

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                                                             |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>698</b>                                                                                                                  |
| Land:                           | Iran                                                                                                                        |
| Kilde:                          | Austrian Centre for Country of Origin and Asylum Research and Documentation. ACCORD                                         |
| Titel:                          | Query Response on Iran: Procedural and Legal Information about Arrest and Detention Procedures by Different Security Organs |
| Udgivet:                        | 12. juni 2017                                                                                                               |
| Optaget på baggrundsmaterialet: | 29. august 2017                                                                                                             |



AUSTRIAN RED CROSS

**ACCORD**

Austrian Centre for Country of Origin  
& Asylum Research and Documentation

# Iran: Procedural and legal information about arrest and detention procedures by different security organs

Query Response [a-10097]

12 June 2017



**BM.I**



REPUBLIK ÖSTERREICH  
BUNDESMINISTERIUM FÜR INNERES



**UNHCR**  
The UN Refugee Agency

ACCORD is co-funded by the Asylum, Migration and Integration Fund, UNHCR and the Ministry of the Interior, Austria.

<http://accord.redcross.at>

## **Iran: Procedural and legal information about arrest and detention procedures by different security organs**

Query Response [a-10097]  
12 June 2017

This response was prepared after researching publicly accessible information currently available to ACCORD as well as information provided by experts within time constraints and in accordance with ACCORD's methodological standards and the Common EU Guidelines for processing Country of Origin Information (COI).

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference.

© Austrian Red Cross/ACCORD

An electronic version of this query response is available on [www.ecoi.net](http://www.ecoi.net).

Austrian Red Cross/ACCORD  
Wiedner Hauptstraße 32  
A- 1040 Vienna, Austria

Phone: +43 1 58 900 – 582  
E-Mail: [accord@redcross.at](mailto:accord@redcross.at)  
Web: <http://www.redcross.at/accord>



## TABLE OF CONTENTS

|   |                                                                                                                                                         |    |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1 | Legal framework.....                                                                                                                                    | 3  |
| 2 | Overview of the security organs.....                                                                                                                    | 6  |
| 3 | Mandate and jurisdiction of security organs with respect to arrest and detention .....                                                                  | 8  |
|   | 3.1 Islamic Revolutionary Guards Corps (IRGC) Intelligence Organization (Sazeman hefazat va ettela'at-e sepah-e pasdaran-e enghelab-e eslami, SHE)..... | 8  |
|   | 3.2 Ministry of Intelligence (MOI) (Vezarat-e ettela'at jomhuri-ye eslami-ye iran, VAJA) ...                                                            | 12 |
|   | 3.3 Law Enforcement Forces (Niruha-ye entezami-ye jomhuri-ye eslami-ye iran, NAJA)....                                                                  | 15 |
| 4 | Coordination and communication mechanisms between different security organs.....                                                                        | 16 |
|   | Sources .....                                                                                                                                           | 18 |

# 1 Legal framework

An Amnesty International (AI) report on the new Iranian Code of Criminal Procedure (CCP), which entered into force in 2015 notes that the code grants judicial powers to “judicial officers” (“zabetan-e ghazai”). Judicial officers are defined in Article 28 of the CCP as follows:

“Judicial officers are officials who, under the supervision and training of the Prosecutor and under the law, act in order to uncover crimes, preserve and gather proof and evidence of the crime, identify and locate the accused, prevent the accused from escaping and hiding, conduct early investigations, deliver summons and implement judicial orders.” (AI, 11 February 2016, p. 27)

The CCP of 2015 distinguishes two categories of judicial officers, the “general judicial officers” (“zabet-e ghazai ‘aam”) and “special judicial officers” (“zabet-e ghazai khas”). General judicial officers are defined as follows:

“‘General judicial officers’ are those who can intervene in relation to all crimes with the exception of crimes that are legally remitted to other agencies. They include ‘commanders, officers, and rank-and-file police officers who have received the required training.’” (AI, 11 February 2016, p. 27-28)

“Special judicial officers” are referred to in Article 29 of the CCP as including officials of the Ministry of Intelligence (MOI)<sup>1</sup>, the Basij forces and the Intelligence Organization (IO) of the Islamic Revolutionary Guard Corps (IRGC):

“‘Special judicial officers’ are those who are also permitted to perform the duties outlined in Article 28 of the CCP, provided that they are ‘within their designated responsibilities on the grounds of specific laws.’ Examples of these officers, as mentioned in Article 29 of the CCP, include ‘prison chiefs, their deputies, and prison guards in relation to prisoners’ affairs; officials of the Ministry of Intelligence and the Basij forces; as well as armed forces where delegated by law to carry out part or all of judicial officers’ responsibilities’. The amendments to the CCP, approved in June 2015, added the Intelligence Organization of the Revolutionary Guards to the list of ‘special judicial officers’.” (AI, 11 February 2016, p. 28)

AI notes that while the CCP of 2015 does specify which agencies have powers of arrest, detention and investigation, it “continues to grant broad judicial powers to a wide array of security forces and agencies and fails to clarify the scope of these powers and the circumstances under which they can be used”. It does not “outlin[e] the circumstances under

---

<sup>1</sup> Many Western sources refer to this organisation as the “Ministry of Intelligence and Security” (MOIS) which is used as a translation of “Vezarat-e ettela’at va amniyat-e keshvar” (VEVAK). This designation, however, is incorrect as the organisation’s Persian name does not in fact contain the adjunct “va amniat-e keshvar” (“and national security”) (Posch, 13 April 2015). The correct full Persian name of the ministry is „Vezarat-e Ettela’at Jomhuri-ye Eslami-ye Iran”, which translates as “Intelligence Ministry of Islamic Republic of Iran” (MOI, undated). This query response will refer to the ministry as “Ministry of Intelligence” (MOI), although “Ministry of Intelligence and Security”, “MOIS” or “VEVAK” will inevitably appear in many of the original quotes.

