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Middle East/North Africa - Iran

Injustice prevails

Iranian judicial system: a repression machine against journalists

2 July 2014

The Revolutionary Guard and intelligence agents are running a media repression machine under the Supreme Guide's command

On the 11th anniversary of the death in detention of Iranian-Canadian photojournalist **Zahra Kazemi**, Reporters Without Borders is calling attention to the continuing harsh repression of information providers.

Arbitrary arrests, followed by torture and other inhumane treatment in prisons, mark the judicial system. Another major characteristic: impunity, which ensures that arbitrary arrests continue.

Impunity and forced disappearance

Those who order and carry out murders of dissident journalists have never had to fear being brought to justice.

Among the many cases are those of **Ebrahim Zalzadeh**, **Majid Charif**, **Mohamed Mokhtari**, **Mohammad Jafar Pouyandeh** and **Pirouz Davani**. They were all executed by Intelligence and Security Ministry agents in November-December, 1998.

To that list may be added, in addition to Kazemi, the names of **Ayfer Serçe**, a Kurdish journalist for the Euphrates News Agency killed in 2006; **Omidreza Mirsayafi**, a young blogger who died in prison in 2009; **Alireza Eftekhari**, a journalist for Abrar Economy who died the same year; **Haleh Sahabi**, a journalist and women's rights activist whose death in 2011 followed a beating. Other recent deaths include those of **Hoda Saber**, a journalist for Iran-e-Farda, who died in prison in 2011; and **Sattar Beheshti** who died in police custody in 2012 .

On 28 June, the Tehran media court extended for one month the detention of journalist **Saba Azarpeyk**, [who was arrested on 28 May](#). Like other detained individuals, she effectively disappeared in the Evin prison security system labyrinth, deprived of her rights, especially the right to a lawyer and to family visits.

In a press conference on 19 June, [the Kerman city prosecutor](#) announced that contributors to one website had received sentences of one to 11 years for having aided enemy media. He referred, without mentioning names, to eight staff members of the *Narenji* (Orange in Persian) site: **Ali Asghar Hormand**, **Abass Vahedi**, **Alireza Vaziri**, **Nassim Nikmehr**, **Malieh Nakehi**, **Mohammad Hossien Mossazadeh**, and **Sara Sajad Pour**. [They were arrested on 3 December 2013, and transferred to a secret location after their homes were searched and their personal property seized.](#)

These practices essentially amount to forced disappearance and constitute a flagrant violation of Article 3 of the Universal Declaration of Human Rights, and of Articles 9 and 11 of the International Covenant on Civil and Political Rights. They also constitute a serious breach of Articles 32 and 39 of the constitution of the Islamic Republic of Iran.

Leaders of the 2009 protest movement – **Mehdi Karoubi**, owner of *Etemad Melli*, a newspaper that was shut down; **Mir Hossein Mousavi**, owner of *Kalameh Sabaz*, another closed newspaper and his wife, writer **Zahra Rahnavaard** – have been arbitrarily and illegally detained since 24 February 2011. [They have been deprived of all rights](#), without judgement or sentence, simply by decision of the Supreme Guide.

Judicial system controlled by the Supreme Guide

Judicial independence is non-existent. According to Article 110 of the Iranian constitution, the Supreme Guide appoints the head of the judicial system. On 22 June, [Ali Khamenei](#), renewed the term of Mohammad Sadegh Amoli Larijani for another five years.

Amoli Larijani was initially appointed in 2009 to organize repression of the protest movement against Mahmoud Ahmadinejad. During the five years of Amoli Larijani's first term, more than 300 and netizens were arbitrarily arrested, subjected to unjust trials and sentenced to lengthy terms. Most of the prisoners have been held incommunicado, in violation of international law.

Contrary to the doctrine spelled out in Article 156 of the Iranian constitution, in which the head of the judicial system is responsible for "restoring public rights and promoting justice and legitimate freedoms," judges are agents of the Intelligence Ministry and the Revolutionary Guards. In not prosecuting those who violate basic freedoms, who order and carry out torture, Amoli Larijani encourages these perpetrators to feel that they are above the law.

Most of the judges on whom the Iranian justice system depends have been accused of corruption and other serious crimes. One of them is the former Tehran prosecutor, [Saeed Mortazavi](#), implicated in Kazemi's death in Evin prison in 2003, as well as in Mirsayafi's death in prison in suspicious circumstances.

During his time as prosecutor, Mortazavi was also responsible for the shut-downs of about 100 newspapers, and the arrests, torture and other mistreatment of numerous journalists and netizens.

More than 60 per-cent of arrested journalists and netizens were sentenced by branches 15 and 28 of the revolutionary courts, whose judges are also accused of serious crimes. Among them are actions that may meet the definition of crimes against humanity – extra-judicial executions of thousands of political dissidents in 1988.

Abughasem Salevati, chief judge of branch 15, has for years been a leading persecutor of journalists and netizens. In 2009 he presided over [Stalinist-style trials](#). He alone has sentenced more than 100 media workers. Abolfazal Ghadiani, a distinguished figure close to reformists, who was sentenced by Salevati, described the judge's true face in [an open letter](#) to the judicial system head: "Sir, you know as well as I do the corrupt past of this judge when he was in the city of Hamedan, following which he was in charge of courts that tried political cases in Tehran. You are certainly acquainted with the reasons that motivate corrupt and weak individuals to be appointed judges. They are in those positions solely to follow the orders of intelligence agents, of the Revolutionary Guard and of the intelligence minister. To pass sentence – without arguments, as these forces wish – on prisoners."

Mohammad Moghiseh, chief judge of the 28th branch, former interrogator and torturer in the 3rd branch of the revolutionary courts, known under the name "Naserian," was one of the agents implicated in the mass executions of 1988. Since June, 2009 he has sentenced about 100 journalists and netizens to heavy prison terms.

On 27 May, Moghiseh was the judge who sentenced eight netizens to a cumulative total of 123 years in prison for anti-regime publicity, insults to religion and insults to the Supreme Guide of the Revolution. The sentences were harsher than the law provides for these "crimes."

Moghiseh and Salevati are supported in their ignoble deeds by fellow judges who serve on appeals courts. These judges almost invariably uphold sentences passed by lower courts

Victims of injustice find themselves caught in a vicious circle – a situation that constitutes a grave threat to information freedom in Iran.

On 21 June, [Rihaneh Tabatabai](#), a former journalist with the daily *Shargh*, was sent back to prison to serve a two-year sentence. She had been arrested in 2011, and was sentenced the following year by the 28th branch.

Reporters Without Borders has also learned of the arrest on 20 June of **Mehdi Khazali**, coordinator of the *Baran* blog. The arrest is Khazali's seventh in five years. He is accused of insulting government officials, following the publication of an article in which he denounced religious conservative [Mohammad Reza Kahdavi](#) Kani as corrupt. Kani is president of the Assembly of Experts, whose members are appointed by the Supreme Guide. On 29 June, Khazali suffered a heart attack following a hunger strike he began after his arrest. He is hospitalized in Tehran.

The relentless persecution of imprisoned and ill journalists and netizens continues. Even in serious circumstances, prison and judicial officials only rarely authorize their transfer to hospitals. These prisoners, who are in serious need of quality medical care, include: **Hossein**

Ronaghi Malki, Mohammad Reza Pourshajari, Mostafa Daneshjo, Hamidreza Moradi, Afshin Karampour, Mohammad Davari, Mohammad Sadegh Kabovand, Kivan Samimi Behbani, and Saeed Matinpour.

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