



# General Assembly

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## Human Rights Council

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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, non-governmental organization in general consultative status, the Women's Human Rights International Association, France Libertes : Fondation Danielle Mitterrand, non-governmental organizations in special consultative status, International Educational Development, Inc., Mouvement contre le racisme et pour l'amitié entre les peuples, non-governmental organizations on the roster**

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

[29 August 2016]

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\* 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 Iran in 1988 constitutes a crime against humanity**

On August 9, 2016 a confidential audio file of a meeting held on August 15, 1988 between Ayatollah Hossein-Ali Montazeri, former heir to Ayatollah Khomeini, and members of the Judiciary and Intelligence Ministry of Iran, became public after 28 years showing new details of the largest wave of political executions in the world since World War II. In this audio file the perpetrators of the 1988 Massacre confirm the executions in their own voice. The mass executions of political prisoners in Iran began in 1981.

After the Iran-Iraq ceasefire in July 1988, Ayatollah Khomeini issued a fatwa (decree) stating:

“As the treacherous Monafeqin (MeK/PMOI) 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/PMOI), are waging war on God and are condemned to execution. In Tehran, Mr. Hojatol-Islam Nayyeri, Sharia judge, and Mr. Eshraqi (Tehran’s prosecutor) and a representative of the Intelligence Ministry will decide on the fate with a majority vote. In prisons located in provincial capitals the Sharia judge, revolutionary prosecutor, and member of the intelligence ministry will be making the ruling. Those responsible for the rulings should not be hesitant or doubtful and should be most ferocious in the face of infidels”.

When asked by the Head of the Judiciary if this fatwa should apply to those who have already received their prison sentences, Ayatollah Khomeini stated:

“In all the above cases, if the person at any stage or at any time maintains their support for the hypocrites (MeK/PMOI), the sentence is execution. Annihilate the enemies of Islam immediately. As regards to the cases, use whichever criterion that speeds up the implementation of the verdict.”

Based on Ayatollah Khomeini’s fatwa, similar commissions were created throughout the provinces. The official title of the commissions was the “Amnesty Commission” but prisoners dubbed them the “death commissions”. Many of those executed in this wave of executions were prisoners who had been sentenced by the revolutionary courts to several years of imprisonment 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.

In the audio file of the August 15, 1988 meeting, Mr. Montazeri is heard addressing the death commission. Those present include Mostafa Pour-Mohammadi, representative of the Intelligence Ministry; Hossein-Ali Nayyeri, the religious judge; Morteza Eshraqi, Tehran Prosecutor; and Ebrahim Raissi, Deputy Tehran Prosecutor. Pour-Mohammadi is currently Iran’s Justice Minister, Nayyeri is the head of the Supreme Disciplinary Court for Judges, and Raissi is the head of the Astan Qods-e Razavi foundation, one of the most important state affiliated political and economic powerhouses in Iran. He is also a candidate to succeed Khamenei. The following points were made in this meeting:

Montazeri:

“In other cities, they committed all sorts of things (crimes) ... and in Ahwaz it was really horrendous. This judge, that judge, in this city, in that city, they condemned someone to 5 years, 6 years, 10 years, 15 years. Now executing these people while there have been no new activities (by the prisoner) means that the entire judicial system has been at fault.”

Addressing Pour-Mohammadi, the representative of the Intelligence Ministry, Montazeri said:

“Intelligence had control on the (killings) and had invested in it. Ahmad Khomeini (Khomeini’s son) has personally been saying for 3-4 years that the PMOI affiliates should all be executed, even if they only read their newspaper, publications or statement.”

Montazeri:

“15-year-old girls and pregnant women were among those killed. In Shiite jurisprudence even if a woman is ‘Moharreb’ (waging war on God) she shouldn’t be executed, I told Khomeini this but he said no, execute the women too.”

In the aftermath of the implementation of the fatwa in some prisons across the country including Kermanshah’s Dizel Abad Prison, Mashad’s Vakil Abad Prison, Gachsaran Prison, Khoramabad Prison, Kerman Prison, and Masjed Soleyman Prison not a single political prisoner was spared. In other prisons practically all those affiliated with the People’s Mojahedin Organization of Iran (PMOI/MEK) were executed. In one of the wards for women in Gohardasht (Rajai-Shahr) Prison in the city of Karaj, only four out of 200 prisoners survived.