which they may act as ‘judicial officers’”, but instead refers to the agencies’ governing regulations, which are described by AI as being “often broad and vague”. (AI, 11 February 2016, p. 28)

The AI report comments on the Statute of the IRGC and the Law on Formation of the Ministry of Intelligence:

“For example, the Statute of the Revolutionary Guards Corps Forces states, in Article 2, that the force is mandated, among other things, to combat ‘agents or movements which intend to destroy or overthrow the Islamic Republic system or act against Iran’s Islamic Revolution’. The Revolutionary Guards also ‘cooperate with the police forces, in necessary situations, in order to maintain order, security and rule of law in the country’. The Statute stipulates that the forces shall act as ‘judicial officers’ in undertaking this mandate. By using vaguely formulated and broad phrases such as ‘acting against Iran’s Islamic Revolution’ the Statute gives these forces the power to make arrests and conduct investigations in relation to a wide range of activities that are deemed to pose a risk to the state. Alarming, many of these acts do not amount to internationally recognizable offences but are criminalized under the Islamic Penal Code, such as insulting the authorities. These offences are regularly resorted to in order to crush peaceful protests and silence dissent, in violation of international law. [...]

The Law on Formation of the Ministry of Intelligence, similar to the Statute of the Revolutionary Guards Corps Forces, refers to the responsibilities of this body in very broad terms and fails to provide precise boundaries for the extent of the judicial powers which could be delegated to the Ministry’s employees. For example, Article 1 of the Law refers to ‘discovering and developing security intelligence’ and ‘preventing the conspiracies of domestic and international enemies against the Islamic Revolution’ among the reasons for the establishment of the Ministry of Intelligence. Phrases such as ‘soft security threats’, as stipulated under the 2010 Law for the Fifth Five-Year Development Plan, effectively grant intelligence officials a blanket authorization to act as ‘judicial officers’ in a wide range of offences hence providing a fertile ground for abuse and impunity.” (AI, 11 February 2016, p. 28)

The AI report adds that while the Prosecutor is responsible for managing and supervising judicial officers and is required to “inspect the relevant departments every two months to ensure that ‘judicial officers’ are performing their duties appropriately”, the CCP of 2015 does not include any provisions as to “the type of action the Prosecutor is required to take in cases where ‘judicial officers’ are in breach of regulations or in cases of misconduct” (AI, 11 February 2016, p. 29).

The same AI report goes on to comment on provisions of the new CCP concerning arrest and detention procedures, including the issuance and nature of arrest warrants, detention orders, the respective roles of the “investigator” and the Prosecutor, and the duration of pre-trial detention:

“The CCP requires that arrests are carried out on the basis of arrest warrants that are signed by the investigator. While the Code states that the arrest warrant must include the reasons for arrest, it does not explicitly mention the requirement for the inclusion of the legal provisions under which the arrest is made. [...]

Despite the general requirement for the issuance of an arrest warrant by the investigator prior to making arrests, ‘judicial officers’ can arrest individuals without such warrants in cases of ‘evident crimes’. Where arrests are made in such cases and the ‘judicial officers’ determine that detention of the accused is necessary for completion of the investigation, they must promptly inform the accused in writing of the charges and the reasons for them. They must then communicate this to the Prosecutor seeking their legal authorization. In all cases, the accused person cannot be kept in the custody of ‘judicial officers’ for more than 24 hours.” (AI, 11 February 2016, pp. 32-33)

“According to Article 189, the investigator should start the investigation immediately after the suspect is arrested. If not feasible, the investigation must commence no later than 24 hours after the arrest. Detaining the accused beyond 24 hours without starting the investigation or ‘determining his status’ amounts to illegal detention.” (AI, 11 February 2016, p. 34)

“Despite improvements under the new CCP with regards to the issuance of detention orders, the Code fails to bring Iranian law into full compliance with international fair trial standards aimed at safeguarding the wellbeing of detainees. This is partly due to its failure to require that the accused is brought before an objective, independent and impartial judicial authority promptly after the initial arrest or detention, namely a judge. Instead, the official who is delegated with such judicial powers is the ‘investigator’ who lacks the necessary institutional objectivity and impartiality. [...]

[U]nder the new CCP, a detainee’s first contact with a judicial authority is with the investigator, who is based in the Office of the Prosecutor. The Code entrusts the investigator with issuing judicial orders, including the bail order and temporary detention order. [...]

Article 240 of the new CCP obliges the investigator to immediately submit in writing the detention order to the Prosecutor, who shall in turn express their opinion to the investigator in writing within 24 hours. It is only in the event of a disagreement between the investigator and the Prosecutor or in cases where the suspect appeals against the detention order that a court will review the legality of a detention order or the necessity of its continuation. The accused will remain in detention until the court issues its ruling, which should be within 10 days. [...]

Under Article 214 of the Code, the investigator must, with the approval of the Prosecutor, release the accused if the reasons for detention no longer exist. The accused can also, once a month, request the revocation of the detention order or its replacement with a lighter measure to address the risk of flight. The request must be submitted to the investigator, who must give their reasoned reply to the accused’s request immediately and within five

days. If the request is rejected, the accused can appeal against the decision within 10 days.” (AI, 11 February 2016, pp. 34-35)

“Under Article 242 of the new Code, in cases of ‘crimes punishable by the death penalty’, ‘crimes punishable by life imprisonment’, ‘crimes punishable by amputation and intentional physical assault punishable by payment of one third of a full diyeh [blood money]’, and ‘ta’zir crimes of degree four and higher’, if the accused is held in detention for two months and the investigations have not resulted in an indictment, the investigator must revoke the detention order or replace it with a lighter measure. In cases of other crimes, the envisioned period is one month. If there exist sufficient grounds for extending the order, the investigator can do so and communicate the rationale to the accused. The accused then has 10 days to appeal against the extension of the order to a competent court. Retention of a flight risk order must be approved by the Prosecutor. In the event that the Prosecutor opposes retaining an order, a competent court must dissolve the dispute. The procedures stipulated under this provision are to be applied every month or two months depending on the nature of the charges. Under this provision, however, ‘the detention period of the accused must not exceed the minimum penalty applicable to the crime. In any case, the detention period must not exceed two years in cases of crimes punishable by death and one year in cases of other offences.’” (AI, 11 February 2016, p. 37)

