

Witness Testimony

# Witness Statement of Lotfollah Lotfollahpour

• June 6, 2012 9 minutes read

**Name:** Lotfollah Lotfollahpour

**Place of Birth** Kamyaran, Iran

**Date of Birth** August 28, 1969

**Occupation:** Driver

**Interviewing Organization:** Iran Human Rights Documentation Center (IHRDC)

**Date of Interview:** 22 February 2012

**Interviewer:** IHRDC Staff

This statement was prepared pursuant to an interview with Lotfollah Lotfollahpour. It was approved by Lotfollah Lotfollahpour on May 25 2012. There are 23 paragraphs in the statement.

The views and opinions of the witness expressed herein do not necessarily reflect those of the Iran Human Rights Documentation Center.

## Background

1. My name is Lotfollah Lotfollahpour. I was born on August 28, 1969 in the town of Kamyaran. I was in Iran from the beginning of the 1978-79 Revolution and for many years thereafter I worked with the Komala Organization of Kurdistan.

2. I was a worker for many years. After I purchased an automobile, I became a driver. I was still a driver at the time that I was arrested.

3. From the time that I was a youth of 14 or 15 years of age, I identified with the aims, ideas and founding principles of the Komala and as a result I worked with them. That relationship continued in a clandestine manner until the time that I was arrested. During the early days of the Revolution, people in Kurdistan would say that our rights were being taken and that they [the revolutionary government] were mistreating the people.

4. I was not an armed member of the Komala. My only role was to distribute pamphlets, declarations and publications of the political party. In reality, until the time that I had to escape from prison two years ago, I was unarmed. I am armed now.

5. I continued my membership in the Komala until my last arrest in [the Iranian calendar year of] 1387 (Latin calendar year 2008-09). I was arrested many times during my tenure as a member. The last time that I was arrested, I was arrested along with Ehsan Fattahian in Kamyaran. We were detained in the local Intelligence Ministry office [hereafter "Intelligence office"] for three months and five or six days.

### **First arrest and torture**

6. I can't precisely remember the date and circumstances of my first arrest. I've been arrested many times. When I got home (in the village of Tayneh, which is located between Kamyaran and Sanandaj) one Thursday, my father told me that some letters had come for me. In the letter, I was directed to show up to the Intelligence Ministry's [local] office of Kamyaran at 9 AM that Saturday. [After I reported there], they held me in a jail cell in that office for 21 days. They asked me questions about whether I possessed any weapons. They wanted to manufacture a crime with which to accuse me.

7. The physical effects of the torture inflicted upon me during that time are still visible on my body. [In the torture sessions I was subjected to] members of the Islamic Revolutionary Guard Corps (IRGC) tied me to a military cot and beat me with a cable until I lost consciousness. After a time, they would wake me up with a bucket of cold water. Then, they held me from under my arms and forced me to walk with bleeding legs. It was said that some prisoners had irons run over their backs. They also subjected me to psychological torture, for instance

by causing the air conditioner to make loud siren-like noises to the point that I beat my head against the wall and thought it would be preferable to die rather than to keep hearing those noises.

8. When my family contacted the Intelligence Office in the course of their attempts to find me, the authorities there told them that I was in Kermanshah. When they went to Kermanshah, the authorities there told them that I was in Sanandaj. When they went to Sanandaj, they'd be told that I was somewhere else. My parents had no idea where I was, and therefore were never able to obtain a lawyer for me. They didn't discover my location until the day I was released. This first time, I was detained for 21 days. When I got out of prison, I returned to the same political organizing work I had been involved with [before my detention].

### **Recent arrest**

9. My last arrest occurred in 2008-09. They arrested me along with five or six different people and took me to the jail of the Intelligence Office in Kamyaran. One of [the people arrested along with me] was Ehsan Fattahian, who was martyred [executed by the government].

10. They charged us all for cooperating with the Komala, and they also alleged that Ehsan Fattahian was a Komala *peshmerg* (militia member). He was not wearing military fatigues and he was not even armed at the time, although he had trained as a *peshmerg* in a military camp over a span of five to six months and had functioned as a *peshmerg* for a year to a year-and-a-half.

11. It was 12:30 or 1 PM in the afternoon when they arrested us. They took us to the Intelligence Office in Kamyaran. At some point [later that day] they began bringing us out of our cells and transporting us individually to the Intelligence Office in Sanandaj, telling each of us that they had killed all of the others and that we should now start cooperating with the authorities. As with my previous arrest, my family was not informed of my whereabouts.

12. After enduring two or three months of beatings, insults and curses in the Intelligence Office detention center, I was sent to Sanandaj Central Prison, but they still did not allow me to meet with my family, and they neglected to listen to

the cries and requests of my wife. In addition, I had no telephone privileges for eight months during my imprisonment. Ultimately, after some time my family was able to secure an attorney by the name of Nasrollah Nasiri for me. Unfortunately, after I fled Iran and Ehsan Fattahian was martyred, they manufactured a scenario that caused Nasiri's professional downfall and soon after that, [I believe that] they killed him. I don't know how accurate the reports of his death in a car accident are.

### **Interrogation**

13. [Prior to my transfer to Sanandaj Central Prison,] I had six different interrogators in the Intelligence Office in Sanandaj. I don't know their names, because they did not use their own names in my presence. [All that I remember is that] one was called Hajji and another was called Mohammadi. I never saw any of them [because] they always sat me on a chair that faced a wall. They always positioned themselves behind me as they interrogated me.

