



# Silencing the Women's Rights Movement in Iran

## **Iran Human Rights Documentation Center**

The Iran Human Rights Documentation Center (IHRDC) believes that the development of an accountability movement and a culture of human rights in Iran are crucial to the long-term peace and security of the country and the Middle East region. As numerous examples have illustrated, the removal of an authoritarian regime does not necessarily lead to an improved human rights situation if institutions and civil society are weak, or if a culture of human rights and democratic governance has not been cultivated. By providing Iranians with comprehensive human rights reports, data about past and present human rights violations and information about international human rights standards, particularly the International Covenant on Civil and Political Rights, the IHRDC programs will strengthen Iranians' ability to demand accountability, reform public institutions, and promote transparency and respect for human rights. Encouraging a culture of human rights within Iranian society as a whole will allow political and legal reforms to have real and lasting weight.

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- Promote accountability, respect for human rights and the rule of law in Iran; and
- Encourage an informed dialogue on the human rights situation in Iran among scholars and the general public in Iran and abroad.

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The front cover photo shows a female protestor during the post-election demonstrations facing approaching security forces.

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Center

August 2010



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## Introduction

On the morning of July 17, 2009, Shadi Sadr, the prominent lawyer and women's rights activist, was walking with friends to Tehran University where they planned to attend the Friday prayer led by Ayatollah Akbar Hashemi Rafsanjani. Suddenly, plainclothesmen jumped out of a car and threw her into it. They drove her to the Tracking Office (*Daftar-i Paygiri*) in the center of Tehran, which houses personnel from Iran's Ministry of Intelligence. Later that night, they took her to Evin prison, where she was held for twelve days, much of the time in solitary confinement and in unsanitary conditions.

Rotating teams continuously interrogated her about her personal life, other women's rights activists, her foreign travels, and her opinion about the recent election. Interrogators tried to pressure her into divulging the passwords to her e-mail accounts. Two or three days after her arrest, she was told she was charged with endangering national security through causing riots (*iqtishash*). Three or four days before her release, interrogators blindfolded her and put her in a room where she could hear the screams and moans of about 15-20 men being beaten. The room shook with the loud noises of weapons, batons, and whips. After 30-45 minutes, they took her, still trembling, to another room for further interrogation.

A few days after her release, prosecutors read the indictment at the first mass show trial in Tehran. It named Sadr as a leader of the women's rights movement that was fomenting an alleged velvet revolution to overthrow the Islamic Republic. Sadr was stunned—these accusations and her charges were very serious and could merit the death penalty in Iran. She fled for Turkey forty-eight hours later.

The women's rights movement in Iran can trace its origins to the Constitutional Revolution of 1906 during which women advocated for equal education rights. After the Pahlavis took power in 1925, many of the demands for equality became part of their drive to modernize Iran. By the time Ayatollah Khomeini took power in 1979, veiling was no longer mandatory, and women could vote and run for political office. The Family Protection Law, passed in 1966 and amended in 1975, gave women more rights relating to marriage, divorce and inheritance.

Many of these rights were abrogated in the years following the 1979 revolution. While women were encouraged to organize during the presidency of reformist Seyyed Mohammad Khatami from 1997 to 2005, conservative elements of the regime continued to suppress activists. The suppression increased during the first Ahmadinejad administration. Activists were regularly harassed, interrogated, arrested and imprisoned.

However, the women's rights movement not only survived but prospered. In 2006, a group of veteran activists created the One Million Signatures Campaign. The Campaign is a grassroots effort to gather signatures and educate the Iranian public on the inequalities suffered by women. Women's rights activists were successful in convincing the Parliamentary Judicial Committee to temporarily shelve the controversial parts of a "Family Protection Law" introduced by Ahmadinejad during the summer of 2008. The proposed law made polygamy easier for men, divorce more difficult for women, and criminalized the marriage of a non-Iranian man to an Iranian woman without government authorization.

The impact of the movement was also reflected in the fact that, although Iran's Guardian Council rejected the candidacy of women who sought to run in the June 2009 presidential election (as it had in all prior presidential elections), three of the four candidates permitted to run endorsed many of their calls for equality. Considering the movement as an increasing threat, the Iranian government took calculated steps during the months leading up to the election to silence women's rights activists. It closed the offices of the Defenders of Human Rights Center that had been founded by Nobel Prize Winner Shirin Ebadi; it implemented, for the first time, the prison sentence of a women's rights activist that had been imposed for her activism; and it arrested, interrogated, and detained activists. It prohibited many from leaving the country.



As reported in the Iran Human Rights Documentation Center's report, "Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran," the regime cracked down on any expression of dissent immediately after the election. It beat, killed and arrested demonstrators, and arrested many other citizens who were considered threats to the regime's power. The experience and ability of the women's rights movement to organize, and collect and distribute information both in Iran and worldwide made its members prime targets of the regime.

Sadr's arrest and detention served as a warning to other women's rights activists. In the year following the election, the regime has used the cover of alleged national security threats to attempt to dismantle the women's rights movement. The crackdown increased in frequency, magnitude and scope. The authorities arrested activists during demonstrations, and continue to arrest them in their homes and in public, often without warrants. They have searched their homes and seized their belongings. They have detained activists without charge and denied them access to their lawyers or families. Prison authorities have subjected activists to lengthy periods of solitary confinement, and lengthy and often violent interrogations. They have released some women, but only after they and their families posted high bail amounts or produced financial guarantees. Other activists remain in prison. Some have been fired from their jobs because of their activism.

The members of the movement—from part time volunteers to world-renowned human rights defenders—have been faced with a stark choice—cease their activism in order to protect themselves, their families and livelihoods, or continue their work at the risk of facing criminal allegations, arbitrary arrest and detention, interrogation, torture and even death. Parisa Kakaee, a veteran women's rights activist, believes that "[t]here are three options: to become inactive, to go to prison or to leave the country."<sup>1</sup> Many have fled the country.

At the same time that the Iranian regime attempts to dismantle the women's rights movement, it continues to propose and implement laws that discriminate against women and impose further restrictions on their already limited rights. In December 2009 and January 2010, the Judicial Commission of the Iranian *Majlis* revisited the Family Protection Act and reinserted the provisions that had been previously shelved. Iranian officials also continue to enjoy impunity internationally. In late April 2010, Iran was elected to sit on the United Nations Commission on the Status of Women (UNCSW)—the only UN body dedicated to gender equality and the advancement of women around the world.

This report examines the Islamic Republic's targeting of women's rights activists leading up to and following the June 12, 2009 election. The first section provides a short background on the women's rights movement in Iran; the second section describes the suppression of the movement leading up to the election; and the third section covers the targeting of activists following the election. The last section analyzes the regime's legal responsibility under international and Iranian law. The regime has arbitrarily arrested, detained, and interrogated activists in an effort to dismantle the movement in violation of international and Iranian law.

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1. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).



## 1. The Women's Rights Movement in Iran

The women's rights movement in Iran has a long history. At times, it has succeeded in reforming discriminatory laws and practices. During long periods, it has been brutally suppressed. This long and difficult history has led the women of Iran to create strong but flexible organizational structures that weathered the first four years of Mahmoud Ahmadinejad's presidency and emerged as a threat to the regime's power leading up to and following the June 12, 2009 presidential election.

### 1.1 Before the Islamic Republic

The women's rights movement was born during Iran's Constitutional Revolution at the turn of the last century. During confrontations with authority, including strikes and demonstrations, women often assisted or sheltered their male counterparts.<sup>2</sup> While some criticized the practices of veiling, polygamy and divorce by repudiation, women's rights advocates at the time focused on support for education for girls, scientific domesticity and companionate marriage.<sup>3</sup>

In 1906, women activists held a meeting where they decided, among other things, that girls' schools would be established, and that "onerous dowries" (considered to be obstacles to funding of girls' education) should be abolished.<sup>4</sup> A couple of months later, the Women's Freedom Society (*Anjuman-i Azadi-yi Zanan*) began holding meetings at which men and women discussed politics and social issues.<sup>5</sup> After holding only a few sessions, the Women's Freedom Society barely escaped a mob attack when news of its activities reached conservative clerics in the bazaar. Students and teachers of girls' schools were harassed and attacked on the streets, and several schools were shut down within weeks of opening.<sup>6</sup> In Isfahan, mobs attacked a girls' school founded by Sediqeh Dowlatabadi—a prominent activist until her death in 1961. The authorities imprisoned the headmistress for three months and beat Dowlatabadi.<sup>7</sup>

In 1922, another prominent activist, Mohtaram Eskandari, helped found the Patriotic Women's League. The League sought to spread women's literacy and help develop national industries through seminars and writings that targeted women and girls' schools. Clerics condemned the League, and the authorities arrested Eskandari and burned her house.<sup>8</sup>

The ascent in 1925 of Reza Pahlavi to the throne of Iran and the founding of the Pahlavi dynasty ushered in a new phase for women's rights. Many demands of the women's movement became part of the Shah's drive to modernize Iran. In 1932, he disbanded the independent Patriotic Women's League in favor of the government-sponsored Ladies' Center, nominally headed by his daughter but directed by Dowlatabadi.<sup>9</sup> The state established secondary and vocational schools for girls, and in 1936, admitted women to the newly established Tehran University.<sup>10</sup>

2. JANET AFARY, *THE IRANIAN CONSTITUTIONAL REVOLUTION, 1906-1911* 178 (1996).

3. JANET AFARY, *SEXUAL POLITICS IN MODERN IRAN* 126-27, 131-34 (2009). Scientific domesticity stressed the role of motherhood in education and selectively advocated for progress. *Id.*

4. AFARY, *supra* note 2, at 182.

5. PARVIN PAIDAR, *WOMEN AND THE POLITICAL PROCESS IN TWENTIETH-CENTURY IRAN* 67-68 (1995).

6. AFARY, *supra* note 2, at 185, 190. PAIDAR, *supra* note 5, at 67-70.

7. PAIDAR, *supra* note 5, at 93.

8. PAIDAR, *supra* note 5, at 95-96. Mansoureh Ettehadieh, *The Origins and Development of the Women's Movement in Iran, 1906-41*, in *WOMEN IN IRAN: FROM 1800 TO THE ISLAMIC REPUBLIC* 90, (Lois Beck and Guity Nashat ed., 2004).

9. AFARY, *supra* note 3, at 151.

10. Ettehadieh, *supra* note 8, at 95.



Sediqeh Dowlatbadi was a leading women's rights activist during the Constitutional Period in Iran. She established the first girls' school in Isfahan, published the first women's periodical in Iran—Women's Speech (*Zaban-i Zanan*)—and founded the first women's group in Iran. In 1922, she represented Iranian women at the International Women's Conference in Berlin—the first time an Iranian woman represented Iran in any international event. She was arrested many times for her activities; one arresting officer told her that she was born 100

years too early. Dowlatbadi responded, "I was born 100 years too late; for if I was born 100 years ago, I would not have allowed women to be caught in the men's chain so degradingly."

Reza Shah never outlawed polygamy or temporary marriage, and women were not granted voting rights. He first encouraged and later ordered unveiling.<sup>11</sup> Traditionally, when outside the home, urban Iranian women wore *chadors*—a loose-fitting dark-colored cloth that was held by hand at the chin and covered the entire body. Complete coverage was achieved by the addition of the *rubandeh* (long face-covering similar to a *burqa*) worn by Muslim and Jewish women. Actual veiling practices were diverse throughout Iran. For example, rural and tribal women often wore colorful and loose apparel that allowed them to carry out their chores, and poor urban women often wore a loose *chador* without a *rubandeh*.<sup>12</sup>

In 1936, Reza Shah ordered *kashf-i hejab*,<sup>13</sup> a policy that required women to unveil. He had ordered urban men, other than clerics and theology students, to adopt Western dress in 1928. These policies were meant to force Iranians to behave in what were considered modern Western ways.<sup>14</sup> Women were beaten for wearing veils, shops were prohibited from selling goods to veiled women, and buses as well as baths were forbidden to provide services to veiled women.<sup>15</sup>

Mohammad Reza Shah continued many of his father's policies after he assumed control in 1941. In the 1950s, women's rights organizations began to openly advocate for equal political and personal rights.<sup>16</sup> As was common in much of the world at the time, most were affiliated with political parties. The *chador* made a reappearance, as many middle class women reclaimed it for any number of reasons, including clerical notions of morality, rejection of Western norms, and protection from a hostile home and neighborhood.<sup>17</sup> Women attained the right to vote and run for parliament in 1963.<sup>18</sup>

In November 1966, the Shah created the Women's Organization of Iran (WOI), bringing several women's societies and associations under one umbrella.<sup>19</sup> The WOI established a network of centers throughout Iran

11. Etehadieh, *supra* note 8, at 96-98. Reza Shah had four wives. Temporary marriage in Iran (*siqih* or *nikah-i munqati'*) is a legal contract between a man (married or not) and an unmarried woman. At the time of marriage, the woman must be an unmarried virgin, divorced or widowed. In the contract, both parties agree on the time period for the relationship and the bride gift (*mihriyyih*) to be paid to the woman. A man can marry as many women as he wants through temporary marriage. A woman cannot be involved in more than one temporary marriage at once, and cannot enter into a new temporary marriage before completing a waiting period mandated by law. See *Ahkam-i Siqih [Laws of Temporary Marriage]* under *Ahkam-i Nikah [Laws of Marriage]*, RISALIHYYIH IMAM KHOMEINI, available at <http://www.aviny.com/ahkam/resalehimam/resale19.aspx>; *Iddihyih Talaq [Iddih of Divorce]* under *Ahkam-i Talaq [Laws of Divorce]*, RISALIHYYIH IMAM KHOMEINI, available at <http://www.aviny.com/ahkam/resalehimam/resale20.aspx>.

12. AFARY, *supra* note 3, at 44-45.

13. Literally translated, *kashf-i hejab* means "the opening of the veil." Etehadieh, *supra* note 8, at 96.

14. AFARY, *supra* note 3, at 156-57. The Shah also encouraged women to wear western dress. *Id.* Stephanie Cronin, *Reform from Above, Resistance from Below: The New Order and its Opponents in Iran, 1927-29*, in *THE STATE AND THE SUBALTERN*, 81, (Touraj Atabaki ed. 2007).

15. Etehadieh, *supra* note 8, at 97-100.

16. Mahnaz Afkhami, *The Women's Organization of Iran: Evolutionary Politics and Revolutionary Change*, in *WOMEN IN IRAN: FROM 1800 TO THE ISLAMIC REPUBLIC 112* (Lois Beck and Guity Nashat ed., 2004). Mahnaz Afkhami was the secretary-general of the WOI from 1970-1978. *Id.* at 107.

17. AFARY, *supra* note 3, at 187-88.

18. HALEH ESFANDIARI, *RECONSTRUCTED LIVES: WOMEN AND IRAN'S ISLAMIC REVOLUTION 28-29* (1997).

19. HAMMED SHAHIDIAN, *WOMEN IN IRAN: GENDER POLITICS IN THE ISLAMIC REPUBLIC 102-104* (2002).

that provided classes in literacy, vocational training, healthcare (including family planning information), and legal assistance on marriage, divorce and inheritance rights.<sup>20</sup> Many centers also provided day-care facilities for working women. By 1975, there were 349 branches and 120 centers throughout the country. The WOI also sponsored research on the problems of women from many socioeconomic and geographic sectors, and proposed legal and societal reforms.<sup>21</sup>

Parliament passed the Family Protection Law (FPL) in 1967. Endorsed by Ayatollah Hakim, the most eminent Shi'a cleric at the time, the FPL gave women expanded rights in marriage, divorce and child custody. It raised the marriage age from thirteen to fifteen for girls, and established special Family Protection Courts to handle marriage, divorce, and child custody disputes according to the Civil Code. Under the prior law, these issues were settled in the husband's favor—men were allowed to unilaterally divorce their wives and demand custody of the children.<sup>22</sup> They

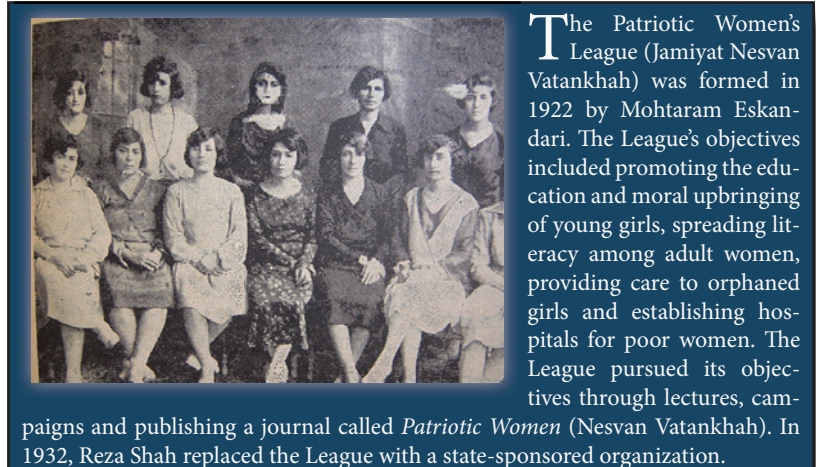
were also permitted to marry additional wives without the others' permission, and enter into temporary marriages without informing their wives. Upon the death of the husband, the male members of his family had custody rights over the couple's children that were superior to those of the widow.<sup>23</sup>

The FPL provided several grounds supporting a woman's petition for divorce—including her husband's marriage to a second wife without her consent. It also made unilateral divorce impossible by requiring husbands (as well as wives) to seek a permit from a Family Protection Court for the registration of divorce—known as certificates of the impossibility of reconciliation. The Courts decided child custody matters. Husbands also had to seek consent from a court before marrying an additional wife.<sup>24</sup>

The 1975 amendments to the FPL increased the minimum age of marriage for women to eighteen and men to twenty, and assigned custody of children to the mother upon the death of the children's father. The amended FPL also gave the wife the right (already enjoyed by her husband) to prevent her husband from accepting work that would dishonor the family. The amendments allowed women to be judges and women lawyers to represent clients in court.<sup>25</sup>

## 1.2 The Islamic Republic

By 1978, Iranian women were working as judges, diplomats, cabinet officers, mayors, and governors and twenty-two women sat in Parliament. Encouraged to assert themselves by the WOI and other organizations,<sup>26</sup> women enthusiastically joined the movements against the monarchy at the end of the 1970s. In 1978,



The Patriotic Women's League (Jamiyat Nesvan Vatankhah) was formed in 1922 by Mohtaram Eskandari. The League's objectives included promoting the education and moral upbringing of young girls, spreading literacy among adult women, providing care to orphaned girls and establishing hospitals for poor women. The League pursued its objectives through lectures, campaigns and publishing a journal called *Patriotic Women* (Nesvan Vatankhah). In 1932, Reza Shah replaced the League with a state-sponsored organization.

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20. AFARY, *supra* note 3, at 211; Afkhami, *supra* note 16, at 117.

21. Afkhami, *supra* note 16, at 117-121.

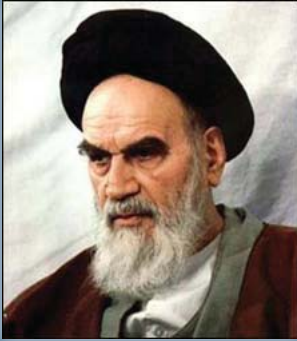
22. ESFANDIARI, *supra* note 18, at 30.

23. Afkhami, *supra* note 16, at 132. ESFANDIARI, *supra* note 18, at 31.

24. *Id.* at 30.

25. *Id.* at 30-31.

26. *Id.* at 34; Afkhami, *supra* note 16, at 130-31.



Grand Ayatollah Ruhollah Mousavi Khomeini had a long record of opposing equal rights for women before leading the revolution against the Shah. When women gained suffrage in 1963, he asserted that it was “disturbing to the peace of mind of the religious leaders and other classes of Muslims ... [and] against the holy and official religion of the country.” Upon the passage of

the Family Protection Law in 1967, he called upon the fury of God to deal with those who used or administered the new law. After the revolution, he ordered a ban on unveiling, abolished the Family Protection Law, and removed female judges, claiming they did not have the capacity to interpret Islamic law.

millions of women from all walks of life participated in demonstrations against the Shah.<sup>27</sup>

Upon taking control in 1979, the newly established Islamic Republic wasted no time in reversing progress. On February 26, 1979, Ayatollah Khomeini suspended the FPL as un-Islamic and disbanded the Family Courts.<sup>28</sup> The legal marriageable age of women reverted back to nine. On March 3, he prohibited women from serving as judges, and on March 4 announced that women could no longer initiate divorce proceedings. Two days later, women were prohibited from serving in the army.<sup>29</sup> On March 7, on the eve of International Women's Day, Khomeini decreed that women could work outside the home but that government-employed women

should wear *hejab*<sup>30</sup> to work. On March 9, women were banned from participating in sports.<sup>31</sup>

Iranians responded immediately to these curbs on women's rights with massive demonstrations and sit-ins. The International Women's Day celebrations that had been planned for March 8 at Tehran University attracted women and men demanding reversal of Khomeini's *hejab* ruling. The demonstrations calling for preservation of women's rights continued for five days in cities throughout Iran. On March 10, 15,000 women held a sit-in at the Ministry of Justice in Tehran.<sup>32</sup>

Demonstrators were attacked and beaten by conservative men and women who supported the new regime's policies. Some women activists were identified by the new regime and later lost their jobs because of their “anti-revolutionary” actions.<sup>33</sup> Others made the difficult choice of foregoing public protest in an effort to keep their jobs.<sup>34</sup>

The regime initially softened the Ayatollah's *hejab* directive into “advice of the sort a father gives to his children.”<sup>35</sup> However, by June 28, 1980, it had sufficient control to decree an “administrative revolution” requiring women to be veiled in all government offices.<sup>36</sup> Legally, *hejab* became compulsory for all women in 1983 after the *Majlis* passed a law that made nonobservance a crime punishable by seventy-four lashes.<sup>37</sup>

27. Azar Tabari, *Islam and the Struggle for Emancipation of Iranian Women*, in *IN THE SHADOW OF ISLAM THE WOMEN'S MOVEMENT IN IRAN* 5, (Azar Tabari and Nahid Yeganeh eds., 1982); ESFANDIARI, *supra* note 18, at 38.

28. LOUISE HALPER, *LAW AND WOMEN'S AGENCY IN POST-REVOLUTIONARY IRAN*, 28 *Harv. J. L. & Gender* 85, 87-88 (Winter 2005).

29. AFARY, *supra* note 3, at 271-273.

30. “*Hejab*” is the traditional covering for the hair and neck that is worn by Muslim women. *Hejab* (2010), *Merriam-Webster Online Dictionary*, retrieved August 3, 2010, from <http://www.merriam-webster.com/dictionary/hijab>.

31. AFARY, *supra* note 3, at 272-73. Nahid Yeganeh, *Women's Struggle in the Islamic Republic of Iran*, in *IN THE SHADOW OF ISLAM THE WOMEN'S MOVEMENT IN IRAN* 35 (Azar Tabari and Nahid Yeganeh eds., 1982).

32. Tabari, *supra* note 27, at 14. *IN THE SHADOW OF ISLAM THE WOMEN'S MOVEMENT IN IRAN* 234 (Azar Tabari and Nahid Yeganeh eds., 1982). Women's rights activist and defender Mehrangiz Kar has written that she “would identify the events of March 8, International Women's Day, as the starting point of my activities in support of women's rights and human rights within the Islamic regime.” MEHRANGIZ KAR, *CROSSING THE RED LINE*, 46 (2007).

33. IHRDC Interview with N.H. (May 15, 2010)(on file with IHRDC).

34. See, e.g., KAR, *supra* note 33, at 46 (“The arrests and dismissals became a lesson for many women, who decided against public protest in an effort to hold on to their jobs and to stay out of prison. I, too, chose this path.”).

35. SHAHIDIAN, *supra* note 19, at 112.

36. *IN THE SHADOW OF ISLAM THE WOMEN'S MOVEMENT IN IRAN* 237 (Azar Tabari and Nahid Yeganeh eds., 1982).