The March 2017 US Department of State (USDOS) country report on human rights practices, which reports on the year 2016, provides an overview of practices relating to arrest and detention:

“Authorities commonly used arbitrary arrests to impede alleged antiregime activities. [...] Individuals often remained in detention facilities for long periods without charges or trials, and authorities sometimes prevented them from informing others of their whereabouts for several days. Authorities often denied detainees’ access to legal counsel during this period and imposed travel bans on individuals released on bail or pending trial. [...]

Detainees are entitled to appeal their sentences in courts of law, but are not entitled to compensation for detention and were often held for extended periods without any legal proceedings. [...]

Pretrial detention was often arbitrarily lengthy, particularly in cases involving alleged violations of national security laws. According to Human Rights Watch (HRW), a judge may prolong detention at his discretion, and pretrial detention often lasted for months. Often authorities held pretrial detainees in custody with the general prison population.” (USDOS, 3 March 2017, section 1d)

## 2 Overview of the security organs

The March 2017 USDOS country report on human rights practices notes that “[s]everal agencies shared responsibility for law enforcement and maintaining order”, including the Ministry of Intelligence (MOI) and the law enforcement forces (LEF), both under the Interior Ministry and reporting to the president, and the IRGC, which directly reports to Iran’s Supreme Leader. The

report adds that he volunteer-based paramilitary Basij force “sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces”, noting that “Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code without formal guidance or supervision from superiors”. (USDOS, 3 March 2017, section 1d)

Sources note that Iran’s Supreme Leader, Ayatollah Ali Khamenei, “holds ultimate authority over all security agencies”. (USDOS, 3 March 2017, section 1d; see also Posch, undated).

Ali Vaez, Senior Iran analyst with the International Crisis Group (ICG), in an April 2017 email response, notes that “the Iranian system lacks transparency when it gets to relations between different security agencies” (Vaez, 27 April 2017).

A March 2017 article of the Track Persia, a website reporting on issues relating to Iran, refers to Asharq Al-Awsat, an Arabic international newspaper headquartered in London, as indicating that “[s]everal intelligence agencies exist in Iran, each operating under the management of either the ministry of intelligence, the elite revolutionary guard, the Iranian army, or national police”. The article notes that the intelligence services of the Islamic Revolutionary Guard Corps (IRGC) are “labeled as parallel to that of state intelligence” (Track Persia, 1 March 2017).

Teshgom Kamal, an Istanbul-based independent researcher writing on Iranian foreign policy and domestic politics, in a February 2017 article published by the Turkish Anadolu Agency (AA), notes that Iran has five intelligence institutions. He lists the Ministry of Intelligence (Wazarat e Ittela’at), the National Army’s Intelligence Protection Organization (Sazman e Hifazat e ittela’at e Artish), and three institutions associated with the Islamic Revolutionary Guard Corps (IRGC), namely the IRGC’s Intelligence Organization (Sazman ittela’at e Sepah), the IRGC’s Intelligence Protection Organization (Sazman e Hifazat e ittela’at e Sepah), and the IRGC’s Protection Organization (Sazman e Hifazat e Sepah) (Kamal, 6 February 2017). Kamal briefly describes the general organisational structure of the IRGC (to which he refers as the Guardians of the Islamic Revolution, GIR):

“No single commander is allowed to emerge as an all-powerful man in the GIR. The commanders gain their legitimacy and influence through their level of devotion to the supreme leader. Also, there is no chain of command or hierarchy in the GIR as such, that would allow for any commander to rise through the ranks.

The GIR is subdivided into largely independent divisions under different commanders of equal ranks, who directly report to the supreme leader. Each division is given a certain part of the country to control.

The apparent logic is that every division should be able to independently operate and resist if the country should be attacked or occupied. However, as noted earlier, the hidden objective is to avoid any military misadventure by an ambitious commander.” (Kamal, 6 February 2017)

Walter Posch, a senior researcher at the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces), in an undated article which refers to events up to summer 2015, writes that a number of laws define the responsibilities and competences of the various organisations within the security apparatus. Their practical implementation, however, remains limited. Disputes over competences with regard to domestic security and border protection exist between the interior ministry, the IRGC, the MOI and the IRGC-IO. As provided in Article 176 of the Constitution, the most important strategic decision-making body in security matters is the Supreme National Security Council (SNSC, *shura-ye ali-ye amniyat-e melli*). This body is chaired by the President, who appoints a secretary-general responsible to manage council affairs. Members of the SNSC include most important ministers and military commanders. Decisions on domestic security are made in the State Security Council (*shura-ye amniyat-e keshvar*) which is chaired by the interior minister and has subordinate bodies at provincial and local levels. (Posch, undated [translated from German])

### 3 Mandate and jurisdiction of security organs with respect to arrest and detention

#### 3.1 Islamic Revolutionary Guards Corps (IRGC) Intelligence Organization (*Sazeman hefazat va ettela'at-e sepah-e pasdaran-e enghelab-e eslami, SHE*)

The Track Persia website refers to the *Asharq Al-Awsat* newspaper as saying that one of the main tasks of the intelligence organisation of the Islamic Revolutionary Guards Corps (IRGC-IO) is “the monitoring of state diplomats and senior government officials” (Track Persia, 1 March 2017). As of late December, the IRGC-IO is reported as being headed by *Hojjatolislam Hossein Taeb* (Tehran Times, 27 December 2016).

