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Human Rights situations that require the Council's attention

Joint written statement* submitted by the Nonviolent Radical Party, Transnational and Transparty, a non-governmental organization in general consultative status; Women's Human Rights International Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The massacre of political prisoners in 1988 in the Islamic Republic of Iran

The largest wave of executions of political prisoners took place in Iranian prisons in 1988. After the Iran-Iraq ceasefire, Ayatollah Khomeini issued a fatwa (decree) ordering the execution of all prisoners that were affiliated with the People's Mojahedin Organization of Iran (PMOI/MeK). The fatwa states: "*As the treacherous Monafeqin (MeK) do not believe in Islam and what they say is out of deception and hypocrisy, and as their leaders have admitted that they have become renegades, and as they are waging war on God, ... it is decreed that those who are in prisons throughout the country and remain steadfast in their support for the Monafeqin (MeK), are waging war on God and are condemned to execution*". Following this fatwa, a "Death Commission" was formed in Tehran. The task of implementing the decree in Tehran was entrusted to a religious judge (Hojjatol-Islam Nayyeri), Tehran's revolutionary prosecutor (Mr. Eshraqi), and a representative of the Intelligence Ministry. The orders of this trio had to be obeyed in prisons in Iran and people were told not to hesitate, nor show any doubt or be concerned with details. They were told that they must try to be "*most ferocious against infidels*". The religious judges who had doubts about the fatwa could raise their questions with the Head of Judiciary, who at the time was Ayatollah Mousavi Ardebili. He in turn could pose questions to Ayatollah Khomeini, which were conveyed to Khomeini by his son. The answers to all questions were: "In all the above cases, if the person at any stage or at any time maintains his [or her] support for the Monafeqin (MeK), the sentence is execution. Annihilate the enemies of Islam immediately. As regards the cases, use whichever criterion that speeds up the implementation of the verdict."

The mass executions of political prisoners in Iran began in summer of 1981. Ayatollah Khomeini had made it clear that "*Mojahedin are apostates and are worse than infidels. They have no right to property, nor right to live.*" Later, Khomeini's fatwa, was put in legal form as the charge "*Mohareb – being at war with God*". Based on this fatwa, thousands of prisoners were executed based on sentences from religious courts in early 1980s. After the first wave of executions, prisons across Iran were populated by tens of thousands of political prisoners who had not been sentenced to death by the courts yet. These were the prisoners who were massacred in 1988. Most of these prisoners had been sentenced by the revolutionary courts to several prison terms and were serving their sentences. Some had already completed their sentences, but had not been released or had been groundlessly imprisoned. Others had been released but were re-arrested and executed during the massacre of political prisoners.

According to Ayatollah Montazeri, political prisoners associated with the MeK were asked only one question; to which movement do you belong to? Whoever mentioned the name of the MeK were to be summarily executed. Not a single political prisoner was spared from the implementation of the fatwa in some prison facilities across the country (such as Dizel Abad Prison in Kermanshah, Vakil Abad Prison in the city of Mashad, Gachsaran Prison, Khoramabad Prison, Kerman Prison, Masjed Soleyman Prison). In one of the wards for women in Ghohardasht Prison in the city of Karaj, only 4 out of 200 prisoners survived. It was not only the MeK-associated prisoners, but also many of those affiliated with other political groups were put before the Death Commission and executed.

These executions were carried in absolute secrecy, therefore many details about the circumstances in which these executions took place remain unrevealed. For a while, the people of Iran and international organizations did not know what had happened. Amnesty International that had released the most accurate reports on the massacre only managed to obtain a list of 2000 victims after two years while the scale of massacre was much wider.

Death Commission or "Amnesty Delegation"

To carry out the massacre, a 4-member committee was formed in Tehran including: Hossein Ali Nayyeri as chief judge and head of the commission; Mostafa Pour-Mohammadi, representing the Intelligence Ministry; Morteza Eshraqi, the Tehran prosecutor; and Ebrahim Raisee, the deputy chief prosecutor of Tehran. The commission's task was to implement Khomeini's fatwa and execute all those associated to the MeK. Similar commissions were set up in other cities. They officially called themselves "Amnesty Delegations", but the detainees referred to them as "Death Commissions". Pour-Mohammadi was later appointed as Interior Minister when Ahmadi-Nejad was president. After his

appointment, the Human Rights Watch released a statement and referred to Pour-Muhammadi and one other official, as the “Death Ministers” that were engaged in the executions in 1988.

How the “Death Commission” operated

Part of an Amnesty International report on human rights violations in Iran between 1987 and 1990 is dedicated to the “Massacre of 1988”. The report states:

“The first question asked by the commission was: ‘What is your political affiliation?’ Those who answered ‘Mojahedin’ were sent to their deaths. The ‘correct’ answer was ‘monafeqin’ (hypocrites). Those prisoners who survived this first phase of interrogation were then subjected to a second series of questions. These included questions such as:

- Are you willing to give an interview on television to condemn and expose the monafeqin?
- Are you willing to fight with the forces of the Islamic Republic against the monafeqin?
- Are you willing to put a noose around the neck of an active member of the monafeqin?
- Are you willing to clear the minefields for the army of the Islamic Republic?”