37. PAIDAR, *supra* note 5, at 342-43. In 1988, regulations listed the ways *hejab* can be deficient: uncovered head, showing of hair, make-up, uncovered arms and legs, thin and see-through clothes and tights, tight clothes such as trousers without an overall over them, and clothes bearing foreign words, signs or pictures. *Id.*



Islamist women initially supported the rollback of rights.<sup>38</sup> Zahra Rahnavard, an Islamist married to Mir-Hossein Mousavi (prime minister at the time and later a presidential candidate in the 2009 election), made the veil an issue of modesty and part of women's responsibility to purge Iran of "imperialist culture."<sup>39</sup> Within months of the revolution, Islamist women founded the Women's Society of the Islamic Revolution (WSIR), which sought to create a culturally authentic gender identity for women in Iran.<sup>40</sup> The WSIR workshops addressed women's roles in a "true" Islamic society, which "entailed criticism of the past and present."<sup>41</sup> Despite the organization's significant ties to the regime, in 1981, supporters of the ruling clerics criticized the policy of forced Islamization and veiling, and several branches of the WSIR were attacked by mobs and looted.<sup>42</sup>

Islamist women, a few of whom served as *Majlis* representatives, proposed laws intended to alleviate some of the unequal treatment of women. Changes were made to employment, child-custody and marriage/divorce laws. After 1984, a woman could file for divorce under limited conditions, provided they had been agreed to in the marriage contract.<sup>43</sup> One permissible condition was the husband taking a second wife without his wife's consent. In 1989, the *Majlis* passed the Divorce Reform Bill, which left a man's unilateral divorce rights unchanged, but required a court's permission before the divorce could be registered.<sup>44</sup>

Mohammad Khatami, President of Iran from 1997 through 2005, supported the Center for Women's Participation in the Office of the Presidency, which campaigned for women's rights.<sup>45</sup> His administration also encouraged non-governmental organizations (NGOs) that promoted the rights of women and children. The number of women-focused NGOs rose from 67 to 480 during Khatami's tenure.<sup>46</sup>

Female *Majlis* representatives and their supporters successfully introduced several liberalizing laws. For example, the legal age of marriage for girls was raised from nine to fifteen, although the Council of Guardians later decreed that thirteen was the legal age.<sup>47</sup> The *hejab* rules were relaxed. However, many other legislative proposals were rejected,<sup>48</sup> and activists faced attacks from the branches of the regime still dominated by radical conservatives. The parallel intelligence apparatus arrested, beat and imprisoned members of the women's rights movement.<sup>49</sup>

38. "Islamist" is a broad term that very generally refers to "a popular reform movement advocating the reordering of government and society in accordance with laws prescribed by Islam." Islamist (2010), in *Merriam-Webster Online Dictionary*, retrieved August 3, 2010, from <http://www.merriam-webster.com/dictionary/islamist>.

39. Rahnavard was born into a religious family in 1945. She graduated from Tehran's School of Fine Arts and later received a PhD in Political Science from Azad University. A member of the opposition before the revolution, she founded Muslim Women and Islamic Republic Women's Society between 1979 and 1980. She was also the Editor in Chief of Rah-i Zaynab (Path of Zaynab), the post revolutionary reincarnation of Ettela'at Banovan (Women's Information) until 1988. In 1996, she joined Mohammad Khatami and the reformist movement. In 1998, she was appointed head of Al-Zahra all female university, a position she held until 2006. See Nezhat Amirabadian, *Nukhustin Banuyih Avval-i Iran [The Primary First Lady of Iran]*, HAM MIHAN, May 5, 2009, available at <http://www.hammihannews.com/news/2727>.

40. AFARY, *supra* note 3, at 314.

41. PAIDAR, *supra* note 5, at 240.

42. AFARY, *supra* note 3, at 314.

43. AFARY, *supra* note 3, at 312-313.

44. PAIDAR, *supra* note 5, at 291, 293. The other permissible conditions included insanity, impotence, infertility, absence from home without reason, imprisonment, inability to provide support, hardship, violence by the husband, irreconcilability and immoral employment.

45. AFARY, *supra* note 3, at 329.

46. AMNESTY INTERNATIONAL, IRAN: WOMEN'S RIGHTS DEFENDERS DEFY REPRESSION 2, (2008), available at <http://www.amnesty.org/en/news-and-updates/report/women-act-against-repression-and-intimidation-iran-20080228>.

47. *Barrisiyih Huquqiyih Sin-i Izdivaj va Rushd-i Dukhtaran [Legal Analysis of Age of Marriage and Growth of Girls]*, IRAN PRESS, June 21, 2008, available at <http://www.iranpress.ir/iranwomen/Template1/News.aspx?NID=2744>.

48. AFARY, *supra* note 3, at 329-330.

49. See, e.g., IHRDC Witness Statement of Fariba Davoodi Mohajer available at <http://iranhrdc.org/httpdocs/English/pdfs/WitnessStatements/FDMWS.pdf>. See also, IRAN HUMAN RIGHTS DOCUMENTATION CENTER, COVERT TERROR: IRAN'S PARALLEL INTELLIGENCE APPARATUS (2009) available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

### 1.2.1 Ahmadinejad's First Term (2005-2009)

In 2005, the women's rights movement took advantage of the more open atmosphere during the period leading up to the election to raise sensitive issues.<sup>50</sup> In a very public and egregious act of civil disobedience, about a hundred women managed to enter Tehran's soccer stadium to watch a game between the national teams of Iran and Bahrain.<sup>51</sup> The women's rights movement declared June 12 to be Women's Solidarity Day and held an unauthorized demonstration in Tehran.<sup>52</sup> It was the first such demonstration since 1979, and the protestors numbered no more than five hundred. As they chanted, "[w]e are women, we are children of this land, but we have no rights," riot police swarmed them using clubs and dragged away demonstrators.<sup>53</sup> Upon his election twelve days later, President Ahmadinejad changed the name of the Center for Women's Participation to the Center for Women and Family Affairs, and directed that female government employees only work during daylight hours—once again emphasizing the role of women as housewives and mothers.<sup>54</sup>

Women demonstrated on International Women's Day (March 8) in 2006, and were beaten and arrested by baton-wielding police. They attempted to gather again on June 12 of that year, but were arrested and dispersed before they could assemble. The Judiciary announced the arrest of seventy people, including Fariba Davoodi Mohajer, Shahla Entesari, Parvin Ardalan, Noushin Ahmadi Khorasani and Sussan Tahmasebi, and charged them with crimes ranging from acting against state security to propaganda against the state.<sup>55</sup>

Following that year's June 12 demonstration, activists created the Campaign for Equality that launched the Campaign for the Collection of One Million Signatures to Reform Discriminatory Laws against Women (hereinafter "One Million Signatures Campaign"). Officially launched on August 27, 2006, the Campaign aims to obtain the signatures of one million Iranians in support of amendments to the country's civil and penal codes.<sup>56</sup>

On March 4, 2007, during a trial of five activists who had been arrested during the June 12, 2006 demonstration, demonstrators gathered outside of the Revolutionary Court insisting on the innocence of the accused, and the illegality of their arrests and detentions.<sup>57</sup> Police surrounded and attacked them. One activist recalls how she narrowly escaped arrest.

In the middle of the protest, I went to run an errand. When I returned, I noticed that security forces had surrounded the demonstrators and would not allow anyone to enter the area. I saw that a van had arrived and they were putting girls in it. Nahid Jafari's teeth were broken because they smashed her face into the van's door when they forced her into the van during her arrest.<sup>58</sup>

50. Zahra Eshraghi, a granddaughter of Ayatollah Khomeini explained: "There are certain things that are considered as crimes although the situation is gradually changing ... For example, it would have been very dangerous to talk about changing the Constitution, or women's right to choose their dress. There can be no progress if women don't feel they are safe to express their demands." Nazila Fathi, *Hundreds of Women Protest Sex Discrimination in Iran*, NEW YORK TIMES, June 12, 2005, available at <http://www.nytimes.com/2005/06/12/international/middleeast/13womensend.html>.

51. AMNESTY INTERNATIONAL, *supra* note 46.

52. *22 Khordad Ruz-i Hambastigi-yih Zanan-i Iran [June 12, Day for Solidarity of Women in Iran]*, THE FEMINIST SCHOOL, June 3, 2008, available at <http://www.feministschool.com/spip.php?article716>.

53. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC); Nazila Fathi, *Hundreds of Women Protest Sex Discrimination in Iran*, NEW YORK TIMES, June 12, 2005, available at <http://www.nytimes.com/2005/06/12/international/middleeast/13womensend.html>.

54. AMNESTY INTERNATIONAL, *supra* note 46.

55. AMNESTY INTERNATIONAL, *supra* note 46, at 4. Ardalan and Ahmadi Khorasani were each sentenced to three years in prison on charges of threatening national security that, on appeal, were both reduced to one year suspended sentences. *Appeals Court Reduces Sentence for Parvin Ardalan*, CHANGE FOR EQUALITY, April 14, 2009, available at <http://www.campaignforequality.info/english/spip.php?article500>.

56. AFARY, *supra* note 3, at 370-71; IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC).

57. *The Life of Iranian Women's Activists is in Danger*, IRANIAN.COM, March 7, 2007, available at [http://news.newamericamedia.org/news/view\\_article.html?article\\_id=64119c136edbac4847960d1dea4ce09e](http://news.newamericamedia.org/news/view_article.html?article_id=64119c136edbac4847960d1dea4ce09e).

58. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

Authorities detained 33 activists that day including Shadi Sadr, the internationally recognized women's rights lawyer,<sup>59</sup> Mahboubeh Abbasgholizadeh, the veteran women's rights activist,<sup>60</sup> and Asieh Amini, the journalist and women's rights activist.<sup>61</sup> All were taken to Evin prison for interrogation. Amini was released after five days. The authorities allowed Sadr to contact her family, but did not allow Abbasgholizadeh to contact hers. She remembers that "I tried to convince them that asking for our rights had nothing to do with the enemy, but they insisted that foreign governments were exploiting our cause."<sup>62</sup> She and Sadr were released after fifteen days of interrogation. Abbasgholizadeh was released on 250 million Tomans (roughly US \$250,000) bail, and Sadr on 200 million Tomans (roughly US \$200,000) bail.<sup>63</sup> They were charged with attending an illegal assembly and disorderly conduct.<sup>64</sup>

When Mahmoud Ahmadinejad became President of Iran in 2005, he spearheaded initiatives designed to restrict women's employment and family rights, including a directive limiting the work of female government employees to daylight hours. His government stepped up raids to enforce an increasingly strict dress code, which included a ban on wearing boots in the winter of 2008. His administration also introduced the Family Protection Act, a series of measures that further reduced women's rights in family law.



In April 2007, then-intelligence minister Qolam-Hossein Mohseni Ejei claimed that the women's rights movement was part of an attempt by outside enemies to bring about the soft overthrow of the Islamic Republic.<sup>65</sup> The regime shut down organizations as well as print media and websites. In November, the regime banned publication of *Zanestan*, a website run by the Women's Cultural Center<sup>66</sup> (*Markaz-i Farhangiyih*

59. Shadi Sadr is an Iranian lawyer and women's rights activist who was the director of *Raahi*, a legal advice center for women until its closure by Iranian authorities in mid-March 2007. She also founded Women in Iran (*Zanan-i Iran*), the first internet resource dedicated to chronicling the work of Iranian women's rights activists, and was centrally involved in founding the prominent and internationally recognized "Stop Stoning Forever" campaign. IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC); see also, "Raahi" *barayih Ta'qir-i Zindigiyih Zanan* [A "Way" to Change Women's Lives], RADIO ZAMAANEH, April 8, 2007, available at [http://radiozamaaneh.com/morenews/2007/04/post\\_651.html](http://radiozamaaneh.com/morenews/2007/04/post_651.html).
60. Caroline Sevier, *Dissident Watch: Shadi Sadr and Mahboubeh Abbasgholizadeh*, MIDDLE EAST QUARTERLY, Summer 2007, available at <http://www.meforum.org/1746/dissident-watch-shadi-sadr-and-mahboubeh>. Abbasgholizadeh, a well-known journalist, film maker and activist, was the director of the Association of Women Writers and Journalists and editor-in-chief of *Farzaneh*, a journal on women's studies. She was also a leading member of the Stop Stoning Forever campaign. *Iran: Mahboubeh Abbasgholizadeh sentenced to 2 1/2 years in jail and 30 lashes for 'acts against national security'*, WOMEN LIVING UNDER MUSLIM LAWS, available at <http://www.wluml.org/node/6306>.
61. Amini is an accomplished journalist, women's rights activist and poet. Soheila Vahdati, *Asieh's eyes*, IRANIAN.COM, Oct. 16, 2007, available at <http://www.iranian.com/main/2007/asieh-s-eyes>. Amini was later acquitted.
62. Scheherzad Faramarzi, *Iran Women's Hell*, IRAN PRESS SERVICE, May 2, 2007, available at [http://www.iran-press-service.com/ips/articles-2007/may2007/bad\\_hejabi\\_2507.shtml](http://www.iran-press-service.com/ips/articles-2007/may2007/bad_hejabi_2507.shtml).
63. *Mahboubeh Abbasgholizadeh va Shadi Sadr Azad Shudand* [Mahboubeh Abbasgholizadeh and Shadi Sadr Were Released], GOOYA NEWS, March 19, 2007, available at <http://news.gooya.com/politics/archives/2007/03/058235.php>.
64. Press release, *Hivos shocked about Iranian verdict against Abbasgholizadeh and Sadr*, Hivos, May 21, 2010, available at <http://www.hivos.nl/eng/Hivos-news/Hivos-news/Hivos-shocked-about-Iranian-verdict-against-Abbasgholizadeh-and-Sadr>. On May 16, 2010, the Revolutionary Court sentenced Sadr to six years' imprisonment and 74 lashes for acting against national security and harming the public order. It sentenced Abbasgholizadeh to two and a half years and thirty lashes. *Id.*
65. *Vazir-i Ittila'i dar Qazvin: Amal-i Ingilis dar Siyasi Kardan-i Qaziyihyih Mutajavizan Napukhtih va Nabikhradanih Bud* [Minister of Intelligence in Qazvin: the Action of Britain in Politicizing their Aggression Was not Well Thought Out], ISNA, April 10, 2007, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-902320>.
66. Parvin Ardalan and Noushin Ahmadi Khorasani founded the Women's Cultural Center, an NGO that worked on women's health and legal issues. The Center started working in 1999, was officially registered in 2001, and was shut down during the purge of civil society NGOs in 2007. Ardalan and Ahmadi Khorasani won the Latifeh Yarshater Award in 2004 for a book they co-authored, and Ardalan won Sweden's Olof Palme Prize in 2007 for her work on women's rights. See Maryam Dastgir, *Interrogations of Women Continue*, CYRUS NEWS AGENCY, June 27, 2006, available at <http://www.cyrusnews.com/news/en/?mi=6&ni=442>; Faragis Najibullah, *Iran: Women's Activist Wins Human Rights Award*, RADIO FREE EUROPE RADIO LIBERTY, Feb. 14 2008, available at <http://www.rferl.org/content/article/1079477.html>; *Iranian Women Celebrate the Award of the Olof Palme Prize to Parvin Ardalan*, OPENDEMOCRACY, LTD, February 17, 2008, available at [http://www.opendemocracy.net/blog/jane\\_gabriel/olof\\_palme\\_prize\\_parvin\\_ardalan](http://www.opendemocracy.net/blog/jane_gabriel/olof_palme_prize_parvin_ardalan); *Campaign: A Matter of Life / Parvin Ardalan*, CHANGE FOR EQUALITY, March 10, 2007, available at <http://www.forequality.info/english/spip.php?article46>.





The Stop Stoning Forever Campaign, founded in Iran in 2006, aimed to abolish stoning as a form of legal punishment. The campaign raised awareness about individual cases and provided

legal expertise to those sentenced to stoning on death row. In 2007, the campaign integrated into a larger global campaign against stoning. Stoning as a punishment was removed from the final and amended copy of the Islamic Penal Code introduced in 2009—an act largely credited to the Stop Stoning Forever campaign. As of the date of this publication, the amendment has not been implemented.

*Zanan*). *Zanestan*'s editor, Maryam Hosseinkhah, who was one of the 33 women arrested on March 4, 2007, was rearrested a week after the website was shut down.<sup>67</sup> In January 2008, the authorities shut down *Zanan*, which had been one of the most important women's magazines in Iran for sixteen years.<sup>68</sup> Officials claimed it "endangered the spiritual, mental and intellectual health of its readers, gave the impression of insecurity in society, and drew a dark image of the situation of women in Islamic society by publishing certain articles."<sup>69</sup>

The regime regularly shut down the One Million Signatures Campaign's websites, beat and arrested demonstrators, and interrogated and harassed its activists. Increasingly, phones and e-mails were monitored.<sup>70</sup> Aida Saadat, a leading women's rights activist, was interrogated at the bank where she worked before being fired in 2007 for her activities.<sup>71</sup> She notes how sensitive the conservative officials were to the demands of the Campaign:

The women's movement and the Campaign were attempting to change the law, and the law is rooted in Islam. For example, the inheritance laws and blood money are directly from the Koran, so they were very sensitive to our criticism and accused me of corrupting society. They began calling us "the prostitutes' campaign for one million signatures" or "the corrupt campaign for one million signatures." These insults were published in *Kayhan*.<sup>72</sup>

However, the Campaign's grassroots nature allowed it to withstand state pressure and continue to build broad-based support.<sup>73</sup> At least partially in response to the Campaign's demands, Ahmadinejad introduced a "Family Protection Law" during the summer of 2008. Uniformly derided as the anti-family law by the women's movement, the proposed law made polygamy and temporary marriage easier for men,<sup>74</sup> divorce

67. Maryam Kashani, *Activist Maryam Hosseinkhah Arrested*, ROOZ ONLINE, Dec. 3, 2007, available at <http://www.roozonline.com/english/news/newsitem/article/2007/december/03/activist-maryam-hosseinkhah-arrested-1.html>.

68. *Shutting Down Zanan*, NEW YORK TIMES, Feb. 7, 2008, available at <http://www.nytimes.com/2008/02/07/opinion/07thu1.html>.

69. AMNESTY INTERNATIONAL, *supra* note 46, at 3.

70. IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC). IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

71. One morning in February 2006, intelligence agents came to Saadat's office and seized her work computer without a warrant. For three days, plain clothes agents interrogated her at the bank. About a month later, her boss informed her that he was forced to fire her by order of the Ministry of Intelligence because of her activism on the Campaign. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

72. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

73. NOUSHIN AHMADI KHORASANI, *CAMPAIGN FOR EQUALITY* 89, (2009).

74. Article 23, as originally proposed, eliminated the already minimal restrictions on a man marrying multiple wives (for example if the *mihriyyih* is current and the first wife asks for it, the man must give it to her before marrying an additional wife). It provided that a man could marry additional wives as long as he proves to a court that he has the financial means and will be fair to his wives. Article 23 was later amended to list specific circumstances pursuant to which a married man may marry a second wife. The circumstances include: i) consent of the first wife, ii) inability of the first wife to perform matrimonial duties, iii) the refusal of a wife to be obedient to her husband as described in a court order, iv) wife afflicted with insanity or other incurable diseases, v) sentencing of wife to up to a year in prison for a voluntary crime, or where inability to pay a fine results in imprisonment, vi) addiction of wife to any narcotic or other illicit substance that causes suffering and damages the family, vii) improper and isolative behavior of the wife that makes it difficult to cohabit with her, viii) abandonment of family life by the wife for a period of six months, ix) infertility of wife and x) disappearance of the wife for a period of at least one year, even when the husband is aware of the circumstances causing the wife's "disappearance" – e.g., if she is incarcerated for a year or more. *Matn-i Kamil-i Layihiyih Himayat az Khanivadih 1386* [Complete Text of the Family Protection Act of

more difficult for women, and criminalized the marriage of a non-Iranian to an Iranian woman without proper authorization.<sup>75</sup> Article 25 also proposed taxing *mihriyyih*, the property given to the wife at the time of marriage, if it is uncustomary or unreasonably high.<sup>76</sup> Women's rights activists were successful in convincing the Parliamentary Judicial Committee to "temporarily shelve" the controversial parts of the bill.<sup>77</sup>

Although Iranian women have made some progress, women are still treated unequally under Iranian law. Women, regardless of their religion, must follow the *hejab* dress code when in public.<sup>78</sup> The legal marriage age is 13 for women and 15 for men. Men may marry up to four permanent wives and an infinite number of temporary wives at any one time.<sup>79</sup> Men have absolute rights to divorce while women may initiate divorce only if they meet certain conditions, some of which must have been agreed to in the marriage contract. Mothers may have custody rights over children until they reach the age of seven, after which, fathers have automatic custody. Mothers' custody rights are dismissed if they remarry. In case of a custody dispute, the court will decide based on the welfare of the child.<sup>80</sup> Fathers and paternal grandfathers continue to have absolute guardianship rights over children when their fathers die. Mothers can never be awarded guardianship rights.<sup>81</sup>

Women do not have equitable inheritance rights as wives, mothers, sisters or daughters. Even if a wife is the sole survivor to her husband's estate, she may not inherit more than a quarter of the estate; if she is not the sole survivor, she is limited to an eighth of the estate. The civil code provides that only Iranian fathers may pass on their citizenship to their children.<sup>82</sup>

A woman's testimony is regularly discounted as worth half that of a man's.<sup>83</sup> Under some circumstances, relying only on the testimony of women (regardless of the number) can constitute a false accusation. In the case of murder or injury, the law sets an amount known as *diyeh*—blood money—to be paid to victims



Qolam-Hossein Mohseni Ejei is the prosecutor general of Iran. Since his appointment in August 2009, scores of women activists in Iran have faced arrest, interrogation and prosecution for engaging in peaceful activism. Prior to his appointment, Ejei served a four-year term as the Minister of Intelligence. In April 2007, Ejei claimed that the women's rights movement was a tool in the hands of "foreign forces" to stage a soft overthrow of the Iranian regime—a charge officially leveled at women following the 2009 presidential election.

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- 2008], IRAN GENDER EQUALITY (February 17, 2010), available at <http://familylaw.irangenderequality.com/spip.php?article4>.
75. 2007 Family Protection Bill, FOUNDATION FOR IRANIAN STUDIES, available at <http://www.fis-iran.org/en/women/laws/07fpb>; See also Shadi Sadr, *Ishkalat-i Qanun-i Himayat az Khanivadih [Problems of the Family Protection Law]*, MARDOMAK, September 9, 2008, available at [http://www.mardomak.org/news/family\\_protection\\_law\\_def/](http://www.mardomak.org/news/family_protection_law_def/); and Qolam-Hossein Ra'isi, *Mu'zalat-i Layihiyih Himayat az Khanivadih [Hurdles of the Family Protection Bill]*, MARDOMAK, April 8, 2010, available at [http://www.mardomak.org/news/iran\\_family\\_law/](http://www.mardomak.org/news/iran_family_law/).
76. Critics of the provision note that under Islamic law, the minimum compensation a wife is guaranteed at the time of marriage and in the case of divorce is the *mihriyyih* and taxing it is exceptionally discriminatory against women. *Matn-i Kamil-i Layihiyih Himayat az Khanivadih 1386 [Complete Text of the Family Protection Act of 2008]*, IRAN GENDER EQUALITY (February 17, 2010), available at <http://familylaw.irangenderequality.com/spip.php?article4>.
77. *Chand Hamsariyih Mardan va Maliyat bar Mihriyyih Itibar Nadarand [Multiple Wives for Men and Taxing of the Mihriyyih Are not Legal]*, MARDOMAK, November, 18, 2008, available at [http://www.mardomak.org/news/articles\\_family\\_protection\\_law\\_removal/](http://www.mardomak.org/news/articles_family_protection_law_removal/).
78. KHORASANI, *supra* note 73, at 122.
79. *Id.* at 118.
80. Qanun-i Madaniyyih Jumhuriyyih Islamiyyih Iran [Civil Code of the Islamic Republic of Iran], (1307) [1928], arts. 1119, 1133, 1169 [hereinafter Civil Code], available at <http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,IRN,,49997adb27,0.html>.
81. KHORASANI, *supra* note 73, at 118.
82. Civil Code *supra* note 80, arts. 906, 907, 913, 949, 976 (2).
83. See for example, Qanun-i Mujazat-i Islami [Islamic Penal Code] 1379 [2000], art. 74 [hereinafter Iran Penal Code], available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

or their families; the amount to be paid for a Muslim woman is half that of a Muslim man.<sup>84</sup> The age of criminal responsibility for girls is nine lunar years, while boys are not considered adults under criminal law until they have reached 15 lunar years. Men have complete immunity from punishment for murdering adulterous wives and their lovers. Women convicted of adultery may be stoned to death.<sup>85</sup> Fathers and paternal grandfathers who kill their children or grandchildren are only subject to payment of blood money and punishment in the discretion of the court.<sup>86</sup>

## 2. Targeting of Women's Rights Activists in Lead-Up to the June 2009 Election

In 2009, the Guardian Council again rejected the candidacies of women in the presidential election.<sup>87</sup> However, opposition candidate platforms and positions often included issues of female equality that reflected pressure from women's rights groups.<sup>88</sup> The regime responded by arresting, interrogating, imprisoning, and harassing activists and their defenders.<sup>89</sup>

### 2.1 Promises by Presidential Candidates

The women's rights community compelled candidates to carefully articulate their positions on women's rights.<sup>90</sup> The "Coalition of the Women's Movement to Set Forth Demands in the Election" made two fundamental demands of the presidential candidates: (1) that Iran ratify the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and (2) that they try to "remove all discriminatory laws against women and especially revision and amendment of articles 19, 20, 21 and 115 of the Constitution in order to include the principle of unconditional gender equality."<sup>91</sup> Women's rights activists attended

84. *Id.* arts. 76, 300, 630.