The Washington Institute, a US think tank promoting a balanced and realistic understanding of American interests in the Middle East and advocating policies to secure these interest, provides an overview of the IRGC-IO’s role in domestic politics:

“The IRGC-IO was established by Ayatollah Ali Khamenei in 1997 after the election of reformist president Mohammad Khatami as an alternative organization with functions that parallel the Ministry of Intelligence and Security (MOIS). The IRGC-IO has largely taken over domestic security, though MOIS shares responsibilities for actively thwarting reformists and preventing internal unrest.

Shortly after its establishment, the IRGC-IO appears to have been instrumental in suppressing the 1999 student uprisings. [...]

After the contested 2009 presidential elections, Khamenei directed a major reorganization that expanded the IRGC-IO’s intelligence and security powers. In July 2009, Khamenei appointed regime loyalist and close confidant Hossein Taeb, formerly MOIS deputy commander of counterintelligence (1989-1997) and commander of the paramilitary *Basij* (2008-2009), to head the IRGC-IO. Taeb had been Khamenei’s student in the early days of the 1979 Islamic Revolution and befriended Khamenei’s son during the Iran-Iraq War. As a

senior MOIS official, Taeb developed a reputation as one of the regime's most violent interrogators of counterrevolutionary and 'seditionist' elements.

Increasingly, Taeb has become Khamenei's enforcer given his direct access to and personal ties with the Supreme Leader. Under Taeb's leadership, the IRGC-IO has arrested and interrogated thousands of Iranians accused of being part of a Western-fomented 'velvet revolution' to topple the Islamic Republic. The IRGC-IO used the threat of Western infiltration to justify broadening its interrogation and arrest powers, increasing its supervisory role over the media, and tightening regime control of cyberspace.

In a September 15 speech to IRGC commanders, Rouhani claimed that the IRGC is not the sole guardian of the Islamic Revolution, stating that 'the very same duty has been defined for the representatives of parliament, the Supreme National Security Council, the armed forces, and other institutions.' Rouhani's attempts to limit the IRGC's role in domestic politics, while carefully avoiding the Supreme Leader's redlines on opening the country's political atmosphere, have met obstinate resistance from hardliners." (Washington Institute, 25 November 2015)

A September article of Radio Free Europe/Radio Liberty (RFE/RL) notes that the IRGC-IO has intensified its activities after President Hassan Rouhani's accession to power in 2013:

"The unit's resurgence appears to coincide with Hassan Rohani's ascension to the presidency in the summer of 2013, after which the relative moderate set about trying to live up to his campaign promises to give Iranians more freedoms and move away from his predecessor's heavy handed approach to dissent.

That, observers say, potentially puts Rohani at odds with Khamenei, who as supreme leader has ultimate say in the Islamic republic. The IRGC's intelligence unit, which falls under the supreme leader's direct authority, could serve as a useful tool if Khamenei cannot fully trust the Intelligence Ministry to do as he wishes." (RFE/RL, 23 September 2015)

The same RFE/RL article quotes the head of the Iran desk of Reporters Without Borders (RSF), Reza Moini, as saying that his organisation has "recorded the arrest of more than 100 bloggers and Internet activists in Iran since August 2013, when Rohani took office" and noting that "[m]ore than 89 percent of these [individuals] have been arrested by the intelligence unit of the IRGC" (RFE/RL, 23 September 2015).

The same article goes on to say that these activities are "seen as part of the IRGC's efforts to control the Internet, described by hard-line officials as a threat and a platform for Iranian 'enemies' to influence the country". The article notes that Iran's Supreme Leader, Ali Khamenei, has recently stated that "the intelligence branch of the IRGC must monitor all issues at all times and identify threats" and warned that "economic and security infiltration is not as important as intellectual, cultural, and political infiltration". The article quotes a US-based political analyst as saying that he is not surprised to see the IRGC-IO's revival as a parallel intelligence body (as during the presidency of Mohammad Khatami (1997-2005)), while the MOI, under Rouhani, has been "trying to distance itself from methods used under [former hard-line President Mahmud] Ahmadinejad". (RFE/RL, 23 September 2015)

A March 2017 Human Rights Watch (HRW) press release reports that Iranian “intelligence authorities” have stepped up detentions of dissidents, pointing to the arrests of several journalists and news channel administrators of the Telegram messaging application:

“This week, intelligence authorities ramped up detentions of peaceful critics, arresting journalists Hengameh Shahidi, Ehsan Mazandarani, and Morad Saghafi. Authorities told Mazandarani, who had been released from prison just a month earlier after serving his sentence for vaguely defined national security charges, that his release had been ‘a mistake.’

More concerning, though, appears to be the arrest of administrators who manage popular news channels within Telegram, a messaging application widely used in Iran. These administrators all ran channels linked to reformist groups, and some maintain channels with hundreds of thousands of followers.” (HRW, 18 March 2017)

The same press release refers to a report of the Iranian Students News Agency (ISNA) quoting MPs Ali Motahari and Mahmoud Sadeghi commenting on which agency has carried out the above-mentioned arrests of some twelve Telegram channel administrators:

“On March 15, Ali Motahari, a member of parliament from Tehran, told ISNA News agency that he had been informed about the arrests of some 12 Telegram channel administrators by a ‘military intelligence organization.’ Motahari emphasized that he had asked the Minister of Intelligence to provide information about which agency arrested them.

