

Mohammad Moghiseh: The Iranian Supreme Court's New Hanging Judge

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Introduction

Mohammad Moghiseh is an Iranian judge infamous for violating defendants' human rights and sentencing them to death or long prison terms on trumped-up charges. Consequently, Moghiseh, like his fellow jurist [Abolqassem Salavati](#), is nicknamed "[The Hanging Judge](#)."

Moghiseh was named to Iran's Supreme Court in November of 2020. Immediately prior, he served as the chief judge of Branch 28 of the Islamic Revolutionary Court in Tehran. The Islamic Republic's first supreme leader, Ayatollah Ruhollah Khomeini, created the Islamic Revolutionary Court system by decree during Iran's Islamic Revolution in 1979 to eliminate real or imagined opponents of the new regime. The Courts reportedly [condemned over 16,000 Iranians to death](#) in the first ten years after the revolution.

The Iranian regime uses the Revolutionary Courts to persecute political dissidents, activists, and journalists and punish actual or purported smugglers and drug traffickers. The tribunals operate as kangaroo courts, denying defendants due process and [holding closed, sham trials](#) where [convictions are de facto predetermined](#).

Moghiseh's Background

Moghiseh was [born](#) in the province of Razavi Khorasan in northeastern Iran. He [studied in a seminary](#) and is a [cleric](#) but does not don clerical clothing in court.

Career

Using the fictitious names [Nasserian](#) and [Haji Nasser](#), Moghiseh reportedly began working in Iran's judicial system in 1981. His first position was a judgeship in Branch 3 of the court of Iran's notoriously brutal [Evin Prison](#). He later served as an [assistant prosecutor](#) in that branch.

In 1985, and still operating under pseudonyms, Moghiseh was named the attending judge of the court of Ghezel Hesar Prison, the largest state prison in Iran and infamous for its conditions. In 1986, he became warden of Gohardasht Prison and simultaneously worked as a [supervising assistant prosecutor](#) or [judge](#) there. Gohardasht Prison is regarded as one of Iran's harshest jails because of its many reported cases of torture, rape, and murder. Moghiseh [went back](#) to Evin Prison in 1988 as an assistant prosecutor. Former inmates have reported that Moghiseh participated in the [torture](#) and/or [execution](#) of political prisoners at these three facilities, including the regime's [massacre](#) of thousands of such inmates in 1988.

In 1991, Moghiseh was [appointed](#) to be a judge on Tehran's Islamic Revolutionary Court and the attending judge of Evin Prison. [Later that decade](#) or in the [early 2000s](#), he was named to head the Court's branch dealing with the 'crimes' of ownership of satellite dishes and, for women, not wearing head-covering. In 2001, Moghiseh [became](#) chief judge of the Revolutionary Court's Branch 28. On November 11, 2020, regime-controlled media announced that Moghiseh had resigned from the Revolutionary Court to [serve on Iran's Supreme Court](#).

Human Rights Abuses

Moghiseh has regularly used his judicial position to violate defendants' human rights, particularly the freedoms of religion, expression, information, assembly, and the press, as well as the right to counsel.

Freedom of Religion

The Iranian regime [persecutes members of the Bahá'í faith](#), which it considers [heretical](#) because it claims the existence of prophets after Muhammad. Moghiseh has imposed [harsh sentences](#) on Bahá'ís, including [20 years' imprisonment each](#) for several senior leaders of that community in 2010. The charges [included](#):

- “Start-up and expansion of an illegal organization”;
- “Espionage”;
- “Tarnishing the image of the Islamic Republic of Iran”;
- “Propaganda against the state”;
- “Cooperation with the Zionist regime”;
- “Gathering classified documents and providing them to foreigners with the aim of disrupting national security”;
- “Corruption on earth”;
- “Conspiring with the intent to disrupt national security”;
- “Conspiracy and assembly for the purpose of action against the internal and external security of Iran.”

Freedom of Expression, of Information, and of Assembly

Moghiseh has presided over many trials seeking to punish Iranians for exercising freedom of expression and information. Defendants have [included](#) poets, movie producers and directors, and other artists tried on and convicted of trumped-up charges like propagandizing against the Iranian regime and colluding against national security.

Moghiseh has also penalized Iranians who create and access websites banned by the government. For example, in 2014, he condemned eight Iranian Facebook users to a combined [123 years' imprisonment](#) for “propaganda against the state,” “insulting the supreme leader,” “assembly and collusion against national security,” “blasphemy,” “creating public anxiety,” and “spreading falsehoods.”

Judge Moghiseh also presided over [show trials](#) of peaceful Iranians who participated in public protests against the disputed reelection of President Mahmoud Ahmadinejad in 2009. He handed down death sentences for dozens of demonstrators and long prison terms for numerous others.

Freedom of the Press

The “Islamic Republic” is one of the world's [worst persecutors of journalists](#) and suppressors of journalism. Tehran imprisons, harasses, and surveils journalists and their families; censors reporting; and prevents the dissemination of journalism by blocking access to social media and jamming satellite-television signals. Moghiseh has used his position as a judge to carry out such persecution, inflicting lengthy prison sentences on members of the press.

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For instance, he abused Masoud Kazemi, editor in chief of the political monthly *Sedaye Parsi*, from arrest to conviction to sentencing. The charges? “Spreading misinformation and insulting the supreme leader and other Iranian officials.” His actual activities? [Publishing stories about corruption in Iran’s industry ministry](#).