85. KHORASANI, *supra* note 73, at 119, 122. Iran Penal Code, *supra* note 83, arts. 83, 630.

86. Iran Penal Code, *supra* note 83, arts. 283, 20; KHORASANI, *supra* note 73, at 121. *Qisas*, lit. retribution or *lex talionis*, is a punishment equivalent to the crime committed. *Ta'zir* or discretionary punishments are those that are not designated in Shari'a and are instead left to the discretion of the judge. *See* Iran Penal Code, *supra* note 83 arts. 14, 16. If a father kills his child, his discretionary punishment will be between three to ten years' imprisonment. *Id.* art. 612.

87. Article 115 of the Islamic Republic of Iran's Constitution states that the president of Iran must be elected from among religious and political "*rejal*" who possess certain qualities. The term "*rejal*" literally means "men" but it can also symbolize "people" which has been the argument of religious and politically active women who have tried to submit their candidacies for president. On April 11, 2009, the Guardian Council publicly clarified that "*rejal*" could mean a man or woman and that women were not, and had not been, precluded from submitting their candidacies for the presidency. *Kandidaturiyih Zanan Barayih Riyasat Jumhuri Man'i-i Qanuni Nadarad [There is no Legal Prohibition on Candidacy of Women for Presidential Election]*, MEHR NEWS AGENCY, April 11, 2009, available at <http://www.mehrnews.com/fa/newsdetail.aspx?NewsID=858179>.

88. Video File: *Musahibiyih Mahboubeh Abbasgholizadeh dar Tilivision-i Sidayih America [Interview of Mahboubeh Abbasgholizadeh with Voice of America Television]*, VOICE OF AMERICA, March 8, 2010, available at [http://www.youtube.com/watch?v=EkKY\\_URyVE0](http://www.youtube.com/watch?v=EkKY_URyVE0); *see also Women's Movement: A Model for the Green Movement*, GOZAAR, June 11, 2010, available at <http://www.gozaar.org/english/articles-en/Women-s-Movement-A-Model-for-the-Green-Movement.html>.

89. *Document – Iran: Ensure Free Presidential Election*, AMNESTY INTERNATIONAL, May 15, 2009, available at <http://www.amnesty.org/en/library/info/MDE13/046/2009/en>.

90. Sussan Tahmasebi, *Why Focus on Women's Rights?*, NATIONAL PUBLIC RADIO, June 5, 2009, available at [http://www.npr.org/blogs/sundaysoapbox/2009/06/women\\_rights\\_factors\\_in\\_irans.html](http://www.npr.org/blogs/sundaysoapbox/2009/06/women_rights_factors_in_irans.html).

91. *Hamgara'iyih Jumbish-i Zanan Barayih Tarh-i Mutalibat dar Intikhabat [Coalition of Women's Movement To Advocate Electoral Demands]*, ASRE-NOU, April 25, 2009, available at <http://asre-nou.net/php/view.php?objnr=3081>. *See also* Noushin Ahmadi Khorasani's comments on the creation of a "coalition of women's movement to advocate electoral demands" and its success in shaping the issues of import in the June 2009 presidential race. *How Social Movements Can Change Iran*, ZNET, June 12, 2009, available at <http://www.zcommunications.org/how-social-movements-can-change-iran-by-noushin-ahmadi-khorasani>.

election rallies and distributed literature setting forth these demands.<sup>92</sup>

Three of the four candidates, recognizing the electoral potential of such a significant segment of the population, increasingly spoke out on issues that mattered to women of all backgrounds. Reformist candidate Mir-Hossein Mousavi issued a “comprehensive and ... detailed” plan to promote gender equality through measures that included ratification of the CEDAW and ensuring greater access for women to higher education and professional fields. Reformist candidate Mehdi Karroubi issued a statement in May 2009 in which he pledged, *inter alia*, to review discriminatory laws, ensure women held decision-making positions in government, and implement CEDAW.<sup>93</sup> Conservative candidate Mohsen Rezai promised that he would appoint female ministers, provide salaries to housewives, promote women's organizations, and facilitate the fair distribution of opportunities to men and women.<sup>94</sup>

Zahra Rahnavard, in her position as the wife of reformist candidate Mousavi, broke precedent by campaigning publicly with her husband—the first candidate's wife in the history of the Islamic Republic to do so.<sup>95</sup> Rahnavard used the spotlight of her husband's campaign to convey a platform of expanded women's rights, including “[e]limination of discrimination and strengthening of cultural rights, women's rights and equal rights under the law.”<sup>96</sup> Rahnavard also publicly endorsed the One Million Signatures Campaign,<sup>97</sup> and published an article calling for an end to discrimination against women and pushing for ratification of international women's rights conventions.<sup>98</sup>

## 2.2 Suppression of Activists

However, the incumbent regime increased its suppression of women's rights activists and organizations during the lead-up to the elections. It shut down offices, arrested and interrogated many activists, and prevented some from leaving the country.

On December 21, 2008, Iranian authorities raided the offices of the Defenders of Human Rights Center that had been founded by veteran lawyer and activist Shirin Ebadi in 2001, just before a commemoration ceremony marking the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights was to take place.<sup>99</sup> On



**S**hirin Ebadi, lawyer, founder of the Defenders of Human Rights Center, and 2003 Nobel Peace Prize laureate, left Iran days before the June 2009 election to attend a conference. She has lived in exile ever since. Ebadi was named as a women's rights agent of the “velvet revolution” to overthrow the Iranian regime in the prosecutor general of Tehran's first indictment following the contested election results. The regime arrested Ebadi's husband and sister and warned her family that Ebadi would be jailed should she return to Iran.

92. *Women's Movement: A Model for the Green Movement*, GOZAAR, June 11, 2010, available at <http://www.gozaar.org/english/articles-en/Women-s-Movement-A-Model-for-the-Green-Movement.html>.
93. Tahmasebi, *supra* note 90.
94. *Id.*; Reza Sayah & Christiane Amanpour, contributors, *Iranian election could be test for women's rights*, CNN, June 11, 2009, available at <http://edition.cnn.com/2009/WORLD/meast/06/11/iran.election.women/>.
95. *Support for Moderate a Challenge to Iran's Leader*, THE NEW YORK TIMES, May 25, 2009, available at <http://www.nytimes.com/2009/05/26/world/middleeast/26iran.html>; *Thousands Gather to Hear, Cheer Iran's Michelle Obama*, CNN, May 24, 2009, available at <http://edition.cnn.com/2009/WORLD/meast/05/24/iran.wife/index.html>.
96. Zahra Rahnavard: 'I will sacrifice my life for freedom & democracy,' (Negar Irani, trans.), THE GREEN VOICE OF FREEDOM, June 9, 2010, available at <http://en.irangreenvoice.com/article/2010/jun/09/2019>.
97. Haleh Esfandiari, *Iran's Women of War*, NEW YORK REVIEW OF BOOKS, Jan. 14, 2010, available at <http://www.nybooks.com/blogs/nyrblog/2010/jan/14/irans-women-of-war/>.
98. *Hamsar-i Mir Hossein Mousavi: Raf'i Tab'iz az Zanan Shu'ar-i Kandidaha Bashad [Wife of Mir Hossein Mousavi: Removal of Discrimination From Women Should Be the Slogan of the Candidates]*, AFTAB April 6, 2009, available at <http://www.aftabnews.ir/vdcg3w97.ak93t4prra.html>.
99. Ebadi, a lawyer, and women's and children's rights activist, was awarded the Nobel Peace Prize in 2003 for her human rights work. *Police Close Offices of Group Led by Nobel Peace Laureate Hours Before Commemoration*, WASHINGTON POST FOREIGN SERVICE, December 22, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/21/AR2008122100676.html>; *Open Letter by Shirin Ebadi to President Mahmoud Ahmadinejad*, DEFENDERS OF HUMAN RIGHTS CENTER, June 6, 2009, avail-



December 22 and 29, officials identifying themselves as tax inspectors took documents and computers from Ebadi's law office in Tehran, ignoring her objections that the materials contained information protected by attorney-client privilege. On January 1, 2009, a mob of *basiji* students attacked the building where Ebadi's home and office are located—shouting angry slogans against her and defacing the outside walls with hateful language, as state security forces watched but failed to intervene. Two weeks later, the former secretary of the Center, Jinous Sobhani, was arrested without cause and detained for 55 days before being released on bail. Security forces also harassed and threatened other members of the Center until they tendered their resignations.<sup>100</sup>

In February 2009, the regime implemented, for the first time, the prison sentence of a women's rights activist that had been imposed for her activism. Alieh Eghdam Doust had been sentenced to three years' imprisonment for her participation in a protest of the discriminatory laws against women held in *Hafta Tir* square in Tehran on June 12, 2006. She began serving her sentence on February 1, 2009 and is currently in Evin prison's women's ward. In March 2010, a judge summoned Eghdam Doust after she allegedly spoke in the women's ward about the history of International Women's Day on March 8. He charged her with "reciting an article and speech among the women and creating incitement about women's activities, negative propagation against the regime, insulting the President and the Supreme Leader, and propagation of socialism." The prison authorities held her in solitary confinement for a week and continue to deny her contact with a lawyer or her family.<sup>101</sup>

Women associated with the One Million Signatures Campaign continued to be arrested, interrogated, imprisoned and charged with national security crimes. On January 30, 2009, the authorities arrested three members of the Campaign—Nafiseh Azad, Bigard Ebrahimi and Shahin Ebrahimi—in the mountains north of Tehran while they were collecting signatures for the Campaign's petition. Bigard Ebrahimi and Shahin Ebrahimi were released the next day on a financial guarantee of 20 million Tomans (roughly US \$20,000). However, Azad was held in Vozara Detention Center until February 4, 2009, when she was released on a third-party guarantee of 50 million Tomans (roughly US \$50,000).<sup>102</sup> She was charged with acting against national security by spreading propaganda against the state.<sup>103</sup>

While Azad was in custody, security police searched her home.<sup>104</sup> Although the warrant for the search

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able at [http://www.humanrights-ir.org/php/view\\_en.php?objnr=284](http://www.humanrights-ir.org/php/view_en.php?objnr=284).

100. *Open Letter by Shirin Ebadi to President Mahmoud Ahmadinejad*, DEFENDERS OF HUMAN RIGHTS CENTER, June 6, 2009, available at [http://www.humanrights-ir.org/php/view\\_en.php?objnr=284](http://www.humanrights-ir.org/php/view_en.php?objnr=284). Sobhani was released on March 11, 2009 on approximately US \$70,000 bail pending the scheduling of her court date.
101. *Alieh Eghdam Doust to Serve Three Year Prison Term*, CHANGE FOR EQUALITY, February 1, 2009, available at <http://www.we-change.org/english/spip.php?article455>; *About Imprisoned Member of Women's Movement: Alieh Eghdam Doust*, Feminist School, February 14, 2009, available at <http://www.feministschool.com/english/spip.php?article241>; *Alieh Eghdam Doust bih Ittihad-i Khanish-i Tarikhchihyih Hasht-i Mars dar Zindan Dadgahi Shud [Alieh Eghdam Doust Was Taken to Court for Speaking of the History of March 8<sup>th</sup> in Prison]*, CHANGE FOR EQUALITY, March 26, 2010, available at <http://www.we-change.org/spip.php?article5612>.
102. The Vozara Detention Center, officially The Detention Center for the Office of Combating Social Corruption, is a female detention center located on Vozara Street in Tehran. *Tarh-i Ifaf dar Intizar-i Iran [Chastity Plan Awaits Iran]*, RADIO KOOCHEH, May 2, 2010, available at <http://radiokoocheh.com/article/32937>. An arrestee of March 4, 2007 told Woman's Field website that the "hygienic conditions of Vozara are deplorable. It was so [bad] that we had to wash the sinks ourselves. The food was terrible and there wasn't even cups and spoons enough for everyone. Vozara didn't get enough light. There were lizards everywhere in the detention center. In some parts, the floor was not carpeted." A full report is available at *Guzarish-i Tahqiq Piramun-i Naqz-i Huquq-i Bashar va Qanun-i Hifz-i Huquq-i Shahrivandi dar Murid-i Bazdasht Shudigan 13 Isfand 1385 [Investigative Report Regarding Violations of human Rights and Citizenship Rights that Occurred to those Detained on March 4, 2007]*, ROSHANGARI, March 3, 2008, available at <http://www.roshangari.com/as/sitedata/20080305214253/20080305214253.html#s18>.
103. *Nafiseh Azad, Member of One Million Signatures Campaign Released after 6 Days Detention*, CHANGE FOR EQUALITY, (February 5, 2009), available at <http://www.we-change.org/english/spip.php?article463>. *Nafiseh Azad is Charged*, IRAN HUMAN RIGHTS VOICE, April 10, 2009, available at <http://www.ihrv.org/inf/?p=2137>.
104. *Campaign-i Baynalmillaliyih Huquq-i Bashar dar Iran: Sarkub-i Fa'alan-i Huquq-i Zan dar Yik Sal-i Guzashtih Shiddat*

explicitly stated that only property belonging to Azad and relating to the One Million Signatures Campaign could be searched and seized, police instead searched and seized the property of Azad's two housemates, fellow women's rights activists Elnaz Ansari and Aida Saadat.<sup>105</sup> In the course of the search, security agents beat Ansari, and handcuffed and beat Azad's husband, Vahid Maleki. The police took Saadat's documents, notes, CDs, poetry book and personal planner, and Ansari's laptop. Saadat remembers that her room "looked like someone had literally plowed through [it]."<sup>106</sup>

On March 26, 2009, authorities arrested twelve women's rights activists in Tehran while they were attempting to visit family members of political prisoners. Some of the detained were members of the Campaign. The agents took them to Evin prison, where they were charged with disrupting public opinion and order.<sup>107</sup> Ten of the detainees were released on bail three days later, and the remaining two were released in the first week of April.<sup>108</sup> Bail was set at 50 million Tomans (roughly US \$50,000) for each of the women. The authorities also required a third-party financial guarantee from a government employee.<sup>109</sup>

Another member of the Campaign, Maryam Malek, was arrested on April 25, 2009. Three security officers had searched Malek's home three days earlier, and seized personal items, including books and materials related to the Campaign and petition forms. Shortly after the search, she was served with a summons to report to the police station for interrogation. At the station, the police arrested her and took her to the Vozara Detention Center; from there, she was later transferred to Evin prison. The Revolutionary Court charged Malek with "propaganda against the state" and "membership in the One Million Signatures Campaign." She was unable to meet the bail amount of 20 million Tomans (roughly US \$20,000) and spent five days in detention before being released on a third-party financial guarantee.<sup>110</sup>

Agents from the Qom Ministry of Intelligence arrested two Campaign members, Fatemeh Masjedi and Maryam Bidgoli, on May 7, 2009. The women were in Qom investigating an honor killing, which had sparked the strong disapproval of several influential figures in Qom.<sup>111</sup> The authorities denied them access to a lawyer.<sup>112</sup> Twelve days following their arrests, Masjedi and Bidgoli were released on bail equivalent to

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*Giriftih Ast [International Campaign for Human Rights in Iran: Crushing of Women Rights Activists in Iran has Intensified in the Last Year]* ADVAR NEWS, April 17, 2009, available at <http://www.advarnews.biz/women/8959.aspx>.

105. *Iran: Violent Search of Women Activists' Home and Seizure of their Property*, CHANGE FOR EQUALITY, February 4, 2009, available at <http://payvand.com/news/09/feb/1042.html>.
106. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).
107. *Iran: Twelve Women's Rights Activists Arrested for Planned New Year's Visit*, CHANGE FOR EQUALITY, March 27, 2009, available at <http://www.wluml.org/node/5164>. Those arrested included Delaram Ali, Khadijeh Moghaddam, Leila Nazari, Farkhondeh Ehtesabian, Mahboubeh Karami, Bahara Behravan, Ali Abdi, Amir Rashidi, Mohammad Shoorab, Arash Nasiri Eghbali, Soraya Yousefi and Shahla Forouzanfar.
108. *Guzarishi az Vaz'iyat-i Zanan-i Mudafi'i Huquq-i Bashari [A Report of the Conditions of the Female Defenders of Human Rights]*, CHANGE FOR EQUALITY, April 16, 2009, available at <http://www.we-change.org/spip.php?article3988>; *Azadiyeh Dah Tan az Fa'alan-i Junbish-i Zanan va Idamiyeh Bazdasht-i Khadijeh Moghaddam va Mahboubeh Karami [Release of Ten Women Movement Activists and Continuation of Detention of Khadijeh Moghaddam and Mahboubeh Karami]*, CHANGE FOR EQUALITY, March 29, 2009, available at <http://www.we-change.org/spip.php?article3888>.
109. *Iran: Twelve Women's Rights Activists Arrested for Planned New Year's Visit*, CHANGE FOR EQUALITY, March 27, 2009, available at <http://www.wluml.org/node/5164>.
110. *Document – Iran: Prisoner of Conscience: Maryam Malek*, AMNESTY INTERNATIONAL, April 29, 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/039/2009/en/0bd1baa4-49e8-40ae-a7a2-47ccd6046dbf/mde130392009en.html>; *Iran: Maryam Malek Transferred to Evin Prison*, CHANGE FOR EQUALITY, April 28, 2009, available at <http://www.wluml.org/node/5220>; *Maryam Malek Released after Five Days Detention*, CHANGE FOR EQUALITY, April 29, 2009, available at <http://www.campaignforequality.info/english/spip.php?article507>.
111. "Honor killing" describes the practice of killing a woman for her actual or perceived immoral behavior. The woman is often killed by relatives, including her husband, brother or father. See *Case Study: "Honour" Killings and Blood Feuds*, GENDERCIDE WATCH, available at [http://www.gendercide.org/case\\_honour.html](http://www.gendercide.org/case_honour.html).
112. *Fatemeh Masjedi and Maryam Bidgoli Held in Solitary in Qum*, IRAN HUMAN RIGHTS VOICE, May 15, 2009, available at <http://www.ihrv.org/inf/?p=2310>.

US \$20,195.<sup>113</sup> The women were tried at the tenth branch of the Revolutionary Court in Qom on January 3, 2010, and charged with activity against national security, attempting to overthrow the state, publication of lies, and propaganda against the state through membership in the One Million Signatures Campaign. At the time of their trial, nearly eight months after their arrests, the women reported that much of the personal property that had been seized during their arrests—including cash and a gold watch—had yet to be returned.<sup>114</sup>

Founded in 2006, the One Million Signatures Campaign aims to collect one million signatures in support of a petition asking the Iranian Majlis to reform discriminatory laws against women. Campaign activities include distribution of educational material, in-person requests for signatures and debates with individuals, and organization of informative workshops and speeches. The regime, sensing a threat, launched a massive crackdown on the Campaign beginning in 2006—shutting down Campaign meetings, violently dispersing crowds at gatherings, and arresting many members.



On the same day as Masjedi's and Bidgoli's arrest, authorities prevented two prominent women's rights activists from traveling to Guatemala, where they were to speak about the role of women in democracy at a conference scheduled for May 10 to 12. The women, Narges Mohammadi, a former aide to Shirin Ebadi and deputy head of the Defenders of

Human Rights Center, and Soraya Azizpanah, a member of the Peace National Council and the Center to Clean Mine Fields, were stopped in Imam Khomeini Airport and ordered to report to Tehran's Revolutionary Court within 72 hours. The women had already received exit stamps on their passports. The authorities did not provide an explanation.<sup>115</sup>

### 3. Targeting of Women's Rights Activists and Defenders Post-Election

Demonstrations broke out immediately following the June 13 announcement by Iran's Election Commission Chief Kamran Daneshjoo that the incumbent, Mahmoud Ahmadinejad, was winning the election by a wide margin. Thousands of Iranians, from many backgrounds, took to the streets demanding respect for their votes. Increasingly large demonstrations took place on an almost daily basis until June 20, when several demonstrators were killed. The *Basij* militia and other law enforcement personnel used violence against unarmed and peaceful protestors, and thousands of demonstrators were arrested. At the same time, the regime, in an effort to aggressively quash any form of dissent, immediately began arresting and harassing anyone deemed to pose a threat. The authorities made sweeping arrests of human, minority and civil rights activists, as well as journalists, lawyers, and students.

Some demonstrators took to the streets for the first time. However, many women's rights activists and defenders were veterans of civic protest.<sup>116</sup> These women had been repeatedly interrogated and jailed over

113. *Court Session to Hear Accusations Against Two Campaign Activists in Qom; Mansoureh Shojaee Contacted Her Family*, CHANGE FOR EQUALITY, January 6, 2010, available at <http://www.we-change.org/english/spip.php?article629>; *Fateme Masjedi and Maryam Bidgoli, Two Women's Rights Activists, Are Released*, IRAN HUMAN RIGHTS VOICE, May 22, 2009, available at <http://www.ihrv.org/inf/?p=2349>.

114. *Court Session to Hear Accusations Against Two Campaign Activists in Qom; Mansoureh Shojaee Contacted Her Family*, CHANGE FOR EQUALITY, January 6, 2010, available at <http://www.we-change.org/english/spip.php?article629>.

115. *Iran Bans Nobel Laureate's Aide from Travelling*, AGENCE FRANCE PRESSE, May 10, 2009, available at [http://www.google.com/hostednews/afp/article/ALeqM5hNHkPOMLnp7AWObhE\\_OC1ilesR9Q](http://www.google.com/hostednews/afp/article/ALeqM5hNHkPOMLnp7AWObhE_OC1ilesR9Q); *Narges Mohammadi: Nimidanam Chira Mamnu'ul Khuruj Shudih-am* [Narges Mohammadi: I Don't Know Why I Have Been Travel Banned], RADIO FARDA, May 9, 2009, available at [http://www.radiofarda.com/content/F7\\_NMohammadi\\_SAzizpanah/1624858.html](http://www.radiofarda.com/content/F7_NMohammadi_SAzizpanah/1624858.html).

116. See Video File: *Musahibiyih Mahboubeh Abbasgholizadeh dar Tilivision-i Sidayih America* [Interview of Mahboubeh Abbasgholizadeh with Voice of America Television], VOICE OF AMERICA, March 8, 2010, available at <http://www.youtube.com/>



the years. Many had experience in mobilizing grass roots support and reaching media outlets in the face of heavy suppression. The Iranian regime recognized this connection and the danger presented by these veteran activists passing along their knowledge, organizational expertise and experience to the larger yet somewhat-less-organized green movement.<sup>117</sup>

The regime, therefore, immediately honed in on women's rights activists. It attempted to dismantle the movement by silencing leaders, both home and abroad, and arresting and jailing activists, both active and relatively inactive. Two days before the election, then-Prosecutor General of Tehran, Saeed Mortazavi, wrote a letter instructing law enforcement officials to arrest activists who attempted to accuse Iranian authorities of rigging the election results.<sup>118</sup> There is evidence that officials used that letter to arrest, without cause, many women's rights activists immediately following the announcement of the election results. For example, Mohammad Mostafaei, Hengameh Shahidi's lawyer, has reported that Shahidi's case file contains a copy of the letter but no warrant.<sup>119</sup>

The goal of silencing women's rights activists was confirmed in the indictment that was read at the first of a series of mass show trials in August 2009, and during interrogations of activists. The indictment alleged that the women's rights movement was a leader in a "velvet coup."<sup>120</sup> Women's rights activist Aida Saadat recalled that her interrogator told her "Our red line is where the women's rights movement enters the green movement."<sup>121</sup> She continued:

[The Iranian authorities] knew that the women's movement had personnel and resources, and if the women's movement was brought forth and fused with the street movement that was forming, it would have a huge impact on the latter in terms of organization. The members of the women's movement had experience and could give guidance and direction to the demonstrations and create organizations to support the green movement. This was [the Iranian government's] fear.<sup>122</sup>

The scope of the arrests was broad and deep. Those arrested included: (1) leaders of the women's rights movement, particularly the women named in the first indictment, (2) veteran women's rights activists and their lawyers, (3) leaders, members and signature collectors of the One Million Signatures Campaign, and (4) members of the Mourning Mothers organization,<sup>123</sup> who participated in peaceful gatherings to protest their loved ones' detention.

The arresting agents often did not provide identification or arrest warrants, and conducted warrantless

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[watch?v=EkKY\\_URyVE0.](#)

117. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

118. *Qissiyeh Pur Qussiyeh Parvandihiyeh Hengameh Shahidi* [*The Sorrowful Tale of the Case of Hengameh Shahidi*], RAHANA, April 9, 2010, available at <http://www.rhairan.in/archives/9040>.

119. *Id.*

120. *Matn-i Kamil-i Kayfarkhast-i Muda'ialum Alayhih Mutahamin-i Prujihyeh Shikastkhurdihyeh Kuditayih Makhmali* [*Complete Text of the Indictment of the Prosecutor General Against the Accused of the Failed Velvet Coup*], FARS NEWS AGENCY, August 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805100944> [See <http://www.iranhrdc.org/httpdocs/English/reports.htm> for a paginated translation].