Mahmoud Sadeghi, another Tehran parliamentarian, tweeted on March 16 that he had been unsuccessful in finding information on who made the arrests. Sadeghi also shared a screenshot of a complaint he received from a constituent. She described how her husband was arrested by authorities who at first claimed to be representatives of the prosecutors’ office, but then showed an ID card from Iran Revolutionary Guard Corps – a branch of Iran’s military with broad power.” (HRW, 18 March 2017)

A March 2017 article of Al-Monitor, an online news platform focusing on coverage of the Middle East, also refers to Motahari’s interview with ISNA, quoting him as saying that the arrested activists with Telegram accounts were “either Reformists or supporters of President Hassan Rouhani’s administration”. Motahari is also quoted as saying that journalist Ehsan Mazandarani has been violently taken into custody by the IRGC-IO and that the IRGC-IO is likely to be also responsible for the arrests of the Telegram activists. (Al-Monitor, 16 March 2017)

The same article goes on to note:

“The IRGC Intelligence Organization has been playing a larger role since around 2009 in detention of a political nature. It has characterized previous such arrests as efforts to prevent the soft ‘penetration’ of enemy Western nations that it claims seek to influence domestic policies in Iran.” (Al-Monitor, 16 March 2017)

A March 2017 article by IranWire, a joint venture of a group of Iranian (citizen) journalists working in exile, refers to a letter by Hengameh Shahidi, one of the recently arrested journalists,

in which she notes improvements in the behaviour of the MOI but points to recent reports alleging that President Rouhani had made a deal with the IRGC with regard to the arrests of journalists and civil society activists:

“She notes that under Rouhani’s presidency, the behavior of the Intelligence Ministry — which she said had become a ‘monster’ — had improved. But, she adds, recently there had been reports that Rouhani had made deals with the Revolutionary Guards’ Intelligence (RGI) organization over recent arrests of journalists and civil activists to boost his chances in the upcoming presidential election, and in order to secure ‘judicial immunity’ for his brother. Since the signing of nuclear agreement, Rouhani’s brother Hossein Fereydoon has come under fire from the Revolutionary Guards. Early in January, 46 hardliners in Iran’s parliament demanded that Fereydoon be put on trial for corruption.” (IranWire, 20 March 2017)

HRW notes in its January 2017 World Report, which covers events of 2016:

“The intelligence apparatus heavily monitored citizens’ activities on social media. Hundreds of social media users, in particular on the Telegram messaging application and Instagram have been summoned or arrested by the IRGC for commenting on controversial issues, including fashion.” (HRW, 12 January 2017)

The same HRW report states that the IRGC-IO arrested five journalists, Afarin Chitsaz, Ehsan Mazandarani, Saman Safarzaei, Davoud Assadi and Issa Saharkhiz, alleging that they were part of an “‘infiltration network’ colluding with foreign media” (HRW, 12 January 2017).

The UN Special Rapporteur on the situation of human rights in Iran writes in her March 2017 report to the UN Human Rights Council (HRC):

„In November, intelligence forces allegedly arrested women’s rights activist Alieh Motlabzadeh for attending a workshop in the nearby country of Georgia. At the writing of this report, she had been released on bail and was awaiting further court proceedings. Ms. Motlabzadeh was among at least 20 women’s rights activists interrogated by authorities for participation in this workshop. Earlier in 2016, several women, who had been involved in the 2015 campaign for increased representation of women in the parliamentary election were summoned for long, intensive interrogations by the Revolutionary Guards.” (HRC, 6 March 2017, p. 17)

Mohammad Sahimi, a professor of chemical engineering at the University of Southern California (USA) who is also active in journalism and frequently writes about Iranian politics, comments on the role of the “deep state”, to which he refers as “semisecret networks of security and intelligence officers and agents” under the direct control of the Supreme Leader, in the parliamentary elections of February 2016. The author states that while “the law provides no role for the IRGC” in the process of vetting election candidates, “secret information” obtained by the Guardian Council from the IRGC-IO “led to the disqualification of thousands of candidates” who had previously been approved in a first round of vetting carried out by the Rouhani-controlled Ministry of Interior (At this stage, 94 per cent of all candidates had been approved, with “the rest having cases before courts, prior convictions, and so on”). Sahimi

notes that while “such candidates had seemingly no case before the courts, the police or even the Ministry of Intelligence, secret cases against them did exist before the IRGC intelligence unit, which acts as a ‘Ministry of Intelligence’ for the deep state, parallel to and independent from the Rouhani government’s own ministry.” (Sahimi, 3 March 2016)

A December 2016 press release of the CHRI reports on a crackdown led by the IRGC-IO in collaboration with the judiciary on persons who are active in the fashion industry:

“In the latest attack on the Islamic Republic’s growing fashion sector, a court in Shiraz sentenced 12 industry professionals in December 2016 to prison terms ranging from five months to six years. An investigation by the International Campaign for Human Rights in Iran has revealed that the crackdown on the sector is ongoing, is being led by the Islamic Revolutionary Guards (IRGC) Intelligence Organization in concert with Iran’s Judiciary, and follows a decree by Supreme Leader Ali Khamenei against all forms of perceived western culture. Following raids organized by the Guards, dozens of people have been interrogated about alleged ‘modeling networks’ while businesses have been shuttered in the cities of Tehran, Qazvin, Arak, Shiraz and Zahedan. [...]

According to the Campaign’s investigation, the Revolutionary Guards and Judiciary’s joint crackdown on the fashion industry began in Tehran in September 2015, escalated in March 2016, and then spread to Mashhad and other cities. After questioning, many ‘suspects’ have been referred to court for prosecution for simply engaging in their profession. In most cases, arrests are followed by the forced closure of their digital and social media pages as well as physical places of business. [...]

Intelligence agents of the Revolutionary Guards have been especially busy intimidating and rounding up members of the fashion industry in Mashhad, Iran’s second largest city. [...]

