

January 15, 2016

Ayatollah Sadeq Larijani  
Office of the Head of the Judiciary

Via the Interests Section of the Islamic Republic of Iran (info@daftar.org)

Dear Ayatollah Sadeq Larijani,

Iran has an ancient, globally recognised culture and has over centuries produced excellent artists of world standard. Artists are carriers of tradition, but often break new ground essential to the development of a society.

We are writing to express our concern about the imprisonment in 2013 and sentencing in 2015 of musicians Mehdi Rajabian and Yousef Emadi and filmmaker Hossein Rajabian who were jointly sentenced to six years in prison and fined 200 million tomans each for “insulting the sacred” and “propaganda against the state”.

Mehdi Rajabian, a musician and founder of [BargMusic](#), an alternative music distributor in Iran, along with his filmmaker brother Hossein Rajabian and musician Emadi, appeared at Branch 54 of the Tehran Province Appeals Court on 22 December 2015. A decision on the appeal is expected in the coming days.

During the appeal hearing, the judge admonished the artists for ignoring repeated warnings that they were operating illegally and had ties with Iranian singers abroad opposed to the Islamic Republic.

Since the establishment of the Islamic Republic, Iranian musicians have needed [government authorization](#) in order to hold concerts and produce music albums and videos. Government scrutiny is stringent and only certain genres of music receive licenses. Even when musicians are issued concert licenses there is no guarantee they can safely hold their scheduled appearances. It is within this context that the BargMusic website, established by Mehdi Rajabian in 2009, became a portal for distributing Iranian alternative music.

Nevertheless, BargMusic operated openly and [reportedly](#) applied several times for an official permit from the Ministry of Culture and Islamic Guidance.

During the appeal hearing, which lasted 45 minutes, presiding Judge Babaei told the defendants that 90 notices had been sent to them warning that BargMusic’s activities were illegal. He also repeated

the accusation that the three artists had promoted female singers as well as “political and anti-revolutionary” musicians based abroad.

The appeal case followed the decision in May 2015, by a preliminary court presided over by Judge Moghisseh to sentence the Rajabian brothers and Emadi to six years in prison for “insulting the sacred” and “propaganda against the state” through the production and promotion of underground music. They were also fined 200 million toman (about 66,650 USD) each.

The three artists were arrested by Iran’s Revolutionary Guards Intelligence Organization on October 5, 2013 without being formally charged. They were held at an undisclosed location for 18 days during which Mehdi Rajabian reportedly was subject to repeated torture. All three were put under intense pressure to make false televised confessions. In late October, the three were moved to Ward 2-A of Evin Prison where they were held in solitary confinement and subject to unnecessarily cruel treatment. As an example, the guards would allegedly turn on the air coolers of their cells during cold winter weather. Emadi was released on bail after more than 40 days at Evin Prison. Mehdi Rajabian and Hossein Rajabian spent more than 2 months at Evin Prison before they were released on bail.

At the time of the arrest, Mehdi Rajabian, who plays Sehtar, a traditional Iranian instrument, was working on a new album entitled, “The history of Iran as told by Sehtar”. The Revolutionary Guards effectively shut down the project by confiscating the recordings, shutting down the BargMusic website and closing their studio. The Revolutionary Guards also seized the three artist’s mobile phones, ID-cards and passports. The artists are banned from leaving Iran.

The appeal hearing comes during an intensified crackdown on arts and culture in Iran as the country approaches Parliamentary elections in February 2016. Arrests are growing in number and the judiciary has been issuing harsher sentences.

In October 2015, Kurdish filmmaker Keywan Karimi was [sentenced](#) to six years in prison and 223 lashes for “insulting the sacred” and two poets, Fatemeh Ekhtesari and Mehdi Moosavi, were [sentenced](#) to 11 years, and 9 years and 6 months, respectively, and 99 lashes each for “insulting the sacred” in their poetry.

In addition, several musicians have been [banned from performing](#), concerts have been [cancelled](#), films have been [banned](#), and books have been refused licensing for [publication](#).

We therefore ask that you give this issue your immediate attention and do all that you can to ensure that all charges are dropped against Mehdi Rajabian, Yousef Emadi and Hossein Rajabian, and that all artists detained for peacefully exercising their rights to freedom of expression, association and peaceful assembly are released immediately and unconditionally in accordance with the International Covenant on Civil and Political Rights to which Iran is a party.

We would also like to put your attention to the The Universal Declaration of Human Rights (UDHR)

- Article 5 “No one shall be subjected to torture or cruel, inhuman or degrading punishment”
- Article 9 “No one shall be subjected to arbitrary arrest, detention”

We would also like to remind the Iranian authorities that the UN requires governments to apply minimum rules for treatment of prisoners. These include

- Access to legal counsel
- Availability of medical care
- Family visitation privileges
- Freedom from unnecessarily cruel treatment and punishment
- Adequate leisure, rest, diet and space
- The right to receive and send mail

Thank you for your attention to this urgent matter. We look forward to your response.

Sincerely,

Ole Reitov, Freemuse

Hadi Ghaemi, International Campaign for Human Rights in Iran

Peter Rorvik, Arterial Network

Todd Lester, ArtistSafety.net

Alfons Karabuda, European Composer and Songwriter Alliance

Kolbrún Halldórsdóttir, European Council of Artists

Jodie Ginsberg, Index on Censorship

Louise McMullan, International Committee for Artists Freedom

Agnes Tricoire, Observatoire de la liberté de création

Ann Harrison, PEN International

CC List:

Supreme Leader of the Islamic Republic of Iran Ayatollah Ali Khamenei

President of the Islamic Republic of Iran Hassan Rouhani

Mission of the Islamic Republic of Iran to the United Nations

Embassy of the Islamic Republic of Iran in Copenhagen