121. The "Red Line" denotes the official and unofficial censorship rules that Iranian civil society and journalists must not cross if they hope to avoid retaliation. Crossing the "Red Line" can result in any number of consequences, the most serious of which is execution. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, CTRL+ALT+DELETE: IRAN'S RESPONSE TO THE INTERNET 8-9, available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

122. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

123. The Mourning Mothers (*Madaran-i Azadar*) is a civil society group formed by mothers (and their supporters) who lost their children and spouses in state-sanctioned violence following Iran's disputed June 2009 presidential election. The Mourning Mothers held vigils for their loved ones in parks all over Tehran during that summer. Eventually, mothers whose family members were executed in Iranian prisons in the 1980s, 1990s and early 2000s attended the gatherings, and the group spread throughout Iran and worldwide. IHRDC Interview with Aida Saadat, (April 15, 2010) (on file with IHRDC); IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC). See *infra* notes 220-27 and accompanying text.

searches of homes and workplaces. They detained activists for extended periods without charge, and denied them access to their families and lawyers. When interrogators allowed contact, they often monitored communications. They held some in solitary confinement for long periods of time, and crammed others into unsanitary and overcrowded cells. Interrogators questioned activists for hours. They attempted to humiliate, shame, and threaten activists, physically assaulted many and possibly raped at least one while she was forcibly drugged. The authorities often charged the women with threatening national security and conspiring with foreign agents to overthrow the Iranian government. They falsely accused many of membership in the outlawed Mujahedin-e Khalq (MEK)<sup>124</sup>—a crime punishable by death.<sup>125</sup> They set punishingly high bails for some activists and denied bail to others. They banned some activists from leaving the country.

As the Iranian government continues to attempt to dismantle the women's rights movement, it also continues to further restrict women's family life, and education and employment rights.<sup>126</sup> In December 2009 and January 2010, the Judicial Commission of the Iranian *Majlis* revisited Ahmadinejad's Family Protection Act and reinserted Articles 23 and 25 in their original forms.<sup>127</sup> A long-running debate on limiting the hours a woman can legally work per week<sup>128</sup> recently intensified with a proposal to reduce women's workweeks to 36 hours.<sup>129</sup> Opponents lament that such a law would reduce the already minimal presence of women in directorial and management positions in the workforce, and urge that provision of better childcare services should be encouraged by the government.<sup>130</sup>

In recent months, Hamidreza Haji Baba'i, Iran's Minister of Education, voiced support for marriage of high school girls, and opined that it would not be appropriate for married girls to sit beside unmarried girls in

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124. Known by several acronyms including PMOI, MKO, as well as the Mujahedin, the MEK was part of the coalition that deposed the Shah in 1979. However, in the early eighties, it launched several devastating assassinations and terrorist operations against the regime, and during the Iran-Iraq war, joined forces with Saddam Hussein and attacked Iran. Its unpopularity makes membership in the MEK a convenient charge against the regime's enemies. Civil society members are often wrongly accused of membership in the MEK, which is considered an act of waging war against God (or being a *muharib*) and is subject to execution. Since the 2009 elections, several individuals have been sentenced to death for being part of the MEK. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE 3-5; IRAN HUMAN RIGHTS DOCUMENTATION CENTER, VIOLENT AFTERMATH 39, 89 available at <http://iranhrdc.org/httpdocs/English/reports.htm>; Shish Uzv-i Sazman-i Tiruristiyeh Munafiqin dar Intizar-i Idam [Six Members of the Munafiqin Terrorist Group Await Execution], GERDAB, July 31, 2010, available at <http://www.gerdab.ir/fa/pages/?cid=1539>.
125. See, e.g., *infra* note 162 (Shiva Nazar Ahari accused of membership in the MEK); *Barguzariyeh Dadgah-i Mahdīyeh Golrou va Tafhim-i Ittihat-i Sangin* [Court of Mahdīyeh Golrou Convened and She was Explained her Heavy Charges], ADVAR NEWS, April 5, 2010, available at <http://www.advarnews.us/university/10725.aspx> (Mahdīyeh Golrou, a student's rights and women's rights activist currently held in Evin prison's general women's ward charged with, *inter alia*, "contact and collaboration with the *Munafiqin*"—the Iranian regime's derogatory term for MEK). See also, *infra*, note 252 (Parisa Kakaee accused of MEK membership).
126. See Video File: Mahboubeh Abbasgholizadeh/VOA/Iranian women in the last year/Part 1, VOICE OF AMERICA, March 21, 2010, available at <http://www.youtube.com/watch?v=fEmWd8favRc>.
127. *Commission-i Qaza-i va Huquq-i ba Tasvib-i Maddiyeh 23 Layihiyeh Himayat az Khanivadīh: dar Dah Mawrid Ijaziyeh Izdivaj-i Mujadad bih Mardan Dad* [Rights and Legal Commission of the Majlis Ratified article 23 of the Family Protection Act and Granted [Married] Men Ten Conditions Under Which they Can Take Another Wife], ISNA, December 30, 2009, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-1464827>; *Itmam-i Barrisiyeh Layihiyeh Himayat az Khanivadīh [Finalizing the Discussion on the Family Protection Act]*, ISNA, February 1, 2010, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-1484488> (law was finalized on February 1, 2010).
128. For example, on July 21, 2006, Elham Aminzadeh, Tehran's representative to the Majlis, spoke of a provision pursuant to which mothers with disabled children work part time yet get paid full-time. See *Elham Aminzadeh: Sa't-i Kar-i Madaran-i Shaqil-i Darayih Farzand-i Ma'lul Kahish Miyabad* [Elham Aminzadeh: Work Hours of Working Mothers with Disabled Children Will be Reduced], ISNA, July 21, 2006, available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-754440>.
129. The "Reduction of Office Hours Act" was proposed by the Presidential Center for Women and Family (*Markaz-i Umur-i Zanan va Khanivadīhyeh Riyasat Jumhuri*) (website: [www.women.org.ir/](http://www.women.org.ir/)).
130. See comments by Nahid Jalali, former representative of Iran in ILO, on January 18, 2009, stating that reducing women's work hours will limit the level of competition brought to the work force by women. *Namayandīhyeh Asbaq-i Kargaran dar ILO: In Tarh Tahdid-i Jiddi Barayih Huzur-i Zanan dar Bazar-i Kar Khahad Bud* [Former Representative of Workers in ILO: the New Plan Will be a Serious Threat to the Presence of Women in the Work Field], ISNA (January 18, 2009), available at <http://isna.ir/ISNA/NewsView.aspx?ID=News-1266172>.

classrooms.<sup>131</sup> Gholamali Naderi, Director of Iran's Ministry of Science has spoken positively of single sex educational institutions.<sup>132</sup> Critics are concerned that the government is using relatively superficial matters such as the merits of single sex education (and debates over campus dress code) as pretexts to distract civic-minded university students from addressing larger political issues on campus.<sup>133</sup>

### 3.1 Discrediting the Leadership

The regime's goal—to dismantle the women's rights movement—was made clear at the beginning of August 2009 when the first indictment in a series of mass show trials was read. Basically a road map of the regime's targets, it alleged that the “velvet coup” was designed with “three arms”—intellectual, media and executive.<sup>134</sup> The executive arm is allegedly made up of six subgroups, one of which is the women's:

The women's subgroup is composed of several different factions. The most important leaders of these factions are Mrs. Shadi Sadr and Mrs. Shirin Ebadi. These factions are mainly in touch with Dutch NGOs who finance the activities of these campaigns and groups. There is another faction under the leadership of Parvin Ardalan—daughter of Ali Ardalan, leader of the National Front. Nooshin Hamedani [sic] Khorasani is the leader of another faction that has leftist inclinations and is part of this group.<sup>135</sup>

The indictment alleges two types of connections. The first links women's rights lawyers and activists, such as Ebadi and Sadr, to alleged interventionists outside Iran. The second links women's rights activists to opposition political parties within Iran. The allegations in the indictment reminded many women of those made by Mohseni-Ejei after he was appointed head of the Ministry of Intelligence at the start of Ahmadinejad's presidency in 2005.<sup>136</sup> His announcement was followed by an intense crackdown on civil society activists, including women's rights activists. Asieh Amini, a leading women's rights activist recalls:

When I saw the indictment on the post-election events, it seemed like an extension and continuation of what had been said five years earlier by Mohseni-Ejei [...] I remember when I was interrogated years earlier in November 2007 and I argued with my interrogator about this same exact point [...] I told him that [the women's rights activists] were not trying to start a soft revolution because it would not serve our purposes and the resulting instability would make things worse in Iran.<sup>137</sup>

131. See comments to the Iran Labour News Agency (ILNA) on December 14, 2009. *Az Izdivaj-i Dukhtaran-i Danishamuz Khushhal Mishavam [Marriage of High School Girls Will Make Me Happy]*, ILNA, December 14, 2009, available at <http://www.ilna.ir/newstext.aspx?ID=95665>.

132. On May 22, 2010, he reported that six requests have been approved for single sex universities and that the universities will be accepting students for the fall 2010 semester. He stated that, “when sexual stimuli have been maximized amongst the youth, mixing them at the university causes the education of the students to suffer.” *Aqaz-i Tarh-i Tak Jinsi Shudan-i Danishgahha [Beginning of the Single Sex Plan for the Universities]*, ROOZ ONLINE, May 22, 2010. *Tak Jinsi Kardan-i Danishgahha dar Guftugu ba Maryam Behrouzi [Discussion with Maryam Behrouzi about Single Sex Universities]*, ASRE NOU, November 24, 2009, available at <http://www.asriran.com/fa/pages/?cid=91596>.

133. See Asieh Amini's comment to Deutsche Welle at *Tafkik-i Jinsi Talashi barayih Kunturul-i Danishgah-hast [Sexual Segregation Is an Attempt to Control the Universities]*, DEUTSCHE WELLE, March 6, 2010, available at <http://www.dw-world.de/dw/article/0,,5643277,00.html>.

134. See *Matn-i Kamil-i Kayfarkhast-i Muda'ialumum Alayhik Mutahamin-i Prujihyih Shikastkhurdihyih Kuditayih Makhmali [Complete Text of the Indictment of the Prosecutor General Against the Accused of the Failed Velvet Coup]*, FARS NEWS AGENCY, August 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805100944> [See [www.iranhrdc.org](http://www.iranhrdc.org) for a paginated translation]; see also IHRDC report *Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran*, February 2010, pages 76-81, available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

135. See *Matn-i Kamil-i Kayfarkhast-i Muda'ialumum Alayhik Mutahamin-i Prujihyih Shikastkhurdihyih Kuditayih Makhmali [Complete Text of the Indictment of the Prosecutor General Against the Accused of the Failed Velvet Coup]*, FARS NEWS AGENCY, August 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805100944> [See [www.iranhrdc.org](http://www.iranhrdc.org) for a paginated translation].

136. See *supra* note 65.

137. IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC).

At least three of the four women named in the indictment are no longer in Iran. Ahmadi Khorasani's whereabouts are not known and she is presumably still in Iran. However, Ebadi has been outside the country since June 11; Sadr was arrested in July and left Iran in August 2009; and Ardalan left Iran for Sweden a month later.

The day before the election, Ebadi traveled to Spain to participate in a three-day conference.<sup>138</sup> While there, she learned that her colleagues in Iran had been arrested shortly after the election and those who had not been arrested had gone into hiding to avoid imprisonment. The regime warned her family that she would be arrested if she returned to Iran. In November 2009, the government seized her personal belongings, and closed her and her husband's bank accounts. Authorities arrested Ebadi's sister and husband in an effort to intimidate Ebadi. On the eve of the one-year anniversary of the June 12, 2009 election, Iranian state-run television broadcast tapes of Ebadi's husband in detention making disparaging comments about his wife. He confirmed that the comments were made under duress.<sup>139</sup>

Sadr was arrested in the morning of July 17, 2009 while on her way to Tehran University to attend Friday Prayer led by Ayatollah Akbar Hashemi Rafsanjani. Sadr was walking with a group of women's rights activists along a busy road when unidentified plainclothesmen approached her in a gray Peugeot car. One of the men yelled to his colleagues to grab Sadr. At first, Sadr thought they were referring to someone else. However, the men grabbed her and threw her in the car. Sadr was too shocked to protest and sat in the car, while her companions screamed and protested. Once Sadr realized the men had not presented her with a warrant, she got out of the car and demanded to see identification and/or a warrant. The officers ignored her demands. During the scuffle, Sadr managed to briefly escape. However, there was no crowd of people in which to blend. One of the men came after her and ripped off her overcoat. Sadr kept running and the agent pulled off her head scarf. Eventually, the agent caught Sadr and dragged her back to the car.<sup>140</sup>

In the car, the three men kept Sadr's head down so she could not see where they were taking her. Nonetheless, she realized they were taking her to the Tracking Office (*Daftar-i Paygiri*) on Vali Asr Street in the center of Tehran that houses personnel from Iran's Ministry of Intelligence. They held Sadr for 12 hours until the protests of the day ended. Men and women who had been arrested in the protests were brought in continuously throughout the day.<sup>141</sup>

Sadr later learned that the authorities had planned in advance to arrest her on her way to Friday Prayer. They were after her specifically—the arrest was targeted, not random. She speculates that the authorities had tapped her phone and learned of her plans to meet with fellow women activists that morning.<sup>142</sup>

Around 10 p.m. or 11 p.m. that night, the agents transferred Sadr and the other detainees at the Tracking Office to Evin prison. They put Sadr in a car with two other women and warned her that if she lifted

138. Ebadi received death threats in the spring of 2008 for her defense of Baha'is and religious minorities, and the Iranian government has prevented her from speaking at international conferences and lectures. See *Top Iranian Dissident Threatened*, BBC News, April 14, 2010, available at [http://news.bbc.co.uk/2/hi/middle\\_east/7347047.stm](http://news.bbc.co.uk/2/hi/middle_east/7347047.stm); see also *Malaysia Scraps Nobel Laureate's Speech for Iran*, ASSOCIATED PRESS, October 22, 2008, available at [http://www.usatoday.com/news/world/2008-10-24-2622160713\\_x.htm](http://www.usatoday.com/news/world/2008-10-24-2622160713_x.htm).

139. *Shirin Ebadi: 'We Don't Want a Wall Around Iran'*, AFP/REUTERS, March 10, 2010, available at <http://www.onlydemocracy4iran.com/2010/03/10/shirin-ebadi-we-dont-want-a-wall-around-iran/>. *Shirin Ebadi Nobel Peace Prize Medal 'Seized by Iran'*, BRITISH BROADCASTING SERVICE (BBC) NEWS, November 27, 2009, available at [http://news.bbc.co.uk/2/hi/middle\\_east/8382008.stm](http://news.bbc.co.uk/2/hi/middle_east/8382008.stm). *Filmi kih Pas az Hasht Mah dar Shab-i 22 Khordad Paksh Shud [A Movie that Was Broadcasted on the Eve of June 12<sup>th</sup>, Eight Month after It was Made]*, DEUTSCHE WELLE, June 11, 2010, available at <http://www.dw-world.de/dw/article/0,,5677039,00.html>.

140. IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

141. *Id.*

142. *Id.*



her head, she would be shocked by an electric device they had positioned above her head.<sup>143</sup> At Evin, they brought Sadr to the political prisoner ward—Ward 209—and placed her in solitary confinement. Guards took her prescription eyeglasses. As Sadr could not see anything without them, even simple tasks like eating or going to the bathroom (when allowed) became difficult. In protest, Sadr refused to eat until her glasses were returned.<sup>144</sup>

The authorities did not give Sadr a reason for her arrest or formally charge her until the second or third day she was at Evin—and after she had been repeatedly interrogated. A judge told her that she was charged with endangering national security through causing riots (*iqtishash*). Sadr offered a defense:

I told him, well, if you had actually let me go [to Friday prayer] then I would have rioted and then you could charge me with something real. And they said, well you were planning to riot and that was enough for us. This is how I knew they were planning my arrest for a while—it was not a random, spur-of-the-moment thing.<sup>145</sup>

The judge disagreed and said that Sadr was involved in planning a mutiny to occur at Rafsanjani's Friday Prayer sermon. He said that had Sadr not left the house that day, they would not have needed to arrest her, but since she did, they had no choice but to arrest her or otherwise risk an overthrow of the Supreme Leader.<sup>146</sup>

After a few days, during which she was held in unsanitary conditions and continuously interrogated, the authorities told her that she would be released on a 5 million Tomans (roughly US \$5,000) financial guarantee. Sadr paid the amount, but her release was rescinded at the last minute because her interrogators accused her of giving them false username and password information for one of her e-mail accounts. Sadr recalls:

I thought I was being released, I was so joyful. [My captors] took me and a woman who had been arrested with me to a small room downstairs ... I think we were down there for two or three hours. Someone came and opened the door and said 'please come'—to the old woman to release her. A half hour later, they came for me, and said 'please follow me.' But instead of releasing me, they took me back upstairs. I asked what was going on. They told me 'your interrogation is not done yet.' For five minutes, I was just stunned and I let them drag me back to my cell. Then—after the five minutes had passed—I got mad, really mad. The rule of Ward 209 is that prisoners are not supposed to make noise, but I disregarded this and started screaming. I was punching the walls and cursing. When the warden told me to stop, I said 'do whatever you want! I don't care.' Everyone else in the ward looked shocked that I had been brought back because this does not normally happen. I felt this was meant to be a form of psychological torture.<sup>147</sup>

Sadr was finally released in the early morning of Wednesday, July 29, 2009. A few days later, a friend called and told her that *Kayhan* newspaper was reporting on the indictment that prominently alleged Sadr was a



Saeed Mortazavi, better known as “the butcher of the press,” is the former General Prosecutor of Tehran and currently one of the Deputy Prosecutors of Iran. Mortazavi was Prosecutor in August 2009 when the indictment—alleging that the women's movement is a subgroup in an alleged “velvet revolution” aimed at overthrowing the regime—was read at the first mass show trial. The indictment specifically named Shadi Sadr, Shirin Ebadi, Noushin Ahmadi Khorasani and Parvin Ardalan as women agents in the “velvet revolution.”

143. *Id.*

144. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*



**N**oushin Ahmadi Khorasani is a writer, and founding member of the One Million Signatures Campaign and the Women's Cultural Center. Several of her publications are banned in Iran and she has been arrested several times for her activism. Prior to Iran's disputed June election, she formed the "Coalition of the Women's Movement to Set Forth Demands in the Election" to urge presidential candidates to heed the demands of women. In the prosecutor general of Tehran's first indictment, she is named as an agent of the alleged soft overthrow of the Iranian regime. She is currently believed to be in Iran.

leader of the women's subgroup leading a "velvet revolution." Sadr was stunned. These charges were very serious and could merit the death penalty in Iran. She recalls her reaction to the indictment:

That night, I was watching television and there was a news report about the indictment. I saw that they were playing [Mohammad-Ali] Abtahi's confession and the confession of several others. At that point, it clicked. There was no doubt in my mind that the state authorities wanted to charge me with the same things, and bring me back to prison to give a forced confession under pressure and torture, and make admissions against myself and the women's movement. I did not want this to happen. I decided to leave Iran. 48 hours later, I was on Turkish soil.<sup>148</sup>

Sadr has not returned to Iran, as she knows that her safety and that of her family cannot be guaranteed. She still has not received a court date for her July arrest.<sup>149</sup>

Sadr's arrest, so soon after the election, had a chilling effect on other women's rights activists. Mahboubeh Abbasgholizadeh, a leading member of the Stop Stoning Forever campaign<sup>150</sup> and journalist who had been arrested and detained with Sadr on March 4, 2007, remembers feeling foreboding when Sadr was arrested.<sup>151</sup> Asieh Amini, a prominent women's rights activist, and close friend and former colleague of Sadr, recalls:

After [Shadi Sadr was arrested], we were a bit scared and decided to be more cautious about what we used to communicate with one another—we did not want to end up on the radar of the authorities and have our plans intercepted.<sup>152</sup>

Parvin Ardalan, one of the original fifty founders of the One Million Signatures Campaign, a founder of the Women's Cultural Center and editor of the Change for Equality website, was initially amused by the fact that the first indictment incorrectly described her as the daughter of Ali Ardalan, a member of Iran's National Front

party. However, she knew that the indictment signified that more arrests and detentions of activists were imminent, and therefore continued her work with more caution. She generally kept her cell phone turned off, and did not answer her landline unless someone first e-mailed her about the phone call.<sup>153</sup>

However, Ardalan's health deteriorated due to a pre-existing medical condition, and she left Iran in September 2009 for medical care in Sweden. She believed that the Iranian government issued the indictment to scare activists, but that as with previous crackdowns, life would fall back into its normal routine after a few months. But, her doctors warned that the high stress situation in Iran would be difficult, and advised her to remain in Sweden for the time being.<sup>154</sup>

148. *Id.*

149. *Id.*

150. "Stop Stoning Forever" is a campaign launched in October 2006 that sought to repeal the Iranian law that makes stoning a legal punishment for adultery for women. See Soheila Vahdati, *Stop Stonings in Iran, But Don't Confuse the Issue*, THE WORLD, January 4, 2007, available at <http://www.womensenews.org/story/the-world/070104/stop-stonings-iran-dont-confuse-the-issue>.

151. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).

152. IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC).

153. IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC). Ardalan marveled at how hasty the indictment drafting process must have been for this amateur mistake to make the cut. It was not the first time the Iranian Regime had lobbed wild accusations against her—in the past, it had alleged that she was a member of SAVAK, Mohammad Reza Pahlavi's security and intelligence forces, even though she was just a child at the time of the Islamic Revolution. *Id.*

154. *Id.* In 2008, Ardalan was banned from leaving Iran for two years—she was prevented from traveling to Stockholm to collect the Olof Palme Prize she had been awarded for her work on women's rights in Iran. After the ban ended, she received her

### 3.2 Arrests of Other Women's Rights Activists

Other women's rights activists were arrested and detained in droves in a government attempt to stifle their voices and dismantle the movement. Interrogation sessions revealed that the arrests and detentions were, at least in part, a governmental attempt to gather intelligence about the leaders of the movement and its operations.<sup>155</sup> The two alleged connections set forth in the indictment—between the women's rights movement and foreign powers or political opposition parties—are reflected in the interrogations suffered by detained activists. Interrogators repeatedly and insistently alleged connections between the activists with either foreign powers, leftist political parties, or sometimes both.

But this crackdown on the women's movement went significantly deeper than those in 2006, 2007, and 2008, which had focused primarily on the leadership. This time, women who reported from the streets became targets for intimidation and worse. Iranian lawyers who have traditionally represented women's rights activists were also arrested. The following are some examples.

#### *Shiva Nazar Ahari*

Shiva Nazar Ahari, a veteran women's rights activist and founding member of the Committee of Human Rights Reporters (CHRR),<sup>156</sup> was arrested on June 14, 2009, without a warrant. Reports, including from her mother, indicate that she was arrested pursuant to Mortazavi's letter.<sup>157</sup> Her interrogators forced her to call members of the CHRR and instruct them to shut down the CHRR website, while the interrogators listened closely. She was released on September 23, 2009, after posting heavy bail.<sup>158</sup>

Nazar Ahari was arrested again on December 20, 2009, together with Mahboubeh Abbasgholizadeh and Jila Bani Yaghoub, as she was preparing to board a bus headed to Ayatollah Montazeri's funeral in Qom. Intelligence agents had a list of targets and reprimanded her and Abbasgholizadeh for organizing the bus trip, leading Abbasgholizadeh to believe that the agents had been listening to their phone conversations. She recalls that following the election, most of her women activist friends said their phones were under surveillance. The agents took aside Abbasgholizadeh, Nazar Ahari and Jila Bani Yaghoub, and put them in a car. Bani Yaghoub was released immediately, but Nazar Ahari and Abbasgholizadeh were driven to Evin prison.<sup>159</sup>

Although Abbasgholizadeh was released within 24 hours, Nazar Ahari remains in prison. She does not have regular access to the outside world, and reports on her detention conditions are scarce. In February 2010,

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passport in September 2009.

155. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC); IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC); IHRDC Interview with Tania Ahmadi Kaliji (April 19, 2010) (on file with IHRDC); IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC); IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC); IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC); IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).
156. Committee of Human Rights Reporters (CHRR) is an independent human rights monitoring and reporting group founded in 2005. See <http://www.chrr.biz/>.
157. *Bilataklifiyih Shiva Nazar Ahari Pas az Nazdik bih Yik Sal Habs* [Unknown Situation of Shiva Nazar Ahari after a Year of Imprisonment], COMMITTEE OF HUMAN RIGHTS REPORTERS, July 13, 2010, available at <http://www.chrr.biz/spip.php?article10180>. *Shiva Nazar Ahari, az Kudaki ta Haft Mah dar Zindan* [Shiva Nazar Ahari, from Childhood to Seven Months in Prison], COMMITTEE OF HUMAN RIGHTS REPORTERS, July 20, 2010, available at <http://www.chrr.biz/spip.php?article10247>.
158. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC); *Shiva Nazar Ahari's Mother: "My Daughter Has Denied the Charges against Her"*, THE GREEN VOICE OF FREEDOM, April 28, 2010, available at <http://en.irangreenvoice.com/article/2010/apr/28/1768>; *Iran: Imprisoned Activist Shiva Nazar Ahari to go on Trial for 'Acts Against National Security'*, ASSOCIATION FOR WOMEN'S RIGHTS IN DEVELOPMENT, May 20, 2010, available at <http://www.awid.org/Issues-and-Analysis/Library/Iran-Imprisoned-activist-Shiva-Nazar-Ahari-to-go-on-trial-for-acts-against-national-security>.
159. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).



the authorities allowed Nazar Ahari a 30-second phone call to her family, during which she told them that she had been transferred to a “cage-like” solitary confinement cell that barely allowed her space in which to move her arms and legs freely.<sup>160</sup>

During an interrogation session in Evin prison in January and February 2010, Parisa Kakaee, a colleague of Nazar Ahari in the CHRR, realized that Nazar Ahari would not be leaving Evin prison for a long time. Kakaee recalled:

Alavi [my interrogator] showed me Shiva's case file and I saw that “maximum punishment” was written on it. This doesn't mean execution necessarily, but it does mean that they want to imprison her for at least ten years.<sup>161</sup>

The latest reports indicate that although Nazar Ahari has been informed of her formal charges, her trial that was scheduled to begin on May 23, 2010 was postponed, with no future date set.<sup>162</sup>

### *Mahboubeh Abbasgholizadeh*

Mahboubeh Abbasgholizadeh was one of three women's rights activists arrested on the bus headed to Montazeri's funeral on December 20, 2009. An interrogator who went by the name Alavi told her that he had seen her films—a reference to the taped interviews Abbasgholizadeh had conducted with Nazar Ahari and Sohrab Arabi's mother.<sup>163</sup>

Once Abbasgholizadeh and Nazar Ahari arrived at Evin prison, they were separated and Abbasgholizadeh was interrogated all day. After her release that evening, Abbasgholizadeh's interrogators called and threatened her, so she took her SIM card out of her phone. At the end of December 2009, Abbasgholizadeh went into hiding at a friend's house to avoid another arrest. However, agents searched the home and took Abbasgholizadeh's laptop. Abbasgholizadeh knew she would face certain arrest should the authorities read the information on her laptop, so she fled Iran before they discovered its contents:

I was just really tired. Tired of the harassment, tired of the oppression, tired of the antics of the Ministry of Intelligence. I wondered why I was staying in Iran—I could not even be active anymore, all us women activists had gone into hiding and could not meet as we once did. That is when I decided to leave.<sup>164</sup>

She later learned that interrogators asked detainees about her and said that they knew her current whereabouts. They claimed that she is a member of the MEK, and that they would harm her if they found her. She does not believe she can safely return to Iran.<sup>165</sup>

160. *Afzayish-i Fishar bar Shiva Nazar Ahari va Intiqal-i U bih Silluli Shabih-i Qafas* [Shiva Nazar Ahari Transferred to “Cage-Like” Solitary Confinement Cell], COMMITTEE OF HUMAN RIGHTS REPORTERS, February 14, 2010, available at <http://www.chrr.us/spip.php?article8435>.

161. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

162. *UPDATED: Iran: Imprisoned Activist Shiva Nazar Ahari to go on trial for ‘acts’ against national security*, WOMEN LIVING UNDER MUSLIM LAWS, May 26, 2010, available at <http://www.wluml.org/node/6310>.

163. Abbasgholizadeh filmed a multi-part interview with Nazar Ahari in December 2009 about Nazar Ahari's time in prison following the June election. See Video File: Shiva Rises from the Crackdown, December 2009, available at <http://www.youtube.com/watch?v=YHOP-oF3iOk&feature=related>. Abbasgholizadeh also interviewed Parvin Fahimi, the mother of slain post-election protester Sohrab Arabi, about her son's death. See Video File: Parvin Fahimi Still Asks, November 2009, available at <http://www.youtube.com/user/jensedigar#p/u/8/s5vd2gOxZM0>. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).

164. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).

165. *Id.*

*Jila Bani Yaghoub*

Jila Bani Yaghoub, an internationally renowned Iranian journalist and women's rights activist,<sup>166</sup> was immediately released after being pulled from the bus on December 20, 2009. She had been previously arrested on June 20, 2009, along with her husband Bahman Ahmadi Amoe. Bani Yaghoub was released on bail two months later, but her husband's five-year sentence was upheld on appeal and he is currently serving his term in Ward 350 of Evin.<sup>167</sup>

Following her release, Bani Yaghoub did not feel secure or that she could freely express herself. In an open letter to the head of the Iranian judiciary, she lamented how her arrest has impacted her freedom of expression:

Around 70 journalists are now in the prisons of the Islamic Republic, and many others, like me, are free on bail, lacking any security. We are afraid that anything that we write may be used as evidence of "propaganda against the system" or "conspiracy against national security." My colleagues and I try to write as little as possible.<sup>168</sup>

*Tania Ahmadi Kaliji*

Tania Ahmadi Kaliji, a weblogger and women's rights activist, took photographs and distributed reports from the post-election demonstrations. She changed SIM cards in her mobile phone to avoid the government's surveillance. However, in August 2009, agents arrested her at her apartment in Tehran and seized women's rights literature. They held her in solitary confinement in a small room for three days, and interrogated her intensely for seven to eight hours. Ahmadi Kaliji believes they wanted the names of her contacts.<sup>169</sup>

After her release, they threatened her on the phone and by text messages. Ahmadi Kaliji worried about walking the streets alone, but nonetheless remained active. In January 2010, plain clothes agents arrested her again without showing her a warrant. They released her early the next morning without lodging formal charges. Her body was bruised and bloodied. She did not have a ride home and struggled to flag down a car. Based on the location of her release, Ahmadi Kaliji believes that she was held at the Ministry of Interior.<sup>170</sup>

A few weeks after her release, Ahmadi Kaliji received a court summons to report to the court branch on *Sepahbod Gharani* Street, which she believes handles murder trials. Fearing for her life, Ahmadi Kaliji fled to Turkey in February. However, her interrogators regularly call her family and demand that she return to Iran.<sup>171</sup>

*Asieh Amini*

An acclaimed journalist, poet and women's rights activist, Asieh Amini was one of the leading members of *Koneshgaran*, an NGO that provided support to Iranian civil society.<sup>172</sup> The organization was listed in the

166. Bani Yaghoub served as the Editor in Chief of *Qanun Zanan Irani* and won the Courage in Journalism Award in 2009.

167. Ahmadi Amoe was temporarily released in March 2010 to spend Norooz with his family but was summoned back to Evin at the end of May 2010. See the postings of Jila Bani Yaghoub, about his imprisonment and temporary release on her weblog, NIVISHTIH-HAYIH JILA BANI YAGHOUB [WRITINGS OF JILA BANI YAGHOUB], available at <http://www.zhila.org/spip.php>.

168. *Iran: Journalists Under Siege*, AMNESTY INTERNATIONAL, April 30, 2010, <http://www.amnesty.org/en/news-and-updates/iran-journalists-under-siege-2010-04-30>.

169. IHRDC Interview with Tania Ahmadi Kaliji (April 19, 2010) (on file with IHRDC).

170. *Id.*

171. *Id.*

172. *Koneshgaran* is short for *Koneshgaran-i Davtalah*, or the Iranian Civil Society Organizations Training and Research Center (also known as Volunteer Actors Institute). *Koneshgaran* was founded in 2002 to provide capacity-building support for Iranian civil society organizations, promote greater access to information, promote enhancement to the situation of women and

first indictment as one of the leaders of the NGO subgroup of the alleged “velvet coup” against the Islamic Republic.<sup>173</sup>

Amini participated in the demonstrations in Tehran after the June 12 elections. Many of her journalist and civil activist colleagues were arrested. One Friday morning toward the end of July, a family friend called, said she was calling from a public telephone on Amini's street, and asked permission to come to Amini's house. Amini did not know the woman personally, but knew she was a friend of the family, so she agreed. The woman told Amini that she had just been released from prison, where she had been held for two weeks. She had secretly made her way to Amini's house to personally warn her. She told Amini that she had been detained in the female ward of Evin and that while there, she and many other women detainees had been interrogated repeatedly about Amini. The interrogators asked about Amini and their relationship with her. The woman said she did not know why the interrogators were so fixated on Amini, and that they asked about other women activists as well—Shirin Ebadi and Shadi Sadr were examples. The woman advised Amini that she should leave her home or she would almost certainly be arrested.<sup>174</sup>

Amini left Tehran for a time but soon returned. On August 1, 2009, the indictment naming *Koneshgaran* as a principal agent in the “velvet coup” was read at the first show trial. Amini was shocked—the alleged facts discussed in the indictment seemed completely disconnected from reality. To her, “It seemed like they had written a fictitious screenplay and now they were looking for the actors.”<sup>175</sup>

Amini knew that she needed to leave Iran with her child as soon as possible. She decided to accept an invitation to give a lecture in Sweden but planned to return. However, she received an e-mail from a friend who warned that under no circumstances should she return to Iran. The friend had heard things during interrogation that indicated Amini would be in trouble should she return. Amini has not returned to Iran.<sup>176</sup>

### *Aida Saadat*

Aida Saadat, a veteran women's rights activist, was brutally attacked and threatened by unidentified, plainclothesmen in November 2009. She was returning home one night from visiting her sick father when two men overtook her in the middle of a deserted Tehran street, beat her and told her to stop her activism or else there would be consequences. During the summer, Saadat had helped organize the Mourning Mothers group and personally delivered a file containing allegations of prison rape to reformist leader Mehdi Karroubi. Saadat realized that the men knew exactly who she was—they told her that the beating was just a warning, and that next time they would send her to where “the other eight” went. She knew this was a clear

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children in connection with the Millennium Development Goals, and seek to raise public awareness of human rights within Iran. In March 2007, Iranian security forces closed *Koneshgaran*, froze its bank accounts and confiscated computer equipment and documents. See IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC); *Iran: Amnesty International Urges Immediate and Unconditional Release of Sohrab Razzaghi*, AMNESTY INTERNATIONAL, Nov. 16, 2007, available at [http://www.amnesty.ca/resource\\_centre/news/view.php?load=arcview&article=4118&c=Resource+Centre+News](http://www.amnesty.ca/resource_centre/news/view.php?load=arcview&article=4118&c=Resource+Centre+News).

173. The indictment claimed that, “[t]he executive arm of this project, or velvet revolution, has six subgroups: [...] NGOs: this subgroup gained a lot of importance during the reform period. The West had reached the conclusion that NGOs had to be expanded in Iran, and was seeking ways to provide human, monetary and management resources to alleviate their weakened position. For this reason, institutions were established which were mainly based in The Netherlands. The responsibility of these institutions was to provide Iranian NGOs services such as training of personnel, acquisition of funds from foreign countries. [...] Two prominent NGOs in the country are *Koneshgaran* (led by Sohrab Razzaghi, Manager of NGOs in the Interior Ministry of the reformist government) which received two million Euros from Dutch institutions, and the *Hamyaran Institute*, directed by Bagher Namazi.” See *Matn-i Kamil-i Kayfarkhast-i Muda'ialumun Alayhih Mutahamin-i Prujihyih Shikastkhurdihyih Kuditayih Makhmali* [Complete Text of the Indictment of the Prosecutor General Against the Accused of the Failed Velvet Coup], FARS NEWS AGENCY, August 1, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805100944> [See [www.iranhrdc.org](http://www.iranhrdc.org) for a paginated translation in English].

174. IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC).

175. *Id.*

176. *Id.*

reference to the eight alleged rape victims in the case files she had delivered to Karroubi.<sup>177</sup>

This was not the first time the authorities had tried to intimidate Saadat into stopping her activism. In her hometown of Qazvin, Iran, Saadat worked with NGOs on children's rights issues and helped organize workshops about gender discrimination. She moved to Tehran in 2007, and found employment at a bank. After being fired from her job at the bank because of her women's rights activism, she found a job doing public relations work at a recycling plant.<sup>178</sup>

When Saadat moved to Tehran, she became involved with the One Million Signatures Campaign. She canvassed the streets of Tehran, speaking to people about women's rights and collecting signatures in support of the Campaign's petition for reform of Iran's discriminatory laws against women. She also began writing and uploading content onto the Campaign's website, Change for Equality.<sup>179</sup>

On June 12, 2008, she was arrested outside Rahe Abrisham Gallery in Tehran, for helping organize a peaceful demonstration in celebration of women's unity day. Eight other women were arrested that day including prominent Campaign members Jila Bani Yaghoub and Jelve Javaheri.<sup>180</sup> Interrogators subjected Saadat and the other arrestees to lengthy interrogations, and released the other women on bail. Saadat worried she would be forced to remain in prison, as her family was not in Tehran and she could not afford to post the heavy bail herself. She was eventually released after turning over her identification cards in lieu of bail. Her trial was held two months later. She was charged with disrupting the public order and disobeying the police, but was acquitted of all charges in November 2009.<sup>181</sup>

In October 2009, Saadat began receiving threatening phone calls telling her to report to the court. She refused to report unless a formal summons was delivered to her home. In November, Saadat, along with Parisa Kakaee, Shiva Nazar Ahari and others, was formally summoned to the Revolutionary Court in Tehran. The Court questioned Saadat intensively about her association with the women's movement and other women activists. The day after her interrogation, she was once again fired. Her boss admitted that he had been happy with her performance, but said that state security officials had threatened him and told him to fire her.<sup>182</sup>



The Ministry of Intelligence of the Islamic Republic of Iran is the most powerful unit in the Iranian security apparatus. The Ministry was formed in 1984 for the purpose of monitoring foreign and domestic security threats but gained notoriety for its global assassination campaign

in the 1980s and 1990s, chain murders of Iranian intellectuals in the late 1990s, and the crackdown on NGOs and repression of civil rights and freedoms within Iran. A task force is assigned to monitor and attack women's rights activists in Iran. Known as the "Women's Team," these officials are in charge of gathering data on women activists and summoning, arresting, and interrogating them in detention.

Security forces closely monitored Saadat; interrogators called her mobile phone five or six times a day, and called her family members to monitor her movements. She sensed that officers were closely watching her home and that a security car was following her. Fearing another arrest, Saadat went into hiding and stayed at friends' homes for about a month. She was separated from her son, and she had to quietly visit her sick father without attracting the attention of authorities.<sup>183</sup>

177. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

178. *Id.*

179. *Id.*

180. *Id.*; see also, *Nine Women's Rights Activists Released Several Hours After Arrest*, CHANGE FOR EQUALITY, June 12, 2008, available at <http://www.we-change.org/english/spip.php?article291>.

181. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

182. *Id.*

183. *Id.*

One night, the authorities called Saadat's parents, said they knew where Saadat was hiding, and instructed them to pass on the message that she should come in. Saadat, fed up with her transitory situation, did so. Interrogators taunted her and threatened her life. They knew she was the person who had delivered files to Karroubi about people who had been allegedly raped and killed in post-election detention. They threatened her life because of that act, and made crude remarks and references to her activism. They accused her of sleeping with her male co-workers. One interrogator told her: "Do you think we arrest prostitutes like you so you can turn into a national hero?"<sup>184</sup>

Plainclothes agents attacked Saadat on the street soon after her release. After the attack, Saadat managed to find a taxi to take her to her friend's house. The driver wanted to take her to hospital, but she told him to forget he ever saw her. Her friend took one look at her bruised and bloodied body, and told her she could not stay in Iran if she wanted to survive. Saadat did not want to leave Iran, but felt she had no choice. She had been fired from her job for her activism, been forced into hiding without her child, had no money, and was wanted by the authorities who were threatening her with prison or worse for her activism. She was smuggled across the Iran-Turkey border in December 2009.<sup>185</sup>

### *Parisa Kakaee*

Parisa Kakaee, a leading women's and children's rights activist, worked full-time for the CHRR during the summer of 2009. She focused on women's issues and children's issues. After the arrest of Kakaee's colleague and close personal friend, Shiva Nazar Ahari, immediately following the June election, Kakaee received several telephone calls from Nazar Ahari's interrogator, instructing her to come to the Tracking Office (*Daftar-i Paygiri*) of the Ministry of Intelligence in Tehran. She refused to go until she received a formal summons.<sup>186</sup>

In November 2009, Kakaee, along with other women activists including Aida Saadat and Jelve Javaheri, was formally summoned to the Revolutionary Court. Two men, one carrying a pistol, delivered the summons to her home. The summons instructed her to appear within three days. When she arrived at the Court, the court officer told her that she had been summoned for "women nonsense."<sup>187</sup> She was instructed to go to the Tracking Office.

After Nazar Ahari was arrested again in December, intelligence agents called Kakaee and insisted that she shut down the CHRR website and cease her activities. When the group decided not to shut down the site, Kakaee received daily threatening phone calls over the next week from Nazar Ahari's interrogator, who ordered her to comply or she would be arrested. The interrogator called her family home one early morning, spoke to her father, and demanded to speak to Kakaee. When the interrogator called her mobile phone later that morning, she asked why he was looking for her. He said he had been waiting outside her house to arrest her.<sup>188</sup>

On Thursday, December 31, 2009, the interrogator ordered Kakaee and other CHRR members to report to the Tracking Office for interrogation. The next day, Kakaee reported voluntarily to the Tracking Office. She was taken into custody and transferred to Evin prison.<sup>189</sup> At Evin, she was sent to Ward 209—the section where political prisoners are housed. Guards ordered her to strip naked and submit to an invasive, full-body search. They then put her in a small, dirty and overcrowded cell in the women's section. The cell was very

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184. *Id.*

185. *Id.*

186. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

187. *Id.*

188. *Id.*

189. *Id.*



cold, and the blankets were thin. The authorities did not allow her to receive visitors for three weeks, after which they permitted her family to visit every Thursday.<sup>190</sup>

Kakae was detained for roughly a month and a half. Mansoureh Shojaee, a prominent women's rights activist, was held in the cell adjacent to Kakae's.<sup>191</sup> Leila Tavasoli, the daughter of Mohammad Tavasoli (a member of Iran's Freedom Movement), was in Kakae's cell. While at Evin, Kakae also saw Somayeh Rashidi, a member of the One Million Signatures Campaign, who had been arrested for her activities with the Campaign and accused of "waging war against god" (*muharibih*). Rashidi told her she had been badly beaten by prison authorities in the basement of Evin.<sup>192</sup>

The prison interrogator denied Kakae access to counsel—she never spoke to a lawyer. She could not afford the high bail amount that was set, and her parents had to put up a financial guarantee of one-third of their monthly income to secure her release from Evin on February 17, 2009.<sup>193</sup> After her release, Kakae's interrogator called her almost every day, made threats, and told her that her interrogations were not over. He tried to pressure her into convincing other CHRR members to turn themselves in to the authorities. He demanded the passwords to her e-mail accounts. Kakae suspected the state was already monitoring her e-mail and sent an e-mail to her network telling them she could not be in contact with them anymore.

I was terribly upset. Once I sat behind the computer and deleted everything—my weblog, my writings, and my email—I sent an email to everyone explaining that I could no longer stay in touch. My father thought I was going crazy. After that, I no longer had the mental capacity to handle the pressures.<sup>194</sup>

She left Iran and lives in exile.<sup>195</sup>

#### *Forough Mirzaei, Maryam Ghanbari and Mohammad Mostafaei*

Forough Mirzaei, a lawyer who represents many women's rights activists, was arrested with her husband Roozbeh Karimi, a journalist, the night of Saturday, January 2, 2010. For 35 days, the authorities refused to tell her family about her whereabouts or health. She was released from Evin prison the night of February 9, 2010, along with Mahin Fahimi, a member of "Mothers for Peace."<sup>196</sup>

Intelligence agents arrested Maryam Ghanbari, another lawyer known for representing women's rights activists, at her home in Tehran on February 8, 2010. They did not show a warrant or provide cause for searching her home but confiscated her computer. On February 12, she contacted her family and informed them that she is being kept in one of the three person cells of Ward 209 of Evin prison. She was released on 50 million Tomans bail (roughly US \$50,000) on the evening of February 28, 2010.<sup>197</sup>

190. *Id.*

191. *See infra* note 211.

192. IHRDC Interview with Parisa Kakae (April 14, 2010) (on file with IHRDC).

193. *Id.*

194. *Id.*

195. *Id.*

196. *Forough Mirzaei az Vukalayih Bazdasht Shudih va Bahareh Hedayat, Hamchinan Mamnu'ul Mulaqat Hastand [Forough Mirzaei a Detained Attorney and Bahareh Hedayat Continue to Be Held Incommunicado]*, THE FEMINIST SCHOOL, February 6, 2010, available at <http://iranfemschool.biz/spip.php?article4211>; *Mahin Fahimi va Forough Mirzaei Azad Shudand [Mahin Fahimi and Forough Mirzaei Were Released]*, IRAN GREEN VOICE, February 9, 2010, available at <http://www.irangreenvoice.com/article/2010/feb/09/1135>.

197. *Maryam Ghanbari, Vakil-i Dadgustari va Fa'al-i Huquq-i Zan Bazdasht Shud [Maryam Ghanbari, Court Attorney and Women's Rights Activist Was Detained]*, KANUN-I ZANAN-I IRANI, February 8, 2010, available at <http://www.irwomen.com/spip.php?article8402>; *Maryam Ghanbari dar Sillul-i Infradi [Maryam Ghanbari in Solitary Cell]*, GOOYA, February 12, 2010, available at <http://news.gooya.com/politics/archives/2010/02/100363.php>; *Maryam Ghanbari Azad Shud [Maryam Ghanbari Was Released]*, RAHANA, February 28, 2010, available at <http://www.rhairan.org/archives/5502>.

On July 24, 2010, government security forces raided lawyer Mohammed Mostafaei's offices in Tehran in retaliation for comments he made to the international media in support of Sakineh Mohammadi Ashtiani—a mother of two recently sentenced to death by stoning for adultery. Mostafaei has represented many women's rights activists, including Shadi Sadr, Mahboubeh Abbasgholizadeh and Hengameh Shahidi. When the agents failed to find Mostafaei, they arrested his wife and brother-in-law, and are holding them in Evin Prison. They have accused Mostafaei of links to the MEK, and have threatened that his family members will not be released until he turns himself in.<sup>198</sup> Mostafaei recently fled to Turkey.<sup>199</sup>

### *Narges Mohammadi*

Narges Mohammadi, the deputy head of the Defenders of Human Rights Center who was stopped in the airport in May 2009,<sup>200</sup> was arrested at her home on June 10, 2010 at 10 p.m.<sup>201</sup> The agents did not present Mohammadi with a proper arrest or search warrant. They took her to Evin Prison and held her for four days without providing an explanation of the charges against her or a warrant for her continued detention. Ultimately, she was charged with propaganda against the regime, membership in Defenders of Human Rights Center, and gathering and conspiring against the regime.<sup>202</sup>

Several years ago, Mohammadi had developed a lung embolism, a condition that requires that she not be kept in confined spaces. While at Evin, she was kept in solitary confinement, which aggravated her condition. She lost consciousness, suffered temporary paralysis, and collapsed roughly 14 times while she was in Evin. On one occasion, she lost consciousness and fell down seven steps while on her way to interrogation. Her interrogators then transported her to interrogation in a wheelchair.<sup>203</sup> At some point, the prison doctor told Mohammadi's interrogator that if he kept her at Evin, she would turn into "a second Zahra Kazemi."<sup>204</sup> Mohammadi was released on July 2, 2010, on 50 million Tomans bail (roughly US \$50,000). She was hospitalized and is slowly recovering.<sup>205</sup>

## 3.3 Arrests of Leaders, Members and Signature Collectors of One Million Signatures Campaign

Leaders and members of the One Million Signatures Campaign—ranging from organizers to women who collect signatures—have also been targeted for arrest and harassment. Many have been charged with acting against national security and/or disrupting the public order. Some examples follow.

Mehrnoosh Etemadi, a One Million Signatures Campaign activist in Isfahan, was arrested at her home on November 23, 2009. Security officers confiscated her books, educational materials and a computer case. Prior to her arrest, Etemadi had been summoned and threatened several times over the phone. Etemadi was released on December 8, 2009 after posting 50 million Tomans bail (roughly US \$50,000), and after spending fifteen days in Isfahan's Central Prison. She was charged with "action against national security

198. See Letter of Shadi Sadr to Iranian Bar Association, July 28, 2010 (on file with IHRDC).

199. See *Attorney in Stoning Case Seeks Asylum as Client Awaits Court Decision*, CNN, August 5, 2010, available at <http://www.cnn.com/2010/WORLD/meast/08/05/iran.stoning.lawyer/>.

200. See *supra* note 115.

201. See Video File: *Narges Mohammadi dar Bimaristan* [Narges Mohammadi in Hospital], VOICE OF AMERICA, July 10, 2010, available at <http://videos.wittysparks.com/id/827091494> [hereinafter Mohammadi in Hospital].

202. *Id.*

203. *Id.*

204. Zahra Kazemi, an Iranian-Canadian journalist, died from massive head injuries while in Evin Prison in 2003. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, IMPUNITY IN IRAN: THE DEATH OF PHOTOJOURNALIST ZAHRA KAZEMI (2006), available at [http://iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran\\_Nov06.pdf](http://iranhrdc.org/httpdocs/English/pdfs/Reports/Impunity-in-Iran_Nov06.pdf).

