



**Counsel Closing Statement: 14 November 2021**

**[recording publicly available]<sup>1</sup>**

*Counsel Hamid Sabi [HS] — Distinguished members of the Tribunal. Exactly one year ago, on 14<sup>th</sup> November 2020, the Tribunal's establishment was declared with a call to the public to provide documents and evidence to the Tribunal. The response was overwhelming. In a matter of 48 hours, the WhatsApp number of the Tribunal received 275 calls, mostly from Iran from families of the victims and those who had witnessed the atrocities. The Counsel team interviewed all who had called and compiled 165 witness statements. The Counsel team selected 45 witnesses plus ten reserves. I am sad, and sorry we could not call all of them, but we have called 33 witnesses this week.*

*As promised, all the witness statements and the documents they have provided to us will be on the record for the Tribunal's review. In addition, the Counsel team collected, collated, and categorised over 1,000 video clips of the violent scenes recorded during the four days that demonstrations and protests had continued. Some of these are represented to you in the evidence of Miss Sadr on Friday. The Tribunal also received the evidence of expert witnesses on aspects of atrocities committed during these days by the security forces. We have now reached the end of this stage of proceedings.*

*You have heard the evidence of victims, the grieving parents who lost their children, the light of their lives, the victims who were tortured, insulted, abused, and even raped by the cruel rulers of this regime. So, let us sum up what has been submitted to the Tribunal. First and foremost, the Counsel has to accept and admit that the record before the Tribunal is far from complete. While the Counsel has been able to interview*

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<sup>1</sup> The recording is available on YouTube: <https://www.youtube.com/watch?v=DIRdRXIPZys>.

## Counsel Closing Statement

*over 200 witnesses, mostly from Iran, this is not even the tip of the iceberg. Many victims and eyewitnesses have not been able to contact the Counsel or provide evidence to the Tribunal. Apart from a few members of the security forces who have bravely risked everything to give evidence to the Tribunal, the Counsel has not been able to engage those in charge of Iran and compel them to give evidence.*

*Most notably, none of the 133 individuals listed by Counsel as accused has responded to Counsel and not submitted any evidence in their defence. Nor have they appointed a Counselor representative to plead on their behalf. Furthermore, the government of the Islamic Republic of Iran, notwithstanding numerous calls by the Counsel to cooperate with this Tribunal and submit evidence, has failed to do so or appear before this Tribunal. In fact, Ali Bagheri Kani, Deputy Foreign Minister who was in London on Thursday, 11<sup>th</sup> of November, rather than attending your hearings, has told his counterpart in the Foreign Office, according to a report by Voice of America, that unless the UK government stops this Tribunal, the Iranian government will refuse to negotiate with the UK and other governments in connection with the nuclear deal.*

*An interesting response has appeared from the government's officials in the course of today. Mr Hassan Norouzi, who is the Vice Chair of the Judicial Committee of the Parliament, so he must understand the judicial process, as in response to Aban Tribunal invitation for him, had stated, and I must say he had the chutzpa to say, "I am one of those who shot at the people, we killed them, now who is going to try us?" This is the reaction, Mr Chairman, members of the Tribunal, that you got from a very high official in Iran this morning in response to your Tribunal. In response to the families who have lost their loved ones. He says, "yes, I have shot them; now, what are you going to do about it?" This is the level of impunity that this Tribunal has been set up to fight and hopefully dismantle.*

*Finally, the Counsel team could not visit the atrocities site and report their findings to the Tribunal. On the positive side, however, you have heard the heartfelt evidence of our fact witnesses. You heard how in response to the legitimate and peaceful demands of the demonstrators protesting a sudden hike in the price of petrol, the security forces clamped down on the protestors by killing, maiming, and beating up all the*

## Counsel Closing Statement

*demonstrators most cruelly and horribly. As Justice Yacoob put to one of the witnesses, it may be that at the heart of the protest was the complaint that the government is not good. Would that affect the legitimacy of the complaint? We submit not. Would it justify the cruel repression? Again, we submit not. Would any action by the demonstrators justify the torture, cruel and inhumane punishment that was meted out to those arrested, including the sexual abuse and even rape? Again, we submit not.*

*The Tribunal has rightly questioned the number of those killed, arrested, and tortured during the events. As stated in the Counsel's opening, the Counsel does not engage in statistics or guesswork. It can only be guesswork in the absence of cooperation by the government of Iran of how many died, were injured and were arrested. The Amnesty report, as submitted by the Counsel as evidence, backed by the powerful evidence of Miss Raha Bahreini, tells you that Amnesty had been able to record and verify over 300 deaths up to date. It does not tell you the number of deaths. It simply tells you how many verifiable deaths have been recorded by Amnesty within the limits of its investigations. Like other NGOs, Amnesty has limited resources but a very robust method of verification. It is not surprising that other organisations, perhaps with less rigorous verification methods, have reported 1,500 or even more deaths. Amnesty's figures simply put a floor on the numbers. The Counsel submits with certainty that the numbers are higher and most probably substantially higher than has been recorded as verifiable. The number of injured even calls for more guesswork and speculation.*

*As you heard from the witnesses and brave health workers, those injured did not refer to hospitals for fear of being arrested. Thus, even the government may not have a proper record. The same issue arises with the number of those arrested. It is the Counsel's case that the Tribunal has to look at the totality of these figures and their combined effect. The evidence leaked out, particularly the video clips, are only a small sample of what happened. The government closed down the internet to ensure that the evidence would be contained in the country and not leaked. They confiscated all the footage of CCTVs, mobile phones and cameras. Fatemeh Khoshro, whose evidence you heard yesterday, was charged with leaking these clips. You heard the price she paid for this.*