In addition to Tehran and Mashhad, fashion businesses and professionals in the cities of Qazvin, Arak and Zahedan have also been targeted by the Revolutionary Guards’ Intelligence Organization.” (CHRI, 8 December 2016)

For further information on the IRGC and the IRGC-IO, please refer to section 5.3 (IRGC), and 5.3.1 (IRGC-IO) of our July 2015 COI Compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law”:

- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law, July 2015 (available at [ecoi.net](http://www.ecoi.net))  
[http://www.ecoi.net/file\\_upload/4543\\_1436510544\\_accord-iran-coi-compilation-july-2015.pdf](http://www.ecoi.net/file_upload/4543_1436510544_accord-iran-coi-compilation-july-2015.pdf)

### **3.2 Ministry of Intelligence (MOI) (Vezarat-e ettela’at jomhuri-ye eslami-ye iran, VAJA)**

As regards the Ministry of Intelligence (MOI), Kevjn Lim, an independent researcher focusing on foreign and security policy in the Middle East, states that a significant part of the MOI’s tasks

consists in “keeping an eye on political, social, ethnic, and religious dissidents, both overseas and at home, and particularly the Mojahedin-e Khalgh, a task it carries out in close collaboration with the judiciary” (Lim, 11 June 2015).

Meanwhile, a recent article by the Center for Human Rights in Iran (CHRI), a New York-based non-profit organization, published in March 2017, notes that since late 2016/early 2017, the MOI has “increasingly targeted civil and women’s rights advocates, journalists, dual nationals, ethnic and religious minorities, environmentalists, the administrators of social media pages, and relatives of protesters killed during the state’s crackdown on peaceful protestors following the disputed 2009 presidential election”:

“The number of arrests carried out by Iran’s Intelligence Ministry, operating under the control of President Hassan Rouhani, increased in the last few months leading up to Iran’s May 2017 presidential election. [...]

The increasing arrests may be the result of a growing rivalry between the Intelligence Ministry and the Islamic Revolutionary Guard Corps’ (IRGC) Intelligence Organization, which has also stepped up its arrests.” (CHRI, 16 March 2017)

The same article contains the following list of persons arrested by the MOI since December 2016:

“When Mahmoud Alavi was introduced to Parliament as the new minister of intelligence on August 7, 2013, he told legislators that he would carry out his responsibilities in a manner that would ‘build public trust’ while being ‘accountable to relevant authorities, watchdog agencies and public institutions.’

However, the Intelligence Ministry has arrested the following individuals for their peaceful activism and personal beliefs since December 2016. [...]

Hengameh Shahidi: Before she was arrested in the Iranian city of Mashhad on March 8, 2017, the political activist said she was being targeted ‘as part of a project to arrest political activists and journalists before the presidential election so that the designated candidate (of the hardliners) would be guaranteed a victory, just like in the 2009 election.’ In the hand-written letter, posted on March 13 on her Instagram page, Shahidi also said she would go on hunger strike as soon as she was taken into custody. Shahidi was an adviser to Mehdi Karroubi, a former presidential candidate and opposition leader who has been under house arrest since 2011. She was also a journalist for his party’s newspaper, Etemad Melli.

Sepideh Ghoulian: The civil rights activist was arrested at her home in Ahwaz, Khuzestan Province, on February 24, 2017 and released on bail several days later. She has not been charged, but informed sources believe she was arrested because of her Instagram posts about child labor and environmental issues.

Farzaneh Jalali: The civil rights activist was arrested on February 23, 2017 in the city of Kermanshah. In 2010 she was banned from continuing her graduate studies for having

previously engaged in peaceful activism while she was an undergraduate at Tehran University. She was arrested on March 13, according to a post on her Facebook page.

Mehrnaz Haghighi: The medical doctor and civil rights activist was arrested at his home in Bandar Abbas, Hormozgan Province, on February 19, 2017. No information is available about the charges, if any, have been issued against her.

Mohammad Kab-Aomair: The seventeen-year-old ethnic Arab environmentalist was violently arrested on February 8, 2017 at his home in the city of Ahwaz. His left arm was broken while he was being arrested.

Shahnaz Akmali: The mother of Mostafa Karim Beigi—who was killed by a bullet wound to the head in 2009 during what came to be known as the ‘Ashura protests’— was arrested on January 25, 2017. She was released on bail on February 19.

Zeinab Karimian: The Rouhani supporter and former reporter for the state-funded Mehr News Agency was arrested on January 23, 2017. She has had limited contact with her family since being detained. Very little information is known about her condition or case.

Saleh Deldam: The film director and producer was arrested in early January 2017 and charged with ‘acting against national security’ and ‘propaganda against the state.’

Tahereh Riahi: The social affairs editor of the state-funded Borna News Agency was arrested on December 27, 2016 and accused of ‘propaganda against the state.’

‘Cyrus Day’ Fans: On October 28, 2016, more than 70 people were arrested for publicly celebrating the unofficial birthday of the founder of the Achaemenid Emperor. Some allegedly shouted slogans calling for an end to Iran’s theocratic government and a return to pre-Islamic values. Branch 1 of the Shiraz Revolutionary Court sentenced the defendants to prison terms ranging from three months to eight years. Upon appeal in February 2017, many of the defendants had their sentences reduced to less than a year in prison or they were released for time served.

Ahmadreza Jalali: The Iranian-born resident of Sweden was arrested in April 2016 after being invited by Tehran University to share his expertise on emergency and disaster medicine. He has been charged with ‘collaborating with enemy states.’

Social Media Site admins: On January 20, 2017, the Intelligence Ministry announced the arrest of ‘anti-revolutionaries aiming to penetrate and organize online networks inside the country’ through a channel they had created, called the ‘Immortal Guards,’ on the popular Telegram messaging application.” (CHRI, 16 March 2017)

With regard to the treatment of internet activists, the same article indicates that “[u]ntil recently, the IRGC’s Intelligence Organization or the Cyber Police (FATA) carried out most arrests of cyber activists” but that the MOI “may have stepped up its role in this area to assuage hardliners who accuse the government of not doing enough to censor the internet” (CHRI, 16 March 2017).

