islamic Republic against political prisoners. It has been drafted at the request of the Ayatollah Seyyed Hossein Kazemini Boroudjerdi, on the basis of reports he has received, on the basis of his own experience in prison, and with the assistance of Ms Roya Araghi, his assistant concerning Human Rights.

The violence and punishments suffered by political prisoners and described in this report form no part of the criminal laws of the Islamic Republic. The courts and the politicians have always denied the existence of such acts. This being said, it is widely known that, ever since the beginning of the Islamic revolution, these inhumane acts have indeed been committed. Edifying reports on this have been forwarded to organizations involved in the defence of human rights and to the independent media.

These reports can be consulted on the web sites of these organizations and media.

Clearly, if the Islamic Republic authorizes Mr Ahmad Shahid to come to Iran to visit the prisons, the prisoners and their families, the information contained in this report will be confirmed directly by them.

The most important facts are the following:

1. Arbitrary arrest;
2. Arrests taking place like kidnappings or through an unexpected search carried out by the security forces, intelligence agents at places of work or at the homes of people accused. These agents are never in possession of a warrant issued by the prosecutor and provide no explanations. Their aim is to the damage a person's honour and probity, and to humiliate him or her before their families;
3. Injuries, assault and battery, violent behaviour with the accused people at the time of their arrest and transfer to prison, even though they have been convicted of nothing;
4. The unlawful detention of the accused people for several weeks or months after their arrest. They are held at secret places, and in isolation so that they are unable to inform their families that they are alive
5. Presentation of false and worrying information on what happened to these people;
6. All types of physical and psychological torture are also used to break the accused person's resistance and to force a confession, both against himself and against others, such that the confession can persuade the judge to order severe sentences;

7. Breaking of the accused person, to force him or her to confess to acts against the country's security, to admit moral corruption, the intention being to question the accused person's credibility and integrity;
8. Fantastical, illogical and serious accusations made by the regime's leaders in their own interests. The Prosecutors and judges who prepared these files are incapable of justifying the accusations. The investigations carried out to prepare these accusations are not impartial, but are exclusively intended to fulfil the government's hidden agenda to suppress its opponents and to create a general atmosphere of terror. In order to justify this to the public, the regime refers to the written confessions of the accused people, which were often obtained under torture ;
9. At the time of court proceedings, the courts refer to very general laws and to legal provisions which have nothing to do with the acts in fact carried out by the accused person. Simply criticising the regime, or expressing an opinion which differs from that of the government, even if such criticism arises from a common demand made by a majority of people, is sufficient to have this person accused of being an « enemy of god », of being involved in « activities against national security », of « subversive activity », of « distributing false information with the intent to ferment revolt », « espionage », « links with enemy powers » etc. Severe penalties can be demanded, such as the death penalty and long prison terms.
10. The court's decision is made even before the accused person is informed of the nature of the accusation made. Moreover, the accused person is unable to prepare a proper defence;
11. The accused person cannot appoint an independent lawyer;
12. The trial takes place in secret and the media and press are excluded;
13. There is no trial by jury;
14. The accused persons are not allowed to cross-examine or even discuss matters with the plaintiffs, who are generally the Guardians of the Revolution or highly-placed government officials. They cannot question the harsh sentences with the Prosecutors and judges. Their only contact is with the regime's low level agents, who insult and torture them;
15. The accused people have no access to their file. They are prohibited from consulting the evidence against them. Instead, the government provides false information to the press and propagates false rumours concerning the social and moral respectability of the accused persons. They have no outside contact;
16. There is trial by media of the accused persons;
17. They are held in detention in isolation, or with strict segregation in collective cells to prevent them from communicating with the outside ; they are unable to defend their integrity and probity;
18. Political prisoners live in constant fear of death, and can be transferred to cells where they are held with very dangerous criminals;
19. Political prisoners can be transferred to the over-crowded and dangerous parts of the prison. Prison directors provoke trouble and violence to put their lives in danger; these troubles are always violent and end in death;
20. The accused are held in prisons whose buildings are insalubrious, which causes serious or even fatal illness;
21. The accused are held in conditions of intense cold in winter, with no access to warm water, and to extreme heat in summer, with no access to ventilation;
22. The accused are given poor food, often out-of-date and contaminated food which causes illness and even death;

23. There are restrictions on prisoners at the time of visits or telephone contact with family members. They are subjected to frequent interruptions at the time of these visits and telephone conversations;
24. Violent behaviour and insults from prison staff, who are not supervised;
25. The unlawful and harmful behaviour of prison staff, far removed from ethical standards, with the prisoners' families in the visiting rooms;
26. The prisoners are subject to attacks by the security forces which use tear gas, clubs and stun guns ; they use corporal punishment and infringe the fundamental rights of prisoners in the case of a simple challenge;
27. Prisoners are prevented from signing petitions for the attention of international human rights organizations, even if the prisoners are unanimously agreed on the behaviour of the prison staff.
28. The prisoners are not allowed to consult an independent doctor who is worthy of confidence;
29. No medical examinations, a lack of medication, no specialists, opposition to the hospitalisation of prisoners, the use of torture on sensitive parts of the body which leads to either death in prison or leaves released prisoners with residual injuries;
30. Political prisoners encounter great difficulty in obtaining release orders, even if temporary, whether for good behaviour or to receive treatment for a physical or psychological illness resulting from being tortured;
31. Confiscation of property and personal affairs of political prisoners, including documentation on the research they have carried out on Iranian society;
32. When political prisoners are allowed out temporarily to receive medical treatment or for good behaviour, they are faced with demands for substantial and illogical bail amounts
33. The destruction of any professional or social future for political prisoners, with registration of their conviction on their criminal record;
34. The indifference of the courts faced with the concerns of both internal and international human rights observers regarding the prisoners. The reports they present to the public are totally false;
35. Total prohibition of any meeting between the prisoners and human rights observers, journalists, the Red Cross International Committee and Doctors Without Borders;
36. Complaints and letters from prisoners and their families are not replied to;
37. The rape of political prisoners or family members, to bring pressure to bear which will continue for their entire life.
38. No attention is paid to the emotional and financial needs of prisoners' families, with the aim of destroying family life;
39. The arrest and torture of friends, sympathisers and family members, to pressurise them into silence so that they will not make any challenge, and to force them to participate in fake interviews;
40. Threats and the illegal arrest of the lawyers of political prisoners, on the grounds that they have defended accused persons;

To sum up: political prisoners are without defence and their fundamental human rights are not respected. The aim is to leave them to a slow death, in the face of the total indifference of those responsible with regard to their human and legal rights.

With my sincere thanks
November 2011

Copy to:

- Dr. Ahmad Shahid, Special UN Rapporteur on Human Rights in Iran ;
- The UN Commission on Human Rights;
- Amnesty international ;
- Reporters without borders;
- IFHR;
- Red Cross International Committee;
- Doctors Without Borders;
- International Campaign for Human Rights in Iran.