205. See Mohammadi in Hospital, *supra* note 201.



through activism in the One Million Signatures Campaign and through carrying out activities intent on empowering women." A court date has not yet been set for Etemadi.<sup>206</sup>

Hayedeh Tabesh, another activist with the One Million Signatures Campaign in Isfahan, was arrested at her home on December 5, 2009. Tabesh had been banned from leaving Iran and interrogated months before. Security agents searched her home and seized personal property including her sons' computers.<sup>207</sup> She was held in Isfahan's Central Prison until December 8, 2009, when she was released on a financial guarantee of 5 million Tomans (roughly US \$5,000). The charges against Tabesh included action against national security through activism in the One Million Signatures Campaign and through activities intent on empowering women. No court date has been set.<sup>208</sup>



tionally handled by the women's team of interrogators at the Ministry of Intelligence) were, and still are, at times controlled by Sepah.

Somayeh Rashidi, a women's rights activist and member of the One Million Signatures Campaign, was arrested on December 19, 2009. She was released from Evin prison on February 25, 2010. While in detention, Rashidi was not permitted to contact a lawyer or visit with her family.<sup>209</sup> Rashidi told Parisa Kakaee that she had been badly beaten on the face with a jacket in the basement of Evin.<sup>210</sup>

Mansoureh Shojaee, a founding member of the One Million Signatures Campaign, a founder of the Women's Cultural Center (*Markaz-i Farhangiyeh Zanan*), and prolific writer on women's issues, was arrested in the early hours of December 29, 2009. Agents searched her home and confiscated personal property, including her mobile phone and computer.<sup>211</sup> For weeks, they did not tell her why she had been arrested. They permitted only limited contact with her family and lawyer while she was in detention.<sup>212</sup>

Another member of the One Million Signatures Campaign, Mahboubeh Karami, was arrested on March 2, 2010. Agents searched her family home and seized her personal belongings. They kept her in Ward 2-A of the Revolutionary Guard prison for 80 days, and then transferred her to Ward 209 in Evin prison. She was denied bail, and it has been reported that her physical and psychological condition has steadily deteriorated

206. *Iran: Interview with Mother of Imprisoned Campaign Activist Mehrnoosh Etemadi*, CHANGE FOR EQUALITY, December 3, 2009, available at <http://www.wluml.org/node/5748>.

207. *Hayedeh Tabesh, Iran Campaign Activist in Isfahan Arrested*, CHANGE FOR EQUALITY, December 5, 2009, available at <http://www.wwhr.org/news.php?detay=49>; *Hayedeh Tabesh, Campaign Member in Isfahan, Banned from Travel and Interrogated*, CHANGE FOR EQUALITY, (October 27, 2009), available at <http://www.sign4change.info/english/spip.php?article584>.

208. *Violence against Women's Rights Activists*, CHANGE FOR EQUALITY, January 11, 2010, available at [http://www.wunrn.com/news/2010/01\\_10/01\\_25\\_10/012510\\_iran.htm](http://www.wunrn.com/news/2010/01_10/01_25_10/012510_iran.htm).

209. *Interview with Somayeh Rashidi*, CHANGE FOR EQUALITY, January 28, 2010, available at <http://www.wluml.org/node/5905>; *Women's Rights Activist Detained Somayeh Rashidi*, AMNESTY INTERNATIONAL, February 5, 2010, available at <http://www.amnesty.org/en/library/info/MDE13/016/2010/en>; *Somayeh Rashidi Released After 68 Days in Detention*, CHANGE FOR EQUALITY, February 26, 2010, available at <http://www.campaignforequality.info/english/spip.php?article650>.

210. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

211. *Iran: Arrest of 19 Activists from the Women's Movement, Women Journalist and Civil Activists*, FEMINIST SCHOOL, January 14, 2010, available at <http://www.payvand.com/news/10/jan/1131.html>. *Khanivadiyeh Mansoureh Shojaee bih Dadgah Muraji'i Kardand Amma Hich Javabi Daryaft Nakardand* [Family of Mansoureh Shojaee Went to Court but Were not Able to Obtain Any Answers], THE FEMINIST SCHOOL, December 31, 2009, available at <http://www.feministschool.com/spip.php?article4008>.

212. *Interview with Nasrin Sotoodeh Regarding Mansoureh Shojaee's Case*, FEMINIST SCHOOL, January 18, 2010, available at <http://www.feministschool.com/english/spip.php?article366>.

while in detention.<sup>213</sup> Karami's court hearing was scheduled for Monday, June 28, 2010, in the 26<sup>th</sup> Branch of the Revolutionary Court—120 days after her arrest—but was again postponed.<sup>214</sup>

Hengameh Shahidi, a women's rights activist and journalist, and a member of the Etemad-e Melli Party, was arrested on June 30, 2009 in Heravi Square in Tehran. She was taken to Ward 209 of Evin prison and interrogated. Her lawyer, Mohammad Mostafaei, reported that her case file did not contain an arrest warrant but did include a copy of the letter written by Saeed Mortazavi, then-Prosecutor General.<sup>215</sup> Shahidi was initially charged with "participating in illegal gatherings and post-election street riots."<sup>216</sup>

She was released on November 1, 2009, on 90 million Tomans (roughly US \$90,000) bail. On November 15, 2009, Branch 26 of the Revolutionary Court met for the final time and decreed that her charges included "conspiring and gathering with the aim of acting against national security through participating in riots," "propaganda activity against the regime of the Islamic Republic of Iran through an interview with the 'anti-revolutionary' network of BBC," "signing of the statements that are intended to propagate against the Islamic Republic of Iran's regime such as One Million Signature Campaign, Stop Stoning Forever Campaign," and "insulting the president for doing his job." The Court sentenced her to six years, three months and one day imprisonment.<sup>217</sup>

On February 24, the appeals court modified her sentence to six years and a fifty thousand Tomans (roughly US \$50) fine. The next day, agents arrested her when she reported to the Ministry of Intelligence's Tracking Office and transferred her to Evin prison.<sup>218</sup>

Even non-members of the Campaign were at risk of arrest for their activities. According to one woman who helped collect signatures for the Campaign:

I was interrogated for my cultural activities. During the interrogations, they asked about each and every one of my activities and those of my family members. The interrogators repeatedly questioned me about my affiliation with the One Million Signatures Campaign and my relations to friends who were social or political activists or journalists. This was while my activities with the Campaign were very minimal and basically revolved around collecting signatures.<sup>219</sup>

### 3.4 Arrests of Members of the Mourning Mothers

As reports of killings and disappearances of young protestors came to light, women's rights activists became increasingly concerned about the lack of information being provided to the mothers of the slain and disappeared. In response, they met with some of the mothers and put together a group that became known as the Mourning Mothers.<sup>220</sup>

213. *Mahboubeh Karami's Court Will be Held on June 28<sup>th</sup>*, CHANGE FOR EQUALITY, June 20, 2010, available at <http://www.we-change.org/english/spip.php?article719>; *Vaz'iyat-i Nigaran Kunandihyih Fa'al-i Huquq-i Zanan dar Band-i 209 Evin* [Worrisome Conditions of Women Rights Activist at Ward 209 of Evin], ETTELAAT.NET, April 10, 2010, available at <http://ettelaat.net/10-april/news.asp?id=46291>.

214. *Mahboubeh Karami Denied Bail Despite Poor Health*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, July 12, 2010, available at <http://www.iranhumanrights.org/2010/07/mahboubeh-karami-denied-bail-despite-poor-health/>.

215. See *supra* note 119.

216. *Qissihyih Pur Qussihyih Parvandihyih Hengameh Shahidi* [The Sorrowful Tale of the Case of Hengameh Shahidi], RAHANA, April 9, 2010, available at <http://www.rhairan.in/archives/9040>.

217. *Id.*

218. *Ijrayih Hukm-i Hengameh Shahidi Bah Ta'id-i Dadgah-i Tajdid-i Nazar* [Execution of the Verdict of Hengameh Shahidi with the Approval of the Appeal Court], RAHANA, Feb. 27, 2010, available at <http://www.rhairan.in/archives/5331>.

219. See IHRDC Witness Statement of Farideh (April 19, 2010) (on file with IHRDC).

220. IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).

The formal mission statement of the Mourning Mothers, also known as the “Mothers of Laleh,” was issued on Tuesday, June 23, 2009. It contained the following pledge: “Until the release of all detained demonstrators who have been arrested for protesting the rigging of the election, the cessation of violence, and until our children’s killers receive their punishment, we will gather near the place of martyrdom of our beloved Neda, Amir Abad Street, Laleh Park, next to the water fountain, at 7 p.m. every week and sit in silence and mourn.”<sup>221</sup>

The same day, the Mourning Mothers assembled at Laleh Park in Tehran. According to eyewitnesses, state security forces brutally broke up the gathering of more than 500 women and mothers, and ordered the women to disperse. Despite this setback, the women continued to meet in parks all over Tehran every Saturday night through the summer months.<sup>222</sup>

While the Mourning Mothers movement originated in Tehran, it soon spread to other cities in Iran and throughout the world. As the movement spread, state security forces began arresting the mothers at the gatherings and their homes. On December 5, 2009, they arrested over twenty mothers at one of the weekly gatherings at a park in Tehran. Some of the mothers were reported to have been released hours later, while others remained in custody.<sup>223</sup>

On January 9, 2010, agents arrested 33 members of the Mourning Mothers during their weekly peaceful gathering in Laleh Park.<sup>224</sup> They took most of the women to the Vozara Detention Center, but took nine to hospital.<sup>225</sup> The families and friends of the detained women assembled outside the Vozara Detention Center the next day demanding to know why they were being held and to protest their seemingly unlawful arrests.<sup>226</sup> In early February 2010, authorities arrested supporters of the Mourning Mothers in their homes in Tehran and took some to Evin prison’s Ward 209, where they were held in solitary confinement.<sup>227</sup>

### 3.5 Interrogations

The Iranian authorities subjected the detained activists to lengthy and often brutal interrogation sessions. During interrogations that lasted hours, interrogators attempted to humiliate, shame, and threaten activists. They physically assaulted many and possibly raped at least one while she was forcibly drugged. Interrogators

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221. *Girdiham-a’i Madaran-i Azadar [Gathering of the Mourning Mothers]*, MOURNFUL MOTHERS, June 23, 2009, available at <http://mournfulmothers.blogfa.com/8804.aspx>.
222. *The Second Announcement of Mourning Mothers: the Mourning Continues*, CHANGE FOR EQUALITY, July 1, 2009, available at <http://www.we-change.org/english/spip.php?article542>; *Girdiham-a’i Madaran-i Azadar [Gathering of the Mourning Mothers]*, MOURNFUL MOTHERS, June 23, 2009, available at <http://mournfulmothers.blogfa.com/8804.aspx>. See also IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC); IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC).
223. *Mothers Arrested Before Opposition Rally in Iran*, NEW YORK TIMES, December 6, 2009, available at [http://www.nytimes.com/2009/12/07/world/middleeast/07iran.html?\\_r=2](http://www.nytimes.com/2009/12/07/world/middleeast/07iran.html?_r=2).
224. *Detention of 33 Iranian Mothers Sparks Protest, Group Says*, CNN WORLD, January 10, 2010, available at <http://www.cnn.com/2010/WORLD/meast/01/10/iran.mourning.mothers/index.html>.
225. According to one report, 28 of the 33 women detained in Vozara Detention Center were: Tahereh Akhshay, Zahra Afrouz, Fatemeh Farhadi, Kobra Najafpour, Zahra Atab, Sadigheh Shokri, Ziba Shekooor-Sadiqi, Mansoureh Behkish, Farideh Sahraie, Maliheh Sahraie, Toubia Dar-al-shafaie, Zari Nojavan, Fereshteh Taodoli, Masoumeh Ataar, Fatemeh Rastegar, Fatemeh Salehi, Nosrat Khaki, Soraya Jaafari, Maryam Hossein Gholizadeh, Hakimeh Shokri, Manizheh Taheri, Eshrat Khabarhasan, Mohtaram Karamad, Jila Mahdavian, Leila Seifollahi, Ansieh Bakhshay, Izedi, Roghiyeh Tabrizi. See *Asamiyih Madaran-i Azadar-i Bazdash-t Shudih dar Tehran [Names of the Mourning Mothers Detained in Tehran]*, IRAN PRESS NEWS, January 10, 2010, available at <http://www.iranpressnews.net/source/071126.htm>.
226. *Update: Detained Mothers Shuffled Between Emergency Rooms and Detention Center*, INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, January 10, 2010, available at <http://www.iranhumanrights.org/2010/01/mourning-mothers-update/>.
227. *Mourning Mothers Supporters in Solitary Confinement*, HUMAN RIGHTS AND DEMOCRACY ACTIVISTS IN IRAN, February 18, 2010, available at [http://hrdai.blogspot.com/2010/02/209\\_17.html](http://hrdai.blogspot.com/2010/02/209_17.html).

often forbade women activists from contacting their families, lawyers or anyone in the outside world. When interrogators did allow contact, they often monitored communications.

Iran's women activists endured repeated interrogations in 2006, 2007 and 2008 in retaliation for their activities, including their work on the One Million Signatures and Stop Stoning Forever campaigns. Women activists report that during Mohammad Khatami's presidency and President Ahmadinejad's first term, a team of interrogators from the Ministry of Intelligence was assigned to investigate women's rights activists.<sup>228</sup> The team was headed by a man who went by the aliases "Mahdavi"<sup>229</sup> or "Foroutan,"<sup>230</sup> and sometimes "Khakzad" or "Khakpour."<sup>231</sup> The team knew each activist by name and professional association, and tracked their e-mail and telephone correspondence for years. The team knew the most intimate details of the women's lives. As Shadi Sadr relates:

These people had handled the women's files for 5-6 years and had interrogated around a hundred women's activists and supporters. They knew a lot of details. One time, my interrogator Foroutan told me "I know so much about all you ladies that if you were to quiz me and ask when Parvin Ardalan had her first tooth removed, I would be able to tell you."<sup>232</sup>

Therefore, women activists who were arrested after the June 12, 2009 election were surprised to see unfamiliar interrogators (and for the blindfolded, unrecognizable voices). The interrogators focused on the role of women in the post-election protests and were intent upon collecting information on the whereabouts of other women activists. They also harassed and tried to convince some detainees to become collaborators. Interrogators used threats, and verbal and physical abuse, to intimidate and coerce women into giving confessions and providing information about other women activists.

When lawyer Shadi Sadr was initially taken to the Tracking Office (*Daftar-i Paygiri*) in July 2009, she recognized one of her prior interrogators. She asked him where Foroutan (her previous interrogator) was, and he curtly replied: "What is it to you? He is not here."<sup>233</sup> In all subsequent interrogations, the interrogators did not allow Sadr to see their faces but, through their voices and style of questioning, she could tell they were not the same men who had interrogated her in the past. Sadr was subjected to multiple interrogations during her twelve days in detention. She was questioned by four teams, each composed of two men.<sup>234</sup>

The team at the Tracking Office asked her personal questions, including questions about her relationship with her husband, and whether or not she smoked cigarettes and drank alcohol. They demanded her password and username to her e-mail accounts. They asked her many questions about the women's movement, including the identities of the main women's rights activists and their activities. They also asked her about the disputed election—they wanted to know whether she voted, who she voted for, and her opinion on the outcome.<sup>235</sup>

Sadr was interrogated again the following two days in Evin (Saturday and Sunday). After her interrogators

228. See IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC); IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC); IHRDC Interview with Tania Ahmadi Kaliji (April 19, 2010) (on file with IHRDC); IHRDC Interview with Asieh Amini (June 11, 2010) (on file with IHRDC); IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC); IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC); IHRDC Interview with Mahboubeh Abbasgholizadeh, (July 6, 2010) (on file with IHRDC).

229. IHRDC Interview with Aida Saadat, (April 15, 2010) (on file with IHRDC); IHRDC Interview with Parvin Ardalan (July 6, 2010) (on file with IHRDC); IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

230. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC); IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

231. IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

232. *Id.*

233. *Id.* Sadr believes that the team changed about six months prior to the June election.

234. *Id.*

235. *Id.*



promised and then refused to release her on Monday, they continued interrogating her. Convinced that she had provided false password information, they told her she was on notice that any future deviation would be met with swift punishment. When Sadr asked what would be considered a deviation, her interrogators responded that everything related to her social and political activism would be regarded as deviations. When Sadr asked if she could write in *Etemad-e Melli* (a newspaper that has since been shut down) about topics that were not controversial to the Iranian government, she was told that this would not be possible.<sup>236</sup> Her interrogators said that anything she did would be considered illegal simply by virtue of who she is. They told her that she could not even write in *Kayhan* (a conservative hard line paper) because she “would be writing the West’s ideas”—in essence, they viewed her as tainted by the West. They told her to check with the authorities for permission to leave Iran.<sup>237</sup>

The interrogators became increasingly verbally abusive. They alleged that she attended international conferences for the purpose of trying to overthrow the Iranian government. They asked about trips she had taken to Pakistan and Malaysia to speak to women about Islam and their rights, which surprised Sadr, since these were Muslim countries and not secular Western countries, which were the usual targets of suspicion.<sup>238</sup> When Sadr asked why traveling was a problem, they explained that it causes other countries to get the idea that Iran has a problem with its legal system, and this creates instability and calls people to action. The interrogators alleged that this was part of a master plan of the United States for the Middle East. According to the interrogators, the women activists were the root cause of this sedition.<sup>239</sup>

The sessions were long and tiring. While the interrogators took breaks and rotated in questioning, Sadr was given no rest. The interrogators continually taunted Sadr. They insisted that she was targeted by foreign powers, as she was a woman of merely average intelligence and would do their bidding without question or complaint. They told Sadr that she had been awarded international prizes, not on account of her merit or accomplishments, but so that she would be flattered and further ingratiated to the foreign powers awarding her the prizes.<sup>240</sup>

The interrogators alleged that she was conspiring with international organizations and foreign governments to overthrow the Iranian regime. Although the government had closed Sadr’s non-governmental organization *Raahi* several years before, the interrogators asked many questions about the organization and its funding sources.<sup>241</sup> Sadr’s case file from her arrest in March 2007 contained allegations that *Raahi* had received financial support from a Dutch group, HIVOS, and that it planned to use that money to help overthrow the Iranian Regime. Sadr was concerned that the interrogators would seek to make an example of her, by having her publicly recant and denounce the activities of the women’s movement.<sup>242</sup> They proposed that she



Asieh Amini, human rights activist, poet and journalist, is one of the founders of the Stop Stoning Forever campaign and a leading member of the Koneshgaran—an NGO that provided support to Iranian civil society actors. In March of 2007, Amini was arrested and detained in Evin prison after participating in a peaceful protest. In 2009, she was beaten during post-election demonstrations and was targeted by the intelligence ministry and the judiciary. Amini left Iran in August 2009. She is currently in Norway where she continues her activism.

236. Etemad-e Melli was shut down by the prosecutor’s office on the eve of August 16, 2009 for publishing insulting material. See *Ruznamihyih Etemad-e Melli Tawqif Shud [Etemad-e Melli Newspaper was Shut Down]*, FARS NEWS AGENCY, August 17, 2009, available at <http://www.farsnews.net/newstext.php?nn=8805260178>.

237. IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

238. *Id.*

239. *Id.*

240. *Id.*

241. *Raahi* provided legal advice to women. After Sadr’s arrest in March 2007, the Revolutionary Court and the Ministry of Intelligence closed the center. A separate case file was created charging the group with acting against national security. Although, the case file did not proceed further, the authorities closed *Raahi*’s bank account and ordered that it cease its activities. “*Raahi*” *barayih Ta’qir-i Zindigiyih Zanan [A “Way” to Change Women’s Lives]*, RADIO ZAMAANEH, April 8, 2007, available at [http://radiozamaaneh.com/morenews/2007/04/post\\_651.html](http://radiozamaaneh.com/morenews/2007/04/post_651.html).

242. IHRDC Interview with Shadi Sadr (June 13, 2010)(on file with IHRDC).



Parvin Ardalan is a founding member of the Women's Cultural Center and the One Million Signatures Campaign, and editor of the Change for Equality website. She was arrested in 2006 for attempting to organize a women's rights rally. In 2008, the regime confiscated Ardalan's passport on her way to receive Sweden's Olof Palme Prize. Following the disputed June 2009 election, the prosecutor general of Tehran named Ardalan in his first indictment as a women's rights leader of the alleged "velvet revolution" to overthrow the Iranian regime. She left Iran in September 2009.

become a collaborator, telling her that she "could help the state."<sup>243</sup>

Three or four days before they released Sadr, they put her, blindfolded, in a room where she could hear the screams and moans of others being beaten. From the voices, she estimated she was in a room with about 15-20 persons, and from their answers, it seemed they had all been rounded up with her on the day of Friday Prayer. The room shook with the loud sounds of weapons, batons, and whips hitting flesh. It sounded like bullets in her head. She pulled her *chador* over her face so no one could see her trembling. After forcing Sadr to listen to the beatings for almost an hour, her interrogators took her to a separate room for interrogation.<sup>244</sup>

A few days later, Sadr's possessions were returned to her in preparation of her release, but she did not believe that she was being released until it actually happened, due to the psychological tricks the first time. Any time her door opened at Evin, she was worried they were coming to retrieve her for interrogation.<sup>245</sup>

After Tania Ahmadi Kaliji, a 28-year-old women's rights activist and green movement supporter, was taken into custody in August 2009, authorities placed her in solitary confinement in a small room for three days and subjected her to repeated interrogations lasting seven to eight hours each. Ahmadi Kaliji reported that she was interrogated by the same interrogators who had questioned her after one of her first arrests in Zanzan in 2008.<sup>246</sup>

The interrogators demanded the names of her contacts outside Iran and the names of people who organized protests "that threatened national security." They particularly sought the names of other women activists who had participated in the protests. They also wanted to know the whereabouts of several women's rights activists, including Shirin Ebadi, Parvin Ardalan and Jinous Sobhani.<sup>247</sup>

Ahmadi Kaliji guessed from the questioning, and the information they had, that the interrogators had monitored her e-mail and telephone communications. They told her that neither she nor her family would be safe if she did not cooperate. The authorities released Ahmadi Kaliji after three days because, according to her, "they only wanted me for interrogations" and "they did not have an evident crime against me." After she was released, she received threatening phone calls and text messages that caused her to fear for her life.<sup>248</sup>

Despite the threats, Ahmadi Kaliji did not leave Tehran. Five months after her release, two plainclothes agents showed up at the hospital where she worked. They took Ahmadi Kaliji to an undisclosed location and interrogated her. A number of men held her down, and asked her questions while hitting her with chains and pressing electric batons into her flesh. They alleged that she had ties to leftist groups outside the country and that she was helping plot the overthrow of the Iranian regime. They literally ripped pieces of her flesh out—months later, her body still carried the marks of her torture. She had severe bleeding in her left ear,

243. See Video File: German TV Interview With Shadi Sadr P2, Oct. 20, 2009, available at <http://www.youtube.com/watch?v=-6dupa7ljVE>. Shahnaz Gholami, a long-time women's rights and Azeri rights activist, who left Iran before the election, also reports that during her time in prison, the pressure to collaborate was intense. IHRDC Interview with Shahnaz Gholami (April 27, 2010) (on file with IHRDC).

244. *Id.*

245. IHRDC Interview with Shadi Sadr (June 13, 2010) (on file with IHRDC).

246. IHRDC Interview with Tania Ahmadi Kaliji (April 19, 2010) (on file with IHRDC).

247. *Id.*

248. *Id.*

which damaged her hearing. One of the interrogators fondled her breasts, and they threatened to rape her. At some point during the interrogation, they struck her on the back of the head and she lost consciousness. The interrogators forced her to swallow mysterious pills, which she suspects were sedatives. She was made to swallow the pills two or three times—each time she passed out. When she woke up, she was sore all over and had blood trickling from between her legs. She still does not know whether she was raped.<sup>249</sup>

The interrogators also called Ahmadi Kaliji's father and had him listen to the sounds of them torturing her. The shock of hearing his daughter in pain was so extreme that her father suffered a heart attack. He had to undergo surgery and is still recuperating.<sup>250</sup>

When Parisa Kakaee was summoned to the Tracking Office (*Daftar-i Paygiri*) in Tehran in November 2009, she was questioned about her activities with CHRR and the women's movement. At Evin prison, her interrogator, Alavi, made crude sexual remarks. He threatened to attack her loved ones—including her family. He told her that she had been under surveillance for years.<sup>251</sup>

In daily sessions, interrogators attempted to force Kakaee to confess to being a member of the MEK. She was shocked to discover that they were accusing her of membership in the MEK, as such charges warrant the death penalty in Iran. Kakaee had no ties to the MEK personally or through any familial associations of which she was aware.<sup>252</sup> She knew the allegations were part of a deliberate campaign to discredit CHRR and its human rights work. The interrogators pressured her and other CHRR members to do television interviews and make false admissions. She steadfastly refused to do so. Kakaee recalls one particularly colorful exchange between an interrogator and herself:

Once when we got into another disagreement, he said: "Okay, fine, go back to your cell, and I won't come to get you until your hair is the color of your teeth. No one will want to represent you. You are a *munafiq* and a *muharib*, and we will hang you and kill you."<sup>253</sup>

Her interrogators also alleged that the One Million Signatures Campaign was founded by members of the MEK. In addition to Kakaee, they claimed that Parvin Ardalan (one of the women expressly named in the post-election indictment) was an MEK member. Kakaee was also asked about Ahmadi Khorasani, another founder of the Campaign.<sup>254</sup>

When Mahboubeh Abbasgholizadeh arrived at Evin prison in late December 2009, she was immediately separated from Shiva Nazar Ahari (who was arrested along with her) and interrogated for about seven hours. During her interrogation, Abbasgholizadeh admitted she was part of the women's movement. Her case file listing the detailed notes of her prior interrogations with the women's interrogation team was not there, and it was clear her interrogators did not know much about her women's rights activist past. Instead, they made



**M**ahboubeh Abbasgholizadeh, a veteran filmmaker, journalist and women's rights activist, was arrested and briefly detained while on her way to Ayatollah Montazeri's funeral in December 2009. Upon her release, she went into hiding and fled Iran in January 2010 after government agents confiscated her laptop. In May 2010, Abbasgholizadeh was sentenced in absentia to two and a half years in jail and thirty lashes on charges stemming from a March 2007 arrest for demonstrating outside the Revolutionary Court in Tehran. She is currently in Amsterdam developing an online television channel devoted to women's issues.