14. When I was in the Intelligence Office, they asked me, "Whom do you know in [for instance] Kamyaran, Sanandaj and Kermanshah? With whom have you worked?" I answered that I did not know anyone. At that time I truly did not have any information. Later they suggested that if I cooperated with them they'd be able to help me.

### **Trial and sentencing**

15. After languishing in Sanandaj Central Prison for three or four months, I was finally sent to court when Judge Babaei (a judge in Branch One of the Revolutionary Court of Sanandaj) called Sanandaj Central Prison and asked them to take me to the court, although my attorney was not there. From the day of my arrest to the day of my appearance in court months later, I never went before a judge. The court's entire investigation (which took the form of three questions) and its determination of my verdict and sentencing lasted between 10 and 15 minutes. I don't know if Babaei was the judge's real name or not.<sup>[1]</sup>

16. In a practical sense, I did not have legal representation. They told [my attorney] Nasiri that due to the fact that my file was incomplete, my case would

not go to court for the time being. With this excuse, they sent my attorney out of the courtroom.

17. [But next] they sat me down in front of Mr. Babaei with my hands cuffed and my feet shackled. He only asked me three questions, and my attorney was not even there. The first question was, "Do you accept that you are a member of Komala?" When I wanted to respond, the judge said "If you say a word, I swear to God that I will have you executed!" He didn't even let me answer his questions. Next, Babaei asked me whether I would confirm that I was affiliated with the Komala. Again, as I tried to respond, he yelled at me not to speak. Again, I was unfortunately prevented from responding. The third question he asked was whether I accepted the charge of [distributing] propaganda against the regime. He didn't let me respond, but instead asked what my final defense was. I said, "Nothing!" he asked why and I responded [that I had nothing to say] because I didn't have an attorney and was not allowed to talk. Finally, he told the guards to bring me forward and they did. The judge asked me to stamp some of sheets. When I did, he told me that he had sentenced me to 16 years of imprisonment. I laughed and said, "It is funny. After four months [of detention] I didn't know what branch of the court was going to prosecute me, and I didn't have an investigation and the first time I come to the court I am sentenced to 16 years of imprisonment without ever being given legal representation." Some of the other people there even laughed at the circumstances of the issuance of my judgment.

18. [After this,] they took me to back to Sanandaj Central Prison. It took some time for me to receive the formal judgment. My attorney told me that I could protest the decision by appealing the judgment to the Appellate Court [for the province]. I was taken back to the [Sanandaj] Intelligence Office and my interrogator there reiterated that if I were to cooperate with them they would help me. I told him that I knew nothing. He gave me a piece of paper and told me to read it in front of a camera. I responded, once again, that I knew nothing. At that point, he told me to tell my attorney to tell the Supreme Court that he had no justification in wanting to reduce my sentence.

19. More time passed and finally the response to my appeal arrived. After that, Mr. Nasiri appealed again, on top of which my family and I also wrote complaints to the Supreme Court. In their response almost a full year later, the

Supreme Court stated that the sentence was in compliance with *Shari'a* [religious law] and that there were no grounds for a reduction of my sentence. In fact, they continued, altering the sentence would be contrary to *Shari'a*. I showed this response to two of my fellow prisoners, Adnan Hassanpour, an intelligent and literate newspaper journalist, and another prisoner named Habibollah Latifi.

### **Escape**

20. I was in prison for two years, and for the first eight months I had no telephone privileges. They held me until my father brought the deed to his house in Kamyaran. With this in hand, they gave me a six day furlough. After that, I fled to my current location. It has been two years since I escaped from Iran.

21. When I got out of prison for my furlough I spoke with two of my friends about the need to escape. They set everything up, and I came to my current location from the border at Marivan.

### **Ehsan Fattahian**

22. I did not know Ehsan Fattahian. On the evening of July 18, 2008, they called me [from the Komala] and told me that I was supposed to transport someone. When I arrived in at the pick-up point (on the road from Kamyaran to Marivan) at 3:30 in the morning, I saw Ehsan Fattahian there. He didn't have any equipment and he was unarmed. I recognized him and took him to my home. That is how I knew Ehsan—I didn't know anything about him before that.

23. After three months and seven days in the Intelligence Office, Ehsan Fattahian's leg was broken under torture, perhaps, I think, due to the [aforementioned, apparently routine] blows from cables. They had also urged him to cooperate with them. Ehsan was sentenced to 10 years in prison. After five or six months in Sanandaj Central Prison, they took Ehsan to the Intelligence Office where he was given a sheet of paper [a prepared confession to be signed, similar to the one they offered me], but Ehsan did not cooperate with them. In the Appellate Court, they converted Ehsan Fattahian's sentence from 10 years of imprisonment to death. This sentence was unfortunately

implemented on the November 11, 2009 and Ehsan was executed in Sanandaj Central Prison [even though] his case was due to be reviewed again on November 16<sup>th</sup>. When word of his execution got out, 46 or 47 of us [prisoners] went on hunger strike, which was futile, although they did add a year to my sentence because of the hunger strike.

[1] Judge Hassan Babaei is the head of Branch One of the Revolutionary Court of Sanandaj.

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