Moghiseh set Kazemi’s bail at the equivalent of about \$70,000, an inordinately high figure for an Iranian journalist. Consequently, Kazemi languished in Iran’s notoriously brutal Evin Prison awaiting trial. Moghiseh convicted Kazemi, sentenced him in 2019 to [four-and-a-half years’ imprisonment](#), and prohibited him from working in journalism for another two years after Kazemi completed his sentence.

Right to Legal Counsel

Since 2018, the Iranian regime has required persons accused of national-security or political offenses to choose their lawyer from among a list of 20 [handpicked by the judiciary](#). But judges—particularly Moghiseh—have gone further to deny effective assistance of legal counsel to the accused.

For example, Mohammad Mostafaei, an attorney for several jailed peaceful protesters, [wrote](#) to Iran’s judiciary chief in 2010 that Moghiseh “refus[ed] to issue orders allowing lawyers to meet with their clients in prison... refus[ed] to serve the defense with accurate trial dates and more importantly, [refused] to serve the defense with accurate trial dates and more importantly, the related court papers and copies of the indictment; and depriv[ed] the suspects from their chance to present a fair defense.”

Likewise, in 2011, Moghiseh [tried ten Sunni political prisoners](#), forbade them from choosing their own lawyers, and denied them any significant meetings with the court-approved legal counsel, who themselves had been subject to threats. Moghiseh sentenced all ten to capital punishment. In 2016, Moghiseh presided over [the trials of another 20 Sunni political prisoners](#), refused to let their lawyers into the brief trials, and again condemned all 20 to death.

Nasrin Sotoudeh Case

Moghiseh’s conduct in the case of imprisoned human rights lawyer [Nasrin Sotoudeh](#) displayed the judge’s contempt for multiple aforementioned human rights. Sotoudeh represented human rights advocates and dissidents—most notably women who exercised their freedom of religion by [refusing to wear hijabs](#) (head coverings), which the regime requires. She also [served as counsel](#) to other human rights attorneys, including Nobel Peace Prize recipient Shirin Ebadi; to children the government sentenced to death; to members of the press; and to Kurdish political activists. She also exercised both her freedoms of speech and assembly by [speaking out and protesting](#) in support of women’s human rights.

The regime arrested Sotoudeh in 2010 and [sentenced her to six years’ imprisonment](#) for several charges, including acting in opposition to Iran’s national security. She was released in 2013.

The authorities [rearrested](#) Sotoudeh on June 13, 2018, and threw her into Evin Prison. They told her for the first time that in 2016, she had been tried, convicted, and sentenced in absentia to [five years in prison](#) for “espionage in hiding.” The judge presiding? Mohammad Moghiseh.

Sotoudeh was [tried in absentia again on December 30, 2018](#), because she boycotted the trial to protest its illegitimacy. Because she objected to the government’s requirement that defendants select an attorney from a judiciary-approved list, she also [refused legal counsel](#).

Moghiseh sentenced Sotoudeh on March 11, 2019, to an additional [33 years' imprisonment and 148 lashes](#) for the following purported charges: “assembly and collusion against national security,” “propaganda against the state”; “membership in the Defenders of Human Rights Center, the Legam group (against capital punishment), and the National Peace Council”; encouraging “corruption and prostitution”; “appearing at the judiciary without Islamic hijab”; “disturbing public peace and order”; and “publishing falsehoods with the intent to disturb public opinion.”

Moghiseh not only condemned Sotoudeh to the maximum prison time for all the crimes combined—29 years—he also used a penal code provision to [tack on four more years](#) to her sentence. To protest the illegality of the trial and sentence, she has [refused to appeal](#).

Human Rights Abuses by the Numbers

Abolqasem Salavati, Moghiseh’s former Revolutionary Court colleague, receives more foreign media attention than Moghiseh and is nicknamed “The Judge of Death.” However, Moghiseh’s viciousness in sentencing exceeds Salavati’s. As of November 19, 2020, Moghiseh has issued 48 death sentences and sentenced defendants to a combined 1,642 years in prison and 920 lashes in 335 verdicts, according to the [Iran Prison Atlas](#) of the NGO [United for Iran](#). Moghiseh has issued more death sentences as a percentage of his verdicts than Salavati has—14.3 percent to 9.5— and sentenced defendants to an average of 6.1 years in prison, higher than Salavati’s 5.8.

[Among other human rights abuses](#), at least 272 defendants in his cases have been denied access to legal counsel, no fewer than 211 have been put in extended solitary confinement, at least 110 have not been allowed family visits or telephone calls, and no fewer than 83 have been subject to psychological and physical torture.

Sanctions Incurred

The European Union and the United States have sanctioned Moghiseh for human rights abuses.

The European Council [designated](#) Moghiseh on April 12, 2011, under [Council Decision 2011/235/CFSP](#), which enacted sanctions against “persons responsible for serious human rights violations in Iran.” Pursuant to that designation, any assets of Moghiseh’s in EU member states’ jurisdictions must be frozen, and “no funds or economic resources” may be provided to him.

The U.S. only imposed sanctions on Moghiseh on December 19, 2019, more than eight-and-a-half years after the EU acted. The Treasury Department [designated](#) him under [Executive Order 13846](#), freezing any property or property interests of his under U.S. jurisdiction, prohibiting U.S. persons from conducting any transactions with him. The designation also threatens foreign financial institutions that “knowingly facilitate significant transactions for” or foreign persons that “provide material or certain other support to” Moghiseh with their assets being frozen and with being cut off from the U.S. financial system.