249. *Id.*

250. *Id.*

251. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

252. Family members of MEK members, even though not associated with the MEK, have been arrested in Iran simply for their familial association. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, DEADLY FATWA: IRAN'S 1988 PRISON MASSACRE, available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

253. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

254. *Id.*



**M**ohammad Mostafaei, a lawyer and longtime opponent of stoning, came under fire by Iranian authorities for his support of Sakineh Mohammadi Ashtiani—a mother of two sentenced to death by stoning for adultery. On July 24, 2010, security forces raided Mostafaei's law offices in Tehran in retaliation for comments he made to the international media about Mohammadi Ashtiani's case. When authorities failed to apprehend Mostafaei, they arrested his wife and brother-in-law and took them to Evin prison. According to authorities, Mostafaei's family members will not be released until he turns himself in. Mostafaei is currently seeking asylum in Turkey.

baseless claims that she maintained links to the MEK.<sup>255</sup>

The interrogators insisted that if released Abbasgholizadeh must speak with Nazar Ahari's mother and tell her that her daughter is part of the MEK and to close the Committee of Human Rights Reporters website. But Abbasgholizadeh pointed out that she did not know Nazar Ahari's mother personally. Eventually, the interrogators agreed to release her if she agreed to write a letter disavowing the MEK. Abbasgholizadeh readily agreed to this condition, as she was not part of the organization and did not agree with its activities. Abbasgholizadeh also agreed to her interrogators' demand that she remove her films from her website.<sup>256</sup>

That evening, Abbasgholizadeh signed a letter of guarantee, and two hours later went before a judge for the explanation of her charges. The judge asked why a lady of her age was there—Abbasgholizadeh surmises that at the time, not many older people had been arrested, and so the judge was likely expecting only younger activists. The judge released her.<sup>257</sup>

After her June 2009 arrest, Hengameh Shahidi was held in solitary confinement in Evin's Ward 209 for 50 days and subjected to lengthy interrogation sessions. She was interrogated over thirty times during her detention. Shahidi was subjected to physical and psychological torture while in prison:

On the first night of imprisonment they beat me and insulted me continuously, to the point that I was begging them to stop ... from the first night of arrest until I was taken out of solitary cells I was constantly threatened with execution. This and their constant insults and verbal abuse was so extreme that I had nightmares of execution for fifty nights. I was pressured to give more confessions.<sup>258</sup>

The sessions lasted for hours. During one session, Shahidi wrote 46 pages of answers for her interrogators. Shahidi's interrogators accused her of inciting others to participate in illegal gatherings, and alleged that she engaged in propaganda activity against the regime. They asked her questions about her women's and human rights activities, and about the nature of her personal relationships with her male friends. They also interrogated her about her family's loyalty to the Iranian regime—Shahidi

took deep offense, as two of her brothers had died in service during the Iran-Iraq war.<sup>259</sup>

### 3.6 Restriction on Freedom of Movement

Women's rights activists have historically been banned from leaving Iran to attend international conferences, and accept prizes and awards for their work, in an attempt to prevent them from speaking to an international audience about the needs for reforms in Iranian law.<sup>260</sup> However, it appears that activists have been banned

255. IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC).

256. *Id.*

257. *Id.*

258. *Qissiyeh Pur Qussiyeh Parvandihiyeh Hengameh Shahidi [The Sorrowful Tale of the Case of Hengameh Shahidi]*, RAHANA, April 9, 2010, available at <http://www.rhairan.in/archives/9040>.

259. *Id.*

260. Examples include (1) Tala't Taghinia, Mansoureh Shojaee and Farnaz Seify, women's rights activists, journalists and members of the Women's Cultural Center, were arrested at Imam Khomeini Airport in Tehran, while trying to exit the country to



from traveling more frequently following the June 2009 election.

Aida Saadat, the women's rights activist and journalist, reports that the signatories of two open letters criticizing the election result and government reaction to post-election events were put on a list prohibiting them from leaving the country.<sup>261</sup> Saadat credits her signature on these letters as the reason she was forbidden to legally leave Iran. She was forced to escape through the mountainous Iran-Turkey border with the help of smugglers.<sup>262</sup>

Some activists are unaware that they are barred from leaving the country until the authorities confiscate their passports at the airport.<sup>263</sup> On her way to Paris, France, to attend an International Women's Day ceremony on March 8, 2010, Simin Behbahani, Iran's national poet and longtime women's rights activist, was prevented from leaving Imam Khomeini Airport. She was detained by security police as she was heading to board the plane. She was eventually released, but authorities confiscated her passport and gave her a letter instructing her to go to the Revolutionary Court to retrieve her passport.<sup>264</sup> Many Iranians were shocked by the government's treatment of Behbahani because of her age (she was born in 1927) and her physical condition (she is nearly blind). Commentators speculate that the travel ban on Behbahani was in retaliation for comments she made to the international media shortly after Neda Agha-Soltan's death on June 20, 2009.<sup>265</sup>

Zhina Modares Gorji, a women's rights activist in Sanandaj, was on her way to Dubai on November 13, 2009 when she was stopped in the airport before boarding her flight. She passed through the Passport Control Desk and had received an exit stamp, but was paged over the airport speaker. A plainclothes agent confiscated her passport and ordered her to report to the Revolutionary Court in Sanandaj.<sup>266</sup>



**M**ansoureh Shojaee is a scholar, women's rights activist, and founding member of the Women's Cultural Center, the One Million Signatures Campaign and The Feminist School. She was arrested twice for her activism in 2007, and prohibited from leaving the country. Government agents arrested Shojaee again in December 2009, and held her without charge in Ward 209 of Evin prison. She was released on January 27, 2010, on heavy bail. She subsequently left the country.

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attend a journalism training in New Delhi, India; (2) Nasrin Sotoodeh, a prominent lawyer and women's rights activist, was prevented from traveling to Italy to accept an award from the Italian organization Human Rights International on December 10, 2008. She had already passed through passport control when someone who introduced himself as an agent from the president's office, without showing any identification, confiscated her passport and prevented her from boarding her flight. *Nasrin Sotoodeh: Mumani'at az Khuruj-i Man Qayr-i Qanuni Bud* [*Nasrin Sotoodeh: Preventing Me From Exiting the Country Was Illegal*], BBC PERSIAN, December 10, 2008, available at [http://www.bbc.co.uk/persian/iran/2008/12/081209\\_ba-sotoudeh-barred.shtml](http://www.bbc.co.uk/persian/iran/2008/12/081209_ba-sotoudeh-barred.shtml).

261. The open letter of August 23, 2009 was addressed to the "sources of emulation," i.e. the top Shi'a clerical leadership, including Iran's Supreme Leader Ayatollah Khamenei, as well as Hashemi Rafsanjani, Mir-Hossein Mousavi, Mohammad Khatami and Mehdi Karroubi. It was signed by 293 activists and journalists who criticized the election results and the government's response to the post-election unrest. See *Namihyih 293 Ruznamih Nigar va Fa'al-i Kishvar bih Maraji-i Taqlid va Hashemi, Khatami va Mousavi va Karroubi* [*Letter of 293 Journalist and Activists in the Country to Sources of Emulation and Hashemi, Khatami, Mousavi and Karroubi*], NOROOZ NEWS, August 23, 2009, available at <http://norooznews.ir/news/13597.php>. The second letter, of September 6, 2009 (15 Shahrivar 1388), was addressed to the incoming prosecutor of Tehran and criticized the treatment of detainees post-election. It was signed by 330 activists and journalists. See *Namihyih Sargushadihyih 330 Ruznamih Nigar bih Dadsitan-i Jadid-i Tehran* [*Open Letter of 330 Journalists to the New Prosecutor of Tehran*], COMMITTEE OF HUMAN RIGHTS REPORTERS, September 6, 2009, available at <http://chrr.us/spip.php?article5423>.
262. See IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC).
263. See *supra* note 115 and accompanying text (Narges Mohammadi and Soraya Azizpanah).
264. *Jilugiri az Khuruj-i Simin Behbahani az Iran* [*Preventing Simin Behbahani from Leaving Iran*], BBC PERSIAN, March 8, 2010, available at [http://www.bbc.co.uk/persian/iran/2010/03/100308\\_138\\_simin\\_behbahani\\_ban.shtml](http://www.bbc.co.uk/persian/iran/2010/03/100308_138_simin_behbahani_ban.shtml).
265. *Poet Simin Behbahani: Neda is 'Voice of People in Iran'*, NPR interview with Simin Behbahani, June 26, 2009, available at [http://www.npr.org/blogs/thetwo-way/2009/06/poet\\_simin\\_behbahani\\_says\\_neda.html](http://www.npr.org/blogs/thetwo-way/2009/06/poet_simin_behbahani_says_neda.html).
266. *Zhina Modares Gorji, Fa'al-i Campaign-i Yik Million Imza Mamnu'ul Khuruj Shud* [*Zhina Modares Gorji, One Million Signature Activist Was Exit Banned*], CHANGE FOR EQUALITY, Nov. 15, 2009, available at <http://www.campaign4equality.info/spip.php?article4989>.

Mansoureh Behkish, a member of the Mothers for Peace and the Mourning Mothers, was prevented from traveling to Italy to visit her children on March 17, 2010. The passport agents confiscated her passport, and the plane departed after removing her luggage from the plane. She demanded an explanation and filed a written complaint with the Security Branch of the Revolutionary Court. She had been arrested twice during the prior months because of having participated in the Mournful Mothers' gathering at Laleh Park in Tehran.<sup>267</sup>

## 4. Violations of International and Iranian Law

The Iranian authorities' targeting of women's rights activists based on their beliefs, membership in organizations, participation in demonstrations, and other advocacy violated their fundamental rights to freedom of expression, assembly and association that are protected under Iranian and international law. The authorities' denial of fundamental due process rights of arrestees and detainees, and mistreatment and torture of detainees also violated Iranian and international law. Finally, Iranian authorities unlawfully harassed activists in an effort to silence them through invasions of privacy, threats, and restrictions on their freedom of movement and employment.

### 4.1 Violation of Fundamental Freedoms of Expression, Assembly and Association

The Iranian Constitution protects freedom of expression under Article 24,<sup>268</sup> freedom of assembly under Article 27,<sup>269</sup> and freedom of association under Article 26.<sup>270</sup> Article 9 provides that

no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.<sup>271</sup>

The founder of the Islamic Republic, Ayatollah Khomeini, promised before its creation that "in an Islamic government, all people have freedom to express any opinion."<sup>272</sup>

267. See *Tara Sepehri Far Azad Shud / Mamnu'ul Mulaqat Shudan-i Mahdiyeh Golrou / Mansoureh Behkish Mamnu'ul Khuruj Shud* [Tara Sepehri Was Released / Mahdiyeh Golrou Was Denied Visitation Rights / Mansoureh Behkish Was Exit Banned], THE FEMINIST SCHOOL, March 17, 2010, available at <http://feministschool.net/spip.php?article4491>. See also *Mamnu'ul Khuruj Shudan-i Mansoureh Behkish* [Mansoureh Behkish Was Travel Banned], RAHANA, March 18, 2010, available at <http://www.rhairan.in/archives/7610>.

268. Article 24 states: "Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public." Qanun-i Assasiyeh Jumhuriyeh Islamiyeh Iran [Constitution of the Islamic Republic of Iran] 1358 [adopted 1979, amended 1989] art. 24 [hereinafter Iranian Const.], available at <http://iranhrdc.org/httpdocs/English/iraniancodes.htm>. See also IRAN HUMAN RIGHTS DOCUMENTATION CENTER, Ctrl+Alt+Delete: Iran's Response to the Internet available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

269. Article 27 states that "Public gatherings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam." Iranian Const. *supra* note 268, art. 27.

270. Article 26 states: "The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them." Iranian Const. *supra* note 268, art. 26.

271. Article 9 the Iranian Constitution encourages Iranian citizens to broadly and actively participate in society and thereby guarantee the rejection of "tyranny" and "economic monopoly." Iranian Const. *supra* note 268, art. 9.

272. RUHOLLAH KHOMEINI, SAHIFIHYIH NUR [Vessel of Light], Vol. 3 (1983). See "Interview of Imam Khomeini with representative of Amnesty International," 20/08/1375 [11/10/1978].

The International Covenant on Civil and Political Rights (ICCPR), ratified by Iran in 1975, similarly protects the rights of expression, assembly and association in articles 19,<sup>273</sup> 21,<sup>274</sup> and 22.<sup>275</sup> Arrests for exercising these fundamental human rights have been declared arbitrary even in the face of legitimate security concerns.<sup>276</sup> This protection is considered even more important when applied to human rights defenders,<sup>277</sup> particularly women's rights defenders:

It is obvious that women defenders are more at risk of suffering certain forms of violence and that they are targeted by various parts of the social and political establishment with forms of prejudice, exclusion and repudiation, in particular when they work in the area of women's rights. This can be particularly acute when women defenders are perceived as challenging cultural norms and social constructs related to gender, femininity and sexuality.<sup>278</sup>

The Iranian government violated these fundamental human rights of women's rights activists when it systematically harassed, arbitrarily arrested, interrogated, imprisoned, mistreated and tortured them with the stated goal of dismantling the women's rights movement. Interrogators made it clear that they considered any criticism of Iran's regime and its laws to be creating instability that justified harassment, arrest, and detention. Since its founding, members of the One Million Signatures Campaign were denied the right to freely assemble.<sup>279</sup> Witnesses report that any association with the Campaign was considered suspect by the

273. ICCPR Article 19 in relevant part states:

1. Everyone shall have the right to hold opinions without interference
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

International Covenant on Civil and Political Rights, art. 19, March 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR] *available at* <http://iranhrdc.org/httpdocs/English/aadel.htm>.

274. ICCPR Article 21 guarantees the right to peaceful assembly and states:

“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.” ICCPR *supra* note 273, art. 21.

275. ICCPR Article 22 of the ICCPR guarantees the right of freedom of association and states in relevant part:

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

ICCPR *supra* note 273, art. 22.

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

277. “In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.” Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, G.A. Res. 53/144, U.N. Doc. A/RES/53/144 (1999). *available at* <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/53/144>.

278. Report of the Special Rapporteur on the situation of human rights defenders, ¶ 36, U.N. Doc. A/63/288 (2008). *available at* <http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/288>.

279. *See supra* note 70 and accompanying text.

Iranian authorities and liable to subject a person to arrest and interrogation.<sup>280</sup> Members of the Mourning Mothers, whose activism was the simple manifestation of the right to assemble, were met with beatings and arrests for exercising this right.<sup>281</sup>

Activists were put under pressure to censor and close their publications. Shiva Nazar Ahari, Parisa Kakaee and their colleagues at the CHRR were tormented by their interrogators for refusing to shut down the CHRR website, and Nazar Ahari remains in prison.<sup>282</sup> Shadi Sadr was told that even if she were to write for hard-line state-sponsored news outlets, she would be subject to further harassment simply because of who she is. The only option open to her was to cease all expression or face arrest.<sup>283</sup>

## 4.2 Denial of Due Process

The Iranian Constitution and laws provide for a range of due process and other protections of individuals arrested and detained, including the following:

- Prohibition against arbitrary arrests<sup>284</sup>
- Requirement that charges be promptly explained to the accused and provision for judicial oversight<sup>285</sup>
- Presumption of innocence<sup>286</sup>
- Right to counsel<sup>287</sup>
- Requirement that families be informed as to the whereabouts and condition of detainees and that they be afforded visits and communications<sup>288</sup>

The Criminal Code of Procedure (CCP) of Iran requires that even preliminary investigations leading to temporary arrests and detentions of individuals suspected of committing national security crimes be conducted pursuant to orders issued by trial judges and overseen by the Judiciary.<sup>289</sup> Such orders must conform to due process standards.<sup>290</sup> Once a preliminary investigation indicates that a crime may have been

280. See *supra* note 219 and accompanying text.

281. See *supra* notes 222-27 and accompanying text. While both the Iranian Constitution and international law allow for authorities to regulate assembly through a permitting mechanism, the arbitrary denial of permits by the Interior Ministry makes almost all demonstrations and gatherings not sponsored by the state itself illegal by default. See IRAN HUMAN RIGHTS DOCUMENTATION CENTER, *Violent Aftermath: The 2009 Election and Suppression of Dissent in Iran*, available at <http://iranhrdc.org/httpdocs/English/reports.htm>.

282. See *supra* notes 158, 160, 188 and accompanying text.

283. See *supra* note 237 and accompanying text.

284. Article 32 of the Constitution states: "No one may be arrested except by the order and in accordance with the procedure laid down by law." Iranian Const. *supra* note 268, art. 32.

285. Article 32 of the Constitution states: "In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law." *Id.* art. 32.

286. Article 37 of the Constitution states: "Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court." *Id.* art. 37.

287. Article 35 of the Constitution states: "Both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel." *Id.* art. 35.

288. Article 5 of the Law Respecting Legitimate Freedoms and Protecting Citizen Rights (Citizen Rights Law) states: "...arrest files should be sent to the court with jurisdiction and families of the detained person should be informed." Qanun-i Ihtiram bih Azadihayih Mashru' va Hifz-i Huquq-i Shahravandi [Law Respecting Legitimate Freedoms and Protecting Citizen Rights] (1383) [2004], available at <http://dadkhahi.blogspot.com/?PostId=218> (last visited July 14, 2010) [hereinafter Citizen Rights Law].

289. Qanun-i A'yin-i Dadrisiyih Dadgahhayih Umumi va Inqilab dar Umur-i Kayfari [Criminal Procedure Code for Public and Revolutionary Courts] (1379) [2001], art. 38 and 42, available at [http://hoghoogh.online.fr/article.php3?id\\_article=67](http://hoghoogh.online.fr/article.php3?id_article=67) [hereinafter Criminal Code of Procedure].

290. The requirement to state the nature and cause of the allegation goes beyond mere statement of the charge. See *id.* arts. 37-39



committed, Article 119 of the CCP mandates the issuance of a summons or an arrest warrant, and requires that the contents be communicated to the suspect.<sup>291</sup> An arrest warrant may only be issued if there is due cause,<sup>292</sup> and pretrial arrest warrants are appealable and only valid for a month unless extended by the issuing judge.<sup>293</sup> Judicial officers and other governmental agents who illegally take people into custody or initiate criminal prosecutions are subject to punishment.<sup>294</sup>

Under Article 35 of the Iranian Constitution, accused individuals have a right to counsel “in all courts of law.” This fundamental right is reiterated in Articles 128, 185 and 186 of the CCP, and Article 3, the Citizen Rights Law.<sup>295</sup> Although Article 128 of the CCP permits a judge to limit or prohibit access to a lawyer, the limitation or prohibition must be for national security reasons, and may last only until the end of the investigation period.<sup>296</sup>

International law similarly protects the due process rights of the accused. Article 9 of the ICCPR outlines Iran’s duty to provide due process before it limits, interferes with, or otherwise extinguishes an individual’s liberty.<sup>297</sup> Article 9(2) requires government agents to promptly inform the accused of the reasons for her arrest at the time of arrest, and Article 9(3) obligates it to promptly bring the accused before a judge and hold a trial within “a reasonable time.”<sup>298</sup> Article 9(3) also provides that “it shall not be the general rule that persons awaiting trial shall be detained in custody.”<sup>299</sup> Article 14(2) provides that the accused has the right

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(requiring the Judiciary to act based on evidence, conform to the rule of law, and be impartial during the investigation phase); *see also id.* art. 32 (allowing temporary arrests and detentions of suspects only when circumstantial evidence indicates that a crime has been committed and certain conditions are satisfied).

291. Criminal Code of Procedure, art. 119, *supra* note 289 (“The accused shall be summoned by an arrest warrant. The arrest warrant, which contains the reasons for the summons must be read to the accused.”). Article 5 of the Citizen Rights Law reiterates that arrests and detentions are generally prohibited unless necessary, and that they must be carried out lawfully. Article 6 strictly prohibits the blindfolding and restraining of a suspect during the course of an arrest, and provides that suspects must be protected from insults and harassment. Citizen Rights Law, *supra* note 288, arts. 5, 6.

292. Article 118 of the CCP allows warrantless arrests only in instances where the crime being investigated is punishable by execution, *qisas* (blood retribution), or amputation. Criminal Code of Procedure, *supra* note 289, art. 118.

293. *Id.* art. 33.

294. Article 575 of the Iranian Penal Code provides that “judicial officials or other officers who, contrary to the law, take a person into custody, initiate criminal prosecutions or convict and sentence a person, are liable to a punishment of permanent dismissal from their judicial post and five years ban of serving in governmental positions.” Iran Penal Code, *supra* note 83, art. 575.

295. Criminal Code of Procedure, *supra* note 289, arts. 128, 185-186; Citizen Rights Law, *supra* note 288, art. 3. “Judges and prosecutors are required to respect the right of the accused (or respondents) to defend themselves and provide them with opportunities to employ lawyers and experts.” *Id.*

296. Criminal Code of Procedure, *supra* note 289, art. 128.

297. Article 9 states:

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

ICCPR *supra* note 273, art. 9.

298. *Id.*

299. *Id.*



**S**hadi Sadr, lawyer and journalist, is the founder of Zanan-i Iran and Stop Stoning Forever, and director of Raahi. She has also successfully represented women on death row. On July 17, 2009, she was arrested on her way to the Friday Prayer conducted by Rafsanjani. Sadr was released 12 days later and fled to Germany, where she continues to work for women's legal rights. In May 2010, she was sentenced in absentia to six years' imprisonment and 74 lashes for charges stemming from a March 2007 arrest.

to be presumed innocent.<sup>300</sup>

Article 14 (3)(b) of the ICCPR also requires that defendants be provided “adequate time and facilities for the preparation of ... defen[s]e and to communicate with counsel of [one's] own choosing.” Individuals have the right to counsel both at trial and at stages prior to trial.<sup>301</sup> The United Nations Human Rights Committee (HRC), a body responsible for interpreting the ICCPR, has stated unequivocally that “all persons who are arrested must immediately have access to counsel ... without delay.”<sup>302</sup>

In violation of Iranian and international law, the Iranian authorities arbitrarily arrested women's rights activists and defenders, often without warrants, and held them for indefinite time periods without formal charges. Many were not allowed contact with attorneys or family members. Shadi Sadr was not shown a warrant before or after her arrest, which was planned well in advance.<sup>303</sup> She was later told that she was arrested for endangering national security through causing riots, but no formal charges have been brought. Parisa Kakaee, who obeyed a summons and was arrested, was interrogated before being told her charges.<sup>304</sup> Mahboubeh Abbasgholizadeh, Shiva Nazar Ahari and Jila Bani Yaghoub were taken into custody in December 2009 during a carefully planned arrest, yet none were presented with an arrest warrant.<sup>305</sup> Mansoureh Shojaee, who was arrested at her home, was never presented with an arrest warrant and was not given a reason for her arrest for several weeks.<sup>306</sup> Hengameh Shahidi appears to have been arrested based on a letter by then-Prosecutor General Saeed Mortazavi.<sup>307</sup> More recently, authorities arrested and searched the home of Narges Mohammadi without a warrant, and held her for four days without informing her of her charges.<sup>308</sup>

Iranian authorities denied or severely restricted many detainees' access to counsel. Activists often endured weeks of interrogation before being able to even designate defense counsel, much less meet with them.<sup>309</sup> For example, Shadi Sadr confirmed that while she represented Shiva Nazar Ahari, she was not permitted to see the case file or have contact with her client. Nazar Ahari continues to be held in solitary confinement in Ward 209 of Evin Prison without contact with the outside world.<sup>310</sup> Somayeh Rashidi, who was beaten during interrogation, spent over a month in Evin without access to counsel. Fatemeh Masjedi and Maryam

300. Article 14(2) states: “Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.” *Id.* art. 14(2).

301. ICCPR Article 14(3)(b) states: “States must provide adequate time and facilities for the preparation of defense and to communicate with counsel of one's own choosing.” *Id.* art. 14(3).