The CHRI article notes that “[t]owards the end of February 2017, Iranian media reports began hinting at the growing rivalry between the Intelligence Ministry and the IRGC’s Intelligence Organization”, which is referred to as being “[t]he most important intelligence agency operating in parallel with the Intelligence Ministry” (CHRI, 16 March 2017).

The same article goes on to list three possible reasons why the MOI has been arresting more activists and dissidents ahead of the presidential elections of May 2017:

“First, a close examination of the decisions made by the National Intelligence Council<sup>2</sup> during the Rouhani era indicates that some of them could have resulted from recommendations by the IRGC’s Intelligence Organization or the prosecutor general as a representative of the judicial branch. In other words, the Rouhani administration could be bending to the wishes of hardliners.

Second, hardline core members of the Intelligence Ministry may be initiating the arrests against the wishes of Alavi and Rouhani, both of whom promoted moderate agendas at the beginning of the president’s first term. [...]

Rouhani and his intelligence minister may be initiating more arrests to prevent the IRGC’s Intelligence Organization from becoming more powerful and to reduce its dominating role in carrying out widespread arrests of political and civil rights activists.” (CHRI, 16 March 2017)

For further information on the MOI, please refer to section 5.2 of our July 2015 COI Compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law”:

- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law, July 2015 (available at [ecoi.net](http://www.ecoi.net/file_upload/4543_1436510544_accord-iran-coi-compilation-july-2015.pdf))  
[http://www.ecoi.net/file\\_upload/4543\\_1436510544\\_accord-iran-coi-compilation-july-2015.pdf](http://www.ecoi.net/file_upload/4543_1436510544_accord-iran-coi-compilation-july-2015.pdf)

### **3.3 Law Enforcement Forces (Niruha-ye entezami-ye jomhuri-ye eslami-ye iran, NAJA)**

Radio Zamaneh, an Amsterdam-based Persian language radio station, reports that over 50 young people were arrested in a raid on a mixed-gender party in the Damavand area of Ab-e Sard region of Tehran province. The article quotes the Damavand prosecutor as saying that his office coordinated with the cyber security police’s units to carry out the arrests. The cyber

---

<sup>2</sup> Intelligence Coordination Council was formed pursuant to Article 2 of the law for the establishment of the Intelligence Ministry and its members include the intelligence minister, the prosecutor general, the minister of interior and the heads of the intelligence organizations of the Army and the Law Enforcement Forces (LEF), amongst others. The Council’s mandate includes “discussion about intelligence-related topics and operations, exchanges of views about how to delegate and pursue intelligence operations within the legal boundaries of each agency, and decision on the responsibilities and powers of each agency within the law”. (CHRI, 16 March 2017)

police had become aware of the party by monitoring activities on social media. The article goes on to say that not only mixed-gender-parties, but also street gatherings of youth that are organized have become targets of security measures, noting that “[i]t seems that the federal judiciary and the digital police in Iran is more concerned with the social media power to mobilize the youth than the actual activities happenings in the parties” (Radio Zamaneh, 23 July 2016).

A few sources report about activities of members of what they refer to as “intelligence police” (without further specification) regarding activists from religious and/or ethnic minorities:

In July 2016, Mohabat News, an Iranian Christian news agency, reported that Iranian “intelligence police” raided a house in the outskirts of Tehran and arrested three Azeri Christians who were visiting Iran to meet local Christians, and an Iranian Christian. The arrested Christians were “immediately transferred to an unknown location” (Mohabat News, 26 July 2016).

A December 2015 press release of the Kurdistan Human Rights Network (KHRN), a Paris-based NGO reporting on the human rights situation of Kurds in Iran, states that Sayyid Amin Abasi Shah Ebrahimi, a Yarsani [or Ahl-e Haqq] activist was summoned to the Iranian intelligence agency branch in the city of Kermanshah and interrogated by “Iranian intelligence police and security members present at the branch” about “his social media activities and publication of articles that had focused on the general problems of the Yarsani community in the country” (KHRN, 30 December 2015).

For (more) information regarding the LEF and its affiliated units, please refer to section 5.1 of our July 2015 COI Compilation “Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law”:

- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law, July 2015 (available at [ecoi.net](http://www.ecoi.net))  
[http://www.ecoi.net/file\\_upload/4543\\_1436510544\\_accord-iran-coi-compilation-july-2015.pdf](http://www.ecoi.net/file_upload/4543_1436510544_accord-iran-coi-compilation-july-2015.pdf)

## **4 Coordination and communication mechanisms between different security organs**

Walter Posch of the Institute for Peace Support and Conflict Management (IFK) of the Austrian Defence Academy (Austrian Armed Forces) states that the law stipulates that the MOI is the central intelligence service, with its responsibilities encompassing domestic security and strategic reconnaissance. Its foundation in 1984 involved the dismantling of the then intelligence service of the IRGC and the forced transfer of its best cadres into the new ministry. This laid the foundations for deep institutional hostility between the MOI and the IRGC. During the Iran-Iraq war, the IRGC intelligence service was reduced to a military intelligence unit. After the war, the IRGC-IO (SHE) was formed, resulting in intensified struggle between the two intelligence bodies whose work depends on cooperating with one another. The IRGC is able to expand its influence vis à vis other institutions by means of ad-hoc commandos (so-called

“qarargah”), amongst others. After the war, the qarargah, which are usually formed on a temporary basis, have been playing an important role in domestic security. For example, qarargah Sarollah (Kousari) was established by the State Security Council after the 1999 student protests to coordinate the work of the police, the intelligence services, the military and the IRGC. Qarargah Hamzah coordinates and leads the fight against the Kurdistan Free Life Party (PJAK) in Iranian Kurdistan while qarargah Qods took over the border protection agendas in the East. In both cases, other institutions such as the MOI and the border troops were compelled to back down. Posch notes that there thus appears to be a tendency to allow the IRGC to take over all domestic security-related agendas. (Posch, undated [translated from German]).