In a letter to Khomeini, dated 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 referred to the killings as a “massacre” and wrote that the Mojahedin represent an ideology and a school of thought which will not be eliminated with executions.

Soon after the start of the massacre of the Mojahedin many of those affiliated with other political groups were also executed.

#### **“Death Commission” Procedures**

According to numerous reports the procedure of the death commissions was very simple. The first question was: ‘What is your political affiliation?’ Those who answered ‘Mojahedin’ (PMOI) were sent to the gallows. The ‘correct’ answer was ‘Monafeqin’ (hypocrites, the derogatory term used by Iranian authorities to describe the PMOI). According to Ayatollah Montazeri in some cities this response wasn’t enough and other questions were posed:

- Are you willing to give a televised interview to condemn the Monafeqin?
- Are you willing to fight against the Monafeqin?
- Are you willing to put the 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?

A negative response to any of these questions meant execution.

#### **Mass graves**

Those executed in Tehran and other cities were buried in mass graves. In some cases, more than 100 bodies were piled on top of one another and have never been investigated: Iran’s rulers have tried to wipe out all traces of the mass graves. Once at the end of 2008 and in early 2009, bulldozers flattened the site of mass graves in Khavaran Cemetery in east Tehran. In a statement on January 20, 2009, Amnesty International insisted these graveyards must be kept intact for investigations.

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 [Tehran] to the Behesht-e Zahra Cemetery.” This is despite the fact that the majority of the dead were buried in mass graves in Khavaran Cemetery.

Reza Malek, a former senior official of the Intelligence Ministry who became a whistle blower, was arrested and only recently released after spending 12 years in prison. He had secretly sent a video clip to Ban Ki-moon from within prison revealing that 33,700 people were executed in a matter of days during the 1988 massacre.

Dr. Mohammad Maleki, the first chancellor of Tehran University after the 1979 revolution and a prominent Iranian dissident in Iran, pointed out in an interview with Dorr TV on August 14, 2016 that Reza Malek, who held a position in the intelligence ministry and dealt with the documents and archives, has stated that more than 30,400 of the executed prisoners were from the PMOI, and 2000-3000 were leftist and Marxists.

### **Independent Reports**

British Barrister Geoffrey Robertson, QC, head of the UN Special Court for Sierra Leone, published an in-depth and documented report regarding these killings in 2010 despite not having access to all the evidence. In his book entitled, "Mullahs without Mercy" he states clearly these killings are crimes against humanity and can be classified as genocide. Judge Robertson blames the international community for a lack of firmness in the face of this crime. 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. He concludes:

"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 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 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.

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". It added: "Amnesty International believes this has been a crime against humanity." In the 25 December 2005 report of Human Rights Watch, these killings are also referred to as "crimes against humanity."

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 La Croix in 2010.

In a recent article about Rwanda, Mohammad Nourizad, 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..."

On 20 September 2013, on the 25<sup>th</sup> anniversary of these atrocities, the International Federation of Human Rights (FIDH) announced that it and LDDHI qualify the events of 1988 as extrajudicial and arbitrary executions and crimes against humanity. According to international conventions there is no statute of limitations for crimes against humanity. It is the international community, including the Human Rights Council and the Security Council's responsibility to attend to this matter and to bring the perpetrators to justice. What gives this matter urgency is that the massacre and genocide of 1988 has not come to an end and still continues -- the execution of 25 Sunnis on 2 August 2016 is a recent example. Additionally the perpetrators of the 1988 massacre still hold key positions and continue to suppress and kill different sectors of Iranian society.

In conclusion we recommend that the UN High Commissioner for Human Rights, the UN Human Rights Council and the UN General Assembly place the massacre on their agenda and as a first step appoint an international commission to investigate this atrocious crime and to send this case to the UN Security Council.

Finally, we urge the UN Security Council to form an international tribunal so that the perpetrators of the crimes be brought to trial.

Hands off Cain Edmond Rice Centre Association of Humanitarian Lawyers Association des Femmes Iraniennes en France comite de soutien au droits de l'homme en iran NGO(s) without consultative status, also share the views expressed in this statement.

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