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

303. See *supra* note 142 and accompanying text.

304. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

305. See *supra* notes 159, 163 and accompanying text.

306. See *supra* notes 211-12 and accompanying text.

307. See *supra* notes 215-18 and accompanying text.

308. See *supra* notes 200-05 and accompanying text.

309. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC). See *supra* notes 112, 160-62, 196-97, 209 and accompanying text.

310. See *supra* notes 160-62 and accompanying text.

Bidgoli spent twelve days in custody of the Qom Intelligence Ministry, without access to a lawyer.<sup>311</sup>

Moreover, the regime arrested and detained defense lawyers in a deliberate effort to discourage and hamper detainees from obtaining adequate representation. Sadr, a prominent human rights defense lawyer, was arrested in July 2009, and Forough Mirzaei and Maryam Ghanbari were arrested, making it impossible for them to defend their clients.<sup>312</sup> Shirin Ebadi was threatened with prison if she returned to the country.<sup>313</sup> The authorities recently arrested family members of lawyer Mohammed Mostafaei when they were unable to locate him.<sup>314</sup>

### 4.3 Mistreatment and Torture in Detention

Under the Iranian Constitution, authorities are forbidden from degrading a detainee in any fashion during arrest, detention, imprisonment or banishment.<sup>315</sup> The Citizen's Rights Law provides that "[d]uring arrest and interrogation or asking for information or research, harassing the individuals like blindfolding, tying other body parts, belittling or denigrating them must be avoided."<sup>316</sup> Iranian law also recognizes the right to adequate medical care provided by the government,<sup>317</sup> and provides that detainees may not be held in solitary confinement for prolonged periods of time. Solitary confinement is limited to a maximum of 20 days.<sup>318</sup>

Torture, particularly for the purpose of coercing confessions, is prohibited under Iranian law. Article 38 of the Constitution provides that "[a]ll forms of torture for the purpose of extracting confession[s] or acquiring information" are prohibited, as is "compulsion of individuals to testify, confess, or take an oath."<sup>319</sup> Under Article 578 of the Islamic Penal Code, an official who inflicts corporal harm and torment on an individual in custody is subject to *qisas* (retribution) or the payment of blood money and a prison term ranging from six months to three years. In addition, the Article shifts responsibility for the harm to superior officers who order it.<sup>320</sup>

Torture and inhuman treatment are also prohibited under international law.<sup>321</sup> Article 7 of the ICCPR provides that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."<sup>322</sup>

311. See *supra* note 112 and accompanying text.

312. See *supra* notes 196-97 and accompanying text.

313. Shirin Ebadi Nobel Peace Prize medal 'seized by Iran', BBC, November 27, 2009, available at [http://news.bbc.co.uk/2/hi/middle\\_east/8382008.stm](http://news.bbc.co.uk/2/hi/middle_east/8382008.stm).

314. See *supra* notes 198-99 and accompanying text.

315. Iranian Const., *supra* note 268, art. 39.

316. Citizen Rights Law, *supra* note 288, art. 6.

317. A'yin Namihyiyh Ijra'iyih Sazman-i Zindanha va Iqdamat-i Ta'mini va Tarbiyatiyih Kishvar [Executive Procedure for the State Prisons and Security and Corrective Measures Organization] 1384 [adopted 1985, amended 2005], art. 110-19 (Iran), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27> [hereinafter SPO Law].

318. Id. arts. 175(4)

319. Iranian Const., *supra* note 268, art. 38.

320. Iran Penal Code, *supra* note 83, art. 578.

321. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/39/51 (1984); 1465 UNTS 85, available at <http://iranhrdc.org/httpdocs/English/aadel.htm> [hereinafter Convention Against Torture]. See, e.g., UDHR; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, GA res. 43/173, Principles 6, 33, A/ RES/43/173 (1988), available at <http://www.unhcr.org/refworld/docid/3b00f219c.html>; United Nations, *Standard Minimum Rules for the Treatment of Prisoners*, art. 44(3), 30 August 1955, available at <http://www.unhcr.org/refworld/docid/3ae6b36e8.html> [accessed 20 July 2010]. *Standard Minimum Rules for the Treatment of Prisoners*, art. 44(3), 30 August 1955; approved by the Economic and Social Council, resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 [hereinafter *Standard Minimum Rules*].

322. The Convention Against Torture codifies the prohibition. It defines torture as "any act by which severe pain or suffering,

The ICCPR also contains prohibitions against detaining “unconvicted persons” with “convicted persons.”<sup>323</sup> In 2003, the Working Group on Arbitrary Detention visited Iran and expressed concern about Iran's use of solitary confinement.<sup>324</sup> The United Nations Special Rapporteur on the Right to Freedom of Opinion and Expression, Ambeyi Ligabo, explained that, in addition to facilitating torture, “prolonged incommunicado detention ... could itself constitute a form of cruel, inhuman or degrading treatment or even torture”<sup>325</sup>

The Iranian authorities mistreated and tortured women's rights activists in violation of Iran's laws and its international obligations. Many activists were verbally abused and suffered from unsanitary and overcrowded prison conditions.<sup>326</sup> Others, including Shiva Nazar Ahari and Hengameh Shahidi, endured months of solitary confinement.<sup>327</sup> At least one, Tania Ahmadi Kaliji, was severely beaten and possibly raped.<sup>328</sup>

The authorities also housed political prisoners with regular female prisoners, including murderers, drug addicts and thieves.<sup>329</sup> Former Evin Ward 209 prisoner Parisa Kakaee recalls:

A week after my release, they mixed the political prisoners into the general ward and emptied the methadone ward. I heard that this situation was awful and that the place was really dirty. In the general wards, rape and such acts are very frequent.<sup>330</sup>

#### 4.4 Use of Bail as Punishment

Article 132 of the Iranian Code of Criminal Procedure stipulates that “in order to have access to the accused, ensure his timely presence when necessary, prevent his escape or his hiding or conspiring with another,” a

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whether physical or mental, is intentionally inflicted on a person” for certain enumerated reasons. Art. (1)(1) states, “For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.” Convention Against Torture *supra* note 321, art. 1.

323. ICCPR *supra* note 273, art. 10(2).

324. “Solitary confinement covers the generalized use of ‘incommunicado’ imprisonment. The Working Group, for the first time since its establishment, has been confronted with a strategy of widespread use of solitary confinement for its own sake and not for traditional disciplinary purposes, as the Group noted during its truncated visit to sector 209 of Evin prison. This is not a matter of a few punishment cells, as exist in all prisons, but what is a ‘prison within a prison,’ fitted out for the systematic, large-scale use of absolute solitary confinement, frequently for very long periods.” U.N. Econ. & Soc. Council [ECOSOC], Sub-Comm. on Human Rights, Working Group on Arbitrary Detention, *Addendum: Visit to the Islamic Republic of Iran*, ¶ 54, U.N. E/CN.4/2004/3/Add.2 (June 27, 2003), available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

325. UN Commission on Human Rights, *Report submitted by the Special Rapporteur on the right to freedom of opinion and expression, Ambeyi Ligabo: Addendum Mission to the Islamic Republic of Iran*, at 3, U.N. Doc. E/CN.4/2004/62/Add.2 (Jan. 12, 2004), available at <http://www.unhcr.org/refworld/country...MISSION,IRN,,4090ffed0.0.html> (last visited Apr. 21, 2009) [hereinafter *Ligabo Report*].

326. See *supra* notes 147, 160, 169, 190, 205, 239, 244, 246, 249, 251-53, 258-59 and accompanying text (Parisa Kakaee, Shiva Nazar Ahari, Hengameh Shahidi, Shadi Sadr, Tania Ahmadi Kaliji, Narges Mohammadi).

327. See *supra* notes 160, 246, 255 and accompanying text (Shiva Nazar Ahari, Tania Ahmadi Kaliji, Hengameh Shahidi).

328. See *supra* note 249 and accompanying text.

329. *Hengameh Shahidi Attacked in Prison*, KALEME, May 30, 2010, *English translation of the news report available at* <http://persian2english.com/?p=11279>.

330. IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC). Hengameh Shahidi, a journalist and member of the One Million Signatures Campaign, was also reportedly attacked by a drug addict in the female ward of Evin Prison on the morning of May 29, 2010. *Hamlihyih Yik Mutad bih Hengameh Shahidi dar Band-i Nisvan [Hengameh Shahidi Attacked by a Drug Addict in Women's Ward]*, KALEME, May 30, 2010, *English translation of the news report available at* <http://www.kaleme.com/1389/03/08/klm-21019>.



judge is required to designate an amount or condition for the accused, commonly known as bail.<sup>331</sup> Article 134 of the Code requires that the amount “be in accordance with the importance of the crime, severity of punishment, reasons and tools for the accusation, possibility of flight of the accused and destroying the signs of crime, background of the accused, his health, age and respect in the community.”<sup>332</sup>

The law does not provide guidance on what are important crimes and what amount is in accordance with those crimes. However, Iranian human rights lawyers have noted that “judges who are in the business of trying political prisoners heed the demands of their leaders in the military and economic centers of power” and portray the accused to be so dangerous that the proposed amount of bail issued “will be disproportionate to the importance of the alleged crime committed, as well as his health, age, and respect in the community.”<sup>333</sup>

Article 9 of the ICCPR explicitly states that “[i]t shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial.” The U.N. General Assembly has noted that:

[t]he arrest or detention of such a person pending investigation and trial shall be carried out only for the purposes of the administration of justice on grounds and under conditions and procedures specified by law. The imposition of restrictions upon such a person which are not strictly required for the purpose of the detention or to prevent hindrance to the process of investigation or the administration of justice, or for the maintenance of security and good order in the place of detention shall be forbidden.<sup>334</sup>

The United Nations’ Special Rapporteur on Violence Against Women noted the harassment of women’s rights activists, as well as the use of high bail amounts to punish them, in her report on the conditions of women in Iran to the Economic and Social Council in 2006.<sup>335</sup>

Women’s rights activists detained following the 2009 election believe that high bails were set in an effort to punish them and discourage them from continuing their activism. When detainees were unable to pay the full bail, the authorities negotiated third-party financial guarantees, often with family members. These guarantees put heavy economic pressure on the detainees and their families to remain silent. This method continues to be particularly effective in Iran’s weak economy.

Parisa Kakaee was released only after a financial guarantee was set at a third of her parents’ monthly income. She explained that it would have to be paid if she did not appear in court when summoned, and noted that unfortunately, her parents are renters.<sup>336</sup> Other examples of exorbitant bails for the release of women’s



Abbas Jafari-Dolatabadi replaced Saeed Mortazavi as the General Prosecutor of Tehran in August 2009. Women activists summoned by Jafari-Dolatabadi’s prosecutor office were taken to Evin prison and faced deplorable conditions in detention. In March 2010, he announced the establishment of a special prosecution office inside Evin prison to deal with anti-revolutionary crimes.

331. Criminal Code of Procedure, *supra* note 289, art. 132.

332. *Id.* art. 134.

333. Mehrangiz Kar, *Vasigih Ast ya Mujazat? [Bail or Punishment?]*, ROOZ ONLINE, November 24, 2009, available at <http://www.mehrangizkar.net/archives/000491.php>.

334. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. Res. 43/173, ¶ 36(2), U.N. Doc. A/RES/43/173 (1988) available at <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/43/173>.

335. Special Rapporteur on Violence Against Women, *Integration of the Human Rights of Women and a Gender Perspective: Violence Against Women, Addendum: Mission to the Islamic Republic of Iran*, ¶¶ 39-40, 58, U.N. Doc. E/CN.4/2006/61/Add.3 (2006).

336. Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC).

rights activists include that of Mahdiyeh Golrou, whose bail was initially set at roughly US \$70,000 in April 2010, and later reduced to \$50,000.<sup>337</sup> Unfortunately, her family could not afford either amount.<sup>338</sup> Khadijeh Moghaddam's bail was set at roughly \$10,000 on April 14, 2010, but again, such sums were not available to her family.<sup>339</sup>

## 4.5 Official Harassment

The Iranian Constitution considers “[t]he dignity, life, property, rights, residence, and occupation of the individual inviolate except in cases sanctioned by law.”<sup>340</sup> International law also recognizes the right to privacy, the right to not be deprived of work unfairly, and the right to freedom of movement.<sup>341</sup> However, the Iranian authorities constantly monitored women's rights activists, and denied their rights to be employed and travel.

### 4.5.1 Right to Privacy

The Iranian Constitution prohibits arbitrary surveillance and all forms of covert investigation except for specific circumstances specified by law.<sup>342</sup> Similarly, Article 17 of the ICCPR states that:

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Women's rights activists report constant and oppressive surveillance.<sup>343</sup> Government agents followed them, tapped their phones, and monitored their e-mail.<sup>344</sup> Interrogators regularly called and threatened activists and their families with consequences if they failed to cease their activities or report to law enforcement.<sup>345</sup> On account of the surveillance and harassment, some activists stopped using their mobile phones altogether, and cut off communication with colleagues and friends.<sup>346</sup> The threats and harassment left many activists feeling isolated and hopeless.<sup>347</sup>

337. *Mahdiyeh Golrou Hamchidan dar Zindan bih Dalil-i Vasiqiyeh 700 Million Tomani [Mahdiyeh Golrou Remains in Prison Due to 700 Million Toman Bail]*, DANESHJOO NEWS, April 25, 2010, available at <http://www.daneshjooonews.com/news/humanrights/605-1389-02-05-00-19-16.html>.

338. *Mahdiyeh Golrou Hamchidan dar Zindan bih Dalil-i Vasiqiyeh 700 Million Tomani [Mahdiyeh Golrou Remains in Prison Due to 700 Million Toman Bail]*, DANESHJOO NEWS, April 25, 2010, available at <http://www.daneshjooonews.com/news/humanrights/605-1389-02-05-00-19-16.html>.

339. *Akharin vazi'yat-i Khadijeh Moghaddam az Aza'i Campaign-i Yek Million Imza [Latest News About Khadijeh Moghaddam, Member of the One Million Signature Campaign]*, THE FEMINIST SCHOOL, April 13, 2008, available at <http://www.iranfeminist-school.org/spip.php?article436>.

340. Iranian Const. *supra* note 268, art. 22.

341. ICCPR *supra* note 273, arts. 17 and 12. International Convention on Economic, Social and Cultural Rights, art. 6, January 3, 1976, 993 U.N.T.S. 3 [hereinafter ICESCR] available at <http://iranhrdc.org/httpdocs/English/aadel.htm>.

342. Article 25 states: “The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law.” Iranian Const. *supra* note 268, art. 25.

343. See IHRDC Interview with Aida Saadat (April 15, 2010) (on file with IHRDC); IHRDC Interview with Mahboubeh Abbasgholizadeh (July 6, 2010) (on file with IHRDC); IHRDC Interview with Parisa Kakaee (April 14, 2010) (on file with IHRDC); IHRDC Interview with Tania Ahmadi Kaliji (April 19, 2010) (on file with IHRDC).

344. See *supra* notes 164, 183, 248, 251 and accompanying text (Mahboubeh Abbasgholizadeh, Aida Saadat, Tania Ahmadi Kaliji, Parisa Kakaee).

345. See *supra* notes 171, 182-84, 188, 248 and accompanying text (Tania Ahmadi Kaliji, Parisa Kakaee, Aida Saadat).

346. See *supra* notes 164, 169, 194 and accompanying text (Parisa Kakaee, Mahboubeh Abbasgholizadeh, Tania Ahmadi Kaliji, Parvin Ardalan).

347. See *supra* notes 164, 168, 184, 194 and accompanying text (Parisa Kakaee, Mahboubeh Abbasgholizadeh, Aida Saadat, Jila

### 4.5.2 *Right to Work*

Under Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran in 1975, Iran is required to guard against discrimination that would interfere with individuals' enjoyment of the right to work, including employment discrimination on the basis of political beliefs.<sup>348</sup> Commenting on ICESCR, art. 6, the Committee on Economic, Social and Cultural Rights noted that the right to work obliges states "to assure individuals their right ... to not be deprived of work unfairly" either by private parties or state actors.<sup>349</sup> The Committee further explained that states must "refrain from interfering directly or indirectly with the enjoyment of that right" and prevent the infringement of individuals' right to work through unlawful dismissal by third parties.<sup>350</sup> An International Labor Organization (ILO) convention also ratified by Iran requires state parties to "pursue, as a major goal, an active policy designed to promote ... freely chosen employment" that is not dependent on individuals' political opinion.<sup>351</sup>

However, women's rights activists repeatedly complain that the Iranian authorities target their employment and right to work because of their activities. Narges Mohammadi was expelled from her post at an engineering firm because of her affiliation with Defenders of Human Rights Center. Despite having held the post for eight years, she was stripped of all benefits.<sup>352</sup> Aida Saadat was fired twice by her employers, who explained that they were pressured by the government.<sup>353</sup>

In a new purge of universities and schools following the June 2009 election, women's rights activists were dismissed from their teaching posts. Samira Sadri, a women's rights and student's rights activist, was suspended from her position as a schoolteacher and permanently terminated from the post in December 2009 after seven years of service. Sadri was informed that her termination was because of her political and human rights activism, as well as that of her husband. In January 2010, Saba Vasefi, a women's rights and children's rights activist, was expelled from her post as a university professor at Shahid Beheshti University in Tehran, also because of her women's rights activities.<sup>354</sup>

### 4.5.3 *Freedom of Movement*

Article 133 of Iran's Procedures for Criminal Prosecution provides that individuals may be barred from traveling abroad, but only if an active prosecution case is underway (and the individual is out of prison on bail or a third-party financial guarantee).<sup>355</sup> According to the Iranian Passport Law, "persons will not be issued a passport to leave the country ... [if] according to the written announcement of the judicial officials, [they] are banned from exiting the country."<sup>356</sup> If such persons, according to this law, have already been issued a passport, upon attempting to exit the country, "the passport will be confiscated" and "the person

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Bani Yaghoub).

348. ICESCR *supra* note 341, art. 6(2).

349. General Comment No. 18, 7, at 4, available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.12/GC/18>.

350. U.N. Committee on Economic, Social and Cultural Rights, General Comment No. 18, *Article 6: The Right to Work*, ¶ 4, U.N. Doc. E/C.12/GC/18 (Feb. 6, 2006) [hereinafter General Comment No. 18] available at <http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.12/GC/18>.

351. International Labor Organization [ILO], *Convention concerning Employment Policy*, at 1, ILO Doc. C122 (July 15, 1966) available at <http://www.ilo.org/ilolex/english/convdisp1.htm>.

352. *Narges Mohammadi: Ikhrāj az Kar Bikhatir-i Fa'aliyathayih Huquq-i Bashari [Narges Mohammadi; Expelled from Her Job For her Human Rights Activities]*, RADIO FARDA, Dec. 15, 2009, available at [http://www.radiofarda.com/content/f35\\_Narges\\_Mohammadi\\_Officially\\_Imposed\\_Job\\_Loss/1904487.html](http://www.radiofarda.com/content/f35_Narges_Mohammadi_Officially_Imposed_Job_Loss/1904487.html).

353. See *supra* notes 178, 182 and accompanying text.

354. IHRDC Interview with Saba Vasefi (July 26, 2010) (on file with IHRDC).

355. Criminal Code of Procedure, *supra* note 289, art. 133.

356. Qanun-i Guzarnamihyih Jumhuriyih Islamiyih Iran [Passport Law of the Islamic Republic of Iran] art. 16 (Ratified 1972, amended 1998) [hereinafter Passport Law].

will not be permitted to leave the country” until the restriction on the persons traveling is lifted.<sup>357</sup>

The right to freedom of movement is enshrined in human rights instruments<sup>358</sup> and the United Nations Human Rights Commission has stated that it is “an indispensable condition for the free development of a person.”<sup>359</sup> Freedom of movement includes the right to travel and choose a residence within a state, the right to leave a state, and the right to enter one's state.<sup>360</sup> States that violate individuals' freedom of movement must provide remedies.<sup>361</sup>

However, Mohammad Saleh Nikbakht, an Iranian attorney who has represented people who were banned from leaving Iran, reports that in recent cases, it appears there was no judge's order putting the ban in place. “Political and human rights activists, artists, writers and other civil activists ... have been exit banned. However, no reason or reasons for their exit ban has so far been issued to them.” Nikbakht adds that such people are then referred to various organs for follow up on their case, but to no avail. According to Nikbakht, the authority issuing the ban is never announced.<sup>362</sup>

Activists who are not in judicial proceedings have had their passports confiscated at the airport. For example, in March 2010, Simin Behbahani, the 83-year-old Iranian poet, was prevented from travelling to Paris.<sup>363</sup> As with her case, there is little to no indication that the banned individuals constitute legitimate security threats based on either their activities or their affiliations. As such, these travel bans appear to violate Iranian and international human rights law and simply serve to intimidate and control activists.

## Conclusion

The Iranian government continues to target women's rights activists in an effort to dismantle the movement in violation of Iranian and international law. Its agents continue to arrest, interrogate, mistreat, threaten and imprison activists because of their beliefs, membership in organizations, participation in demonstrations, and other advocacy. Activists continue to be forced into hiding or exile.

357. *Id.*

358. *See, e.g.*, Universal Declaration of Human Rights, arts. 9, 13, G.A. Res. 217 A (III), Dec. 10, 1948, available at [www.un.org/Overview/rights.html](http://www.un.org/Overview/rights.html) (last visited June 15, 2010) [hereinafter UDHR]; ICCPR *supra* note 275, art. 12; Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, E.T.S. No. 46, entered into force May 2, 1968, available at <http://conventions.coe.int/Treaty/EN/Treaties/html/046.htm> [hereinafter ECHR P4].

359. U.N. Human Rights Comm., General Comment No. 27, *Article 12: Freedom of Movement*, ¶1, U.N. Doc. CCPR/C/21/Rev.1/Add.9 (Nov. 2, 1999), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=CCPR/C/21/Rev.1/Add.9>.

360. NIHAL JAYAWICKRAMA, *THE JUDICIAL APPLICATION OF HUMAN RIGHTS LAW: NATIONAL, REGIONAL AND INTERNATIONAL JURISPRUDENCE* 440 (2002).

361. *See, e.g.*, ICCPR, *supra* note 273, art. 2(3). There are certain conditions in which the State is permitted to restrict the individual's ability to travel. A state may only legally restrict individuals' movement if (1) the restriction is in accordance with domestic law; (2) the restriction has a legitimate aim, e.g., to “protect national security, public order..., public health or morals or the rights and freedoms of others”; and (3) the restriction is “necessary in a democratic society,” i.e., the restriction was proportionate to the aim. *Id.* art. 12(3).

362. *Vaghti Hukm-i Mamnu'ul Khuruji bar Istidlal-i Qanuni Micharbad* [When the Travel Ban Order is Stronger than Legal Justification], DEUTSCHE WELLE, Dec. 25, 2009, available at <http://www.dw-world.de/dw/article/0,,5056417,00.html>.

363. *See supra* notes 264-65 and accompanying text. *See also supra* note 154 (Parvin Ardalan). *See also supra* notes 115, 266-67 and accompanying text (Narges Mohammadi, Soraya Azizpanah, Zhina Modares Gorji, Mansoureh Behkish).



## Methodology

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

- *Testimony of victims and witnesses.* These include witness statements taken by IHRDC attorneys from Iranian women's rights activists, journalists, and lawyers.
- *Government documents.* These include recorded public statements by state officials, statements released by Iranian government agencies, and published legal instruments.
- *Documents issued by non-governmental organizations.* These include interviews, reports and press releases written by Amnesty International, Women Living Under Muslim Laws, and Change for Equality.
- *Academic articles and books.* These include the works of historians and political scientists who have written on Iran, as well as works written by Iranians about their experiences.
- *Media reporting.* These include articles and reports by Iranian and other mass media outlets as well by Iranian bloggers.

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

All names of places, people, organizations, etc. originally written in Farsi have been transliterated using the system of the International Journal of Middle Eastern Studies (IJMES), available at [http://assets.cambridge.org/MES/mes\\_ifc.pdf](http://assets.cambridge.org/MES/mes_ifc.pdf). Under the IJMES system, names of places with an accepted English spelling and names of prominent cultural or political figures may be spelled according to the English norm.



Shiva Nazar Ahari, a veteran women's rights activist and founder of the Committee of Human Rights Reporters (CHRR), has been held in Iran's Evin prison since December 20, 2009 on charges stemming from her activism. Security forces arrested Nazar Ahari shortly after the announcement of the June 2009, presidential election results, and released her on September 23, 2009, on heavy bail. She was arrested again on December 20, while on the way to the funeral of respected moderate cleric Ayatollah Montazeri. Since her arrest, Nazar Ahari has spent long periods in solitary confinement and been denied access to a lawyer. She has been charged with "action against national security through participating in gatherings on November 4, 2009 and December 7, 2009," and "propaganda against the regime," and her interrogators allege she is a member of the MEK. As of the date of this report, no trial date has been set and she remains in custody.