Mass graves

The high number of executions in Tehran and other cities resulted in mass graves. In some cases, more than 100 bodies were buried piled on top of each other. These cases have never been investigated and Iran's rulers have tried to wipe out all traces of the graves. Once at the end of 2008 and early 2009, bulldozers were hired to flatten the site of mass graves in Khavaran cemetery. In 20 January 2009, Amnesty International denounced the government’s plans of destroying the site and insisted the graveyard be kept intact for investigations.

Number of executions

In a letter to Khomeini, 31 July 1988, Ayatollah Montazeri protested against the mass executions and unveiled “the death of several thousand people in a few days.” In another letter, Ayatollah Montazeri refers to the killings as a “massacre”. The UN Commission on Human Rights’ Rapporteur on arbitrary executions stated in his 1989 report, “In the days of 14, 15 and 16th of August 1988, 860 bodies were transferred from Evin Prison to the Behesht-e Zahra Cemetery. This is despite the fact that the majority of the dead were buried in groups at the Khavaran Cemetery and not the Behasht-e Zahra Cemetery.”

Reza Malek, a senior government official who was a whistle blower, was arrested and recently released after spending 12 years in prison, has secretly sent a video clip to Ban Ki-moon from within prison revealing that 33,700 people were executed in a matter of days.

On February 4, 2001, an article in the British newspaper The Sunday Telegraph stated, “*Khomeini’s fatwa cost 30,000 lives.*” A witness to the massacres, interviewed in 2004 under the pseudonym “Payam” by the Canadian newspaper The Toronto Star, also put the number of executions close to 30,000.

The head of the Iran and Afghanistan desk of Reporters Without Borders confirmed the same figure in the French newspaper LaCrois in 2010.

In a recent article about Rwanda, Muhammad Nouri-Zad, a close associate to Ayatollah Ali Khamenei before the 2009 suppression of the uprising in Tehran, writes “Here, in a matter of 2 or 3 months, 33,000 men, women, young and old were imprisoned, tortured and executed. Their bodies were taken to Khavaran Cemetery and barren lands by trucks and buried in mass graves, happy of what they had done...”

Legal definition of the crime

On November 2, 2007, on the 20th anniversary of this massacre, Amnesty International released a statement and referred to this day as a “massacre of the prisoners” and continued “Amnesty International believes this has been a crime against humanity.” In the 2005 December 25 report of Human Rights Watch, these killings are also referred to as “crimes against humanity.”

Judge Geoffrey Robertson’s investigation

The most complete study ever done on the 1988 massacre was performed by the Australian jurist, Judge Geoffrey Robertson, the President of the International Court of Sierra Leone. He produced a detailed report about the killings, which was published in 2010. Judge Robertson in his book entitled “Mullahs without mercy” offers a new theory in connection with the massacre of political prisoners. Without a doubt, he believes the killings are example of genocide and crimes against humanity. Judge Robertson blames the international community for a lack of firmness in the face of this crime, considered the largest massacre of political prisoners since World War II. He concludes that the international community’s inaction and insensitivity to this crime, allowed the Iranian government to feel free to violate international law and to continue violating human rights. Silence allows the government in Tehran to export terrorism to other lands and engage in terrorist activities in other countries. It also allows the Iranian government to pursue its nuclear ambitions without restraint. He concludes:

“Comparisons are invidious, especially in levels of evil [...] In Iran the prison massacres, by virtue of their calculated cruelty designed by the political and judicial leaders of the state, are more reprehensible than their comparators, the Bataan march (whose 7000 starving Americans and Filipino prisoners were literally marched to their death) and the execution of similar numbers of Muslim men and boys at Srebrenica. Japanese General Homma, who ordered the Bataan march, was sentenced to death by the Manila War Crime Tribunal... whilst General Meladic is now on trial at The Hague and others of his staff at Srebrenica are serving forty-five years imprisonment. The two leaders who advised and implemented the 1988 massacres, Khamenei and Rafsanjani are respectively Supreme Leader and Expediency Council head, and the Death Committee judges remain in judicial place. They deserve to be put on trial at an international court, of the kind that can only be established by the Security Council.” (Page 104)

What happened in Iranian prisons in 1988, remains as a deep scar in the body and soul of the Iranian people. The only way to soothe this wound would be a comprehensive investigation and identifying those who abused their power to execute thousands of their ideological opponents.

Although a number of investigations have been conducted to date by NGOs such as Amnesty International, Human Rights Watch, FIDH and others and dozens of books and reports been published, due to critical nature of the crimes committed, it is essential that this issue is taken up formally by the UN Security Council and the Special Rapporteur on Human Rights. This is of particular importance since the Iranian government has not heeded dozens of condemnations and recommendations by various UN bodies and has refused to allow the UN rapporteur to visit Iran and conduct a thorough investigation.