## Counsel Closing Statement

*The Tribunal also, and again rightly, questions whether incidents were widespread. Amnesty reports arrests, and I repeat, only in 28 out of 31 provinces. They do not have records of arrests or had not received reports of the arrests in three provinces. So it does not mean, and it does not establish, that demonstrations and clampdowns did not occur in Qom, North Khorasan and Chahar Mahaal. It only suggests that arrests were reported and recorded from 28 provinces out of 31. We also submitted the Justice for Iran report, showing videos of demonstrations and clampdowns in 29 out of 31 provinces, including Qom and Chahar Mahaal. So that leaves between the two main reports, one province, North Khorasan; we do not have reports of arrests, and we do not have video clips. So that makes it 30 out of 31 provinces. So, the question that is before you is whether events happening in 30 out of 31 provinces, in the evidence before you, is sufficient to consider these atrocities as widespread.*

*On the issue of systematic, it is the Counsel's case that the repression has been systematic for the last 40 years. Whether you look back at the events of the 1980s, also called the 'Bloody Decade' as chronicled by the Iran Tribunal, or student uprisings, which almost occurred every other year, the stolen elections in 2009, the worker's protest which has been a continuing, seamless and systematic repression, Iran had never stopped—systematically, repressing its people. It is a never-ending story.*

*And finally, I deal with the Counsel's case for the 133 accused. In Annex 4.2 of the Justice for Iran report, which is on pages 119 to 128 of your bundle and also appears here, the position of the rulers of the country has been set out, and in front of each one of them, the video clips that can lead to the holder of that office. For instance, the Leader of the Islamic Republic of Iran is at the top of the list because he is in command of everything. Nothing is done in that country without his say; the entire Annex 4.1, all the video clips that had been produced, are presented to you as evidence. The same appears for the 11 people you see on that page. They are all having a joint and several liability for the events. Therefore, all the video clips are relevant.*

*Then when we go from number 12 onward, you will see the number of video clips that relate to the position of the officeholder that has been stated there, and you go down until you reach number 133. So, for each of them, there is evidence of their crimes.*

## Counsel Closing Statement

*They either had been directly responsible for the event or ordered people under their control to carry out these evil acts. Also, I would like to show you another schedule with a list of the 133 people, but this time connected to our witnesses. So, you will receive the actual schedules on your emails, and for each and every officeholder that the Counsel had accused, you will find a list of witnesses that have testified in connection with that position of the office. Indeed, our witnesses have not named each one of these alleged perpetrators, but they are all from the cities and provinces where these alleged perpetrators were in command and control; they are the ones who ordered shoot to kill. They are the ones who allowed this incident to happen. For that reason, the Counsel calls them the accused, and of course, it is for this Tribunal to consider why they have done these things and, if so, what are the consequences? You can look at some of the names with an extensive number of witnesses testifying to that and some with less. Not that it makes it less criminal, but it is because the reporting had been not possible or more difficult.*

*Now you have to look back and ask, why are we doing this? None of you, distinguished members of the Tribunal or members of the Counsel team and our supporters have any direct connection with these events and the victims of these events. We have not lost our loved ones, although we mourn with the families who have. We have not been tortured, insulted or abused. Why bother? This is not the only atrocity that happened or is happening around the world. This is not the only time the regime of the Islamic Republic of Iran has murdered and suppressed its peaceful citizens. So why bother? Why now? I do not think I, or for that purpose, any of our team can find the right answer to these questions. But perhaps Azadeh Pourzand, who I assume is here, who lost her father to this cruel regime and saw her mother behind bars, a close friend of mine, for daring to be a human rights lawyer and a female human rights lawyer in the Islamic Republic of Iran, can give you an answer. She was in this hall on 10<sup>th</sup> November. She wrote in her article, "A Day at Aban Tribunal, " saying, "After many years of struggling against myself not to be a victim, for the fear of appearing weak and unreasonable. I felt free to be a victim. It was the first time that being a victim felt powerful, felt strong, felt capable of prevailing justice in its simplest, barest, and least abstract manner. I looked at the judges, and I felt safe."*

## Counsel Closing Statement

*It's not only Azadeh Pourzand that feels like that. You have brought the same feeling to many Iranians eagerly following these proceedings over the last five days. Moreover, that is not limited to those who suffered the atrocities of Aban two years ago. This Tribunal has been a wakeup call for the authorities who believe, and I'm sure some will continue to believe, that they can get away with all the misdeeds and crimes that they have committed over the last four decades against the Iranian nation, like the gentleman that I have quoted earlier.*

*They have no answer and never had any answer to the grief of the parents of Farzad, Pouya, and many others who fell victim to the guns of this regime. We are getting calls from all over Iran to allow more witnesses to come forward and tell you the stories that they have witnessed, the atrocities and humiliations they have suffered. Like Azadeh, they feel it is not a crime to be a victim. You have empowered them to break the seal of silence that they have locked themselves in for the last two years. For these reasons and for the victims' right to the truth, distinguished members of the Tribunal, the Counsel is asking you to keep the records of this Tribunal open and allow further evidence to be submitted to the Tribunal.*

*Finally, I must thank our brave witnesses who risked everything to come here before you and not only to this Tribunal but tell the world what has happened in Iran. It may sound like a soundbite, and perhaps it is, but there is no better way of saying that you are the voice of the voiceless. Witness 179 asked you to be the voice of Mohammad Hashamdar, the one who saved an employee of a bank while the fire was going out, and minutes later, he was shot dead by police officers. His family lost their breadwinner. No one has mentioned his name. But you are the ones that can do that.*

*I thank you very much for being patient and being with us all these five days, and I am sure the Tribunal will eventually reach the final conclusion. Thank you very much.*