A June 2015 press release of the Center for Human Rights in Iran (CHRI) quotes the deputy interior minister for security, Hossein Zolfaghari, as saying that the responsibility of monitoring cyberspace is on the MOI, the IRGC and the police (CHRI, 14 June 2015).

No further information could be found on this subject.

## Sources (all links accessed 4 May 2017)

- ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: Iran: Political Opposition Groups, Security Forces, Selected Human Rights Issues, Rule of Law, July 2015 (available at ecoi.net)  
[http://www.ecoi.net/file\\_upload/4543\\_1436510544\\_accord-iran-coi-compilation-july-2015.pdf](http://www.ecoi.net/file_upload/4543_1436510544_accord-iran-coi-compilation-july-2015.pdf)
- AI - Amnesty International: Flawed reforms: Iran's new Code of Criminal Procedure [MDE 13/2708/2016], 11 February 2016 (available at ecoi.net)  
[http://www.ecoi.net/file\\_upload/1226\\_1455175709\\_mde1327082016english.PDF](http://www.ecoi.net/file_upload/1226_1455175709_mde1327082016english.PDF)
- Al-Monitor: Iranian MP threatens to impeach intelligence minister, 16 March 2017  
<http://www.al-monitor.com/pulse/originals/2017/03/iran-ali-motahari-telegram-arrest-intelligence-minister.html>
- CHRI – Center for Human Rights in Iran: A New Round of Intimidation, Arrests, and Prosecution of Social Media Users in Iran, 14 June 2015  
<https://www.iranhumanrights.org/2015/06/intimidation-arrests-social-media-users/>
- CHRI - Center for Human Rights in Iran: Briefing: Iran's Fashion Industry is the Latest Victim of Khamenei's War on Western Culture, 8 December 2016  
<https://www.iranhumanrights.org/2016/12/arrest-model-continues/>
- CHRI – Center for Human Rights in Iran: Rouhani's Intelligence Ministry and Khamenei's IRGC Widen Crackdown Ahead of Election, 16 March 2017  
<https://www.iranhumanrights.org/2017/03/increase-arrest-by-ministry-of-intelligence/>
- HRC - UN Human Rights Council: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran [A/HRC/34/65], 6 March 2017 (available at ecoi.net)  
[http://www.ecoi.net/file\\_upload/1930\\_1489059332\\_a-hrc-34-65-auv.doc](http://www.ecoi.net/file_upload/1930_1489059332_a-hrc-34-65-auv.doc)
- HRW - Human Rights Watch: World Report 2017 - Iran, 12 January 2017 (available at ecoi.net)  
[https://www.ecoi.net/local\\_link/334693/463138\\_en.html](https://www.ecoi.net/local_link/334693/463138_en.html)
- HRW - Human Rights Watch: With New Arrests, Iran's Election Season Starts - Journalists, Social Media Activists Behind Bars, 18 March 2017 (available at ecoi.net)  
[http://www.ecoi.net/local\\_link/337899/467804\\_en.html](http://www.ecoi.net/local_link/337899/467804_en.html)
- IranWire: "There is no justice in Iran's justice system", 20 March 2017  
<https://iranwire.com/en/features/4511>
- Kamal, Teshgom: Will the Revolutionary Guards take over Iran?, 6 February 2017 (published by Anadolu Agency, AA)  
<http://aa.com.tr/en/analysis-news/opinion-will-the-revolutionary-guards-take-over-iran/742390>
- KHRN - Kurdistan Human Rights Network: Iranian intelligence police interrogate Yarsani civil activist in Kermanshah, 30 December 2015  
<http://kurdistanhumanrights.net/en/633/>
- Lim, Kevjn: National Security Decision-Making in Iran, 11 June 2015  
<https://www.openbriefing.org/docs/National-security-decision-making-in-Iran.pdf>
- Mohabat News: Iranian Intelligence Police Arrested Three Azeri Christians in Tehran, 26 July 2016  
<http://mohabatnews.com/en/?p=3023>

- Posch, Walter: Interview, 13 April 2015
- Posch, Walter: Der Sicherheitsapparat der Islamischen Republik Iran, undated (available at Academia.edu)
- Radio Zameh: More than 50 Iranian youth arrested in mixed gender party, 23 July 2016  
<https://en.radiozameh.com/featured/more-than-50-iranians-youth-arrested-in-mixed-gender-party/>
- RFE/RL – Radio Free Europe/Radio Liberty: Supreme Leader Revives Feared Intelligence Unit Of Iran's IRGC, 23 September 2015  
<http://www.rferl.org/a/iran-irgc-intelligence-unit-revived/27265226.html>
- Track Persia: Iran: Spat between intelligence, Revolutionary Guard before elections, 1 March 2017  
<http://www.trackpersia.com/iran-spat-intelligence-revolutionary-guard-elections/>
- Tehran Times: Hossein Nejat named deputy chief of IRGC intelligence office, 27 December 2016  
<http://www.tehrantimes.com/news/409543/Hossein-Nejat-named-deputy-chief-of-IRGC-intelligence-office>
- USDOS - US Department of State: Country Report on Human Rights Practices 2016 - Iran, 3 March 2017 (available at ecoi.net)  
[https://www.ecoi.net/local\\_link/337185/466945\\_en.html](https://www.ecoi.net/local_link/337185/466945_en.html)
- Sahimi, Muhammad: Pro-reform candidates did surprisingly well at the ballot box. In: The National Interest, 3 March 2016  
<http://nationalinterest.org/feature/irans-deep-state-suffers-stinging-defeat-15382>
- Vaez, Ali: Email response, 27 April 2017
- Washington Institute: Iran's Widening Crackdown Pressures Rouhani, 25 November 2015  
<http://www.washingtoninstitute.org/policy-analysis/view/irans-widening-crackdown-pressures-rouhani>